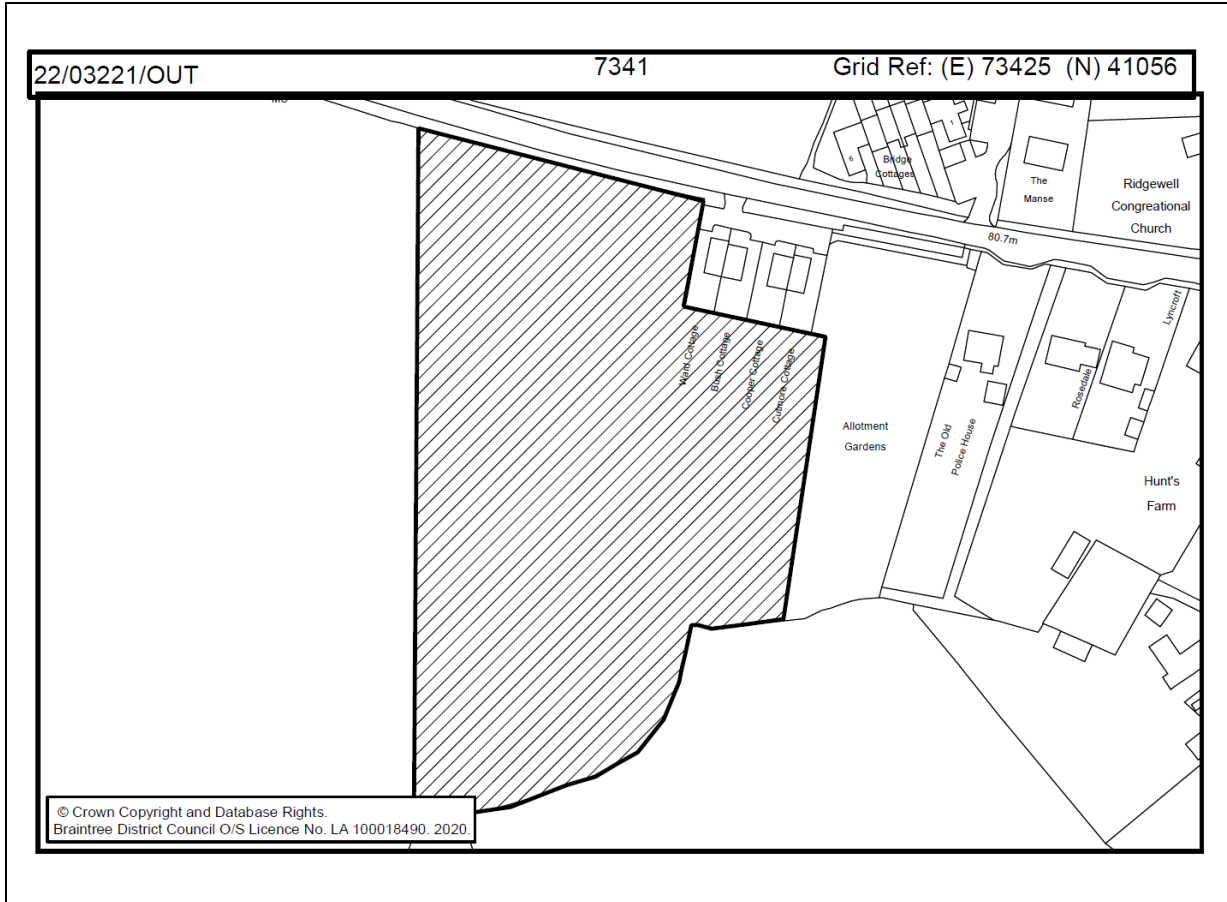


<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 26th September 2023	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/03221/OUT
<b>Description:</b>	Outline planning permission with all matters reserved apart from access 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.
<b>Location:</b>	Land South of Chapel Road, Ridgewell
<b>Applicant:</b>	Q Developments Ltd, C/O Agent
<b>Agent:</b>	Miss Sarah Hockin, Turley, 6th Floor North, 2 Charlotte Place, Southampton, SO14 0TB
<b>Date Valid:</b>	23rd November 2022
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> <li>▪ That had the Local Planning Authority been in a position to determine the application, that it be REFUSED for the reasons outlined within Paragraph 4.1 of this Update Report.</li> </ul>
<b>Options:</b>	The Planning Committee can: <ol style="list-style-type: none"> <li>a) <b>Agree</b> the Recommendation</li> <li>b) <b>Vary</b> the Recommendation</li> <li>c) <b>Overturn</b> the Recommendation</li> <li>d) <b>Defer</b> consideration of the Application for a specified reason(s)</li> </ol>
<b>Appendices:</b>	<b>Appendix 1:</b> Reason(s) for Refusal Submitted Plan(s) / Document(s)
	<b>Appendix 2:</b> Policy Considerations
	<b>Appendix 3:</b> Site History
<b>Case Officer:</b>	Carol Wallis For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2534, or by e-mail: <a href="mailto:carol.wallis@braintree.gov.uk">carol.wallis@braintree.gov.uk</a>

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informative, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting</li> </ul>

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>▪ Planning Application submission: <ul style="list-style-type: none"> <li>▪ Application Form</li> <li>▪ All Plans and Supporting Documentation</li> <li>▪ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/03221/OUT.</p> <ul style="list-style-type: none"> <li>▪ Policy Documents: <ul style="list-style-type: none"> <li>▪ National Planning Policy Framework (NPPF)</li> <li>▪ Braintree District Local Plan (2013 – 2033)</li> <li>▪ Neighbourhood Plan (if applicable)</li> <li>▪ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. UPDATE REPORT

1.1 This update relates to one issue:

- Revised consultation response from Essex County Council (ECC) Highways.

## 2. Highway Issues

2.1 Since the publication of the Committee Report, ECC Highways have submitted a revised consultation response. This consultation response is dated 12th September 2023. It reiterates the objections raised in the previous consultation as set out in the published Committee Report. However, ECC Highways raises an additional issue relating to the geometry of the access.

2.2 It is the view of ECC Highways that the Applicant has not demonstrated that the access geometry is acceptable to provide safe and efficient vehicular movement from the Highway to the proposed site. Officers consider that unless a Road Safety Audit is submitted to demonstrate suitable access geometry, the proposal would be detrimental to highway safety on this basis. This represents an additional issue to the reasons for refusal as outlined in the published Committee Report.

## 3. CONCLUSION

3.1 In light of the above, it is recommended that the application is refused for the reasons set out in the published Committee Report, but with an amendment to Reason for Refusal 2.

3.2 The recommended reasons for refusal, which includes the proposed amendment to Reason for Refusal 2 are set out below (the proposed amendments to the wording of the refusal are shown in bold):

## 4. RECOMMENDATION

4.1 It is **RECOMMENDED** that the following decision be made:

Had the Local Planning Authority been in a position to determine the application, planning permission would have been **REFUSED** for the reasons outlined below:

### Reason 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. 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 of the Adopted Braintree District Local Plan (2013-2033).

#### Reason 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).

#### Reason 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 S106 Agreement. At the time of issuing this decision a S106 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).

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER