

Minutes

Planning Committee 8th March 2022



Present

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

Substitutes

Councillor A Hensman attended the meeting as a substitute for Councillor Mrs W Scattergood.

Councillor Mrs J Pell attended part of the meeting in her capacity as an elected Member of Halstead Town Council. Councillor Mrs Pell read a written statement during Question Time on behalf of the Town Council against Application No. 19/00493/OUT - Land off Bournebridge Hill, Greenstead Green.

119 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor Mrs I Parker declared a joint non-pecuniary interest in Application No. 19/00493/OUT - Land off Bournebridge Hill, Greenstead Green as Councillor Mrs J Pell, who was speaking at the meeting during Question Time on behalf of Halstead Town Council, was an Elected Member of Braintree District Council and she was known to them.

Councillor Mrs J Beavis declared a non-pecuniary interest in Application No. 19/00493/OUT - Land off Bournebridge Hill, Greenstead Green as some of the people who were speaking at the meeting during Question Time were known to her.

Councillor A Munday declared a non-pecuniary interest in Application No. 19/00493/OUT - Land off Bournebridge Hill, Greenstead Green as some of the

people who were speaking at the meeting during Question Time and some of the objectors were known to him. Councillor Munday stated that he had not discussed the application with anyone.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. 19/00493/OUT - Land off Bournebridge Hill, Greenstead Green as she had received a telephone call from Councillor Mrs J Pell, who was speaking against the application at the meeting during Question Time on behalf of Halstead Town Council. Councillor Mrs Spray had advised Councillor Mrs Pell that she would not be able to discuss the application as it was being determined by the Planning Committee.

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

120 **MINUTES**

DECISION: It was reported that the Minutes of the meetings of the Planning Committee held on 14th December 2021 and 22nd February 2022 were not available for approval.

121 **QUESTION TIME**

INFORMATION: There were six 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. 19/00493/OUT - Land off Bournebridge Hill, Greenstead Green
Application No. 21/03222/REM - Land West of Bardfield Road, Finchingfield

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

122 **PLANNING APPLICATION APPROVED**

DECISION: That the undermentioned planning application 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 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>
*21/03222/REM (APPROVED)	Finchingfield	Hill Residential Limited	Application for the approval of reserved matters (in respect of layout, scale, appearance and landscaping) pursuant to outline planning permission

19/00069/OUT granted
25.11.20 (Allowed on appeal)
for Outline application with
some matters reserved
except access for the erection
of up to 50 dwellings and
0.97ha of public open space,
and related development,
land West of Bardfield Road.

The Committee approved this application, subject to the amendment of Condition Nos. 4, 7 and 9 and six additional Approved Plans as follows:-

Amended Conditions

4. Prior to works above slab levels, an illustrated schedule of the types and colour of the materials to be used in the external finishes of all the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
7. Prior to first occupation of the development hereby permitted, a car parking provision strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the timescale for the delivery of the visitor parking at a proportionate rate to the dwellings being occupied. The development shall be implemented in accordance with the approved details and retained thereafter.
9. Prior to occupation of the development, the scheme of landscaping indicated upon approved landscape plans Drawing Nos. GUA-DR- L-001 Rev. 10, GUA-DR-L-002 Rev.7, GUA-DR-L-003 Rev.7, GUA-DR-L-004 Rev.7, GUA-DR-L-005 Rev.7, GUA-DR-L-006 Rev.7 and GUA-DR-L-007 Rev.6 (dated October 2021) shall be carried out during the first available planting season, with the omission of blackthorn from the landscape design and other species increasing proportionately to compensate. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Additional Approved Plans

Hard and Soft Landscape Proposals Northwest (Drawing No. 21058-GUA-DR-L-002 Rev.7)

Hard and Soft Landscape Proposals Northeast (Drawing No. 21058-GUA-DR-L-003 Rev.7)

Hard and Soft Landscape Proposals Southwest (Drawing No. 21058-GUA-DR-L-004 Rev.7)

Hard and Soft Landscape Proposals Southeast (Drawing No. 21058-GUA-DR-L-005 Rev.7)

Hard and Soft Landscape Proposals South Attenuation (Drawing No. 21058-GUA-DR-L-006 Rev.7)

Planting Schedule (Drawing No. 21058-GUA-DR-L-007 Rev.6)

123 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the following reasons. 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>
*19/00493/OUT (REFUSED)	Greenstead Green	Gladman	Outline application for up to 200 residential dwellings (including 30% affordable housing), planting, landscaping, public open space and children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access, land off Bournebridge Hill.

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.

Reasons 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 Greenstead Green and Halstead Rural and would introduce up to 200 dwellings on an unallocated site within the designated countryside in an unsustainable location. Furthermore, the proposal would result in the overdevelopment of the area, and would have a detrimental visual impact upon the character and appearance of the locality, countryside, and the rural landscape.

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 and RLP90 of the Adopted Local Plan (2005), Policies CS5, CS7 and CS8 of the Adopted Core Strategy (2011), Policies SP1 and SP3 of the Adopted Section 1 Local Plan (2021), and Policies LPP1, LPP50, LPP55, and LPP71 of the Draft Section 2 Local Plan (2017).

2. The site is located within a Minerals Safeguarding Area for sand and gravel as identified in the Essex Minerals Local Plan (2014). The presence of mineral resources, irrespective of quantity of the resource, are considered to be of significant economic importance by virtue of their finiteness and market importance. Policy S8 of the Adopted Essex Minerals Local Plan (2014) states that if surface development were to be permitted consideration shall be given to the prior extraction of existing minerals.

In this case it is considered that inadequate borehole surveys have been undertaken on the site, with approximately a quarter of the site not surveyed. As such, it is considered that the conclusions of the submitted Mineral Resource Assessment (MRA), which indicates that the site does not contain a mineral resource of economic importance or which is not commercially viable to extract prior to development, cannot be substantiated. Consequently, insufficient information has been submitted to demonstrate that the proposals would not sterilise a potentially economically workable mineral deposit on the site. The proposal is therefore contrary to Policy S8 of the Adopted Essex Minerals Local Plan (2014) and Paragraph 212 of the NPPF.

Councillor Mrs J Pell attended the meeting and spoke against this application on behalf of Halstead Town Council prior to the Committee's consideration of the application.

Councillor P Foster attended the meeting and spoke against this application on behalf of Greenstead Green and Halstead Rural Parish Council prior to the Committee's consideration of the application.

A motion to approve this application subject to a Section 106 Agreement was moved and seconded, but on being put to the vote the motion was declared **LOST**.

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 9.31pm.

Councillor Mrs I Parker
(Vice-Chairman in the Chair)