

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 20 January 2015**

**Time: 19:15**

**Venue: Council Chamber , Braintree District Council, Causeway House,  
Bocking End, Braintree, Essex, CM7 9HB**

## **Membership:**

Councillor J E Abbott  
Councillor P R Barlow  
Councillor E Bishop  
Councillor R J Bolton  
Councillor L B Bowers-Flint  
Councillor C A Cadman  
Councillor T J W Foster  
Councillor P Horner

Councillor S C Kirby  
Councillor D Mann  
Councillor Lady Newton  
Councillor J O'Reilly-Cicconi  
Councillor R Ramage  
Councillor W D Scattergood  
(Chairman)  
Councillor G A Spray

**Members are requested to attend this meeting, to transact the following business:-**

## **PUBLIC SESSION**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

### **3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 6th January 2015 (copy to follow).

### **4 Public Question Time**

(See paragraph below)

## **5 Planning Applications**

To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined 'en bloc' without debate.

### **PART A**

Planning Applications:-

There are no applications in Part A.

### **PART B**

Minor Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5a</b> | <b>Application No. 14 01472 FUL - Willow Land, Maldon Road, KELVEDON</b>  | <b>4 - 13</b>  |
| <b>5b</b> | <b>Application No. 14 01577 FUL - Owls Hall Farm, Blackmore End, WETHERSFIELD</b>   | <b>14 - 19</b> |
| <b>5c</b> | <b>Application No. 14 01588 FUL - Owls Hall Farm, Blackmore End, WETHERSFIELD</b>   | <b>20 - 25</b> |
| <b>6</b>  | <b>Scheme of Delegation</b>   | <b>26 - 39</b> |
| <b>7</b>  | <b>Integrated Waste Management Facility at Rivenhall Airfield - Nomination of Representative to Site Liaison Committee</b>  | <b>40 - 43</b> |
| <b>8</b>  | <b>National Planning Policy Guidance - Planning Obligations</b>   | <b>44 - 49</b> |
| <b>9</b>  | <b>Urgent Business - Public Session</b><br>To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency. |                |
| <b>10</b> | <b>Exclusion of the Public and Press</b><br>To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972. |                |

*At the time of compiling this Agenda there were none.*

## **PRIVATE SESSION**

### **11 Urgent Business - Private Session**

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

E WISBEY  
Governance and Member Manager

**Contact Details**

If you require any further information please contact the Governance and Members Team on 01376 552525 or email [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk)

**Public Question Time**

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Governance and Members Team on 01376 552525 or email [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk) at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

**Health and Safety**

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

**Mobile Phones**

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

**Comments**

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting .....

Comment.....

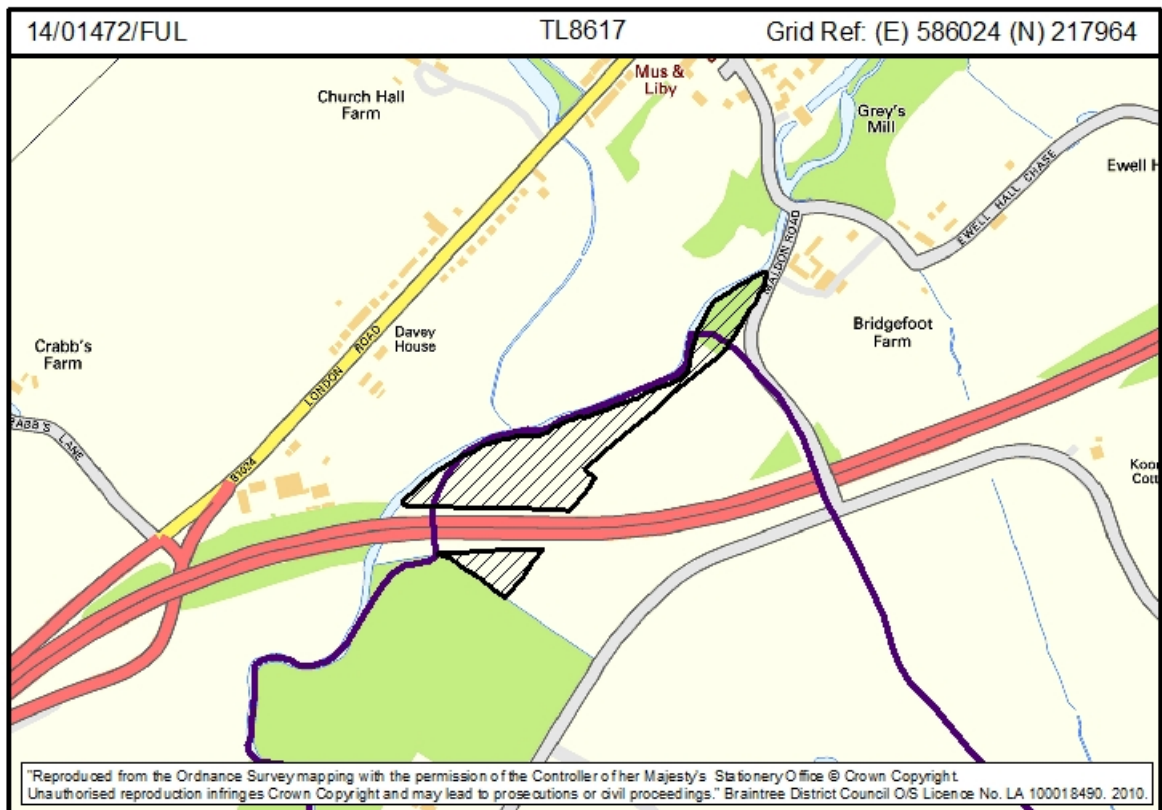
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Contact Details: .....

PART B

APPLICATION NO: 14/01472/FUL      DATE: 14.11.14  
 VALID:  
 APPLICANT: Mr L Haltof  
 257 Mundon Road, Maldon, Essex, CM9 6PW  
 DESCRIPTION: Application to vary condition no. 4 of approved application  
 14/00160/FUL - Permanent siting of Essex type agricultural  
 barn to service existing willow plantation  
 LOCATION: Willow Land, Maldon Road, Kelvedon, Essex, CO5 9BE

For more information about this Application please contact:  
 Mr Chris Tivey on:- 01376 551414 Ext. 2539  
 or by e-mail to: [chris.tivey@braintree.gov.uk](mailto:chris.tivey@braintree.gov.uk)



## SITE HISTORY

13/00012/REF	Proposed siting of two steel storage containers for the purpose of working forestry land	DISMIS	16.07.13
12/00570/AGR	Application for a prior notification of agricultural or forestry development - Erection of steel container to accommodate a tractor and flail and other petrol driven machines	REF	10.05.12
12/01320/FUL	Proposed siting of two steel storage containers for the purpose of working forestry land	REFDIS	20.12.12
14/00160/FUL	Permanent siting of Essex type agricultural barn to service existing willow plantation	PER	26.06.14
14/00171/DAC	Application for approval of details reserved by condition nos. 3 and 5 of approved application 14/00160/FUL	PER	01.09.14

## POLICY CONSIDERATIONS

### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside

### Braintree District Local Plan Review

RLP2            Town Development Boundaries and Village Envelopes

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the receipt of objections which are contrary to the recommendation of officers.

## SITE DESCRIPTION

"Willow Land" comprises three small fields sited on the west side of Maldon Road, adjacent to the River Blackwater. The site is split by the A12 at its southern end and lies within the Parish of Kelvedon. The total holding measures approximately 2.89 hectares and is planted with willow trees. Bridgefoot Farm is to the north east, there are residential properties to the north-west on the B1024 and the A12 trunk road is to the south. There are two access points in the north-eastern field where two storage containers are positioned parallel to the eastern boundary. An enforcement notice requiring their removal has been served, with the compliance period temporarily extended. The applicant intends to remove these on completion of the timber framed barn which is currently under construction.

## PROPOSAL

Planning permission 14/00160/FUL permitted the permanent siting of an Essex type agricultural barn to service the existing willow plantation in June 2014.

Condition no 4 attached to this permission states:

*"Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used solely as a storage barn in association with the willow plantation and for no other purpose whatsoever."*

The applicant considers that the wording of this condition is unduly restrictive and prevents him from installing a chemical toilet and canteen facility within the building. These facilities are currently found within one of the storage containers on the site. Further he considers that the condition prevents him from using the building in association with other land based/agricultural activities such as growing other crops or from keeping livestock.

Subsequent to his original submission, the applicant has suggested the following re-wording of condition 4 to:

*"The barn shall only be used for agricultural/forestry purposes including ancillary uses which include but are not limited to storage uses, toilet and welfare facilities."*

## CONSULTATIONS

Kelvedon Parish Council strongly oppose the proposal, stating that the existing conditions were imposed for the purpose of preventing the building to be used for residential purposes and raise concerns with regard to its external appearance within the landscape. They also state that they object to the installation of a toilet because a cess pit could flood.

The Environment Agency raises no objection as the toilet would be of a self-contained chemical type that would be siphoned off and tankered away.

