

Minutes

Planning Committee 28th June 2022



Present

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

Substitutes

Councillor A Hensman attended the meeting as a substitute for Councillor Mrs G Spray.
Councillor P Thorogood attended the meeting, until 7.40pm, as a substitute for Councillor Mrs J Beavis.

19 **DECLARATIONS OF INTEREST**

INFORMATION: The following interest was declared:-

Councillor P Thorogood declared a non-pecuniary interest in Application No. 22/00384/VAR - Land North East of Inworth Road, Feering as he had submitted an objection to the application. Councillor Thorogood spoke against the application during Question Time, but in accordance with the Code of Conduct he left the meeting when the application was considered and determined by the Committee.

20 **MINUTES**

DECISION: That the Minutes of the meetings of the Planning Committee held on 3rd May 2022 and 14th June 2022 be approved as a correct record and signed by the Chairman.

21 **QUESTION TIME**

INFORMATION: There were two 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. 21/01665/OUT - Stables Retreat, Beslyns Road, Great Bardfield
Application No. 22/00384/VAR - Land North East of Inworth Road, Feering

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

22 **PLANNING APPLICATION WITHDRAWN**

INFORMATION: The Committee was advised that the under-mentioned planning application had been withdrawn by the applicant and that it would not be determined by either the Planning Committee or the Council. 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>
*21/03560/FUL (WITHDRAWN)	Braintree	Stratsmore Construction Ltd	Erection of a three-storey building containing 11 x 1 bedroom self-contained flats, layout parking and amenity areas and formation of new vehicular access onto Betjeman Close, former Rose and Crown site, Masefield Road.

23 **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. 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>
*22/00384/VAR (APPROVED)	Feering	Mr Craig Attmere Bloor Homes Eastern	Variation of Condition 1 (Approved Plan) of approved application 21/02167/VAR granted 11.02.2022. Variation would allow for: First floor

internal reconfiguration and rear elevation amendment to Dekker house type (see report for full description), land North East of Inworth Road.

Councillor P Thorogood, Braintree District Councillor for Kelvedon and Feering Ward, attended the meeting and spoke against this application prior to the Committee's consideration of the application. Councillor Thorogood left the meeting when the application was considered and determined.

24 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the Planning Development Manager's report. 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>
*21/01665/OUT (REFUSED)	Great Bardfield	C Smith, c/o Sworders	Outline planning application for the erection of up to 4 detached dwellings and associated works, with all matters reserved except for scale and access, Stables Retreat, Beslyns Road.

Members of the Planning Committee were advised that as an appeal had been lodged with The Planning Inspectorate against the non-determination of this application 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 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. In this case, the application site is located in the countryside, outside any defined village envelope and would introduce up to four dwellings on an unallocated site within the designated countryside. The proposed development would therefore be contrary to Policy RLP2 of the Adopted Braintree District Local Plan Review (2005), Policy CS5 of the Adopted Braintree District Core Strategy (2011), and Policy LPP1 of the Publication Draft Braintree District Section 2 Local Plan.

Furthermore, the application site in this case is located on a bend on a single track road with no footpath or street lighting along a protected lane. It is therefore considered that the site is not in a sustainable location which would enable future occupiers to access local services, facilities, and employment without undoubtedly placing reliance on travel by car and would do little to enhance or maintain the vitality of the area. The creation of four new dwellings on the site would have a harmful impact upon the wider rural character and appearance of the locality. The proposed development would also give rise to less than substantial harm to the setting of the Great Bardfield Conservation Area.

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 National Planning Policy Framework, Policies RLP2, RLP90 and RLP100 of the Adopted Braintree District Local Plan Review (2005), Policies CS5 and CS7 of the Adopted Braintree District Core Strategy (2011), Policies SP1 and SP3 of the Adopted Shared Strategic Section 1 Local Plan (2021), and Policies LPP1, LPP50, LPP55, and LPP60 of the Publication Draft Braintree District Section 2 Local Plan (2017).

- 2 The proposed development would have a detrimental visual impact on the rural character of the area through the loss of trees and hedges to enable the proposed vehicle access and the required visibility splays in either direction to be constructed. The creation of a new access to facilitate the development by punching through the bank of this protected lane, together with the erection of four 2-storey dwellings, would have a detrimental visual impact resulting in the erosion of its verdant and rural character together with the introduction of a form of development that would be alien to the local context. As such it would result in material harm to the physical appearance of the lane to the detriment of this part of Great Bardfield contrary to the principles and guidance set out in the National Planning Policy Framework, Policies RLP80, RLP87 and RLP90 of the Adopted Braintree District Local Plan Review (2005), Policy CS8 of the Adopted Braintree District Core Strategy (2011), and Policies LPP55 and LPP71 of the Braintree District Publication Draft Section 2 Local Plan (2017).
- 3 Insufficient information has been submitted in relation to protected species as the hedge to the northern boundary onto the protected lane has not been surveyed. As such it has not been possible for the Local Planning Authority to make an assessment of the likely impact on local ecology and protected species. The proposal is therefore considered to be contrary to the National Planning Policy Framework, Policy RLP84 of the Adopted Braintree District Local Plan Review (2005), and Policies LPP68 and LPP70 of the Publication Draft Braintree District Section 2 Local Plan (2017).

- 4 No detailed information or Tree Survey has been submitted in relation to the trees on the site, and in particular, the hedge on the northern boundary. The part of the hedgerow proposed for removal is located on a protected lane. Further information would be required as to whether the hedgerow is protected under the Hedgerow Regulations 1997, as this is typically the case if a hedgerow has been present in the landscape for a long period of time. In the absence of any information on trees/hedging within the site it has not been possible for the Local Planning Authority to make an assessment on the impact of development. The proposal is therefore considered to be contrary to the National Planning Policy Framework, Policy RLP80 of the Adopted Braintree District Local Plan Review (2005), Policy CS8 of the Adopted Braintree District Core Strategy (2011), and Policy LPP69 of the Publication Draft Braintree District Section 2 Local Plan (2017).

Informative

- 1 You are advised that removal of the hedgerow outside the scope of an approved planning permission would require a separate Hedgerow Removal Notice being served on the Council prior to any works proceeding.

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 setting these out clearly in the reason(s) for refusal. 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.

Councillor Ms L Hayward-Smith attended the meeting and spoke against this application on behalf of Great Bardfield Parish Council prior to the Committee's consideration of the application.

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 8.11pm.

Councillor Mrs W Scattergood
(Chairman)