

# Minutes

## Planning Committee 3rd March 2020



### Present

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

### 90 DECLARATIONS OF INTEREST

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

Councillor T Cunningham declared an enhanced non-pecuniary interest in Agenda Item No. 6 - Horizon 120 Local Development Order and Design Code in his role as Cabinet Member for Economic Development and Chairman of Braintree District Council's Horizon 120 Project Reference Group on the basis of pre-determination and bias. Councillor Cunningham left the meeting when the Item was considered and determined.

Councillor D Mann declared a non-pecuniary interest in Agenda Item No. 6 - Horizon 120 Local Development Order and Design Code as a Member of Braintree District Council's Horizon 120 Project Reference Group.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Item No. 6 - Horizon 120 Local Development Order and Design Code in her role as Cabinet Member for Planning and having attended some briefings.

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 was considered.

### 91 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 18th February 2020 be approved as a correct record and signed by the Chairman.

92 **QUESTION TIME**

**INFORMATION:** There were four 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. 19/01326/OUT - land off School Road, Rayne  
Application No. 19/02217/FUL - Hydewell, Halstead Road, Earls Colne

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

93 **PLANNING APPLICATIONS WITHDRAWN**

**INFORMATION:** The Committee was advised that the undermentioned planning applications had been withdrawn by the Applicants. 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>
*19/01027/FUL (WITHDRAWN)	Braintree	Mr Mike Bradburn	Conversion, alterations and extension to existing building to provide 22 No. residential units and the construction of 2 No. new dwellings houses along with ancillary access, parking, landscaping and other associated development, Foley House, 115 High Garrett.

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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>
*19/02202/FUL (WITHDRAWN)	Halstead	Ms Secretary	Temporary site hoarding application (3 years) for new Halstead Community Centre, land adjacent (South of) Broton Drive.

94 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 19/02176/ADV - land at Broad Road, Braintree was 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>
*19/02176/ADV (APPROVED)	Braintree	Mr Jeremy Taylor Braintree District Council	3 No. non-illuminated roundabout sponsorship signs, land at Broad Road.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/02217/FUL (APPROVED)	Earls Colne	Mr Gray	Demolition of existing dwelling and the erection of a replacement two-storey 5 bedroomed detached dwellinghouse, detached garage and new vehicular access from Halstead Road, Hydewell, Halstead Road.

The Committee approved this application, subject to the amendment of Condition No. 2, two additional Conditions and an Information to Applicant as follows:-

Amended Condition

2. (Deletion of Plan No. 1.5)

Additional Conditions

9. Prior to occupation of the development hereby approved, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
10. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.

Information to Applicant

The applicant is encouraged to include an electrical vehicle charge point within the

development.

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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>
*19/02273/FUL (APPROVED)	Halstead	F G Frost and Son	Conversion of barn to 2no. four bedroom dwellings with associated demolition of outbuilding, erection of garage/carport, boundary treatments and ancillary works, Crowbridge Farm, Chapel Hill.

95 **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>
*19/01602/FUL (APPROVED)	Finchingfield	Mr and Mrs Russell	Change of use of the detached leisure pool accommodation to become the site's main residential accommodation and conversion of Dynes Cottage into 2 No. short term holiday lets with associated minor landscaping, Dynes Cottage, Mill Road.

**DECISION:** That, subject to the applicant entering into a suitable Unilateral Undertaking, or a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to require that the proposed development as set out in the application is implemented in full in order to prevent the creation of additional residential units on the site, 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. 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.

## 96 **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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*19/01326/OUT (REFUSED)	Rayne	C/o Turley	Outline application for residential development of up to 150 dwellings including affordable homes, with areas of landscaping and public open space, including point of access off School Road and associated infrastructure works, land off School Road.

Members of the Planning Committee were advised that as an appeal had been lodged with The Planning Inspectorate against the non-determination of this application the Local Planning Authority could not determine it.

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 set out below:-

- 1 The new development will significantly encroach upon the historically isolated setting of the listed building, removing the building from its agricultural setting and historic function, and affecting the way in which the building is experienced and understood, impacting upon the way it relates to the surrounding landscape. The development would result in harm to the significance of designated heritage assets, with the harm being categorised as being 'less than substantial'. The proposed development is contrary to the National Planning Policy Framework; Policies RLP90, RLP95 and RLP100 of the Adopted Local Plan; Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Publication Draft Local Plan. The development further fails to comply with Section 66(1) of the Listed Buildings & Conservation Areas Act 1990, which requires special regard to be had to the desirability of preserving the setting or any features of special architectural or historical interest which the Listed buildings possess. Having regard to the guidance in paragraphs 193 - 197 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance of designated heritage assets and would conflict with the statutory duties, national guidance and Local Plan policies outlined above.

- 2 The site has been identified by the Landscape Character Assessment (2006) as having a medium-low capacity to accommodate residential development. The proposed development would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character Assessment, not least due to the scale and nature of the development. The development would cause harm to the landscape character and the intrinsic character and beauty of the countryside and local area by reason of the changes in settlement patterns that would result, in particular the loss of the distinctive scattered pattern of hamlets and isolated farmsteads that typifies this landscape; the effects on the landscape setting of Rayne and the ability to experience the green and well-vegetated village edge, set within a context of agricultural fields, and the transition between settlement and countryside; and the loss of the countryside buffer between the village and the A120. The proposed development would be contrary to the principles and guidance set out in the National Planning Policy Framework; Policies RLP80 and RLP90 of the Adopted Local Plan; Policies CS5, CS8 and CS9 of the Adopted Core Strategy; guidelines set out within the Braintree District Landscape Character Assessment (2006); and Policies LPP50, LPP55 and LPP71 of the Publication Draft Local Plan.
- 3 The location and scale of the proposed development would not result in a well-integrated extension to the village and fails to respond to the existing pattern and character of development in the locality and the intrinsic character and beauty of the countryside. The proposed development as shown within the indicative masterplan layouts fails to demonstrate that the site can accommodate up to 150 dwellings in a manner that will promote or reinforce local distinctiveness and which reflects the constraints, sensitivity and location of the site. The proposal is therefore considered to be contrary to the National Planning Policy Framework; Policies RLP9, RLP80, RLP90, RLP95, and RLP100 of the Adopted Local Plan; Policies CS5, CS8 and CS9 of the Adopted Core Strategy; and Policies LPP50, LPP55, LPP60 and LPP71 of the Draft Local Plan.
- 4 Even if it is considered that the tilted balance were to apply under Paragraph 11 of the National Planning Policy Framework, the Council considers that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. In particular, the proposals would give rise to the following harms:
  - The location, scale and character of the development would result in less than substantial harm on designated heritage assets and the public benefits of the proposal do not outweigh the harm identified;
  - The proposed development would not comply with the landscape planning guidelines contained within the Braintree District Landscape Character

Assessment, not least due to the scale and nature of the development. The development would cause harm to the landscape character and the intrinsic character and beauty of the countryside and local area by reason of the changes in settlement patterns that would result, in particular the loss of the distinctive scattered pattern of hamlets and isolated farmsteads that typifies this landscape; the effects on the landscape setting of Rayne and the ability to experience the green and well-vegetated village edge, set within a context of agricultural fields, and the transition between settlement and countryside; and the loss of the countryside buffer between the village and the A120;

- The location and scale of the development fails to respond to the existing pattern or character of development and would not result in a well-integrated extension to the village;
- It has not been demonstrated that the site can accommodate up to 150 dwellings in a manner that will promote or reinforce local distinctiveness and which reflects the constraints, sensitivity and location of the site;
- The location of the site is not in an accessible location, with limited opportunities for sustainable travel. This would mean that future residents would largely be reliant on the private car to access services, facilities and employment that they will require for day to day living.

The proposal is therefore considered to be contrary to the National Planning Policy Framework; Policies RLP9, RLP53, RLP80, RLP90, and RLP100 of the Adopted Local Plan; Policies CS5, CS7, CS8 and CS9 of the Adopted Core Strategy; and Policies LPP50, LPP55, LPP60, and LPP71 of the Publication Draft Local Plan.

- 5 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policy CS7 of the Braintree District Core Strategy states that the Council will work with partners to improve accessibility, and to encourage and improve sustainable travel opportunities. Policy RLP 83 states that development that is likely to have an adverse effect on a Local Nature Reserve, a Wildlife Site, will not be permitted. Where appropriate, the Authority will use planning obligations to provide mitigation and Policy RLP 84 prohibits development that would have an adverse impact on protected species. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. The following obligations are required to mitigate the impact of the proposed development.

- 40% of the housing on-site to be provided as Affordable Housing
- The provision of a financial contribution towards the provision of additional Early Years and Childcare; Primary School and Secondary School places
- A financial contribution towards the provision of primary health care
- The provision, delivery and maintenance of Public Open Space provided on the site, including equipped play areas
- Financial contributions towards the provision of new or improved Outdoor Sports and Allotment facilities in Rayne
- Highways Works - the site access and associated works as shown in principle on planning application drawing number 1807-27-PL01 and 1807-27-SK16 Rev A and improvements to Fairy Hall Lane at and/or in the vicinity of the proposal site
- The provision of financial contributions or measures designed to increase the use of sustainable modes of transport and reduce reliance on the private car
- A financial contribution towards the delivery of visitor management at the Blackwater Estuary SPA & Ramsar site and Essex Estuaries SAC and on-site mitigation as required to comply with the HRA (Appropriate Assessment).

As no agreement has been secured, the application is considered to be contrary to Policies CS2, CS7, CS10 and CS11 of the Adopted Core Strategy and Policies RLP83, RLP84 and RLP138 of the Adopted Local Plan Review.

## 97 **HORIZON 120 LOCAL DEVELOPMENT ORDER AND DESIGN CODE**

**INFORMATION:** Consideration was given to a report on a proposed Local Development Order (LDO) and Design Code for Horizon 120. The content of the LDO, supporting documents, Statement of Reasons and Design Code was summarised in the report.

It was reported that the site of Horizon 120 was owned by Braintree District Council, which was seeking to deliver the development of a new Business and Innovation Park. In order to facilitate development, it was proposed that there should be an overarching LDO to establish a planning framework for the site. Members of the Planning Committee were requested to assess the content of the proposed Order on planning grounds. The overall decision would be made by Full Council.

It was reported that an LDO made under the Town and Country Planning Act 1990 provided permitted development rights. An LDO applied to a defined area of land and enabled development to take place, subject to it meeting the criteria and any conditions set out within the LDO. If the proposed development met the



requirements of the LDO, a planning application was not necessary. Instead, a Confirmation of Compliance application together with supporting plans and documents would be required, which the Local Planning Authority would have 28 days to consider and to determine if the proposed development complied with the LDO. Applications would not be subject to public, or statutory consultee engagement. If an application was in compliance, development could proceed subject to any conditions and limitations set out within the LDO. If the Local Planning Authority did not issue a decision within 28 days, the application would be deemed to be in accordance with the LDO and development could proceed. If development was not in line with the LDO, the applicant could either revise their proposal and submit an amended Compliance application for consideration, or submit a planning application which would be processed and consulted upon in the usual way. The main benefits of an LDO was that it provided a clear framework for developers and businesses as to what could be built within a site and, provided that expectations were met, the planning process would take no longer than 28 days to complete. It was proposed that the Horizon 120 LDO should be implemented for up to 10 years to allow sufficient time for the Business and Innovation Park to establish and develop. However, the LDO could be withdrawn, modified, or a further LDO implemented.

The Horizon 120 site had been allocated in the Braintree District Local Development Framework Core Strategy 2011 and in the Braintree District Publication Draft Local Plan 2017 as a strategic employment site for B1, B2, B8 and C1 uses and, subject to the controls and restrictions set out within the LDO, it was considered that the principle of the proposed development was acceptable. The proposal would facilitate the provision of a well-connected Business and Innovation Park with the potential to create a large number of jobs both during construction and following the completion of the development, and the provision of good quality, accessible employment land. It was considered that these significant economic and social benefits weighed in favour of the proposal. The accompanying Design Code would also ensure that a Business and Innovation Park of high quality design and layout could be delivered on the site. Overall, it was considered that the proposed LDO and accompanying Design Code constituted sustainable development in an accessible and well-connected location.

**DECISION:** That it be **Recommended to Council** that the Local Development Order and Design Code for Horizon 120 is approved.

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 8.46pm.

Councillor Mrs I Parker

(Vice-Chairman in the Chair)