## REPRESENTATIONS

Seven letters of representation have been received: two in objection, three in support and two commenting on the application. The objections are summarised as follows:-

- A canteen is excessive to cater for a worker or two doing at the most six days of work a year
- A WC would require its own septic tank which is not advisable giving the fact that the site is in a flood plain
- The building looks like a two storey house
- The floor has been raised to avoid flooding, but no details of a ramped access have been provided.
- The condition is clear, being within a rural area where development for other purposes would be refused.

The letters in support raise the following points:

- The condition should be deleted as it appears to be unreasonable
- The inclusion of a kitchenette and toilet is acceptable to service the land
- The toilet would be of a chemical type, so no waste would be discharged into the river
- The building is to take the place of two containers
- The condition should allow any agricultural or forestry enterprise to take place.

One letter has been received questioning why a variation would be considered, with another suggesting that a floor plan be submitted to show the internal layout, and that the use of the building be controlled to prevent residential use.

## REPORT

### Background

Planning permission reference 12/01320/FUL for the retention of the steel containers was refused and dismissed on appeal (APP/Z1510/A/13/2191922 refers). A copy of the appeal decision is appended to this report at Appendix A. In refusing this application, the Council indicated that there was no objection in principle to the cultivation and cropping of willow trees in this location as the use of the land and its management by the applicant is clearly an appropriate activity within the countryside and beneficial in the context of the Landscape Character Assessment. It also supports the aims of the National Planning Policy Framework (NPPF) as the enterprise contributes to the rural economy of the District.

Nevertheless, it was concluded that these benefits did not outweigh the Council's stated aims in its Core Strategy and adopted planning policies of protecting the countryside, from inappropriate development. The siting of the two containers in this attractive river valley failed to protect and enhance the landscape character and amenity of the countryside. This view was supported by the appeal Inspector. However, the Inspector acknowledged the important steps taken by the appellant to reduce the risk of flooding and to monitor water quality and fish in the adjacent river. He also accepted the need for security on the site, however, he commented that there were less visually intrusive ways of providing safe and secure storage.

Having regard to the appeal decision, the Council approved 14/00160/FUL which permitted the permanent siting of an Essex type agricultural barn to service the willow plantation. As described above, condition 4 was imposed to control the use of the building for the reason that the site lies in a rural area where development other than for agricultural purposes is not normally permitted.

### Planning Practice Guidance

The Government's advice on the use of planning conditions sets out that planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

Following the decision of a local planning authority to grant planning permission subject to conditions, a developer may seek to vary or remove some or all the conditions, pursuant to section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application (i.e. it is not a complete re-consideration of the application.) Consequently the principle of the construction of the barn or its external appearance cannot be reassessed.

### Assessment

As described above, the applicant seeks a variation of condition 4, which he considers is unduly restrictive. The applicant has suggested re-wording the condition to enable the barn to be used for agricultural/forestry purposes including ancillary uses which include, but are not limited to storage uses, toilet and welfare facilities.

Saved Policy RLP2 of the Braintree District Local Plan Review states that in areas outside of Town Development Boundaries and Village Envelopes, countryside policies will apply. Policy CS5 of the Local Development Framework Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Therefore, as a matter of principle there is no policy objection to the use of the permitted building for agricultural and wider forestry use, being activities that are typically found within a rural area.

It is debatable whether planning permission would be required for the installation of a WC and kitchenette/canteen facility, provided that they were ancillary to the main use of the building. It is however reasonable in this day and age to expect some limited welfare facilities for anyone working at the site in connection with the management of the plantation. However, no floor plans have been provided that identify the extent of floorspace that these facilities would take up, and therefore it is considered that it would be prudent to impose an additional condition to require such details to be provided prior to their installation.

#### Other Matters

The comments raised by the Parish Council and third parties regarding the principle of the erection of the building and its external appearance are noted, however the application is made pursuant to s73 of the Town and Country Planning Act 1990, consequently the principle of the development cannot be reviewed. As the toilet is to be of a chemical type, to be pumped out by tanker when necessary, rather than requiring a septic tank, the Environment Agency raise no issue with the proposal on flood risk or water pollution grounds.

#### CONCLUSION

In view of the previous decision, and the location of the building in the countryside, its wider use for agricultural and forestry uses is acceptable in principle. Subject to the imposition of an additional condition requiring details of the location and extent of the welfare facilities, the application is recommended for approval.

#### RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan  
Proposed Plans  
Photograph

Plan Ref: WL/001  
Plan Ref: WL/002B

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

### Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the barn shall only be used for agricultural/forestry purposes, including ancillary uses which include, but are not limited to storage, toilet and welfare facilities.

### Reason

The site lies in a rural area where development other than for agricultural and forestry purposes is not normally permitted.

- 3 No WC or other welfare facilities shall be installed within the building until a floor plan identifying their location and extent has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

### Reason

For the avoidance of doubt as to the scope of the permission and because the site lies in a rural area where development other than for agriculture and forestry is not normally permitted.

TESSA LAMBERT  
DEVELOPMENT MANAGER



The Planning  
Inspectorate

## Appeal Decision

Site visit made on 28 June 2013

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2013

**Appeal Ref: APP/Z1510/A/13/2191922**

**Willow Land, Maldon Road, Kelvedon, Colchester, Essex CO5 9BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Leo Haltof against the decision of Braintree District Council.
- The application Ref 12/01320/FUL, dated 21 September 2012, was refused by notice dated 20 December 2012.
- The development proposed is the siting of two steel storage containers for the purpose of working forestry land (permanent).

### Decision

1. The appeal is dismissed.

### Procedural matter

2. Both steel storage containers are in place and appear to be broadly in accordance with the plans.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the local area.

### Reasons

4. The steel storage containers are painted green and sited close to the highway frontage of the land to Maldon Road. The land is located within the countryside and a flood plain. It forms part of the Blackwater River Valley, which is an attractive open landscape with some field boundaries marked by hedges and trees. The Assessment of the Landscape Character of Braintree identifies the Blackwater River Valley as having special character with linear poplar and willow plantations along some riverbanks.
5. The containers are used as a workshop, washroom and toilet and for the storage of machinery and other items. These facilities are essential to support the day-to-day management of the appellant's willow plantation, which is an impressive enterprise that covers about 2.89 hectares in all. The appellant's evidence and the supporting representations are testimony to his admirable work in planting and nurturing willow trees to full growth as a sustainable and long-term venture. The use of the land in this way also assists drainage and helps reinforce the nearby riverbanks.

6. A core principle of the National Planning Policy Framework (the Framework) is that planning should recognise the intrinsic character and beauty of the countryside. It encourages sustainable growth and expansion of all types of business and enterprise in rural areas through well-designed new buildings. Policies CS5 and CS8 of the Council's Core Strategy (CS) and Policies RLP86, RLP89 and RLP90 of the Braintree District Local Plan Review (LP) echo these important principles. These policies require development in the countryside to be sympathetic in design and to protect and enhance the distinctive character and amenity of the landscape.
7. In this case, the containers are evident from Maldon Road in the vicinity of the site notwithstanding the partial screening provided by existing vegetation. From this general direction, the containers, with their utilitarian appearance, bulky shape and uncompromisingly solid form of construction, sit uncomfortably amidst the rural woodland setting of the site and the attractive countryside to which the land belongs. To my mind, the containers are incongruous features in the landscape and a conspicuous and intrusive form of development in an area where this should generally be restricted.
8. That views of the containers are restricted to vantage points close to the site does not diminish their visual impact on the landscape. Cladding the containers with black stained feather edged boarding, extra planting and allowing vegetation to trail over trellises alongside the containers would all, over time, visually soften and partially shield the built form from public view. However, an unsatisfactory form of development in a sensitive countryside location cannot be justified solely on the grounds that measures can be taken to conceal it from public view. While re-siting the containers to a different location could have a different effect on the landscape, I have assessed the development as it was considered and determined by the Council and for which permission is sought.
9. Therefore, I conclude that the development materially harms the character and appearance of the local area, in conflict with the CS and LP policies cited by the Council. These policies seek to safeguard the countryside generally and designated landscapes and river corridors in particular.
10. I acknowledge the important steps taken to encourage wildlife and the valuable work undertaken voluntarily by the appellant to reduce the risk of flooding and to monitor water quality and fish in the adjacent river. I also accept that the containers provide a secure place to store machinery and other items, which are essential to have on-hand to effectively manage the forestry use of the land. In this way, problems of theft and vandalism to the appellant's property in the past have been overcome. However, in my opinion, there are less visually intrusive ways of providing safe and secure storage than in the manner proposed. While agricultural style buildings may be taller and larger as the appellant suggests, their appearance is likely to be less jarring on the landscape than the containers in this instance.
11. While there may be other similar containers in the local area that occupy prominent locations, their existence is insufficient reason to allow an unsatisfactory development. In other words, additional harm cannot be justified on the basis that some harm already exists.

