

# Minutes

## Planning Committee 5th March 2024



### Present

Councillors	Present	Councillors	Present
J Abbott	Yes	A Hooks	Yes
J Beavis	Yes	A Munday	Yes
L Bowers-Flint	Apologies	I Parker (Chairman)	Yes
T Diamond	Yes	F Ricci	Yes
M Fincken	Apologies	P Schwier	Yes
J Hayes	Apologies	G Spray	Yes
D Holland	Yes		

### Substitute

Councillor J Wrench attended the meeting as a substitute for Councillor L Bowers-Flint.

#### 64 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

#### 65 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 13th February 2024 be approved as a correct record and signed by the Chairman.

#### 66 **QUESTION TIME**

**INFORMATION:** There were three statements made about the following applications. The statements were made immediately prior to the Committee's consideration of each application.

Application No. 21/03748/FUL - Land West of Former Oil Depot, Hedingham Road, Gosfield

Application No. 23/02893/FUL - Halstead Hall, Braintree Road, Greenstead Green

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

**SECTION 106 AGREEMENT**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*23/02235/S106A (APPROVED)	Halstead	AR Clarke (Builders) Ltd	Application made under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to modify details in relation to Affordable Housing to allow for a commuted sum in lieu of on-site provision required under S106 Legal Agreement relating to 19/02304/OUT, Plc Hunwick Ltd, Kings 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 Head of Term:

- Amendment of Schedule Four of the agreement and removal of the requirement to provide 30% Affordable Housing on-site and to replace this with an obligation to pay a financial contribution of £280,000 (index-linked) prior to the occupation of more than 10 dwellings.

the Planning Development Manager, or an authorised Officer, be authorised to agree the terms of a Deed of Variation to the original Section 106 Agreement.

Alternatively, in the event that a suitable legal agreement 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.

**PLANNING APPLICATIONS REFUSED**

**DECISION:** That the undermentioned planning applications be refused for the 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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*21/03748/FUL (REFUSED)	Gosfield	Mr R Scotney, D&B Scaffolding Ltd	Erection of a storage building and erection of an office building, together with external ladder rack, vehicle washing bay, parking for 44no. vehicles and 10no. lorries, associated hard standing, SuDS system, and 2.4 metre high boundary fencing, to facilitate the use of the land by a scaffolding company, land West of former oil depot, Hedingham Road.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*22/03134/FUL (REFUSED)	Kelvedon	Kelvedon Village Developments Ltd	Demolition of existing buildings, mixed use development comprising 24 residential apartments with a ground floor retail unit in Block A and ground floor commercial space within Blocks B and C, associated access, parking, and landscaping, Deals of Kelvedon, Station Road.

In an update to the Agenda report, it was stated that Natural England had not objected to this application, subject to the Council securing a financial contribution towards ecological mitigation (Ramsar) via a Section 106 Agreement. It was also reported that the Council's viability consultant had analysed the viability of developing the site and had advised that the site had a residual value which was higher than the value of the existing use. In addition, it was reported that the site was within Flood Zones 2 and 3 and that the 'sequential test' for flood risk was applicable. However, it was not considered that the proposed development of the site for residential use would pass the 'sequential test'. In the circumstances, it was proposed that an additional reason for refusal (new Reason No. 5) should be included in the decision.

Members of the Planning Committee were advised that an appeal had been lodged with the Planning Inspectorate against the non-determination of this application and

that the Local Planning Authority could not determine it. A Hearing date of 18th June 2024 had been set by the Planning Inspectorate.

The Planning Committee agreed that if it had been able to determine the application it would have been refused for the Reasons contained in the Planning Development Manager's report, as amended by the addition of a new Reason for Refusal No. 5 and the re-numbering of the original Reason for Refusal No. 5 to No. 6. The Reasons for Refusal are as follows:-

#### Reasons for Refusal

- 1 The proposed development would fail to preserve or enhance the setting of the Kelvedon Conservation Area resulting in a low level of less than substantial harm to its significance. Whilst the level of harm in this case would be less than substantial harm, the benefits of the proposal do not outweigh the harm to the identified heritage asset. The proposal is therefore contrary to Policies SP7, LPP47 and LPP53 of the Braintree District Local Plan 2013-2033 and the National Planning Policy Framework.
- 2 The principle of development is not supported and the submitted proposal for a mixed use scheme which is residential led with commercial units at ground floor (Class E) is contrary to Policies LPP2, LPP3 and LPP43 of the Braintree District Local Plan 2013-2033.
- 3 The proposal would result in a poorly considered scheme which fails to secure a high standard of design and layout. The design fails to reflect the context of its surroundings, unsympathetic to its sensitive location and the amenity of future occupiers will be harmed by the inadequate internal and external amenity and a lack of car parking. Furthermore, the scheme relates poorly to neighbouring development, detrimental to residential amenity.

The proposals amount to poor design and layout failing to add to the quality of the area and an overdevelopment of the site, and would fail to provide a satisfactory level of amenity for future occupiers contrary to Policies SP7, LPP35, LPP52 and LPP65 of the Braintree District Local Plan 2013-2033, the Essex Design Guide, and the National Planning Policy Framework.

- 4 Policy LPP31 of the Adopted Local Plan states that affordable housing will be directly provided by the developer within housing schemes. The proposed development has not been designed to accommodate affordable housing on-site, and in the absence of this provision, the proposal fails to provide a sufficient financial contribution in lieu of on-site provision of affordable housing in accordance with the local need. The proposal therefore fails to comply with Policy LPP31 of the Braintree District Local Plan 2013-2033.
- 5 The Local Planning Authority considers that the development fails the sequential

test as the application site is located within Flood Zone 2 and Flood Zone 3, and alternative sites within the District with a lower probability of flooding are available to accommodate the proposed residential development. The proposal therefore is contrary to the provision of Paragraphs 165 to 171 of the National Planning Policy Framework and Policy LPP74 of the Braintree District Local Plan 2013-2033.

- 6 The proposed development would trigger the requirement for:
- A financial contribution in lieu of on-site Affordable Housing provision;
  - A financial contribution towards primary health services;
  - A financial contribution towards outdoor sports, equipped play and allotments;
  - Habitat mitigation payment;
  - Refuse Vehicle Access.

These requirements would need to be secured through a Section 106 Agreement. At this time, a Section 106 Agreement has not been prepared or completed. As such the proposal is contrary to the Open Space Supplementary Planning Document (SPD) and Policy LPP78 of the Braintree District Local Plan 2013-2033.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*23/00651/OUT (REFUSED)	Braintree	Mr David Williams, JVIL (London Road) Ltd	Outline planning application for up to 9no. residential units, The Mall, London Road.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*23/02893/FUL (REFUSED)	Greenstead Green	Mr Elliot Clarke- Gifford, Bennett Homes	Erection of 23 residential dwellings (including 6 affordable), Halstead Hall, Braintree Road.

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 9.00pm.

Councillor I Parker  
(Chairman)