

Minutes

Planning Committee

17th March 2015



Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	S C Kirby	Apologies
P R Barlow	Apologies	D Mann	Yes
E Bishop	Yes	Lady Newton	Yes
R J Bolton	Yes	J O'Reilly-Cicconi	Apologies
L B Bowers-Flint	Yes	R Ramage	Yes
C A Cadman	Yes	W D Scattergood (Chairman)	Yes
T J W Foster	Yes	G A Spray	Yes
P Horner	Yes		

140 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J E Abbott declared a non-pecuniary interest in Agenda Item 6 – Scheme of Delegation as he was an elected Member of Rivenhall Parish Council which had submitted representations.

Councillor L B Bowers-Flint declared a non-pecuniary interest in Agenda Item 6 – Scheme of Delegation as Councillor R Smith, Chairman of Rayne Parish Council, who was speaking on the Item during the meeting was known to her.

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

141 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 3rd March 2015 be approved as a correct record and signed by the Chairman.

142 **QUESTION TIME**

INFORMATION: There were two statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

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

143 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 14/01615/FUL - 48 Watermill Road, Feering; 14/01239/LBC - 15 Silver Street, Silver End; 14/01389/FUL - 12 Valentine Way, Silver End; 14/01635/FUL - The Surgery, Silver Street, Wethersfield; and 14/01514/FUL - 57 Powers Hall End, Witham were determined en bloc.

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 contained in the Development Manager's report. 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>
*14/01615/FUL (APPROVED)	Feering	Ms Frances Mayers	Erection of two storey rear extension, 48 Watermill Road.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/01239/LBC (APPROVED)	Silver End	Mr Ralph Alexander	Replacement windows in rear elevation only, 15 Silver Street.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/01389/FUL (APPROVED)	Silver End	Mr Marc and Mrs Anne Halls	Replacement of two front windows, 12 Valentine Way.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/01635/FUL (APPROVED)	Wethersfield	Mr D Lawrence	Erection of single storey extension to day nursery, The Surgery, Silver Street.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/01514/FUL (APPROVED)	Witham	Mr Trevor Blake	Conversion of garage to two bedroom residential annexe, 57 Powers Hall End.

Councillor Ron Smith, Chairman of Rayne Parish Council, attended the meeting and spoke on this Item.

INFORMATION: Consideration was given to a further report on a proposal to change the Council's current Scheme of Delegation for the determination of planning applications to an exceptions-based approach. It was anticipated that the proposed amendments to the Scheme would make it more effective and efficient by increasing the number of decisions made under delegated powers and ensure that applications without significant planning issues were determined more quickly. The amendments would also enable Members of the Planning Committee to focus on applications which required additional scrutiny and help the Council to discharge its development management function in an efficient and timely manner, without compromising the quality of the decisions made. It was proposed that the amended Scheme of Delegation should be recommended for approval by full Council in April 2015 as part of a report on overall changes to the Council's Constitution.

This matter had previously been considered by the Planning Committee at its meeting on 20th January 2015. The Committee had supported the amendments in principle and had agreed that the Scheme should be published for consultation, subject to the Chairman's veto as to which applications may be 'called-in' by Councillors for consideration by the Planning Committee being deleted. The proposal had subsequently been subject to consultation. Details of the responses which had been submitted were referred to in the Agenda report and considered by Members of the Committee.

The public consultation exercise had elicited very little comment from the public, or planning agents. However, there had been a significant response from a number of Parish and Town Councils who had expressed concern about the practicalities of the new delegation arrangements and that the proposals would down-grade their role.

It was noted that Parish Councils would continue to be consulted on all planning applications and that they could continue to submit their views and comments. However, should they wish to have a planning application determined by the Planning Committee this request would have to be made via an elected Member of Braintree District Council citing material planning reasons. The proposed Scheme of Delegation would also enable an application to be referred to the Planning Committee where there was significant public interest; where there would be a significant impact on the environment; or if the application was significant in some other respect. The interpretation of whether the test of significance had been met would be vested jointly with the Development Manager, and the Chairman and Vice-Chairman of the Planning Committee. Responses received from Parish Councils would be assessed in determining whether, or not, to refer an application to the Committee. As currently, all reports relating to delegated decisions would be available for public inspection.

Concern had been expressed that there would not be sufficient time to enable Parish Councils to consider and comment on planning applications and, if necessary, to request an elected Member to call-in an application for consideration by the

Committee. This point was accepted and it was proposed that elected Members should have a further seven days following the end of the 28 day public consultation period to 'call-in' an application.

An amendment was moved and seconded that the following additional exception be included within the Scheme of Delegation:-

'Applications will be determined at Officer level unless:

- A Parish Council requests in writing, with valid planning reasons within seven days of the public consultation period ending, that an application should be subject to consideration by the Committee,.....'

On being put to the vote, the amendment was declared LOST.

DECISION: That it be **Recommended to Council** that the existing Scheme of Delegation for the determination of planning applications be amended to the following exceptions-based approach:-

Applications will be determined at Officer level unless:

- A Councillor requests in writing, with valid planning reasons within seven days of the public consultation period ending, that an application should be subject to consideration by the Committee,
- The application is in the opinion of the Development Manager, in consultation with the Chairman and Vice Chairman of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect,
- The applicant, or landowner is Braintree District Council,
- The applicant or agent is a Councillor or a Council employee, or the applicant or agent is a close relative of a Councillor or Council employee.

That the operation of the revised Scheme of Delegation be subject to monitoring and review as set out below:

- A monitoring report is presented to the Planning Committee, initially on a quarterly basis, which will set out the performance levels which have been achieved and the reasons that applications were referred to the Committee.
- The frequency with which the Planning Committee meets is reviewed after six months to ensure that meetings are scheduled at the appropriate frequency.
- After the revised scheme has operated for 12 months, a report be presented to the Planning Committee reviewing the operation of the new scheme and identifying any unforeseen issues and further areas for improvement.

INFORMATION: Consideration was given to an updated report on recent changes to National Planning Policy Guidance (NPPG) and the implication for the application of the Council's current adopted planning policy. The report clarified the interpretation of the revised Guidance particularly with regard to the definition of a rural area. This matter had originally been discussed by the Committee on 20th January 2015.

Members were reminded that on 28th November 2014, the Government had revised, with immediate effect, the section of the NPPG relating to planning obligations and the circumstances in which Local Planning Authorities should, or should not, seek contributions from developers via Section 106 Agreements.

The revision meant that the Council would no longer be able to seek contributions from developers for affordable housing and open space provision on small development sites to the same extent as set out in its adopted Core Strategy. In particular, it would not be possible to seek affordable housing and other tariff based contributions including open space provision from sites of ten dwellings or less and which had a combined gross floor space of no more than 1000 sqm, unless the sites were in areas defined in Section 157 of the Housing Act 1985 where a lower threshold of five dwellings could be applied.

On 23rd January 2015, the Government had clarified which areas were affected by the changes to the NPPG. As there were no defined areas within the Braintree District, the Council was unable to seek affordable housing and other tariff based contributions from developments of less than 11 dwellings unless they were required to make a development suitable in planning terms e.g. highways matters.

Members were advised that following the Government's clarification, the Council would no longer be able to seek Section 106 contributions for public open space from the development of sites to the rear of 272 Coggeshall Road, Braintree; adjacent to the Sugar Loaves, Sible Hedingham; and to the rear of The Kings Head, Bradford Street, Braintree which had previously been approved by the Planning Committee.

DECISION: That the updated report clarifying changes to National Planning Policy Guidance in respect of planning obligations which may be sought from developments in rural areas and the implications for the application of the Council's current adopted planning policy be noted.

146 **PLANNING AND ENFORCEMENT APPEAL DECISIONS – FEBRUARY 2015**

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during February 2015. The report included a summary of each case and a précis of the decision.

DECISION: That the report be noted.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the 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 8.30pm.

Councillor W D Scattergood
(Chairman)

APPENDIX

PLANNING COMMITTEE

17TH MARCH 2015

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1 Statement Relating to Application No. 14/01239/LBC - 15 Silver Street, Silver End

Statement by Mr Ralph Alexander, 15 Silver Street, Silver End (Applicant)

2 Statement Relating to Application No. 14/01635/FUL - The Surgery, Silver Street, Wethersfield

Statement by Mr David Lawrence, Family Solutions (UK) Ltd, 25 Hertford Road, Enfield, EN3 5JD (Applicant)