12. The grant of permission for a temporary period would allow the appellant sufficient time to put in place an alternative means of storage and facilities to properly manage the trees and land before the containers are removed from the site. However, the material considerations to which I have had regard are not limited or made any different by a decision to make the permission a temporary one. That the harm that I have identified would endure for a specific period of time does not justify development.
13. Ultimately, the plantation could provide a lasting legacy to support future generations of the appellant's family. Like the Council, I consider that the use of the land for this purpose is in keeping with its countryside location, riverside setting and is consistent with relevant national guidance and development plan policies. To reiterate, it is the unwelcome addition of the containers to the landscape, which is designated for its special character that is objectionable.

**Conclusion**

14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

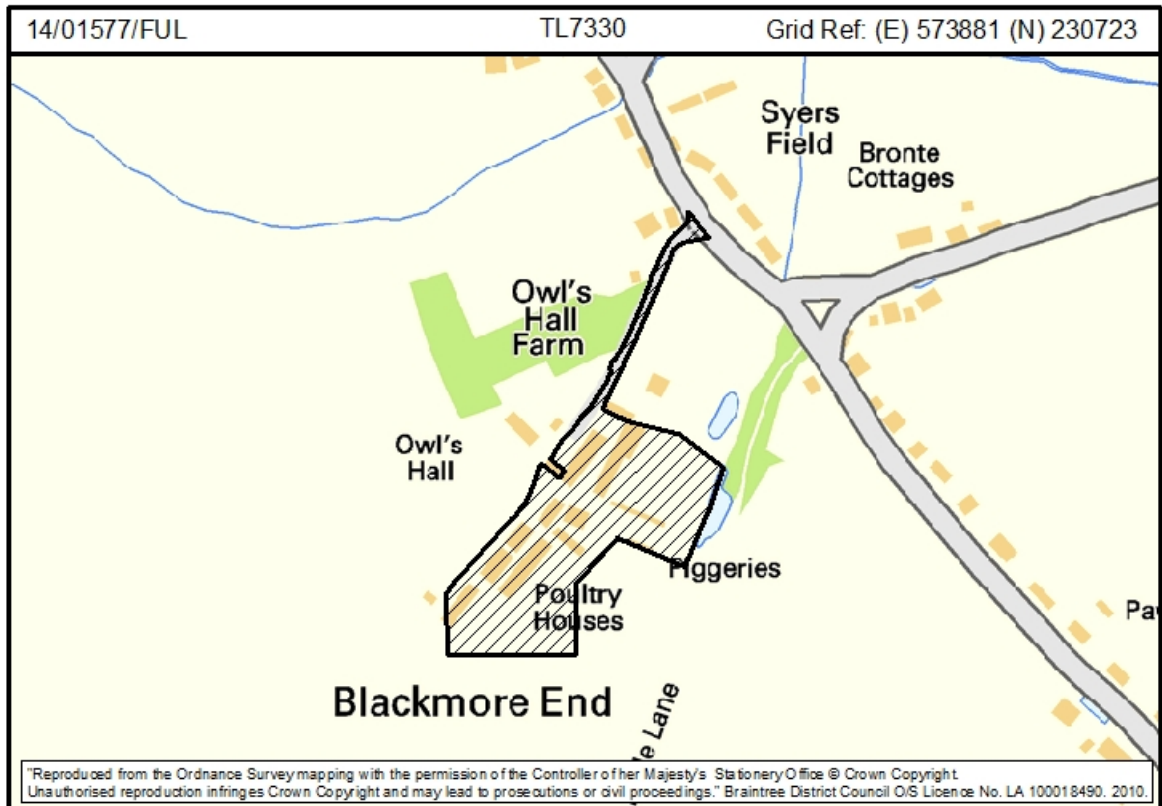
*Gary Deane*

INSPECTOR

PART B

APPLICATION NO: 14/01577/FUL DATE: 08.12.14  
 VALID:  
 APPLICANT: Mr C Finbow  
 Owls Hall Farm Ltd, Owls Hall Farm, Blackmore End,  
 Braintree, Essex, CM7 4DF  
 AGENT: Pomery Planning Consultants Ltd  
 Mr Robert Pomery, Abbeygate One , 8 Whitewell Road,  
 Colchester, Essex, CO2 7DF  
 DESCRIPTION: 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  
 LOCATION: Owls Hall Farm, Blackmore End, Wethersfield, Essex, CM7  
 4DF

For more information about this Application please contact:  
 Miss Nina Pegler on:- 01376 551414 Ext. 2513  
 or by e-mail to: [nina.pegler@braintree.gov.uk](mailto:nina.pegler@braintree.gov.uk)



## SITE HISTORY

10/01231/FUL	Erection of demountable offices	REF	25.10.10
12/01091/FUL	Erection of new office building in connection with the continuation of the existing agricultural and environmental drainage business	PER	13.02.13
13/00314/FUL	Demolition of existing buildings and reinstatement of area of agricultural land, erection of all purpose agricultural barn	PER	30.05.13
13/01362/MMA	Minor Material Amendments to approved plans - roof lights added to all purpose barn	PER	28.01.14
13/01377/MMA	Minor Material Amendments to approved plans - position of office building	PER	28.01.14
14/01588/FUL	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	PDE	

## POLICY CONSIDERATIONS

### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP40        Minor Industrial and Commercial Development in the Countryside  
RLP90        Layout and Design of Development

## INTRODUCTION

This application is brought before the Planning Committee as the applicant is related to an elected Member and a member of staff.

## NOTATION

The site is located beyond any defined settlement boundaries and is therefore located in the countryside.

## SITE DESCRIPTION

The site is located to the south east of Blackmore End. Owls Hall Farm comprises an existing arable agricultural enterprise and an existing environmental services business, both run from the site by the same family. The environmental drainage business was set up in 2002 as an additional business to the farm. Both enterprises operate from the existing buildings on the site. The site is served by an existing access to the north, and to the south of the existing buildings is agricultural land.

There is an existing timber framed barn on the western side of the site which is Grade II listed and used for the storage of small farm machinery. To the north west of this is Owls Hall farmhouse which is also Grade II listed but falls within different ownership.

## PROPOSAL

Members may recall that planning permission was granted in 2013 for the erection of a new office building in connection with the continuation of the existing agricultural and environmental drainage business (12/01091/FUL refers) and the demolition of existing buildings, reinstatement of area of agricultural land and erection of all-purpose agricultural barn (13/00314/FUL refers).

This application seeks to remove Condition 13 attached to planning permission ref.13/00314/FUL. This condition states “The office building hereby approved shall be occupied only in connection with the existing agricultural and environmental drainage business and for no other use, including any use that may be permitted by virtue of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)”.

## CONSULTATIONS

Parish Council – No response at the time of writing.

Environmental Services – No response at the time of writing.

Historic Buildings Advisor –No objection.

## REPRESENTATIONS

A site notice was displayed and properties nearby were notified by letter. No letters of representation have been received.

## REPORT

### Principle of the Proposal

The principle of a new office building on this site has previously been established and the planning permission for this remains extant. The main issue relevant to the determination of this application is whether it is considered acceptable to remove Condition 20 of the planning permission which restricts occupation of the building by the existing business.

Information within the application indicates that substantial financial investment will be required for the construction of the office building which will be dependent upon a commercial mortgage. In order to secure the mortgage, lenders have requested a market valuation of the building, to ensure that once constructed, the building will have some equity over and above the construction costs and loan amount. Surveyors for the lenders have advised that the restriction on occupation of the office by virtue of Condition 20 limits potential users. If the existing business were to cease trading then the ownership of the building would fall back to the lender and they would have no tenant or mortgagee as a result of the restrictive condition. The building would in effect have no value and creates uncertainty for the lender. On this basis the lender is not prepared to release funds.

The submitted statement makes it clear that the existing business, which has operated from the site for a number of years, has no intention of not occupying the office building. The building will allow the business to trade into the future and vacate the unauthorised demountable buildings from where the administration side of the business is run.

Paragraphs 18-22 of the NPPF set out the Government's commitment to securing economic growth and states that planning should operate to encourage and not act as an impediment to sustainable growth. It indicates that investment in business should not be overburdened by the combined requirements of planning policy expectations. Para.28 states that in order to promote a strong rural economy support should be given to the sustainable growth and expansion of all types of business and enterprise in rural areas.

Para.203 of the NPPF sets out the six tests for the imposition of planning conditions. It states that conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

Since the planning permission was granted, the Government has introduced the Planning Practice Guidance (launched in March 2014). It states that conditions should not be used which unreasonably impact on the deliverability of a development. Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. It also states that a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building, but might, for example, result from enforcement action which would otherwise cause individual hardship. A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.

Condition 20 was imposed to enable the Council to control any future occupation of the building, given its scale and location in the countryside and the fact that it was justified on the basis of the needs of the existing enterprises. However, as set out in the application, and summarised above, the condition is clearly presenting difficulties and impacting upon the deliverability of the development. Having regard to the commitment of the Government in terms of supporting economic growth as set out in the NPPF, the guidance set out in the Planning Practice Guidance and the circumstances of this particular case, Officers are of the opinion that it would be acceptable to remove this condition in order to support investment in the existing established business and enable the approved building to be constructed. This would also bring about a visual improvement to the site by the removal of the existing poor quality buildings and would improve the setting of the listed building on the site. Furthermore, as set out in the Committee Report for planning permission 12/01091/FUL the use of the building for any other purpose would require planning permission.

The use of the building as an office (Use Class B1(a)) will not alter as a result of this proposal. Whilst the restriction on the specific occupier would be removed, it is not considered that the use of the building as an office by an alternative occupier would have a significantly different impact upon the character of the area.

### Other Matters

This application seeks to remove a condition attached to planning permission 12/01091/FUL. All other conditions imposed on this planning permission are still applicable.

The scale, siting and design of the building would remain as previously approved.

### RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED and Condition 20 of planning permission 12/01091/FUL is removed.

## APPROVED PLANS

Location Plan

## INFORMATION TO APPLICANT

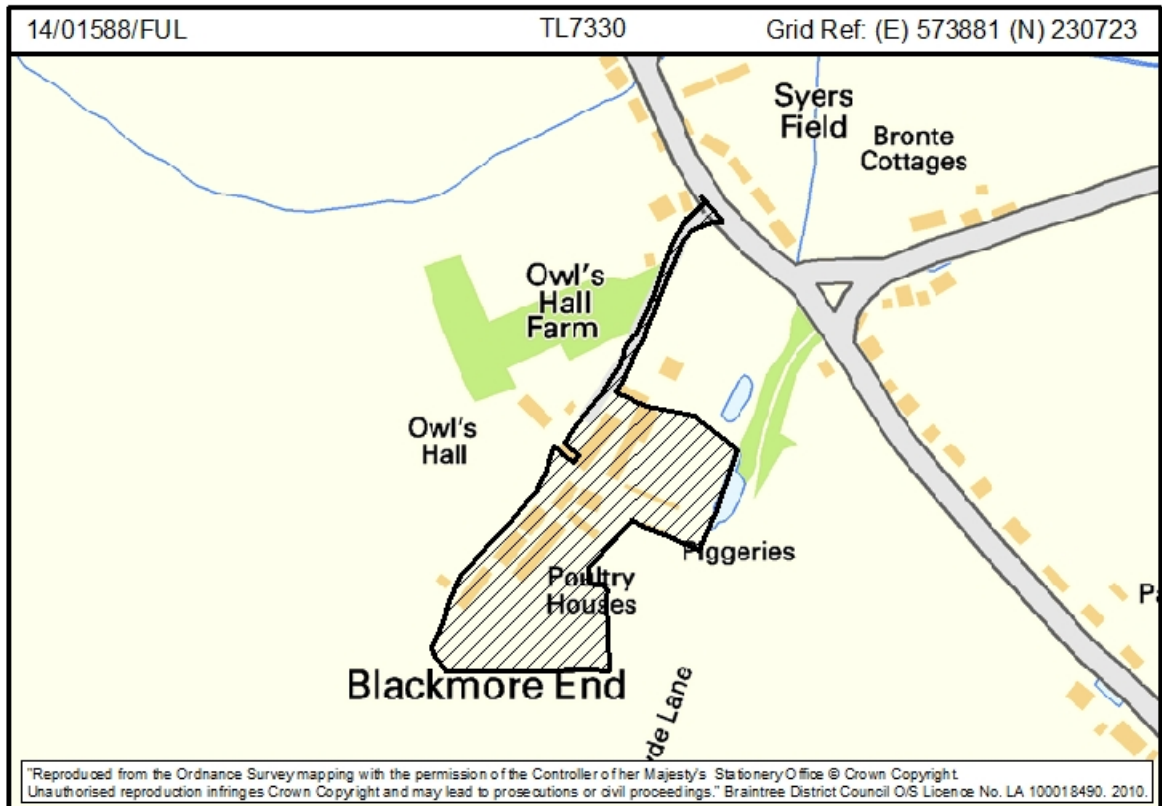
- 1 This permission is for the removal of condition 20 imposed on planning permission 12/01091/FUL. You are reminded that all other conditions attached to that permission are still applicable.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 14/01588/FUL DATE: 09.12.14  
 VALID:  
 APPLICANT: Mr C Finbow  
 Owls Hall Environmental, Owls Hall Farm, Blackmore End, Braintree, Essex, CM7 4DF  
 AGENT: Mr R Pomery  
 Pomery Planning Consultants Ltd, Abbeygate One, 8 Whitewell Road, Colchester, Essex, CO2 7DF  
 DESCRIPTION: 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  
 LOCATION: Owls Hall Farm, Blackmore End, Wethersfield, Essex, CM7 4DF

For more information about this Application please contact:  
 Miss Nina Pegler on:- 01376 551414 Ext. 2513  
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## SITE HISTORY

10/01231/FUL	Erection of demountable offices	REF	25.10.10
12/01091/FUL	Erection of new office building in connection with the continuation of the existing agricultural and environmental drainage business	PER	13.02.13
13/00314/FUL	Demolition of existing buildings and reinstatement of area of agricultural land, erection of all purpose agricultural barn	PER	30.05.13
13/01362/MMA	Minor Material Amendments to approved plans - roof lights added to all purpose barn	PER	28.01.14
13/01377/MMA	Minor Material Amendments to approved plans - position of office building	PER	28.01.14
14/01577/FUL	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	PDE	

## POLICY CONSIDERATIONS

### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP40        Minor Industrial and Commercial Development in the Countryside  
RLP90        Layout and Design of Development

## INTRODUCTION

This application is brought before the Planning Committee as the applicant is related to an elected Member and a member of staff.

## NOTATION

The site is located beyond any defined settlement boundaries and is therefore located in the countryside.

## SITE DESCRIPTION

The site is located to the south east of Blackmore End. Owls Hall Farm comprises an existing arable agricultural enterprise and an existing environmental services business, both run from the site by the same family. The environmental drainage business was set up in 2002 as an additional business to the farm. Both enterprises operate from the existing buildings on the site. The site is served by an existing access to the north, and to the south of the existing buildings is agricultural land.

There is an existing timber framed barn on the western side of the site which is Grade II listed and used for the storage of small farm machinery. To the north west of this is Owls Hall farmhouse which is also Grade II listed but falls within different ownership.

## PROPOSAL

Members may recall that planning permission was granted in 2013 for the erection of a new office building in connection with the continuation of the existing agricultural and environmental drainage business (12/01091/FUL refers) and the demolition of existing buildings, reinstatement of area of agricultural land and erection of all-purpose agricultural barn (13/00314/FUL refers). As part of the latter application it was proposed to remove a number of poor quality buildings from which the business currently operates.

This application seeks to remove Condition 13 attached to planning permission ref.13/00314/FUL. This condition states "The building hereby approved shall be occupied only in connection with the existing agricultural and environmental drainage business and for no other use, including any use that may be permitted by virtue of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)".

## CONSULTATIONS

Parish Council – No response at the time of writing.

Environmental Services – No response at the time of writing.

Historic Buildings Advisor –No response at the time of writing.

## REPRESENTATIONS

A site notice was displayed and properties nearby were notified by letter. No letters of representation have been received.

## REPORT

### Principle of the Proposal

The principle of a new multi-purpose barn for both the existing agricultural business and the environmental drainage business on this site has previously been established and the planning permission for this remains extant. The main issue relevant to the determination of this application is whether it is considered acceptable to remove Condition 13 of the planning permission which restricts occupation of the building by the existing business.

Work has commenced on the erection of the barn. To date, this has been financed using capital reserves from the business. However, information within the application indicates that a commercial mortgage will be required to complete the construction. In order to secure the mortgage, lenders have requested a market valuation of the building, to ensure that once constructed, the building will have some equity over and above the construction costs and loan amount. Surveyors for the lenders have advised that the restriction on occupation of the building by virtue of Condition 13 limits potential users. If the existing business were to cease trading then the ownership of the building would fall back to the lender and they would have no tenant or mortgagee as a result of the restrictive condition. The building would in effect have no value and creates uncertainty for the lender. On this basis the lender is not prepared to release funds.

The submitted statement makes it clear that the existing business, which has operated from the site for a number of years, has no intention of not occupying the barn. The building will allow the business to trade into the future, allowing some modest growth, and will provide the business with a more appropriate building which will facilitate the long term security of the business.

Paragraphs 18-22 of the NPPF set out the Government's commitment to securing economic growth and states that planning should operate to encourage and not act as an impediment to sustainable growth. It indicates that investment in business should not be overburdened by the combined requirements of planning policy expectations. Para.28 states that in order to promote a strong rural economy support should be given to the sustainable growth and expansion of all types of business and enterprise in rural areas.

Para.203 of the NPPF sets out the six tests for the imposition of planning conditions. It states that conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

Since the planning permission was granted, the Government has introduced the Planning Practice Guidance (launched in March 2014). It states that conditions should not be used which unreasonably impact on the deliverability of a development. Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. It also states that a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building, but might, for example, result from enforcement action which would otherwise cause individual hardship. A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.

Condition 13 was imposed to enable the Council to control any future occupation of the building, given its scale and location in the countryside and the fact that it was justified on the basis of the needs of the existing enterprises. However, as set out in the application, and summarised above, the condition is clearly presenting difficulties and impacting upon the deliverability of the development. Having regard to the commitment of the Government in terms of supporting economic growth as set out in the NPPF, the recent guidance set out in the Planning Practice Guidance and the circumstances of this particular case, Officers are of the opinion that it would be acceptable to remove this condition in order to support investment in the existing established business and enable the approved building to be constructed. This would also bring about a visual improvement to the site by the removal of the existing poor quality buildings.

#### Other Matters

This application seeks to remove a condition attached to planning permission 13/00314/FUL. All other conditions imposed on this planning permission are still applicable.

The scale, siting and design of the building would remain as previously approved.

#### RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED and Condition 13 of planning permission 13/00314/FUL is removed.

#### APPROVED PLANS

Location Plan

### INFORMATION TO APPLICANT

- 1 This permission is for the removal of condition 13 imposed on planning permission 13/00314/FUL. You are reminded that all other conditions attached to that permission are still applicable.

TESSA LAMBERT  
DEVELOPMENT MANAGER

<b>Recommendation to Amend the Scheme of Delegation for Planning Decisions</b>		<b>Agenda No: 6</b>
<p><b>Corporate Priority:</b> Secure appropriate infrastructure and housing growth &amp; Delivering excellent customer service</p> <p><b>Report presented by:</b> Neil Jones, Senior Planning Officer</p> <p><b>Report prepared by:</b> Neil Jones, Senior Planning Officer &amp; Tessa Lambert, Development Manager</p>		
<p><b>Background Papers:</b>          Delivering Delegation; Local Government Association &amp; Office of Deputy Prime Minister, 2004          Local Government Act, 1972 as amended – Section 101          Making your mind up – improving decision-making; Planning Advisory Service, 2008          National Planning Practice Guidance (NPPG)</p>		<p><b>Public Report</b></p> <p>YES</p>
<p><b>Options:</b>          To support the proposed widening of delegation of decisions to Officers          To maintain the existing Scheme of Delegation          To propose some other amendment to the Scheme of Delegation</p>		<p><b>Key Decision:</b></p> <p>NO</p>
<p><b>Executive Summary:</b>          The purpose of this report is to seek the endorsement of Planning Committee to publicise proposed modifications to Braintree District Council's Scheme of Delegation for determining planning applications. The paper sets out the issues, challenges and opportunities that these procedural changes could present.</p> <p>The scheme of delegation was last reviewed 9 years ago and the level of delegation is relatively low in comparison to planning authorities of a similar size and character. There are a number of areas where there is dissatisfaction with the current arrangements. There is also likely to be an increase in the number and complexity of applications for at least the next couple of years.</p> <p>The proposed changes will ensure that there is a more effective and efficient delegation arrangement. Increasing the number of decisions made under delegated powers will ensure that decisions on planning applications that raise no significant planning issues are made quickly. This will allow Members to focus on those applications that require additional scrutiny and where they can add most value in balancing conflicting pressures. Overall it will help the Council discharge its development management function in an efficient and timely manner, without compromising the quality of the decisions made.</p>		

**Decision:**

That Members support the proposal to:

- a) Seek Full Council approval for amendments to the existing Scheme of Delegation in line with the Summary set out below, as part of changes to the Constitution which are proposed for Council in April 2015

The Council adopt an exceptions based approach to delegation. Applications will be determined at Officer level unless:

- A Councillor requests in writing, within 21 days of the date of the weekly list circulating details of the application, that an application should be the subject of consideration by the Planning Committee on the basis of specific planning reasons, subject to the agreement of the Chairman of the Planning 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 aspect,
- Where the applicant or landowner is Braintree District Council,
- The applicant, or agent, is a councillor or a council employee, or when the applicant, or agent, is a close relative of a councillor or council employee (NB this is the current arrangement for such applicants),

- b) Officers will publicise these proposed amendments to the Scheme of Delegation and report responses received to Full Council with detailed recommendations for a new Scheme of Delegation.

**Purpose of Decision:**

To seek Member support of the widening of the Scheme of Delegation for determining planning applications.

**Corporate implications**

<b>Financial:</b>	A widening of delegation is likely to be associated with efficiency savings, although in the context of increasing pressure on resources it may not deliver a financial saving.
<b>Legal:</b>	The changes will involve adjustments to the Council's Constitution.
<b>Equalities/Diversity</b>	N/A
<b>Customer Impact:</b>	Increased delegation will result in more timely decision-making which is generally seen as an improvement.
<b>Environment and Climate Change:</b>	N/A
<b>Consultation/Community Engagement:</b>	A publicity exercise is proposed to enable stakeholders to comment on the proposals.
<b>Risks:</b>	Reduction in Member level scrutiny of decision-making. The proposal identifies a check to ensure appropriate scrutiny.

<b>Officer Contact:</b>	Neil Jones
<b>Designation:</b>	Planning Officer
<b>Ext. No.</b>	2523
<b>E-mail:</b>	neijo@braintree.gov.uk

## **Report**

### **1. Introduction**

- 1.1 The purpose of this report is to seek the endorsement of Planning Committee to publicise proposed modifications to Braintree District Council's Scheme of Delegation for determining planning applications. The paper sets out the issues, challenges and opportunities that these procedural changes could present.
- 1.2 Members are requested to endorse the proposed changes to the Scheme of Delegation so that the proposals can be publicised to members of the public; Parish Councils (including Witham & Halstead Town Councils); and planning agents so that interested parties are allowed the opportunity to comment. It is proposed that a final recommendation is then presented to Full Council for consideration at its meeting in April 2015.

### **2. Background**

- 2.1 Schemes for delegating authority to Planning Officers are an established part of the planning system nationally and enable Local Planning Authorities (LPAs) to determine the majority of planning applications at Officer Level rather than through Committee decision. "Delegated powers" are seen as being integral to reconciling many of the demands and pressures on the system. The benefits include; simplified procedures and speeding up the planning process; minimising costs and improving service delivery within budgetary limits; reducing pressure on committees through more manageable agendas; releasing officer resources to focus on other areas of work; removing applications from Committee agendas which illicit no member discussion and evaluation at committee.
- 2.2 The District Council's current Scheme was last reviewed in 2005/06 as a consequence of an imperative to improve the LPA's performance in the efficiency and speed in determining planning applications. The scheme of delegation was widened at that stage so that a greater proportion of applications could be determined at Officer Level. A year later, in June 2007, the Council transferred planning responsibilities from three Area Committees to a single District-wide Planning Committee which would meet fortnightly.
- 2.3 During the last nine years there has been no systematic review of the Scheme of Delegation or the frequency with which the Committee meets. A number of factors have led Officers to review the existing delegation arrangements.
- 2.4 Although the effect of the last review was to widen delegation, it still remains quite narrow when compared to many other Essex LPAs. The level of delegation at Braintree is less than at many other Essex authorities and this has a bearing on the Member and Officer time dedicated to decision-making and, as a result, the efficiency with which the service can handle its application

workload. With the economic upturn the number of planning applications has been increasing and the Council expect this workload pressure to increase further so there are clear benefits in reviewing the delegation arrangements to ensure that they are fit for purpose.

- 2.5 In addition to an increase in the number of applications, the scale and complexity of applications is also increasing. Officers are already in advanced discussions with developers at a number of the growth locations identified in the Core Strategy, as well as sites identified in the Pre-Submission Site Allocations and Development Management Plan. It must also be acknowledged that in the immediate future, and in the context of uncertainty about the delivery of the housing growth required to meet its objectively assessed housing need, the District Council must expect to receive a higher number of major (and speculative) residential development schemes. Many of these are likely to be more contentious with developers seeking to challenge the Council's housing land supply. An increase in the number of large and complex planning applications will impose a further commitment on Member's time.
- 2.6 The Development Management service at Braintree has been re-structured recently with one team now dedicated to the major growth location and larger sites. This structure allows Officers to focus the resource where it is needed and it is clear that a similar adjustment needs to be made to the focus at Member level, so that the Committee can direct its attention to decision making in a more proportionate way.
- 2.7 Finally with continuing pressure on the Council's finances Officers have also identified the decision making process and scheme of delegation as a potential area where efficiency savings can be delivered, whilst minimising risk and the impact on our customers.

### **3. Issues**

- 3.1 The current Scheme of Delegation at Braintree can be described as a '*Prescribed Approach*', that is a Scheme where, in certain specified scenarios, applications must be referred to committee.
- 3.2 The current Scheme of Delegation allows for planning applications to be decided under delegated powers unless:
- 1 (or more) letter of representation is received that is contrary to the planning officer's recommendation for all major applications within Development Codes 01Q to 12Q inclusive (1-9 houses and changes of use), residential development within Development Codes 13Q (1-9 units), 17Q (gypsy and traveller sites) and 20Q (changes of use), wind turbines and telecommunications development within Development Code 10.
  - 5 or more letters of representation or one written representation by a Parish or Town Council are received that are contrary to the planning officer's recommendation for householder extensions, changes of use, listed building consent, conservation area consent or advertisement consent (i.e. those not listed in part a above), where the representation cannot be resolved by appropriate conditions(s).

- Approval is being recommended for an application that is considered to be contrary to the Development Plan or Supplementary Planning Guidance adopted by the Council.
- An elected Member 'calls in' an application and asks for it to be referred to Planning Committee. Any Member is able to refer an application to Planning Committee but the request must be in writing with reasons given and be on planning grounds.

3.3 The current system is viewed as being complicated and cumbersome and applicants and agents have commented that this is not a simple scheme to understand. A number of other issues have been identified with the current system. These specific issues are considered below.

### Delegation Rates

3.4 Detailed analysis of delegation rates (i.e. the proportion of applications determined at Officer Level) shows that the current delegation arrangements are resulting in a relatively low level of delegation to Officers in comparison with other large Essex authorities.

	<b>No of applications (2013-14)</b>	<b>Delegation Rate (2013-14)</b>
<b>Basildon</b>	<b>1058</b>	<b>95%</b>
<i>Braintree</i>	<i>1456</i>	<i>91%</i>
<b>Brentwood</b>	<b>1049</b>	<b>98%</b>
<b>Castle Point</b>	<b>579</b>	<b>93%</b>
<b>Chelmsford</b>	<b>1846</b>	<b>97%</b>
<b>Colchester</b>	<b>1527</b>	<b>95%</b>
Epping Forest	1892	86%
Harlow	388	89%
Maldon	882	73%
<b>Rochford</b>	<b>715</b>	<b>95%</b>
Southend-on-Sea	1261	88%
<b>Tendring</b>	<b>1040</b>	<b>96%</b>
<b>Thurrock</b>	<b>911</b>	<b>92%</b>
<b>Uttlesford</b>	<b>1645</b>	<b>92%</b>

3.5 Whilst the figures above refer to the year 2013-2014 it should be noted that in the first half of the current financial year the delegation rate for decisions within our District has fallen to 88.7%.

3.6 Officers carried out similar research in 2010 into delegation rates in Essex. Comparing 2013/14 delegation rates against those recorded in Q2 2010-11 Braintree, along with many Essex authorities, has maintained a similar level of delegation (+/-2%), however several authorities have clearly reviewed their delegation schemes in order that delegation rates are increased – most notably Basildon +22% and Colchester +7%.

3.7 Braintree's rate of delegation has also been compared to our 15 'nearest neighbour' authorities. These authorities have been identified by the Chartered Institute of Public Finance and Accountants to aid local authorities in comparative and benchmarking exercises.

### Fifteen 'Nearest Neighbour' Comparative Authorities

	No. of applications (2013-2014)	Delegation Rate
<b>Ashford Borough Council</b>	<b>1340</b>	<b>95%</b>
<i>Braintree District Council</i>	<i>1456</i>	<i>91%</i>
Chorley	804	84%
<b>Colchester BC</b>	<b>1527</b>	<b>95%</b>
East Northamptonshire	814	87%
<b>Huntingdonshire</b>	<b>1428</b>	<b>93%</b>
<b>Maidstone BC</b>	<b>1721</b>	<b>95%</b>
<b>Newark and Sherwood DC</b>	<b>1003</b>	<b>92%</b>
<b>North Hertfordshire</b>	<b>1265</b>	<b>92%</b>
Rugby BC	920	90%
Stafford	1053	90%
St Edmundsbury BC	1025	91%
<b>South Kesteven DC</b>	<b>1337</b>	<b>93%</b>
<b>Stroud DC</b>	<b>1746</b>	<b>97%</b>
Taunton Deane	1180	87%
West Lancashire	1053	91%

- 3.8 Based on the current delegation rate of 88.7% only 3 of the 15 'Nearest Neighbour' comparative authorities have lower levels of delegation that Braintree.

#### A fair system

- 3.9 There is a concern that due to the reference to specific numbers of letters of representation, the current arrangements are open to manipulation by either applicants promoting a scheme, or those objecting applications. Officers are aware that some applicants and agents will ensure that a friend or acquaintance will submit a letter in support of a planning application where they suspect, or know, that Officers intend to refuse an application. As set out above just one letter from any member of the public is sufficient to force a residential application to go to Planning Committee for determination if their view is contrary to the Officer recommendation (this applies to any applications proposing the creation of one or more residential dwelling), moreover, the representation does not have to be made by a local resident or someone who would be affected by the application.
- 3.10 It is noted that the current scheme means that, across the majority of the District, Parish and Town Councils are able to direct an application to Planning Committee where they alone make a recommendation contrary to that Officers. However the town of Braintree is unparished so planning applications in this area are being treated differently, which is anomalous. Whilst Officers are not aware of anyone in Braintree complaining that they are disadvantaged under this system it is considered that this supports the argument that adequate checks and balances can be built into a process without giving Parish/Town Councils alone the ability to force applications to Planning Committee.
- 3.11 The frequency with which Parish and Town Councils representations cause applications to be directed to Planning Committee varies considerably and this

is not always reflective of the level of development activity in an area. Officers and Planning Committee members will be aware that the submissions from Parish/Town Councils vary considerably in their length and depth, as does the willingness of representatives from the Parish/Town Councils to attend Planning Committee meetings to speak. The present system does not allow any assessment of the substance of a Parish/Town Councils recommendation prior to the Planning Committee meeting. This has regularly meant that Officers and Members are spending time preparing and assessing reports for what are minor developments where there are no substantial planning issues.

- 3.12 It should also be noted that across Essex only Brentwood and Maldon require applications to be referred to Planning Committee purely on the basis of a submission by a Parish/Town Council.
- 3.13 Officers have analysed the reasons that applications have been referred to Planning Committee over the past 12 months. This has revealed that 14% of applications are being referred to Planning Committee due to an objection from just 1 or 2 members of the public. A further 25% of applications are before Committee simply due to a Parish/Town Council taking a contrary view to the Officer Recommendation. The table below summarises the reasons that applications are being referred to Planning Committee.

PUBLIC ONLY		PARISH / TOWN COUNCIL			OTHER
1 / 2 Letters Support / Objection	3 + Letters Support / Objection	Parish/Town Council Support / Objection <b><u>ONLY</u></b>	Parish/Town Council Support/Objection & 1-2 letters from Public	Parish/Town Council Support/Objection & 3 + letters from Public	(includes where applicant is Councillor or BDC employee & member call-in)
<b>14%</b>	<b>25%</b>	<b>25%</b>	<b>12%</b>	<b>20%</b>	<b>4%</b>

#### **“En bloc” decisions**

- 3.14 Members will also be aware that a significant number of recommendations on applications that are currently being referred to Committee are being agreed “en bloc”. Analysis of applications before Committee during 2014 shows that 23% of applications were approved en bloc. This demonstrates that a significant proportion of the applications are regularly coming before the Committee do not warrant discussion and debate. It also demonstrates that Members have confidence in the recommendations of Officers on small scale applications.
- 3.15 Applicants, agents and members of the public often attend Committee to see relatively minor applications being determined. Where items are being moved en bloc this can cause frustration where attendees have spent time and money to get to the meeting only for their application to be determined en bloc, with no discussion.

## **Lawful Development Certificates**

- 3.16 Under the existing Scheme of Delegation Officers are required to report to Planning Committee applications for Lawful Development Certificates where members of the public or Parish/Town Council's make a representation contrary to the recommendation of the Case Officer.
- 3.17 As Members will be aware, an application for a Lawful Development Certificate (either for a proposed or existing development) is simply a matter of evidence, fact, and legal consideration. Unlike a 'normal' planning application these applications will centre on legal matters and Officers will often obtain specialist legal advice prior to determination of the application. In fact, the planning merits of the proposal (i.e. whether it accords with planning policy and the weight to be accorded to other material considerations) are no part of the consideration of such applications. As a result, where these applications have needed to be considered by the Planning Committee, they have rarely been debated and Officers cannot recall a recommendation for this type of application being 'over-turned' by Members at Committee.

## **Resources**

- 3.18 The current delegation arrangements means that the preparation of cases for Committee absorbs a considerable amount of Officer and Member time; for Officers the drafting and checking of reports and presentations and attendance at Committee and for Members the reading of reports and site visits and attendance at Committee meetings.
- 3.19 Research undertaken by the Governments Planning Advice Service (PAS) reveals that a decision on a delegated case typically costs around £150 each, whereas a committee case will on average cost approximately £1,500. These figures reflect the cost of the report and decision making process, not the cost of dealing with the application before that stage.

