

# Minutes

## Planning Committee

20th January 2015



### Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	S C Kirby	Yes
P R Barlow	Yes	D Mann	Yes
E Bishop	Yes	Lady Newton	Yes
R J Bolton	Yes	J O'Reilly-Cicconi	Yes
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		

### 115 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

All Councillors declared a non-pecuniary interest in Application Nos. 14/01577/FUL - Owls Hall Farm, Blackmore End, Wethersfield; and 14/01588/FUL - Owls Hall Farm, Blackmore End, Wethersfield as the applicant was a relative of an elected Member of Braintree District Council.

Councillor T J W Foster declared a non-pecuniary interest in Application No. 14/01472/FUL - Willow Land, Maldon Road, Kelvedon as he lived near to the site. Councillor Foster left the meeting whilst this application was discussed and determined.

Councillor Lady Newton declared a non-pecuniary interest in Agenda Item No. 7 'Integrated Waste Management Facility at Rivenhall Airfield - Nomination of the District Council's Representative to the Site Liaison Committee' as an elected Member of Essex County Council and the Chairman of the Liaison Committee.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the applications/Item were considered.

116 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 6th January 2015 be approved as a correct record and signed by the Chairman.

117 **QUESTION TIME**

**INFORMATION:** There were no questions asked or statements made.

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

118 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 14/01472/FUL - Willow Land, Maldon Road, Kelvedon; 14/01577/FUL - Owls Hall Farm, Blackmore End, Wethersfield; and 14/01588/FUL - Owls Hall Farm, Blackmore End, Wethersfield 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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*14/01472/FUL (APPROVED)	Kelvedon	Mr L Haltof	Application to vary condition no. 4 of approved application 14/00160/FUL - Permanent siting of Essex type agricultural barn to service existing willow plantation, Willow Land, Maldon Road.

---

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*14/01577/FUL (APPROVED)	Wethersfield	Mr C Finbow Owls Hall Farm Ltd	Application for removal of condition 20 following grant of planning permission 12/01091/FUL to remove limitation on the occupier and use of proposed office building, Owls Hall Farm, Blackmore End.

---

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/01588/FUL (APPROVED)	Wethersfield	Mr C Finbow Owls Hall Environmental	Application to remove condition no. 13 of approved application 13/00314/FUL - Demolition of existing buildings and reinstatement of area of agricultural land and erection of an all purpose agricultural barn, Owls Hall Farm, Blackmore End.

## 119 **SCHEME OF DELEGATION**

**INFORMATION:** Consideration was given to a report on a proposal to change the Council's current Scheme of Delegation for the determination of planning applications to an exceptions-based approach. The report outlined the issues, challenges and opportunities that the proposed procedural changes could present.

Members were advised that the number of applications which were currently determined under delegated powers was relatively low in comparison to other Planning Authorities of a similar size and character to Braintree District Council, and dissatisfaction had been expressed regarding certain aspects of the current Scheme.

It was anticipated that the proposed amendments would make the Scheme of Delegation more effective and efficient as they would increase 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, as it was anticipated that there would be an increase in the number and complexity of such applications over the forthcoming two year period. Overall, it was envisaged that the amended Scheme would help the Council to discharge its development management function in an efficient and timely manner, without compromising the quality of the decisions made.

In discussing this item, Members expressed concern about the proposal to limit a Councillor's ability to 'call-in' planning applications for consideration by the Planning Committee to those which were 'subject to the agreement of the Chairman of the Planning Committee'. It was suggested that the Chairman's veto should be deleted from the proposal. It was also considered important that all Councillors should receive the 'weekly list' of new planning applications via E-Mail to enable them to review the applications submitted and, if necessary, to 'call-in' an application in a timely manner.

Concern was also expressed about the effect of the proposed, amended Scheme on Parish and Town Councils within the District. It was noted that training on planning related matters would be provided for Parish and Town Councils after the District and Parish Council Elections to be held in May 2015.

Despite some reservations, Members acknowledged that there was a need to change the existing Scheme of Delegation. It was proposed that the Planning Committee should review the operation of the amended Scheme of Delegation after a period of 12 months in order to identify any unforeseen issues and further areas for improvement.

It was suggested that the proposed, amended Scheme of Delegation should be subject to public consultation prior to a recommendation being made for consideration by full Council in April 2015 as part of a report on overall changes to the Council's Constitution.

**DECISION:**

- (1) That the proposed exceptions-based Scheme of Delegation for the determination of planning applications be published for public consultation, subject to the proposal to limit a Councillor's ability to 'call-in' planning applications for consideration by the Planning Committee to those which were 'subject to the agreement of the Chairman of the Planning Committee' being amended by the deletion of the Chairman's veto.
- (2) That the responses received following public consultation be reported to the Planning Committee on 17th March 2015 for consideration and to enable the Committee to reconsider the proposed amendments to the Scheme of Delegation and to make a recommendation on the matter to full Council in April 2015 as part of a report on overall changes to the Council's Constitution.

120 **INTEGRATED WASTE MANAGEMENT FACILITY AT RIVENHALL AIRFIELD -  
NOMINATION OF THE DISTRICT COUNCIL'S REPRESENTATIVE TO THE SITE  
LIAISON COMMITTEE**

**INFORMATION:** Consideration was given to a report on the nomination of a Councillor to represent Braintree District Council on the Rivenhall Airfield Integrated Waste Management Facility (IWMF) Site Liaison Committee.

Following a Public Inquiry in Autumn 2009, planning permission had been granted on 2nd March 2010 for the development of an IWMF on land at Rivenhall Airfield. The planning permission was subject to a Section 106 Agreement which included an obligation on the developer to set up a Site Liaison Committee to allow local residents and interested parties, including Braintree District Council, an opportunity to discuss any matters arising from the future operation of the IWMF.

It was reported that District Councillors Abbott and Wright, who represented the area, had already been appointed to the Liaison Committee by Essex County Council and

Rivenhall Parish Council respectively. Accordingly, it was proposed that the Chairman of the Planning Committee should represent the District Council.

**DECISION:** That Councillor W D Scattergood, the Chairman of the Planning Committee, be nominated as Braintree District Council's representative on the Rivenhall Airfield Integrated Waste Management Facility Site Liaison Committee.

## 121 **NATIONAL PLANNING POLICY GUIDANCE - PLANNING OBLIGATIONS**

**INFORMATION:** Consideration was given to a report on recent changes to National Planning Policy Guidance (NPPG) and the implication for the application of the Council's current adopted planning policy.

Members were advised 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 from sites of ten dwellings or less and a maximum floor space of 1000 sqm. However, the Council could determine to reduce this threshold to five dwellings in areas of the District which were classified as rural in the Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the East) Order 1997. These specific areas were listed at Appendix 1 to the Agenda report. Within these designated areas, affordable housing and other tariff style contributions could be sought for developments of between six and ten units, but affordable housing units could not be provided on site. Any financial contributions sought had to be commuted until after the completion of the development.

The change in Guidance had implications for the Council's Open Spaces Supplementary Planning Document also, as developers of sites of less than 11 housing units in urban areas and Parishes which did not meet the designated rural area criteria would not be required to contribute towards open space provision.

Contributions could still be sought from all developments if they were required to make a development acceptable in planning terms e.g. highways matters.

The Development Manager reported that she would be forwarding details of the changes to all Parish and Town Councils within the District and to all District Councillors for information.

**DECISION:** That the changes to National Planning Policy Guidance in respect of planning obligations and the implication for the application of the Council's current adopted planning policy 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 8.31pm.

Councillor W D Scattergood  
(Chairman)