

Minutes

Planning Committee 14th December 2021



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Mrs I Parker	Yes
Mrs J Beavis	Yes	F Ricci	Yes (late arrival)
K Bowers	Yes	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	P Schwier	Apologies
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	J Wrench	Yes
A Munday	Yes		

Substitutes

Councillor Mrs S Wilson attended the meeting as a substitute for Councillor P Schwier.

Other Attendees

Councillor Mrs J Sandum, Braintree District Ward Councillor for Kelvedon and Feering, attended the meeting virtually. A written statement submitted by Councillor Mrs Sandum against Application No. 17/00679/OUT - Land North of London Road, Kelvedon was read on her behalf during Question Time.

Councillor P Thorogood, Essex County Councillor for Braintree Eastern Division and Braintree District Ward Councillor for Kelvedon and Feering, attended the meeting virtually. A written statement submitted by Councillor Thorogood against Application No. 17/00679/OUT - Land North of London Road, Kelvedon was read on his behalf during Question Time.

Councillor T Walsh, Braintree District Ward Councillor for Coggeshall, attended the meeting virtually. A written statement submitted by Councillor Walsh against Application No. 21/01878/FUL - Land East of Periwinkle Hall, Links Road, Perry Green, Bradwell was read on his behalf during Question Time.

94 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs W Scattergood, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 17/00679/OUT - Land North of London Road, Kelvedon as Councillor Mrs J Sandum and Councillor P Thorogood, who had registered to participate during Question Time and had submitted written statements, were Elected Members of Braintree District Council and were known to them. Also, Mr T Foster, who had registered to participate during Question Time and had submitted a written statement, was known to some of them.

On behalf of Members of the Committee, Councillor Mrs Scattergood declared a joint non-pecuniary interest also in Application No. 21/01878/FUL - Land East of Periwinkle Hall, Links Road, Perry Green, Bradwell as Councillor T Walsh, who had registered to participate during Question Time and had submitted a written statement, was an Elected Member of Braintree District Council and was known to them.

Councillor J Abbott declared a non-pecuniary interest in Application No. 17/00679/OUT - Land North of London Road, Kelvedon as a number of people, including Councillor Mrs J Sandum and Councillor P Thorogood, who had registered to participate during Question Time and had submitted written statements, were known to him in his role as the former Essex County Councillor for Witham Northern Division and in his current role as an Elected Member for Braintree District Council's Silver End and Cressing Ward.

Councillor Abbott declared a non-pecuniary interest also in Application No. 21/01878/FUL - Land East of Periwinkle Hall, Links Road, Perry Green, Bradwell as a number of people, including Councillor T Walsh, who had registered to participate during Question Time and had submitted written statements, were known to him in his role as the former Essex County Councillor for Witham Northern Division and in his current role as an Elected Member for Braintree District Council's Silver End and Cressing Ward.

Councillor Mrs J Beavis declared a non-pecuniary interest in Application No. 17/00679/OUT - Land North of London Road, Kelvedon as Councillor Mrs J Sandum and Councillor P Thorogood, who had registered to participate during Question Time and had submitted written statements, were Elected Members of Braintree District Council and were known to her. Also, Mr T Foster who had registered to participate during Question Time and had submitted a written statement was known to her.

Councillor Mrs Beavis declared a non-pecuniary interest also in Application No. 21/01878/FUL - Land East of Periwinkle Hall, Links Road, Perry Green, Bradwell as Councillor T Walsh, who had registered to participate during Question Time and had submitted a written statement, was an Elected Member of Braintree District Council and was known to her.

Councillor F Ricci declared a non-pecuniary interest in Application No. 21/01878/FUL - Land East of Periwinkle Hall, Links Road, Perry Green, Bradwell as Mr T

Speakman, who had submitted a representation about the application, was known to him. Councillor Ricci stated that he had not discussed the application with Mr Speakman.

Councillor Mrs S Wilson, declared a non-pecuniary interest in Application No. 17/00679/OUT - Land North of London Road, Kelvedon as Mr T Foster, who had registered to participate during Question Time and had submitted a written statement, was known to her.

