

Minutes

Planning Committee 18th February 2020



Present

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

84 DECLARATIONS OF INTEREST

INFORMATION: The following interest was declared:-

Councillor Mrs W Scattergood declared a non-pecuniary interest in Application No. 19/01516/FUL – Land South of Hedingham Road, Bulmer as Mr Peter Fulcher, who was speaking at the meeting during Question Time on behalf of Bulmer Parish Council, was known to her in her capacity as Braintree District Ward Councillor for Stour Valley South.

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

85 MINUTES

DECISION: That the Minutes of the meetings of the Planning Committee held on 21st January 2020 and 4th February 2020 be approved as a correct record and signed by the Chairman.

86 QUESTION TIME

INFORMATION: There were six statements made about the following matters. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application:-

Application No. 19/01516/FUL – Land South of Hedingham Road, Bulmer

Application No. 19/01804/OUT - Former Oil Depot, Land West of Hedingham Road, Gosfield

Application No. 19/01907/FUL – 54 Witham Road, Black Notley

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

87 **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>
*18/02311/FUL (APPROVED)	White Colne	Mr and Mrs G Smith	Retention of existing building and its use for short term holiday lets, Toad Hall, Colchester Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01516/FUL (APPROVED)	Bulmer	Mr E Whittle	Proposed agricultural building, land South of Hedingham Road.

The Committee approved this application, subject to an additional Condition as follows:-

Additional Condition

7. Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Mr Peter Fulcher, representing Bulmer Parish Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01907/FUL (APPROVED)	Black Notley	Mr Jewitt	Erection of a two-storey 4 bedroom detached dwellinghouse, 54 Witham Road.

In considering this application Members of the Planning Committee received an update on the Council's five year housing land supply. It was reported that the Government had released the Planning Delivery Test Results, which had confirmed that the Council would need to apply a 20% buffer. Consequently, the five year housing land supply position had decreased from 5.15 years to 4.51 years. As such, the Council no longer had a five year housing land supply and therefore the 'tilted balance' had to be engaged.

The Planning Development Manager considered that the proposal represented sustainable development and, whilst the site was outside the development boundary, Policy RLP16 of the Adopted Local Plan enabled the development of a single dwelling. The Planning Development Manager had concluded that the recommendation to approve the application should remain.

88 **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>
*19/01804/OUT (REFUSED)	Gosfield	Mr Terry Marfleet	Outline planning permission with all matters reserved apart from access for a new residential development comprising of up to 23 dwellings alongside associated works, Former Oil Depot, land West of Hedingham Road.

In considering this application Members of the Planning Committee received an update on the Council's five year housing land supply. It was reported that the Government had released the Planning Delivery Test Results, which had confirmed that the Council would need to apply a 20% buffer. Consequently, the five year housing land supply position had decreased from 5.15 years to 4.51 years. As such, the Council no longer had a five year housing land supply and therefore the 'tilted

balance' had to be engaged.

The Planning Development Manager considered that the recommendation to refuse the application should remain, subject to the wording of the final paragraph of Reason No. 1 being amended by the insertion of the words 'would significantly and demonstrably', in order to reflect the National Planning Policy Framework.

The Committee refused this application, subject to Reason No. 1 being amended to read as follows:-

Amended Reason for Refusal

1. The site is located in the countryside and falls outside of the defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal would introduce 23 no. dwellings in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. Facilities and amenities are beyond reasonable walking distance of the site and development in this location would undoubtedly place reliance upon travel by car and would not encourage sustainable transport options to be made.

In addition, the disconnected and divorced nature of the site from the existing settlement results in an enclave of housing which would be an unnatural enlargement of the village and at a scale distinctly at odds with the immediate locality, of harm to the amenity afforded to the countryside location and the character of the settlement. Furthermore the proposal by way of the design, layout and new footway link results in a development which is suburban in character, unrelated to its context and failing to integrate into the countryside location in which it would be situated and failing to secure a high standard of design, or good level of amenity for future occupiers.

Cumulatively, the adverse impacts of the development would significantly and demonstrably outweigh the benefits and the proposal fails to secure sustainable development, contrary to the National Planning Policy Framework, Policies RLP2, RLP9, RLP10, RLP80 and RLP90 of the Adopted Local Plan and Policies CS5, CS7, CS8 and CS9 of the Adopted Core Strategy.

89 **LOCAL VALIDATION LIST – PLANNING APPLICATIONS**

INFORMATION: Consideration was given to a report on a review of the Council's Local Validation List.

It was reported that before a Local Planning Authority could consider and determine a planning application it had to assess whether the application was valid and in compliance with national and local validation requirements. The national requirements were set out in legislation and they included the submission of an application form, a site location plan, ownership and agricultural certificates, an

application fee, and, for specified applications, a Design and Access Statement. Locally, Local Planning Authorities were required to maintain a Local Validation List setting out the information that applicants had to attach to planning applications submitted within the area. Such information should be relevant, necessary and material to the application.

National Planning Policy Guidance stated that Local Planning Authorities should follow a three stage process when reviewing their Local List. This included reviewing the existing List; consulting on proposed changes; and finalising and publishing the revised List. As part of the review, the Braintree Local Validation List had been updated to specify the reasons for each requirement and additional items had been added. The main changes to the List were summarised in the report. In accordance with the Guidance, the revised List had been subject to public consultation from 2nd to 24th January 2020 and a summary of the key issues raised and the Officers' response was set out in the report. The List had been amended in response to the comments submitted and a revised version was available to view on the Council's website.

Two further revisions would be required to the List in respect of financial contributions to Habitat Regulation Assessment mitigation, and a new Essex County Council proforma for Sustainable Urban Drainage (SuDS). Public consultation would take place on these changes and it was proposed that the Cabinet Member for Planning should be authorised to approve the associated update to the Local Validation List.

DECISION:

- (1) That the revised Local Validation List be endorsed, subject to the inclusion of requirements relating to Habitat Regulation Assessment mitigation and Essex County Council's updated Sustainable Urban Drainage pro-forma.
- (2) That the Cabinet Member for Planning be authorised to approve the updated Local Validation List following public consultation.

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 8.29pm.

Councillor Mrs W Scattergood
(Chairman)