

Minutes

Planning Committee 17th October 2023



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	A Hooks	Yes
J Beavis	Yes (from 7.16pm)	A Munday	Yes
L Bowers-Flint	Yes	I Parker (Chairman)	Yes
T Diamond	Apologies	F Ricci	Yes
M Fincken	Yes	P Schwier	Yes
J Hayes	Apologies	G Spray	Yes
D Holland	Yes		

Substitutes

Councillor K Bowers attended the meeting as a substitute for Councillor J Hayes.
Councillor M Thorogood attended the meeting as a substitute for Councillor T Diamond.

29 **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. 23/01880/OUT - Land South of Springfields, Braintree as Councillor M Cunningham, who had registered to participate during Question Time to speak against the application and had submitted a written statement, was an Elected Member of Braintree District Council, who was known to them.

Councillor J Abbott declared a Non-Pecuniary Interest in Application Nos. 22/02462/LBC, 22/02463/FUL, 22/02464/FUL, 22/02863/LBC, 23/00351/FUL and 23/00352/LBC - Woodhouse Farm Cottage, Woodhouse Lane, Kelvedon as a representative of Rivenhall Parish Council on the Rivenhall Integrated Waste Management Facility – Liaison Group which had considered the proposals. Councillor Abbott stated that he had not expressed pre-determined views about the applications.

Councillor Abbott declared a non-pecuniary interest also in Application No. 23/01288/DAC - Phase 4, Land North East of Rectory Lane, Rivenhall as the proposal related to 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.

Councillor A Hooks declared a non-pecuniary interest in Application No. 23/01880/OUT - Land South of Springfields, Braintree as she had commented on other applications relating to the site. In particular, Councillor Hooks stated that in her capacity as Chairman of Rayne Parish Council she had commented on the development of an adjoining area of land through which the current proposal required access. Councillor Hooks left the meeting when the application was considered and determined.

Councillor I Parker declared a non-pecuniary interest in Application No. 23/01274/FUL - Clarks Farm, North Road, Belchamp Walter as the site was within the Ward which she represented as an Elected Member of Braintree District Council. Councillor Parker stated that a person who had registered to participate during Question Time and some of the objectors were known to her. Councillor Parker stated that she had not discussed the application with anyone.

Councillor G Spray declared a Non-Pecuniary Interest in Application Nos. 22/02462/LBC, 22/02463/FUL, 22/02464/FUL, 22/02863/LBC, 23/00351/FUL and 23/00352/LBC - Woodhouse Farm Cottage, Woodhouse Lane, Kelvedon as Braintree District Council's representative on the Rivenhall Integrated Waste Management Facility – Liaison Group. Councillor Spray stated that she had not commented on the proposals.

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.

30 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 26th September 2023 be approved as a correct record and signed by the Chairman.

31 **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.

App. No. 23/01274/FUL - Clarks Farm, North Road, Belchamp Walter
App. No. 23/01288/DAC - Phase 4, Land North East of Rectory Lane, Rivenhall
App. No. 23/01880/OUT - Land South of Springfields, Braintree

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

32 **PLANNING APPLICATIONS APPROVED**

DECISION: That the undermentioned planning applications 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 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>
*22/02462/LBC (APPROVED)	Kelvedon	Mr Gareth Jones, Indaver Rivenhall Limited	Repair of existing roof structure, enclosure, chimneys, first floor ceiling, rainwater goods. Installation of new bat access features, Woodhouse Farm Cottage, Woodhouse Lane.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/02463/FUL (APPROVED)	Kelvedon	Mr Gareth Jones, Indaver Rivenhall Limited	Installation of timber post and rail fence, including one pedestrian gate providing private access, Woodhouse Farm Cottage, Woodhouse Lane.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/02464/FUL (APPROVED)	Kelvedon	Mr Gareth Jones, Indaver Rivenhall Limited	Refurbishment, extension and fencing of existing agricultural steel barn and brick-built lean-to shed to create workshop and enclosed yard space that can be used by local community groups (Class D2), Woodhouse Farm Cottage, Woodhouse Lane.

The Committee approved this application, subject to the following additional Condition:-
Additional Condition

5. Prior to the commencement of development, a lighting design scheme to protect biodiversity, residential amenity and the night sky shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; detail the hours of use 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 the lighting proposed will minimise disturbance to bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/02863/LBC (APPROVED)	Kelvedon	Mr Gareth Jones	Consolidate, conserve and repair the remains of the walls and fabric to the Feed Barn, comprising the recording and removal of timber walls, concrete footings, timber posts and metal fence, C20 block wall and C20 concrete floor and the retention and minor repair of surviving brick plinth walls and farmyard brick wall, Woodhouse Farm Cottage, Woodhouse Lane.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/00351/FUL (APPROVED)	Kelvedon	Mr Gareth Jones, Indaver Rivenhall Limited	Repair and conservation of historic fabric, including brickwork plinths, chimneys, ovens and walling, timber framing and roof structure,

			internal and external windows and doors, internal and external finishes, fixtures and fittings. Provision of accessible WCs, baby changing facilities, level access, fire protection and means of escape, and integrating modern services (water, lighting, power, data, etc.) and insulation. Securing of roof space for use by bats, Woodhouse Farm Cottage, Woodhouse Lane.
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The Committee approved this application, subject to the following additional Condition:-

Additional Condition

7. Prior to the commencement of development, a lighting design scheme to protect biodiversity, residential amenity and the night sky shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; detail the hours of use 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 the lighting proposed will minimise disturbance to bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/00352/LBC (APPROVED)	Kelvedon	Mr Gareth Jones, Indaver Rivenhall Limited	Repair and conservation of historic fabric, including brickwork plinths, chimneys, ovens and walling, timber framing and roof structure, internal and external

			windows and doors, internal and external finishes, fixtures and fittings. Provision of accessible WCs, baby changing facilities, level access, fire protection and means of escape, and integrating modern services (water, lighting, power, data, etc.) and insulation. Securing of roof space for use by bats, Woodhouse Farm Cottage, Woodhouse Lane.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/01288/DAC (APPROVED)	Rivenhall	Bellway Homes Limited	Application for approval of details as reserved by condition 6 of approved application 20/02060/OUT (allowed on appeal) - Submission of Design Code, Phase 4, land North East of Rectory Lane.
<p>The Committee approved this application, subject to the document referred to in Condition No. 1 and in the list of Approved Plans being amended to 'P22-3095_04J – October 2023' as follows:-</p> <p><u>Amended Condition</u></p> <p>1. The details contained within the Design Code (P22-3095_04J dated October 2023) are approved for all parts of the site, with the exception of the Self-Build / Custom Build Plots. A Design Code will need to be produced to specifically Code the Self-Build / Custom Build plots.</p> <p>The approved document therefore partially discharges Condition 6, but the Council will be unable to confirm compliance with Condition 6 until a Design Code for the Self-Build / Custom Build plots is approved.</p> <p><u>Amended Approved Plan</u></p> <p>Design Code P22-3095_04J – October 2023</p>			

In addition, the Committee authorised the Planning Development Manager to approve the Design Code for the proposed self-build and custom-build properties.

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

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/01785/HH (APPROVED)	Braintree	Mrs Sarah Sherry- Martin	Single storey rear extension and installation of decking, 114 Church Lane.

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SECTION 106 AGREEMENT

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/00994/FUL (APPROVED)	Hatfield Peverel	Mr Kampandila Kaluba, National Highways	Creation and use of a temporary construction compound including; access onto the A12, car park, storage yard, welfare and office facilities and associated landscaping to support the enabling works for the A12 Chelmsford to A120 Widening Scheme Development Consent Order on land to the north of the A12 Junction 20b at Hatfield Peverel, land North East of The Vineyards.

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:

- Skylark Mitigation Scheme to be submitted to and agreed with the Local Planning Authority prior to commencement of development, which will ensure the provision of the required number of skylark plots for a ten-year period.

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 the amendment of Condition No. 9 and to a typographical amendment to re-number Condition No. 19 to Condition No. 18 as follows:-

Amended Condition

9. Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity, residential amenity and the night sky: i) during construction phase; and ii) during the operational phase, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; detail the hours of use 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 the lighting proposed will minimise disturbance to bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Typographical Amendment to Condition (Condition No. 19 re-numbered to Condition No. 18).

18. With the exception that development granted under Development Consent Order reference TR010060 (A12 Chelmsford to A120 Widening Scheme) has been implemented, within six months of the hereby permitted use ceasing, a Scheme of Reinstatement shall have been submitted to and approved in writing by the Local Planning Authority which is in broad accordance with the Enhancement and Reinstatement Plan submitted (Drawing No. HE551497-JAC-ELS-5_S1E-DR-L-0003 P02). The Scheme of Reinstatement shall precisely detail the reinstatement works, their timing, phasing and implementation and shall be accompanied by Biodiversity Net Gain calculations to ensure that a biodiversity net gain is achieved in comparison to the site prior to the development hereby approved having occurred. The site shall be reinstated in strict accordance with the approved Scheme of Reinstatement.

34 **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>
*23/01274/FUL (REFUSED)	Belchamp Walter	Mr Aaron Hogsbjerg	Change of use from agricultural land to dog training facilities. Erection of kennel buildings, and office/vet/grooming building, Clarks Farm, North Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/01880/OUT (REFUSED)	Braintree	First Oak Partnership Ltd	Outline application with all matters reserved except access, for the erection of 74 affordable residential dwellings, land South of Springfields.

It was reported that a holding objection to this application, which had been submitted by Essex Highways had been withdrawn following the submission of additional information by the applicant.

The Committee refused this application for the Reasons contained in the Planning Development Manager’s report, subject to the deletion of Reason No. 3 (highways) and the renumbering of the Reasons. The Reasons for Refusal, as amended, are as follows:-

Reason(s) 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 will be permitted. The proposal is not one of those forms of development and therefore represents an encroachment into the countryside and an unacceptable form of urbanisation to the detriment of local landscape character. On this basis, the proposal is contrary to the National Planning Policy Framework and Policies SP1, SP3, SP7, LPP1, LPP42 and LPP52 of the Adopted Braintree District Local Plan (2013-2033).

- 2 The Applicant has not demonstrated that they can satisfactorily accommodate 74 dwellings on the application site. The indicative proposals indicate that the proposal would represent an overdevelopment of the site and would give rise to harm to existing residents in Springfields by reason of the fact that the indicative masterplan indicates that the properties which would back onto the properties in Springfields would have a back to back distance of approximately 22m and garden depths of less than 15m which falls below adopted standards. The proposal is therefore contrary to the National Planning Policy Framework, Policy LPP52 of the Adopted Braintree District Local Plan (2013-2033), and the Essex Design Guide.
- 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 and allotments
 - Provision of on-site informal and amenity open space and an outdoor equipped play area plus ongoing maintenance
 - A financial contribution for the NHS to ensure that the impacts of increased demand for services can be accounted for
 - A financial contribution towards early years and childcare, primary education, secondary education and library improvements
 - A financial contribution towards the Springwood Drive/Rayne Road/Pods Brook Road roundabout improvement scheme and towards Flitch Way improvements
 - Refuse vehicle access
 - A financial HRA contribution
 - Monitoring fees for each planning obligation.

These requirements would need to be secured through a Section 106 planning obligation. At the time of issuing this decision no agreement or unilateral undertaking had been agreed. 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).

Councillor A Hooks declared a non-pecuniary interest in this application and she left the meeting when it was considered and determined.

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 9.38pm.

Councillor I Parker
(Chairman)