

Minutes

Planning Committee

18th August 2020



This meeting was held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 via Microsoft Teams and YouTube.

Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Mrs I Parker	Yes
K Bowers	Yes	F Ricci	Apologies
T Cunningham	Yes (until 9.44pm)	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	Mrs G Spray	Yes
H Johnson	Yes	N Unsworth	Yes
D Mann	Yes	J Wrench	Apologies
A Munday	Yes		

46 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Application No. 20/00462/FUL - The Lincoln, New Road, Terling, as in his capacity as an elected Member of Essex County Council, he attended meetings of Terling and Fairstead Parish Council at which planning applications were discussed. Councillor Abbott stated that he had not attended the Parish Council's meeting when this application had been considered and he had not expressed a view on the application. Councillor Abbott declared a non-pecuniary interest also in Application No. 20/00859/ADV - Land West of A131 Horizon 120, London Road, Great Notley and Application No. 20/00860/ADV - Land West of A131 Horizon 120, London Road, Great Notley as a Member of Braintree District Council's Horizon 120 Project Reference Group.

Councillor K Bowers declared a non-pecuniary interest in Application No. 18/02263/FUL - Land at Earls Colne Industrial Park, The Airfield, Earls Colne as the applicant was known to him as a member of the Conservative Association. Councillor Bowers stated that he had received an E-Mail from the applicant about the application, but that he had not discussed the application with the applicant.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 18/02263/FUL - Land at Earls Colne Industrial Park, The Airfield, Earls Colne as the applicant was known to him as a member of the Conservative Association. Councillor Cunningham stated that he had received an E-Mail from the applicant about the application, but that he had not responded to it and he had not discussed the application with the applicant.

Councillor Cunningham declared also an enhanced non-pecuniary interest in Application No. 20/00859/ADV - Land West of A131 Horizon 120, London Road, Great Notley and Application No. 20/00860/ADV - Land West of A131 Horizon 120, London Road, Great Notley in his role as Cabinet Member for Economic Development and Infrastructure and Chairman of Braintree District Council's Horizon 120 Project Reference Group on the basis of pre-determination and bias. Councillor Cunningham did not take part in the meeting when these applications were considered and determined and he did not return to the meeting.

Councillor D Mann declared a non-pecuniary interest in Application No. 20/00859/ADV - Land West of A131 Horizon 120, London Road, Great Notley and Application No. 20/00860/ADV - Land West of A131 Horizon 120, London Road, Great Notley as a Member of Braintree District Council's Horizon 120 Project Reference Group.

Councillor Mrs W Scattergood declared a non-pecuniary interest in Application No. 18/02263/FUL - Land at Earls Colne Industrial Park, The Airfield, Earls Colne as the applicant was known to her as a member of the Conservative Association. Councillor Mrs Scattergood stated that she had not discussed the application with the applicant.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. 18/02263/FUL - Land at Earls Colne Industrial Park, The Airfield, Earls Colne as the applicant was known to her personally as a member of the Conservative Association and she had met him on a number of occasions. Councillor Mrs Spray stated that she had recently conducted a site visit. Councillor Mrs Spray stated that she had not expressed a view about the application.

Councillor N Unsworth declared a non-pecuniary interest in Application No. 18/02263/FUL - Land at Earls Colne Industrial Park, The Airfield, Earls Colne as he had received an E-Mail from the applicant about the application. Councillor Unsworth stated that he had not responded to the E-Mail and that he had not discussed the application with the applicant.

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.

47 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 4th August 2020 be approved as a correct record.

48 **QUESTION TIME**

INFORMATION: There were five statements made about the following matters. Those people who had registered to participate during Question Time had submitted written statements in advance of the meeting and these were read to the Committee by the Council's Governance and Member Services Officer immediately prior to the consideration of the applications.

Application No. 18/02263/FUL - Land at Earls Colne Industrial Park, The Airfield, Earls Colne

Application No. 20/00462/FUL - The Lincoln, New Road, Terling

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

49 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 20/00453/HH - 21 Ashby Road, Witham and 20/00615/HH - Bramble House, Halstead Road, Earls Colne 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>
*20/00453/HH (APPROVED)	Witham	Mrs Janet Butcher	Enlargement of private rear garden and erection of new boundary wall/fence adjacent to pavement, 21 Ashby Road.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00462/FUL (APPROVED)	Terling	Mr Neil Willis	Demolition of bungalow and erection of 2 No. dwellings, The Lincoln, New Road.

The Committee approved this application, subject to the amendment of Condition Nos. 11 and 17 and to an additional Condition as follows:-

Amended Conditions

11. 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 approved dwellinghouses 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.

17. Prior to first occupation, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and where lighting is likely to 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 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 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 Condition

18. The development shall not be occupied until details of all gates / fences / walls or other means of enclosure are submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The approved enclosures shall be permanently retained as such.

Terling and Fairstead Parish Council submitted a written statement against this application, which was read to the Committee prior to the consideration of the application.

Councillor Mrs C Dervish, Braintree District Councillor for Hatfield Peverel and Terling Ward, submitted a written statement against this application, which was read to the Committee prior to the consideration of the application.

A motion to refuse this application was moved and seconded, but on being put to the vote the motion was declared **LOST**.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00507/FUL (APPROVED)	Great Bardfield	NDR Contracting Ltd	Redevelopment of the site involving the erection of 2 x 4 bedroom, two-storey detached dwellinghouses with attached single-storey garages, Black Gables, Dunmow Road.

The Committee approved this application, subject to the amendment of Condition Nos. 6 and 7 as follows:-

Amended Conditions

6. The site landscaping shall only be carried out in accordance with the Soft Landscaping Plan dated 10th August 2020 Rev 1 and Soft Landscaping Specification dated 10th August 2020 Rev 1 by Andrew Day Arboricultural Consultancy.

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.

7. The development shall only be carried out in accordance with the details contained within the Tree Protection Plan dated 8th July 2020 and Arboricultural Report dated 10th August 2020 Rev 1 by Andrew Day Arboricultural Consultancy. 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 and hedges.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00615/HH (APPROVED)	Earls Colne	Mr D Ruxton	Erection of a single-storey garage and storage outbuilding to be attached to existing cartlodge, Bramble House, Halstead Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00859/ADV (APPROVED)	Great Notley	Mr David Warburton	Display of double sided site signage, land West of A131 Horizon 120, London Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00860/ADV (APPROVED)	Great Notley	Mr David Warburton	Display of double sided site signage, land West of A131 Horizon 120, London Road.

50 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/02263/FUL (APPROVED)	Earls Colne	Mr M Hobbs	Construction of a 2 storey office building (B1a and B1b), with ancillary Café at ground floor level, with associated access, parking, landscaping and open space, land at Earls Colne Industrial Park, The Airfield.

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 amended Heads of Term:

- Travel Plan and Monitoring Fee (provision and implementation of a Travel Plan including a monitoring fee payment of £5,000).
- The provision of a 2.5 metre wide asphalt surfaced permissive segregated cycle path from the Newhouse Road south west to the boundary with the Marks Hall estate (plan to be submitted), with details of the cycle path layout, design and construction to be agreed with the local planning authority prior to the commencement of development. The permissive cycle path shall be constructed, signposted and available for use prior to the first beneficial use of the building hereby approved.
- A financial contribution of £17,520 to Braintree District Council to be used for the provision, or improvement of a proposed new cycle route between the villages of Earls Colne and Coggeshall (include plan of the route).

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.

In considering this application and the Heads of Term of the Section 106 Agreement, Members of the Planning Committee were advised that the previously proposed 'open space' financial contribution of £56,032 for outdoor sports had been based on the original planning application, which had estimated that 450 employees would work at the proposed site. However, revised details had been submitted, which estimated that the number of employees would be 250. In the circumstances, the 'open space' contribution had been reduced to £35,020.

Following discussions with Council Officers, the applicant proposed to construct a 2.5 metre wide cycle/leisure path on land within his control for a distance of 500m, which would link with a recently approved cycle route on the adjoining Marks Hall Estate and also with the proposed Earls Colne to Coggeshall cycle route. The applicant had indicated that the cost of providing the cycle path on land in his ownership would be approximately £17,500. On this basis, and in order to secure the balance of the revised 'open space' contribution of £35,020, it was proposed that £17,520 should be sought from the applicant towards the provision or improvement of the proposed new cycle route between Earls Colne and Coggeshall.

