

Minutes

Planning Committee 7th May 2024



Present

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

Substitute

Councillor G Prime attended the meeting as a substitute for Councillor I Parker.

1 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

2 **MINUTES**

DECISION: It was reported that the Minutes of the meeting of the Planning Committee held on 16th April 2024 were not available for approval.

3 **QUESTION TIME**

INFORMATION: One statement was made about the following application. The statement was made immediately prior to the Committee's consideration of the application.

Application No. 22/03402/REM – Land rear of Gilda Terrace, Rayne Road, Braintree

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

PLANNING APPLICATIONS APPROVED

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>
*24/00284/FUL (APPROVED)	Witham	SCL Property LLP	Change of use of commercial unit (Use Class E (g) (iii) and associated Class B8 and Class E (g)) to Flexible Use Classes E (g) (iii) and associated Class B8 and Class E (g), B2 and B8, Appledale, 1 Eastways.
<p>The Committee approved this application, subject to the addition of a Condition as follows:-</p> <p><u>Additional Condition</u></p> <p>5. The rating level (LAr) for normal operational noise determined in accordance with BS 4142:2014+a1:2019, as amended, shall not exceed the background noise level (LA90, 15mins) at any time.</p> <p>Any noise from fixed external plant and equipment shall not be greater than 10 dB below the background noise level measured at the boundary of the nearest noise sensitive property including for any tonal or intermittency penalties in accordance with BS 4142:2024+A1:2019 as amended.</p>			

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*24/00423/HH (APPROVED)	Braintree	Mr and Mrs Scott	Single storey front extension and reduction in size of ground floor front window, 32 Dorewards Avenue.

SECTION 106 AGREEMENT

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/03402/REM (APPROVED)	Braintree	Crest Nicholson (Eastern)	Application for the approval of reserved matters (in respect of layout, scale, appearance and landscaping) for the erection of 120 dwellings, including works to ground levels, pursuant to outline planning permission 18/01065/OUT granted 27/7/21 for residential development (C3) for up to 120 dwellings with all matters reserved except access and the demolition of nos. 27 and 29 Gilda Terrace, land rear of Gilda Terrace, Rayne Road.

DECISION:

- (1) 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:
- To secure the long-term management of the landscape buffer area required by Condition No.5.
 - To secure an indemnity for refuse vehicles on private roads should any damage occur.
- (2) That, subject to the submission and determination of a Section 73 application to vary the approved Parameter Plans attached to outline consent 18/01065/OUT and the submission and determination of an application for a sub-station
- the Planning Development Manager, or an authorised Officer, be authorised to grant planning permission for the reserved matters in accordance with the approved plans and documents and the conditions and reasons set out in the Agenda 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 to the Approved Plans being updated, as follows:-

Additional Condition

8. Prior to any above groundwork, an external lighting design scheme 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 that are 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 whilst also providing an appropriate level of lighting for safety and the amenity of residents.

Prior to occupation, all external lighting shall be installed in accordance with the specifications and locations set out in the scheme and thereafter maintained in accordance with the scheme.

Amended Approved Plans

Management Company Plan - CN082-PL-105 E
Biodiversity Compensation and Enhancement Strategy - CREST24002_BCES Rev A

6 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>
*22/03366/OUT (REFUSED)	Greenstead Green	Mr R Catchpole	Outline application for the erection of 34 dwellings (including 24 market units and 10 social affordable units) with permission sought for access and drainage, Halstead Hall, Braintree Road.
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.

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. The Reasons for Refusal are as follows:-

Reasons for Refusal

1. The proposed development is located outside of any defined settlement boundary. In such locations, only proposals that are compatible with and appropriate to the rural areas will be permitted. The proposal is not one of those forms of development and therefore would represent an encroachment into the countryside and an unacceptable form of urbanisation, accentuated by the loss of, and harm to, a number of trees on the site, to the detriment of the character and appearance of the area. On this basis, the proposal is contrary to the National Planning Policy Framework and Policies SP1, SP3, SP7, LPP1, LPP42 and LPP52 of the Adopted Braintree District Local Plan (2013-2033).
2. The applicant has not demonstrated that they could satisfactorily accommodate 34 dwellings on the application site. The proposed layout would result in an unacceptable level of amenity for future occupiers, both in terms outlook, garden layout and noise from the A131. The proposed development would therefore give rise to inadequate living conditions and would conflict with Policy LPP52 of the Adopted Braintree District Local Plan (2013-2033) and the National Planning Policy Framework.
3. The proposal fails to provide sufficient information regarding ecological features within the site, contrary to Policies LPP23 and LPP64 of the Adopted Braintree District Local Plan (2013-2033) and the National Planning Policy Framework.
4. Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:
 - On-site Affordable Housing;
 - A financial contribution towards outdoor sport, equipped play and allotments;
 - Provision of on-site informal and amenity open space, plus ongoing maintenance;
 - A financial contribution to mitigate the impacts of increased demand upon health services;
 - A financial contribution towards early years and childcare, primary education and library improvements;
 - The indemnification of damage caused by public refuse vehicles;
 - A financial contribution to mitigate recreational impacts upon European wildlife sites; and
 - Monitoring fees for each planning obligation.

These requirements would need to be secured through planning obligations

pursuant to Section 106 of the Town and Country Planning Act 1990. At the time of issuing this decision no legal agreement or unilateral undertaking had been completed. In the absence of securing such planning obligations, the proposal is contrary to Policies SP6, LPP31, LPP50 and LPP78 of the Adopted Braintree District Local Plan (2013-2033), the Open Space Supplementary Planning Document (2009) and Essex County Council's Developers' Guide to Infrastructure Contributions (2020).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and setting these out clearly in the reason(s) for refusal. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

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 8.40pm.

Councillor D Holland
(Vice-Chairman in the Chair)