

# Minutes

## Planning Committee 29th November 2022



### Present

Councillors	Present	Councillors	Present
J Abbott	Yes	F Ricci	Yes
Mrs J Beavis	Apologies	Mrs W Scattergood (Chairman)	Yes
K Bowers	Yes (from 7.16pm)	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	Mrs S Wilson	Yes
A Munday	Yes	J Wrench	Yes
Mrs I Parker	Yes		

### 59 **DECLARATIONS OF INTEREST**

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

### 60 **MINUTES**

**DECISION:** It was reported that the Minutes of the meetings of the Planning Committee held on 1st November 2022 and 15th November 2022 were not available for approval.

### 61 **QUESTION TIME**

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

Application No. 21/02241/FUL – St. Dominics Residential Home, London Road, Kelvedon

Application No. 21/03121/FUL – Land rear of Deer Park View, Braintree Road, Great Bardfield

Application No. 22/02084/FUL – Neighbourhood Centre, Towerlands, Panfield Road, Braintree

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

62 **SECTION 106 AGREEMENTS**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*21/02241/FUL (APPROVED)	Kelvedon	St. Dominics Care Services Ltd.	Erection of two-storey 21 bed care home together with 7 x 2 bed close care bungalows, together with visitor parking spaces, amenity areas and access road, St Dominics Residential Home, London 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 Heads of Term:

- NHS - Financial contribution of £8,700
- Affordable Housing - Financial contribution of £281,750
- Habitat Regulations Assessment (HRA/RAMS) - Financial contribution of £961.17

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 Informative as follows:-

**Additional Informative**

4. The Applicant is encouraged to consider the provision of e-bike charging facilities at the site.

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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>
*22/02084/FUL (APPROVED)	Braintree	Dandara Eastern	Creation of a mixed-use building at the

			neighbourhood centre, comprising retail and community uses on the ground floor and office use on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre, Neighbourhood Centre, Towerlands, Panfield Road.
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**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, and to the following amendments to schedules contained within the existing Section 106 Agreement relating to outline planning permission 19/00786/OUT:

Head of Term - Application No. 22/02084/FUL

- Travel plan monitoring fee (employment use)

Amended Schedules within the existing Section 106 Agreement - Application No. 19/00786/OUT

Schedule 4

In order to avoid duplication, the wording of Schedule 4 'Community Provision' is to be altered to apply to the development approved by the current 'full' planning application (Application No. 22/02084/FUL) only.

Schedule 8

As the current 'full' planning application (Application No. 22/02084/FUL) proposes the construction of a neighbourhood centre as opposed to the provision of a 'serviced site' as originally envisaged, Schedule 8 is to be amended to set out what may be included in the neighbourhood centre. The submission of a marketing strategy and evidence relating to the proposed retail unit will be required to ensure that every effort is made to secure the required uses for this floorspace in accordance with the requirements of the Section 106 Agreement relating to outline planning permission Application No. 19/00786/OUT.

Schedule 9

Schedule 9 of the Section 106 Agreement for outline planning permission Application No. 19/00786/OUT relates to the provision of two recycling centres within the whole site. As one of the recycling centres is to be provided as part of the current 'full' planning application (Application No. 22/02084/FUL), the wording of this schedule is

to be amended to ensure that the second recycling centre is provided elsewhere within the wider site.

**Implementation Restriction**

A restriction is to be imposed to prevent both the existing outline planning permission (Application No. 19/00786/OUT) and the proposed ‘full’ planning permission (Application No. 22/02084/FUL) being implemented simultaneously on the same area of land (the neighbourhood centre). The applicant would only be able to implement one planning permission.

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. 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 was reminded that outline planning permission (Application No. 19/00786/OUT) had been granted in April 2021 for the development of the Towerlands site at Panfield Road, Braintree for up to 575 dwellings, with a neighbourhood centre for retail and community use and an education site. This permission had been subject to a Section 106 Agreement covering a number of matters. However, following the submission of the current ‘full’ application (22/02084/FUL) for the provision of a neighbourhood centre, some of the schedules contained within the original Agreement would require amendment, or deletion.

The Committee approved this application, subject to a Section 106 Agreement including the above-mentioned Head of Term; and subject to schedules contained within the Section 106 Agreement relating to outline planning permission 19/00786/OUT being amended as outlined above.

**63 PLANNING APPLICATIONS 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>
*21/03121/FUL (REFUSED)	Great Bardfield	Croudace Homes Limited	Erection of 56 dwellings with associated works, including access; internal road network and associated highway works; hard and soft landscaping; formal and

			informal open space; vehicular, cyclist and pedestrian infrastructure; utilities and drainage infrastructure; car and cycle parking; and refuse storage, land rear of Deer Park View, Braintree Road.
Councillor I Graham attended the meeting and spoke against this application on behalf of Great Bardfield Parish Council prior to the Committee's consideration of the application.			

**DECISION:** That the undermentioned planning application be refused for the following reason. 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>
*22/00722/HH (REFUSED)	Gestingthorpe	Mr Mark Draper	Retrospective proposal for a garden shed, 23 Oates Cottages, Sudbury Road.
<p>The Committee refused this application contrary to the Planning Development Manager's recommendation to grant the application. The reason for refusal is as follows:-</p> <p><u>Reason for Refusal</u></p> <p>The outbuilding, by virtue of its footprint, height, design and positioning, results in an unacceptable overdevelopment of the plot, incompatible with the original dwelling and the character of the area. The outbuilding is not subordinate to the host dwelling and has an unacceptable impact upon the identity and openness of the countryside to the rear of the site and neighbouring residential amenity. The application is therefore considered to be contrary to Policies SP7, LPP36 (specifically criteria A, B, C, D and E within Policy LPP36), LPP47 and LPP52 of the Adopted Local Plan, the Essex Design Guide, and the National Planning Policy Framework.</p>			

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 9.04pm.

Councillor Mrs W Scattergood  
(Chairman)