

Minutes

Planning Committee 22nd February 2022



Present

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

Substitutes

Councillor Mrs S Wilson attended the meeting until 8.00pm as a substitute for Councillor F Ricci.

Councillor R Wright, Braintree District Ward Councillor for Silver End and Cressing attended the meeting. Councillor Wright made a statement during Question Time against Application No. 20/02060/OUT – Phase 4, Land North East of Rectory Lane, Rivenhall.

113 **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. 20/02060/OUT - Phase 4, Land North East of Rectory Lane, Rivenhall as Councillor M Lager - Elected Member of Witham Town Council; and Councillor R Wright - Elected Member of Braintree District Council, who were speaking at the meeting during Question Time were known to some/all of them.

Councillor J Abbott declared a non-pecuniary interest in Application No. 20/02060/OUT – Phase 4, Land North East of Rectory Lane, Rivenhall as Councillor R Wright, his fellow Elected Member for Braintree District Council's Silver End and Cressing Ward, was speaking at the meeting during Question Time and other speakers and objectors were also known to him. Councillor Abbott stated also that he was a Member of Rivenhall Parish Council, which had submitted a representation

about the application, but that he had not participated in the Parish Council's consideration of the application.

Councillor D Mann declared a non-pecuniary interest in Application No. 20/01239/VAR - Polly's Field Village, Church Lane, Braintree as the applicant and some of the objectors were known to him. Councillor Mann stated that he had not discussed the application with anyone.

Councillor Mrs S Wilson declared a non-pecuniary interest in Application No. 20/02060/OUT – Phase 4, Land North East of Rectory Lane, Rivenhall as she had campaigned against the proposal. Councillor Mrs Wilson left the meeting when the application was considered and determined.

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.

114 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 8th February 2022 be approved as a correct record and signed by the Chairman.

It was reported that the Minutes of the meeting of the Planning Committee held on 14th December 2021 were not available for approval.

115 **QUESTION TIME**

INFORMATION: There were seven statements made about the following applications. Those people who had registered to participate during Question Time made their statements immediately prior to the Committee's consideration of each application.

Application No. 20/01239/VAR - Polly's Field Village, Church Lane, Braintree
Application No. 20/02060/OUT - Phase 4, Land North East of Rectory Lane, Rivenhall

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

116 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01239/VAR (APPROVED)	Braintree	Abbeyfield Braintree and Bocking Society Ltd	Variation of Condition 2 (approved plans) following grant of planning permission 17/02026/VAR granted

19/01/2018 to vary planning permission 15/01584/FUL for Abbeyfield retirement living 'Extra Care' proposal for 100 no. apartments with associated communal facilities including hall, gym, bistro, craft, IT/Library, hair & beauty salon, cinema room, meeting spaces and garden conservatory lounge set within landscaped courtyards, Polly's Field Village, Church Lane.

DECISION: That, subject to the applicant entering into a suitable Deed of Variation of the legal agreement made pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to modify the obligations pertinent to the development site and the development and subject to the relevant conditions, 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 the conditions and reasons set out in the 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 or an authorised Officer 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 following additional Condition as amended:-

Additional Condition

24. Within one calendar month from the date of this decision the ground levels along the water course to the south shall be restored to the original levels as per the topographical survey (Drawings No. R_10861_201 Rev. A and R_10861_202 Rev. A) submitted under Application No. 15/01584/FUL.

117 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the following reason. 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>
*20/02060/OUT (REFUSED)	Rivenhall	Mrs Sarah Cornwell Bellway Homes Limited	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, Phase 4, Land North East of Rectory Lane.

The Planning Committee refused the above-mentioned application contrary to the Planning Development Manager's recommendation to approve it subject to a Section 106 Agreement.

Reason for Refusal

- 1 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. In addition, the Council is currently able to demonstrate a Housing Land Supply of 5.1 years against its housing need in accordance with Paragraph 59 of the NPPF.

In this case, the application site is located in the rural Parish of Rivenhall and would introduce up to 230 dwellings on an unallocated site within the designated countryside. The proposed development would therefore be contrary to Policy RLP2 of the Adopted Local Plan, Policy CS5 of the Adopted Core Strategy, and Policy LPP1 of the Draft Section 2 Local Plan.

In addition to the above, the proposed development would also give rise to a number of harms:

- a. The development would have a moderate adverse impact on the character and appearance of the landscape, including: the failure to conserve the traditional landscape around Rectory Lane – which has Protected Lane designation; and the loss of amenity to users of the footpaths which cross the site;
- b. The development would result in the coalescence of Witham and Rivenhall;
- c. The development would result in the loss of trees and hedgerows both on-site and off-site;
- d. The development would fail to preserve or enhance the setting of The Old Rectory – a Grade II listed building – resulting in less than substantial harm to a designated heritage asset;
- e. The existing highway network in this location is at times operating at capacity and therefore it is inevitable that additional development on the site will give rise to some car movements which will place additional strain upon the existing highway infrastructure in the locality;
- f. The development would give rise to a limited degree of harm from the sterilisation of a minerals resource which has the potential to have value in the long-term should future circumstances change to make it more practical or commercially attractive to exploit, contrary to Policy S8 of the Essex Minerals Local Plan; and
- g. The development would give rise to a limited degree of harm through the loss of best and more versatile agricultural land.

Consequently, it is concluded that the harms arising from the development, including the harm arising from the conflict with the Development Plan, would outweigh the stated benefits, such that planning permission should be refused in line with the Development Plan. The proposed development would be contrary to the NPPF, Policies RLP2, RLP87 and RLP100 of the Adopted Local Plan (2005), Policies CS5, CS7 and CS8 of the Adopted Core Strategy (2011), and Policies LPP1, LPP46 and LPP60 of the Draft Section 2 Plan (2017).

Councillor Mrs M A'Lee attended the meeting and spoke against this application on behalf of Rivenhall Parish Council prior to the Committee's consideration of the application.

Councillor M Lager attended the meeting and spoke against this application on behalf of Witham Town Council prior to the Committee's consideration of the application.

Councillor R Wright, Braintree District Councillor for Silver End and Cressing Ward, attended the meeting and spoke against this application prior to the Committee's consideration of the application.

118 **WETHERSFIELD CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN**

DECISION: That Item 6 – 'Wethersfield Conservation Area Character Appraisal and Management Plan' (CACAMP) be withdrawn from the Planning Committee Agenda to allow Wethersfield Parish Council time to consider the changes made to the latest version of the CACAMP compared to the one on which they had previously been consulted.

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, if necessary, to enable all business on the Agenda to be transacted.

The meeting closed at 10.11pm.

Councillor Mrs W Scattergood
(Chairman)