

# Minutes

## Planning Committee 28th November 2023



### Present

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

### Substitute

Councillor G Prime attended the meeting as a substitute for Councillor J Hayes.

### 43 **DECLARATIONS OF INTEREST**

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

On behalf of Members of the Committee, Councillor I Parker, the Chairman of the Planning Committee, declared a joint Non-Pecuniary Interest in Application No. 23/00455/OUT – Land adjacent to Kitchen Hill, Bulmer as Mr G Courtauld, who had registered to speak during Question Time in support of the application and had submitted a written statement, was related to an Elected Member of Braintree District Council, who was known to them.

Councillor D Holland declared a Non-Pecuniary Interest in Application No. 23/00455/OUT – Land adjacent to Kitchen Hill, Bulmer as the site was within the Ward which he represented as an Elected Member of Braintree District Council. Councillor Holland stated that he had been contacted by an objector and by the applicant who had both registered to participate during Question Time. Councillor Holland stated that he had not expressed a view about the application.

Councillor F Ricci declared a Non-Pecuniary Interest in Application No. 23/00425/OUT – MDS Civil Engineering, 19 Fourth Avenue, Bluebridge Industrial Estate, Halstead as he had worked with the applicant in a previous role. Councillor Ricci stated 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.

44 **MINUTES**

**DECISION:** That the Minutes of the meetings of the Planning Committee held on 17th October 2023 and 7th November 2023 be approved as a correct record and signed by the Chairman.

45 **QUESTION TIME**

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

Application No. 23/00455/OUT – Land adjacent to Kitchen Hill, Bulmer  
 Application No. 23/01478/OUT – Towerlands, Panfield Road, Braintree

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

46 **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>
*23/00425/OUT (APPROVED)	Halstead	Mr R Marfleet, Marfleet Civil Engineering	Outline planning application with all matters reserved, except access and scale, for the erection of mixed use industrial/commercial units with flexible use for Use Classes E(g), B2 and B8, and associated operational development, including a maximum of 5% total floorspace as ancillary trade counter(s), MDS Civil Engineering, 19 Fourth Avenue, Bluebridge Industrial Estate.

**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 £6,760 (sustainability travel index-linked) towards a 5-year period monitoring fee of a Workplace Travel Plan.
- **Open Space Contribution** – Financial contribution with a commercial multiplier of £241.17 towards surface and soft landscaping improvements to Halstead River Walk.

the Planning Development Manager, or an authorised Officer, be authorised to grant planning permission for the above development 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 deletion of Informative No. 6 as follows:-

Additional Condition (to be inserted after Condition No. 8)

12. Prior to implementation, a Wildlife Sensitive Lighting Design Scheme for 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 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. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Deleted Informative

6. Any external lighting should be directed away from trees and hedgerows to avoid disturbance to light sensitive wildlife, particularly bats, that may use these ecological features for foraging and commuting.

47 **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>
*23/00455/OUT (REFUSED)	Bulmer	Mr D Burke	Outline planning application for 8no. dwellings with all matters reserved, land adjacent to Kitchen Hill.
<p>The Committee refused this application for the Reason contained in the Planning Development Manager's report, subject to the addition of a Reason (No. 2) (highways). The Reasons for Refusal, as amended, are as follows:-</p> <p><b><u>Reason(s) for Refusal</u></b></p> <p>1. The proposed development would result in sporadic development, sprawling beyond the defined development boundary into the open countryside and eroding the current green gap between Ballingdon and Batt Hall. In addition, when combined with the significant facing back of the existing hedgerow in order to create the required highway visibility splays, this would dilute the site's green character further. Consequently, the scheme would result in the intrusion of development into the surrounding landscape, giving rise to harm to the character and appearance of the area.</p> <p>Further harm is created by the location of the site which lies approximately 2 km/1.3 miles from the town of Sudbury where there are services and facilities. To access the town by foot or by bus would require future occupants to walk along a narrow unlit pavement from opposite the site and therefore new residents would rely on private vehicles to access employment, schools and other community services and facilities.</p> <p>The adverse impacts of the development are considered to outweigh the benefits and the proposal fails to secure sustainable development, contrary to the National Planning Policy Framework and Policies SP1, SP3, SP7, LPP1, LPP52 and LPP67 of the Braintree District Local Plan 2013–2033.</p> <p>2. The applicant is unable to provide visibility at the proposal site access in accordance with the prevailing speed limit (derestricted) and therefore the proposal is contrary to the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy LPP52 of the Adopted Braintree District Local Plan 2013–2033.</p>			