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.

95 **MINUTES**

DECISION: It was reported that the Minutes of the meetings of the Planning Committee held on 28th September 2021, 12th October 2021, 26th October 2021, 2nd November 2021, 9th November 2021, 23rd November 2021 and 30th November 2021 were not available for approval.

96 **QUESTION TIME**

INFORMATION: There were thirteen statements made about the following applications.

Application No. 17/00679/OUT - Land North of London Road, Kelvedon
Application No. 21/01878/FUL - Land East of Periwinkle Hall, Links Road, Perry Green, Bradwell

Due to on-going issues relating to the Covid-19 pandemic, people who had registered to participate during Question Time joined the meeting via Zoom. However, because of a technical fault Councillors and Officers present in the Council Chamber at Causeway House, Braintree were unable to hear the participants, although they could see them. The participants were able to view and hear the meeting. In the circumstances, the Council's Governance and Member Services Officer read the written statements, which had been submitted by the participants, immediately prior to the Committee's consideration of each application.

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

97 **PLANNING APPLICATION APPROVED**

DECISION: That the undermentioned planning application 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 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>
*21/01878/FUL (APPROVED)	Bradwell	Links Solar Farm Limited	Construction and operation of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping, land East of Periwinkle Hall, Links Road, Perry Green.

The Committee approved this application, subject to two additional paragraphs to the Information to Applicant as follows:-

Additional Information to Applicant

7. The applicant is advised that the inverters, substation, control building, switch room, CCTV cameras, fencing and any other components as required by Condition No. 3 should be designed as sensitively as possible taking into account the rural nature of the site. Industrial shipping containers should not be used as these would have a detrimental impact upon the character and appearance of the locality. The detailed design and appearance of the structures shall also include using natural colours and materials (set out in the drawings) so that these structures blend into the rural surroundings as much as possible.
8. The applicant is advised that applications to Discharge Condition Nos. 3 and 6 will need to be referred to the Council's Planning Committee for determination.

Bradwell with Pattiswick Parish Council submitted a written statement supporting this application in principle, which was read to the Committee by the District Council's Governance and Member Services Officer prior to the consideration of the application.

Councillor T Walsh, Braintree District Councillor for Coggeshall Ward, submitted a written statement against this application, which was read to the Committee by the District Council's Governance and Member Services Officer prior to the consideration of the application. Due to its length, only parts of the statement highlighted by Councillor Walsh, were read. The full statement had been circulated to the Members of the Committee by E-Mail in advance of the meeting.

A motion to defer this application was moved and seconded, but on being put to the vote the motion was declared **LOST**.

98 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the following reasons. 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>
*17/00679/OUT (REFUSED)	Kelvedon	Barkley Projects (Kelvedon) LLP	Application for outline planning permission, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road, land North of London Road.

In discussing this application, Members of the Planning Committee were advised that the proposal would affect eight Listed Buildings, not seven as indicated in the Agenda report. Also, consideration was given to an update report regarding comments submitted by Network Rail, the Council's Historic Buildings Consultant and Kelvedon Parish Council following recent consultation, and to further public representations. In response to these comments/representations, it was proposed that Condition No. 16 (Western access) and Condition No. 31 (Travel Plan) should be amended; that an additional Condition (No. 39) (Eastern access) and an additional Information to Applicant (No. 2) (Contact with Network Rail's Asset Protection Team) should be imposed; and that the proposed Section 106 Agreement should be amended by the deletion of the Head of Term relating to Skylark habitat mitigation as this matter was covered by Condition No. 26 (Breeding Bird Survey).

Particular reference was made to a late representation, including photographs, which had been received from the occupier of 'The Vicarage', Kelvedon. The photographs showed the relationship of 'The Vicarage', which was a Grade II listed building, to the proposed development site. The representation and photographs had been reviewed by the Council's Historic Buildings Consultant who had subsequently updated his comments regarding the application. The Consultant had stated that undeveloped fields were visible from 'The Vicarage' during Winter months, that the proposed development would be very apparent and that it would cause harm to the setting of the listed building by urbanising the existing rural setting. The Consultant considered that the harm would

be less than substantial at the lower end of the scale and that Paragraph 202 of the National Planning Policy Framework was relevant.