The Committee approved this application, subject to the amendment of the Heads of

Term, Approved Plans and Condition Nos. 3 and 6, and to four additional Conditions as follows:-

Amended Heads of Term

- Travel Plan and Monitoring Fee (provision and implementation of a Travel Plan including a monitoring fee payment of £5,000).
- The provision of 2.5 metre wide asphalt surfaced permissive segregated cycle path from the Newhouse Road south west to the boundary with the Marks Hall estate (plan to be submitted), with details of the cycle path layout, design and construction to be agreed with the local planning authority prior to the commencement of development. The permissive cycle path shall be constructed, signposted and available for use prior to the first beneficial use of the building hereby approved.
- A financial contribution of £17,520 to Braintree District Council to be used for the provision, or improvement of a proposed new cycle route between the villages of Earls Colne and Coggeshall (include plan of the route).

Amended Approved Plans

Landscape Masterplan Plan Ref: 1838/LP/302 Version: P0

Landscape Masterplan Plan Ref: 1838/LP/303 Version: P0

Landscape Masterplan Plan Ref: 1838/LP/102 Version: P02

Planning Layout Plan Ref: 1838/LP/103 Version: P0

Planning Layout Plan Ref: 1838/LP/104 Version: P0

Lighting Plan Plan Ref: IL1144/001 Version: A

Design and Access Statement

Flood Risk Assessment and Drainage Strategy prepared by Ardent Plan Ref: 184390-01C Feb 2020

Transport Plan Plan Ref: Transport Assessment and Travel Plan by Journey
Transport Planning March 2020

General Plan Ref: Landscape Visual Assessment prepared by Wynne Williams
Associates March 2020

General Plan Ref: Preliminary Ecology Appraisal by Essex Ecology Services Ltd
March 2020

General Plan Ref: External Lighting Impact Assessment Version: LL1144 rev. A

General Plan Ref: Street Lighting Design Risk Assessment Version: LL1144 – 001

General Plan Ref: Arboricultural Impact Assessment Version: SHA 771 Rev B
Planning Statement and addendum prepared by Strutt and Parker

Location Plan Plan Ref: 3945_PL01A

Site Plan Plan Ref: 3945_PL02A

Proposed Site Plan Plan Ref: 3945_PL03C

Proposed Site Plan Plan Ref: 3945_PL04C

Proposed Site Plan Plan Ref: 3945_PL05C

Proposed Floor Plan Plan Ref: 3945_PL06A

Proposed Roof Plan Plan Ref: 3945_PL07A
Proposed Elevations Plan Ref: 3945_PL08A
Proposed Ground Floor Plan Plan Ref: 3945_PL09A
Proposed 1st Floor Plan Plan Ref: 3945_PL10
Proposed Roof Plan Plan Ref: 3945_PL11
Proposed Elevations Plan Ref: 3945_PL12
Proposed Elevations Plan Ref: 3945_PL13
General Plan Ref: 3945_PL14
Materials Details Plan Ref: 3945_PL016A

Amended Conditions

3. Phase 2 of the development will commence no later than 5 years from the first occupation of Phase 1.

6. Prior to the occupation of the relevant phase of development hereby approved, a scheme of landscaping (in accordance with Landscape Masterplan ref: 1838 LL 102 P02) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and the wild flower meadow, including sizes and plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. The landscaping schemes submitted shall include details of irrigation and on-going maintenance for plants/trees.

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.

Additional Conditions

30. Prior to the commencement of development of Phase 1 above ground, a report shall be submitted to the local planning authority that considers the details and deliverability of a Ground Source Heat Pump to provide heat to the building. Should this technology not be considered feasible, the report shall detail the

alternative renewable energy means that will be used for the building to reduce carbon dioxide emissions.

31. Prior to above ground development of the relevant phase, details shall be submitted showing the provision of shower/changing facilities within the development.
32. 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) the use of the building shall remain within Use Class B1a/B1b of that Order in perpetuity for the lifetime of the development.
33. Details of internal lighting within the building shall be submitted to and approved in writing by the local planning authority prior to installation. The details shall include a schedule and specification of the internal lighting proposed and details for how light spill would be controlled. All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

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 9.53pm.

Councillor Mrs W Scattergood
(Chairman)