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*23/01478/OUT (REFUSED)	Braintree	Mr Jason Parker, Parker Planning Services	Outline planning application with all matters reserved except access: for the erection of up to 150 dwellings with access to be considered at Towerlands Park Phase 2, Towerlands, Panfield Road.
<p>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.</p> <p>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:-</p> <p><b><u>Reasons for Refusal</u></b></p> <ol style="list-style-type: none"> <li>1. The site comprises 8.5 hectares of agricultural land located north-west of Braintree and south-east of the village of Panfield; it is located adjacent to and between these distinct settlements. The application proposes to erect 150 dwellings on the site with all matters reserved, except for access. <p>The site is located outside of a defined development boundary within countryside, and due to its location, it would manifest as a poorly integrated urban incursion that would not conserve the setting of Braintree or Panfield. It would appear remote and fundamentally discordant with the prevailing character of the area contrary to Policies SP1, SP3, SP7, LPP1 and LPP52 of the Adopted Braintree District Local Plan 2013-2033, principles of the National Design Guide and Paragraphs 126, 130 and 134 of the National Planning Policy Framework (NPPF).</p> </li> <li>2. The proposal would not be sympathetic with, or successfully integrate into, its landscape setting, particularly in relation to cross-valley views where it would give rise to lasting landscape and visual harm. This would be contrary to Policy LPP67 of the Adopted Braintree District Local Plan 2013-2033 and Paragraphs 130 and 174 of the NPPF.</li> <li>3. There is insufficient information to determine the impacts of the proposal in the following areas: <ol style="list-style-type: none"> <li>a) Whether the quantum of development could otherwise be accommodated on the site in a policy compliant fashion, in particular regarding standards</li> </ol> </li> </ol>			

of urban design; provision of parking; open space; back-to-back distances; SuDS; street trees; impact upon existing trees; and required levels of biodiversity net gain, landscaping and ecological mitigation (for instance in relation to priority bird species, great crested newts and bats). This is contrary to Policies SP7, LPP35, LPP43, LPP52, LPP63, LPP64, LPP65, LPP66 and LPP76 of the Adopted Braintree District Local Plan 2013-2033, Paragraphs 130, 131, 174 and 180 of the NPPF, the Essex Design Guide, Open Space Supplementary Planning Document (SPD) (2009), and the Essex Vehicle Parking Standards SPD (2009).

- b) Whether there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe. This is contrary to Policies LPP42 and LPP52 of the Adopted Braintree District Local Plan 2013-2033 and Paragraphs 110 and 111 of the NPPF.
- c) Whether the development would be harmful to the significance of the Grade I listed Panfield Hall and whether any conflict between the heritage asset's conservation and the development would be minimised. This is contrary to Policies SP7, LPP47 and LPP57 of the Adopted Braintree District Local Plan 2013-2033 and Paragraphs 194, 195, 199 and 202 of the NPPF.

4. A Section 106 Agreement has not been secured to mitigate unacceptable impacts in the following areas:

- a) Off-site highway works and/or contributions to encourage use of public transport, cycling and walking
- b) Habitats Regulations Assessment for related on-site and off-site mitigation provisions to avoid likely significant adverse effects upon the integrity of European Protected Sites
- c) Health
- d) Education
- e) Allotments
- f) Open Space
- g) Outdoor Sports
- h) Affordable Housing
- i) Interaction, and means to retain compatibility, with the Strategic Sites, for example their quality and delivery of their associated elements

This is contrary to Policies SP2, SP6, SP7, LPP31, LPP35, LPP42, LPP50, LPP63, LPP64 and LPP78 of the Adopted Braintree District Local Plan 2013-2033, the Essex Coast RAMS SPD (2020), the Affordable Housing SPD (2006) and the Open Space SPD (2009), and Paragraph 135 of the NPPF.

#### 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 8.29pm.

Councillor I Parker  
(Chairman)