The Planning Development Manager maintained that the overall harms of the development would not outweigh its benefits and that the application should be granted as recommended in the published Agenda report, subject to the amendments in the update report as summarised above.

The Planning Committee refused this application contrary to the Planning Development Manager's recommendation that it should be approved subject to a Section 106 Agreement and the approval of an Appropriate Assessment by Natural England.

Reasons for Refusal

1. Paragraph 199 of the National Planning Policy Framework (NPPF) attributes 'great weight' to heritage asset conservation. The development in this case would result in less than substantial harm to the setting of seven listed buildings; four middle of scale (Church Hall Farm buildings) and three lower end of scale (St Marys Church and Crabbs Farm). Cumulatively, the development would result in a high degree of heritage harm which would not be outweighed by the public benefits of the development. The proposed development would therefore be contrary to the NPPF, Policies RLP90 and RLP100 of the Braintree District Local Plan Review (2005), Policy SP1 of the Section 1 Local Plan (2021), and Policies LPP55 and LPP60 of the Draft Section 2 Local Plan (2017).
2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Furthermore, as set out within Paragraph 47 of the National Planning Policy Framework (NPPF), planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a housing land supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.

Furthermore, the site in this case is located on the periphery of Kelvedon. The proposal would therefore introduce up to 300 dwellings, a health centre, early years and child care facility, care home and retail units on an unallocated site in the countryside which would be disconnected from the rest of the village.

Moreover, the proposed development would relocate the existing health centre from a location in the centre of the village to a peripheral site which most residents of Kelvedon and Feering would have to travel further to access. In addition it is proposed that an early years and child care facility and retail units would also be provided as part of the development and it is possible that their provision may result in further businesses relocating from more central village locations. The provision of these facilities would increase the need for residents to travel from the core of the village to a peripheral location at the outer edge of the existing village. For many residents, the location of these proposed services would be at a distance that would make walking unattractive and therefore increase reliance on the private car. This would therefore be contrary to the overall aim of adopted and emerging local planning policy and the NPPF to reduce/limit the need to travel.

The proposed development is located in a peripheral location on the edge of Kelvedon, on an unallocated site within the designated countryside. The proposed development is therefore contrary to the Development Plan and there are no material considerations to warrant a departure from the Development Plan and the Publication Draft Section 2 Local Plan. In addition, the proposed development would increase the need to travel. As such, it is considered that the proposed development is contrary to Policy RLP2 of the Adopted Local Plan (2005), Policies CS5 and CS7 of the Adopted Core Strategy (2011), Policies SP1 and SP3 of the Adopted Section 1 Local Plan (2021), Policies LPP1 and LPP44 of the Draft Section 2 Plan (2017), the Draft Kelvedon Neighbourhood Plan and the NPPF.

Feering Parish Council submitted a written statement against this application, which was read to the Committee by the District Council's Governance and Member Services Officer prior to the consideration of the application.

Kelvedon Parish Council submitted a written statement against this application, which was read to the Committee by the District Council's Governance and Member Services Officer prior to the consideration of the application.

Councillor P Thorogood, Essex County Councillor for Braintree Eastern Division and Braintree District Councillor for Kelvedon and Feering Ward, submitted a written statement against this application, which was read to the Committee by the District Council's Governance and Member Services Officer prior to the consideration of the application.

Councillor Mrs J Sandum, Braintree District Councillor for Kelvedon and Feering Ward,

submitted a written statement against this application, which was read to the Committee by the District Council's Governance and Member Services Officer prior to the consideration of the application.

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).

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 10.15pm to enable all business on the Agenda to be transacted.

At the close of the meeting the Chairman wished everyone a Merry Christmas and a Happy New Year.

The meeting closed at 10.32pm.

Councillor Mrs W Scattergood
(Chairman)

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For further information regarding these Minutes please contact the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk