

Minutes

Planning Committee 26th September 2023



Present

Councillors	Present	Councillors	Present
J Abbott	Yes (until 8.05pm)	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	Yes
D Holland	Yes		

Councillor R Wright was also in attendance until 8.05pm.

24 **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. 23/00266/FUL – Land adjacent to Park Gate Cottages, Beazley End, Wethersfield as the applicant's agent was related to an Elected Member of Braintree District Council, who was known to them.

Councillor J Abbott declared a non-pecuniary interest in Application No. 23/01901/VAR - Phase 4, Land North East of Rectory Lane, Rivenhall as the proposal sought to vary an extant planning permission which he had opposed when the application had been considered by the Planning Committee and by an Inspector on appeal. On the basis of pre-determination, Councillor Abbott left the meeting when the application was considered and determined and he did not return.

Councillor I Parker declared a non-pecuniary interest in Application No. 22/03221/OUT - Land South of Chapel Road, Ridgewell as the Chairman of Ridgewell Parish Council, who had registered to participate during Question Time and had submitted a written statement, was known to her. Councillor Parker stated that she had not discussed the application with the Chairman of the Parish Council.

Councillor F Ricci declared a non-pecuniary interest in Application No. 23/00266/FUL – Land adjacent to Park Gate Cottages, Beazley End, Wethersfield as one of the objectors was known to his partner. Councillor Ricci stated that he had not discussed the application with the objector.

Councillor P Schwier declared a non-pecuniary interest in Application No. 23/00266/FUL – Land adjacent to Park Gate Cottages, Beazley End, Wethersfield as one of the objectors, who had registered to participate during Question Time and had submitted a written statement, was known to him.

Councillor R Wright, who was attending the meeting to observe and not to participate, declared a non-pecuniary interest in Application No. 23/01901/VAR - Phase 4, Land North East of Rectory Lane, Rivenhall as the proposal sought to vary an extant planning permission which he had opposed when the application had been under consideration. Councillor Wright left the meeting when the application was considered and determined and he did not return.

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.

25 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 5th September 2023 be approved as a correct record and signed by the Chairman.

26 **QUESTION TIME**

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

Application No. 22/03221/OUT - Land South of Chapel Road, Ridgewell
 Application No. 23/00266/FUL - Land adjacent to Park Gate Cottages, Beazley End, Wethersfield
 Application No. 23/01901/VAR - Phase 4, Land North East of Rectory Lane, Rivenhall

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

27 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/01901/VAR (APPROVED)	Rivenhall	Mrs Sarah Cornwell	Variation of Condition 27 (Relocation of 2 No. Pine

		Bellway Homes Limited	<p>Trees) of approved application 20/02060/OUT (allowed at appeal) granted 05.01.2023. Outline application with all matters reserved for up to 230 dwellings including affordable homes; public open space including sports pitches and facilities, neighbourhood equipped area for play, parkland and alternative natural greenspace, vehicular access via Forest Road and Evans way, a bus, cycle and pedestrian connection to Rickstones Road, sustainable drainage systems, landscaping and all associated infrastructure and development. Variation would allow the condition to read 'Concurrent with the submission of reserved matters for layout or landscaping under Condition 1 of this decision, a plan shall be submitted identifying the location, type and size of four new trees to be planted on the site to compensate for the removal of the two Pine trees identified as T93 & T94 in 'The Proposed Tree Management Location Details Based on Outline Plan' (SES, 24 Nov 2021). The plan shall include details of a five-year aftercare package for these new trees. The plan shall subsequently only be implemented in accordance with the approved details,</p>
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			Phase 4, land North East of Rectory Lane.
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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:

- A planning obligation to ensure that the existing planning obligations contained in the original Section 106 Agreement apply to this new 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.

Councillor J Abbott and Councillor R Wright each declared a non-pecuniary interest in this application and they left the meeting when it was considered and determined.

28 **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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/03221/OUT (REFUSED)	Ridgewell	Q Developments Ltd	Outline planning permission with all matters reserved apart from access for development of up to 24 dwellings including details of access into and within the site, parking arrangements, garages, open space, landscaping, drainage measures and all other associated works, land South of Chapel 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.
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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, subject to the amendment of Reason No. 1 and Reason No. 2. The Reasons for Refusal, as amended, are as follows:-

Reasons for Refusal

- 1 The proposed development is located outside of any settlement boundary. In such locations, only proposals that are compatible with and appropriate to the countryside would be permitted. The proposal is not one of those forms of development and therefore represents an encroachment to the countryside and unacceptable form of urbanisation of the rural setting of Ridgewell, to the detriment of local landscape character. The hedge that runs alongside The Causeway is considered to be a strong landscape characteristic, which contributes positively to the approach to the village along The Causeway. The application does not contain details which clearly identify the extent of the removal / reduction, however it is clear that the vehicular access to the site will necessitate the removal of a length of roadside hedge and to provide the required visibility splays a further length of the hedge will need to be removed or partially removed adversely altering the countryside character of the local area. Furthermore, the site is in an inaccessible location and therefore residents would be heavily reliant on private vehicles for access to services and facilities. On this basis, the proposal is contrary to the National Planning Policy Framework, and Policies SP1, SP3, SP7, LPP1, LPP42, LPP52 and LPP67 of the Adopted Braintree District Local Plan (2013-2033).
- 2 The proposed development, by reason of failing to provide adequate visibility splays, and by failing to provide a safe connection to the existing public footpath network, would represent an unacceptable degree of hazard to all users of the highway, particularly the cars and pedestrians seeking to access and egress the application site. The application also fails to demonstrate that the access geometry is acceptable. The proposal therefore would be to the detriment of highway safety contrary to Policies SP6, LPP47 and LPP52 of the Adopted Braintree District Local Plan (2013-2033), and Policies DM1 and DM9 of the Highway Authorities Development Management Policies (2011).
- 3 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.
 - Ongoing maintenance for on-site public open space.
 - A financial contribution for the NHS to ensure that the impacts of increased demand for services can be accounted for.
 - A financial contribution towards secondary school transport.
 - A financial contribution to improve, enhance and extend the facilities and

services provided and to expand the reach of the mobile library and outreach services.

- Monitoring fees for each planning obligation.

These requirements would be secured through a Section 106 Agreement. At the time of issuing this decision a Section 106 Agreement has not been prepared or 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 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 discussing these with the applicant either at the pre-application stage or during the life of the application. 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/00266/FUL (REFUSED)	Wethersfield	Mr Sean McStravick	Erection of steel frame agricultural barn, land adjacent to Park Gate Cottages, Beazley End.

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 8.26pm.

Councillor I Parker
(Chairman)