

Minutes

Planning Committee 5th September 2023



Present

Councillors	Present	Councillors	Present
J Abbott	Apologies	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	Yes	G Spray	Yes
D Holland	Yes		

Substitute

Councillor W Taylor attended the meeting as a substitute for Councillor J Abbott.

19 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor L Bowers-Flint declared a non-pecuniary interest in Application No. 21/03735/FUL - Land West of Park Road, Rivenhall as an Elected Member of Essex County Council.

Councillor P Schwier declared a non-pecuniary interest in Application No. 21/03735/FUL - Land West of Park Road, Rivenhall as an Elected Member of Essex County Council.

In accordance with the Code of Conduct, Councillors remained in the meeting and took part in the discussion when the application was considered.

20 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 15th August 2023 be approved as a correct record and signed by the Chairman.

21 **QUESTION TIME**

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

Application No. 21/03735/FUL - Land West of Park Road, Rivenhall
 Application No. 23/01488/VAR - Land adjacent to Butlers Wood and Waldergrave Wood, West of A131 Sudbury Road, Twinstead

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

22 **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>
*23/00803/FUL (APPROVED)	Kelvedon	G and S Coode-Adams	Installation of ground-mounted solar panel array, Coggeshall Hall Farm Yard, Coggeshall Road.
<p>The Committee approved this application, subject to the amendment of Condition Nos. 3 and 4, the addition of a Condition, and the deletion of Informative No. 2 as follows:-</p> <p><u>Amended Conditions</u></p> <p>3. The development hereby permitted shall be carried out in accordance with the Construction Management Plan (August 2023).</p> <p>4. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Letter (T4 Ecology Ltd, March 2023) and the Construction Management Plan. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW), to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.</p> <p><u>Additional Condition</u></p>			

7. Within 6 months of the solar farm hereby permitted ceasing to be used for the generation of electricity, it shall be permanently removed from the land and the site restored in accordance with a decommissioning and site restoration scheme which has been submitted to and approved in writing by the Local Planning Authority.

Deleted Informative

2. In regard to Condition 4, you are advised that the revised CMP shall set out that if the vegetation removal is to take place in the bird nesting season, a nesting bird survey must be completed immediately before any vegetation is removed. If active nests are identified, it is recommended that a minimum buffer of five metres (depending on the bird species), is implemented, and the active bird nest should then be monitored until it can be fully confirmed that all young have fledged.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/01488/VAR (APPROVED)	Twinstead	NGET	Variation of Condition 2 (Approved Plans) & Condition 3 (Surface Water Drainage) of approved application 22/01147/FUL granted 25.10.2022 for: A new 400/132 kilovolt (kV) Grid Supply Point (GSP) substation including two supergrid transformers, associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain, and landscape mounding) and drainage. Condition 2: Would allow a reduction of substation footprint, improved cable alignment, rationalisation of the number and location of buildings, revised position

			and alignment of the supergrid transformer gantry moving it further from the A131. Condition 3 to be reworded to amend the SUD's trigger point, land adjacent to Butlers Wood and Waldergrave Wood, West of A131 Sudbury Road.
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23 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the 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>
*21/03735/FUL (REFUSED)	Rivenhall	Novus Renewable Services Limited	Installation of solar farm and associated development, land West of Park 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.

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. The Reasons for Refusal are as follows:-

Reasons for Refusal

- 1 There are several heritage assets in close proximity to the site including a Grade I listed building (St Mary and All Saints Church), a Grade II* listed building (Rivenhall Place) and a number of Grade II listed buildings and a Scheduled Ancient Monument. The open character of the existing site positively contributes to the identified heritage assets setting through the open nature of land with views through to the wider landscape. The proposal would result in less than substantial harm to St Mary and All Saints Church (Grade I) by decreasing the ability for the church to be appreciated in its panoramic landscape setting from a publicly accessible route. The proposal would result in less than substantial harm to the significance of Rivenhall Place (Grade II*) by failing to sustain the character of its important landscape setting.

Having regard to the guidance in Paragraph 202 of the National Planning Policy

Framework (NPPF), the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance and setting of the designated heritage assets. The proposal would therefore be contrary to Policies SP7, LPP1, LPP47, LPP52, LPP57, and LPP73 of the Adopted Local Plan and Paragraph 202 of the NPPF.

- 2 The proposal would introduce a new development to an area of open countryside which would also result in the insertion of unnatural permanent mitigation planting in such a location that would detract from the open character of the area. The proposal by reason of its siting, size and scale would have a harmful impact upon the rural character and appearance of the area.

The proposal would significantly harm the intrinsic landscape character and beauty of the countryside resulting in detrimental landscape and visual effects from a number of Public Rights of Way, residential properties and heritage assets failing to perform the environmental role of sustainability, contrary to Policies SP1, LPP42, LPP52, LPP67 and LPP73 of the Adopted Local Plan and Paragraph 174 of the NPPF.

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.

The Committee refused this application, subject to the Submitted Plans/Documents being amended as follows:-

Amended Submitted Plans/Documents

'Heritage Statement 2243840.02 Rev 2' amended to 'Heritage Impact Assessment 243810.02 Rev 2'

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 8.42pm.

Councillor I Parker (Chairman)