## **4. Recommendation**

- 4.1 Having considered the characteristics and anomalies of the current system; the anticipated change in the number and profile of planning applications; and the desire to work efficiently, it is recommended that the Scheme of Delegation is changed from the current '*prescriptive*' model to a '*by exception*' model where all applications are determined by Officers unless there is a substantive reason that requires that the application is determined by the Planning Committee.
- 4.2 There are a number of approaches that can be taken to a '*by exception*' model. Officers are conscious that the Braintree District is diverse in nature – ranging from large market towns to small hamlets and large areas of open countryside. Whilst some authorities list the specific types of cases which they consider should be referred to Planning Committee this is considered a blunt approach. For example an application seeking permission for 11 houses in Witham may be viewed as uncontroversial – with limited public interest and raise no significant policy or environmental issues – whilst a development of

the same size in a more rural location, such as Ashen, is likely to be far more controversial.

- 4.3 Setting specific thresholds for referral to Committee across the whole district would not seem sensible and if different thresholds were applied to different parts of the District this would also not seem fair and would be likely to cause the type of confusion that the current complicated Scheme of Delegation causes.
- 4.4 As a result it is recommended that rather than attempt to set development thresholds for referral to Committee a discretionary system be applied. Other Essex authorities who use this approach typically vest this power in the Development Manager / Head of Planning. There is a concern that if this approach were adopted it could appear that the balance between Officers and Members had shifted too dramatically from the current arrangement.
- 4.5 It is therefore recommended that applications are referred to Planning Committee where the Development Manager, in consultation with the Chairman and Vice Chairman of the Planning Committee, agree that the application has attracted significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members.

### **Summary of Proposed Scheme of Delegation**

- 4.6 It is proposed that the Council adopt an exceptions based approach to delegation. Applications will be determined at Officer Level unless:
- A Councillor requests in writing, within 21 days of the date of the weekly list circulating details of the application, that an application should be subject of consideration by the Committee on the basis of specific planning reasons, subject to the agreement of the Chairman of the Planning 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 aspect,
  - Where the applicant or landowner is Braintree District Council,
  - The applicant, or agent, is a councillor or a council employee, or when the applicant, or agent, is a close relative of a councillor or council employee (NB this is the current arrangement for such applicants).

### **Member Call-In**

- 4.7 It is recommended that the Scheme of Delegation allow Members to be able to request 'call-in' of an application where they can provide valid planning reasons for this referral. Under the current scheme any Member can call in any application, there are no checks in place on the number of applications called-in or the merits of their argument.
- 4.8 To ensure consistency and appropriate use of the system it is recommended that applications can be called in for determination by Planning Committee by Members, subject to the agreement of the Chairman of the Planning Committee.

## Frequency of Planning Committee Meetings

- 4.9 When the single District Planning Committee was set up in 2007, it was agreed that it would meet fortnightly to help improve the Council's performance and avoid delays in issuing decisions. One consequence of the current Scheme of Delegation is that the Planning Committee has needed to meet on a fortnightly basis to ensure that agendas are kept at manageable level. However, a fortnightly frequency is greater than the majority of other Essex authorities – see table below.

	<b>Committee Frequency</b>
Basildon	2 weeks
Braintree	2 weeks
Brentwood	Monthly
Castle Point	Monthly
Chelmsford	Monthly
Colchester	2 weeks
Epping Forest	Monthly
Harlow	Monthly
Maldon	Monthly
Rochford	3 weeks*
Southend-on-Sea	4 weeks
Tendring	4 weeks
Uttlesford	4 weeks

\*liable to change

- 4.10 If the recommendations to amend the Scheme of Delegation are implemented this should see a reduction in the number of applications which are referred to Committee, however it is uncertain what the precise impact will be.
- 4.11 As previously stated it is envisaged that there will be an increase in the number and scale of applications that are submitted to the Council in the coming few years. In addition to the general up-turn in application numbers planning applications are also expected to be submitted on the Strategic Growth Locations identified in the Core Strategy and on a significant number of sites which had been identified for allocation in the Site Allocations and Development Managements Policies Plan.

- 4.12 The frequency that Planning Committees at other Essex Authorities meet would indicate that there is scope to reduce the frequency of meetings if the rate of delegation is increased. However it is recommended that the Planning Committee continue to meet on a fortnightly basis. If it is found that the number of applications referred does not require this frequency of meeting, the Development Manager and Committee Chairman can agree to cancel meetings. This could be reviewed after 6 months to ensure that meetings are scheduled at the correct frequency.

## **5. Positive & Negative Consequences of Proposals**

- 5.1 The following identifies the main advantages and disadvantages of the proposed change in approach to the delegation of decisions.

### **Positive**

- Ensure that Officers and Members can focus their attention required on the larger, more complex and controversial applications. Match the level of decision-making to the significance of the application
- Will increase transparency around applications where the District Council is the applicant or landowner
- Remove current inequality between Parished and un-Parished parts of the District
- Raise the profile of Ward Members in planning decisions with 'Member call-in'
- More efficient use of resources - savings in Officer / Member time
- Simplify process for determining which applications need to be referred to Committee
- Reduce the current manipulation of the system by some applicants, objectors and agents

### **Negative**

- Perceived as being a less open process
- Parish/Town Councils would lose automatic right to force applications to Committee where they make a recommendation contrary to the Officers recommendation. This would appear to restrict their influence on decision making
- Potentially lower level of scrutiny of Officers by Committee/Public

- 5.2 When considering changes to the Scheme of Delegation it is important that the potential negative consequences of the changes are carefully considered and where possible mitigated. These are considered below.

### **Scrutiny**

- 5.3 In accordance with guidelines, reports are already prepared by case officers for every decision made under delegated powers. These reports are open to public scrutiny as they are published on the Council's website. In accordance with Delegated Authority, Officer Reports and recommendations are checked and scrutinised by the Development Manager or one of the Area Development Managers before a delegated decision is issued.
- 5.4 The rate of referral to Planning Committee means that Members currently scrutinise just over 10% of Officer Recommendations. The proposed

amendments to the scheme of delegation are intended to increase the rate of delegated decisions. It is proposed that Members will be presented a monitoring report 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.

- 5.5 A higher level of delegation could mean that there is a reduction in the level of Member scrutiny of Officer Recommendations. To address this concern it is recommended that a panel of Members, drawn from the Planning Committee, will be convened to periodically review a selection of cases and provide member feedback on the analysis of applications by Officers.
- 5.6 It is recommended that the Scheme of Delegation is reviewed after 12 months. After that time Officers will present a report to the Planning Committee reviewing the operation of the new scheme and identifying any unforeseen issues and further areas for improvement.

### **Parish / Town Councils**

- 5.7 Whilst the Parish/Town Councils would see a downgrading of their influence within the process they would remain a statutory consultee on all applications within their area. Their representations will continue to be considered and it will be one factor that the Development Manager, Chairman and Vice Chairman will consider when they are assessing which applications should be referred to Planning Committee.
- 5.8 The Parish/Town Council will also be able to lobby their Ward Member (or any other Member) to request 'call-in' of an application where they consider that there is a valid planning reason to do so and where they consider that the application is particularly controversial or of significant local importance. Where applications are referred to the Planning Committee representatives of the Parish/Town Council would still be able to join the Committee meeting and make their representation.

### **Transparency**

- 5.9 It is accepted that a reduction in the number of applications which are referred to Planning Committee for determination could leave the Council open to criticism that the decision making process is less open.
- 5.10 Currently almost 90% of applications are determined under delegated powers and Officers are unaware of any significant concerns from members of the public about this level of delegated decision making. Furthermore it is noted that the majority of other large Essex LPAs and many of our CIPFA peers already record higher levels of delegation. The fact that higher levels are being widely reported across the County and Country indicates that there is a general acceptance that higher levels of delegation are publicly acceptable.
- 5.11 As previously stated prior to any planning application being determined under delegated powers the case officer prepares a delegated report which summarises the proposal; the site; representations received; the relevant planning policies; and a short report setting out why an application should be approved / refused. The delegated report is then checked by the Development

Manager or one of the Area Development Managers before they authorise the decision. This report is added to the website and acts as a record as to how the decision was reached.

- 5.12 As with the current scheme the proposed scheme also ensures that decisions where applications involve Members and BDC staff will always be determined by Planning Committee. In addition, unlike the current Scheme of Delegation, applications made by the District Council will always be determined by Planning Committee.

## **6. Conclusion**

- 6.1 National Planning Practice Guidance states that the power to delegate planning functions is generally a matter for individual LPAs, having regard to practical considerations including the need for efficient decision-taking and local transparency.
- 6.2 The scheme of delegation was last reviewed 9 years ago and the level of delegation is relatively low in comparison to planning authorities of a similar size and character. There are a number of areas where there is dissatisfaction with the current arrangements. There is also likely to be an increase in the number and complexity of applications for at least the next couple of years.
- 6.3 The proposed changes to the scheme of delegation would see applications referred to Planning Committee where the Development Manager in association with the Chairman and Vice-Chairman consider this appropriate, for example where there are significant planning issues or significant public interest.
- 6.4 The proposed changes will ensure that there is a more effective and efficient delegation arrangement. Increasing the number of decisions made under delegated powers will ensure that decisions on planning applications that raise no significant planning issues are made quickly. This will allow Members to focus on those applications that require additional scrutiny and where they can add most value in balancing conflicting pressures. Overall it will help the Council discharge its development management function in an efficient and timely manner, without compromising the quality of the decisions made.

## **7. Process / Next Steps**

- 7.1 There is a need to review the current Scheme of Delegation to ensure that the process is fit for purpose and allows the Council to deal with the anticipated level of planning applications in the next few years, whilst also remaining a fair system.
- 7.2 As the scheme of delegation forms part of the Council's Constitution the changes will require approval by Full Council. Prior to being presented to the Council it will be necessary to publicise the proposed changes and allow interested parties the opportunity to comment. Responses received as a result of the publicity will be reported to Full Council.
- 7.3 Officers are presenting these recommendations to Planning Committee to obtain Members support and to proceed to publicise the proposed changes. It is intended that the following timeline is followed if Members endorse this

report and its recommendations it is also proposed that this report forms the basis of the consultation exercise.

## **Timetable**

### **February 2015**

Publicity / consultation over proposal (mailing to regular agents & Parish/Town Councils; notice in local newspapers; BDC website)

### **March 2015**

Assess responses and prepare report for Full Council

### **April 2015**

Final recommendation presented for approval at Full Council

### **May 2015**

Implementation of approved changes to scheme of delegation

## **8. Recommendations**

8.1 That the Planning Committee supports the proposal to:

- a) Seek Full Council approval for amendments to the existing Scheme of Delegation in line with the Summary set out below, as part of changes to the Constitution which are proposed for Council in April 2015

The Council adopt an exceptions based approach to delegation. Applications will be determined at Officer Level unless:

- A Councillor requests in writing, within 21 days of the date of the weekly list circulating details of the application, that an application should be subject of consideration by the Committee, subject to the agreement of the Chairman of the Planning 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 aspect,
  - Where the applicant or landowner is Braintree District Council,
  - The applicant, or agent, is a councillor or a council employee, or when the applicant, or agent, is a close relative of a Councillor or council employee.
- b) Require Officers to publicise these proposed amendments to the Scheme of Delegation and reporting responses to Full Council with detailed recommendations for a new Scheme of Delegation.

<b>The nomination of the District Council's representative on the Site Liaison Committee for the Integrated Waste Management Facility (IWMF) to be developed at Rivenhall Airfield</b>		<b>Agenda No: 7</b>
<p><b>Corporate Priority:</b> A better place – Keeping our district clean and tidy, Protecting our environment, Providing green space for everyone People feel good – Supporting vulnerable people in our community, Promoting safe and healthy living, Encouraging flourishing communities</p> <p><b>Report presented by:</b></p> <p><b>Report prepared by:</b> Tessa Lambert</p>		
<p><b>Background Papers:</b> Appeal decision relating to the IWMF; S106 Agreement relating to the planning permission for the IWMF.</p>		<b>Public Report</b>
<p><b>Options:</b> a) Nominate the Chairman of the Planning Committee to represent the District Council on the IWMF Site Liaison Committee, or b) Nominate some other Member of the Council to represent the District Council on the IWMF Site Liaison Committee.</p>		<b>Key Decision: No</b>
<p><b>Executive Summary:</b></p> <p>Following a Public Inquiry in autumn 2009 planning permission was granted (2<sup>nd</sup> March 2010) for the development of an Integrated Waste Management Facility (IWMF) at a site on Rivenhall Airfield.</p> <p>The planning permission is subject to a Section 106 Agreement which includes an obligation on the developer to set up a Site Liaison Committee to allow local residents and interested parties an opportunity to discuss any matters arising from the planning and future operations of the proposed IWMF.</p> <p>In accordance with the Third Schedule of the Section 106 Agreement (appended), the Liaison Committee should comprise representatives of Essex County Council, Braintree District Council, the Environment Agency, Rivenhall, Silver End, Bradwell, Coggeshall, Kelvedon and Feering Parish Councils. Its broad purpose is also set out in the attached Schedule.</p> <p>The Committee had its first meeting on 9<sup>th</sup> October and the representation of relevant representative bodies is as follows:</p> <p>Essex County Council: Lady Patricia Newton (Chairman) and James Abbott; Bradwell Parish Council: Renee Hockley-Byam; Feering Parish Council: Kate Evans; Kelvedon Parish Council: Jamie Hooper; Rivenhall Parish Council: Bob Wright; Silver End Parish</p>		

Council: Alan Waine; Honace Ltd (the developer): Steven Smith.

Braintree District Council needs to nominate a Member to represent its interests on this Liaison Committee. Although one of the local Ward Councillors would be an obvious choice for the District Council's representative, both Ward Councillors (Councillors Abbott and Wright) are already members of the Liaison Committee representing the County Council or one of the Parish Councils.

Accordingly it is recommended that the Chairman of the Planning Committee represent the District Council on the Site Liaison Committee.

### Decision

To nominate the Chairman of the Planning Committee as the District Council's representative on the Site Liaison Committee.

### Purpose of Decision:

To ensure that the District Council is represented on the Site Liaison Committee so that its perspective on any matters raised by the operation of the IWMF can be conveyed to the developer and other local representatives.

### Any Corporate implications in relation to the following should be explained in detail

<b>Financial:</b>	None
<b>Legal:</b>	The requirement for representation arises from a planning obligation.
<b>Safeguarding:</b>	None
<b>Equalities/Diversity:</b>	None
<b>Customer Impact:</b>	None
<b>Environment and Climate Change:</b>	None
<b>Consultation/Community Engagement:</b>	The decision sought relates to community representation.
<b>Risks:</b>	The District Council would risk prejudice to its position if not represented on the Liaison Committee.
<b>Officer Contact:</b>	Tessa Lambert
<b>Designation:</b>	Development Manager
<b>Ext. No.</b>	2514
<b>E-mail:</b>	tessa.lambert@braintree.gov.uk

## EXECUTION COPY

**THIRD SCHEDULE**  
**(THE APPLICATION SITE LIAISON COMMITTEE)**

1. The object of the Application Site Liaison Committee is to give local residents and interested parties an opportunity to discuss any matters arising from Application Site operations.
2. The aims of the Application Site Liaison Committee are to:
  - a. maintain liaison and rapport between the Developer, Essex County Council, Braintree District Council, the Environment Agency and the local parishes (being comprised of Rivenhall, Silver End, Bradwell, Coggeshall, Kelvedon and Feering);
  - b. develop lines of communication between the Developer, Essex County Council, Braintree District Council, the Environment Agency and the local parishes in order that issues and items of concern can be resolved directly;
  - c. provide a forum for discussions and, where possible, a resolution of problems not achieved by paragraph 2(b) above;
  - d. provide a means of communicating with senior management within the Developer's organisation and/or formally to the local planning authority;
  - e. provide a means of communicating progress on the Application Site through Application Site visits and discussion of local planning authority monitoring reports;
  - f. Provide a forum to discuss compliance with planning control;
  - g. provide a forum to inform of any proposed amendment or variations to the approved scheme; and
  - h. provide a forum to discuss particular aspects of the operation and where appropriate invite specialist comment for discussion at later progress meetings.

3. The Application Site Liaison Committee shall operate so that:

- a. only matters relating directly to the Application Site shall be discussed;
- b. minutes shall be kept by the Secretary (to be appointed by and at the cost of the Developer) and subsequently approved by the committee. The Minutes and Agenda are to be circulated at least one (1) week before the next meeting; and
- c. the Application Site Liaison Committee shall not take executive decision or vote on any items.

<b>Changes to Planning Obligations</b>		<b>Agenda No: 8</b>
<b>Corporate Priority:</b> Securing appropriate infrastructure and housing growth <b>Portfolio:</b> Planning and Property <b>Report Presented by:</b> Alan Massow <b>Report prepared by:</b> Alan Massow		
<b>Background Papers:</b> National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) (Updated 28/11/14) Core Strategy (2011) Housing Act 1985 The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the East) Order 1997		<b>Public Report</b>
<b>Options:</b> To note national changes to planning obligations		<b>Key Decision: No</b>
<b>Executive Summary:</b>  <p>Government has issued a revision to National Planning Policy Guidance (NPPG) relating to the circumstances in which Local Planning Authorities should or should not seek s106 contributions. This change in the guidance means that the Council will not be able to seek contributions for affordable housing and open space on small sites to the same extent as set out in the adopted Core Strategy policy.</p> <p>The changes set out in the NPPG require that affordable housing and other tariff based contributions should not be sought from sites of 10 dwellings or less (and which have a maximum floor space of 1000 sqm). Local Authorities can choose to reduce the threshold to 5 dwellings in rural areas as set out in the Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the East) Order 1997 and listed at <b>Appendix 1</b>.</p> <p>The change in guidance has implications for the Council's Open Spaces SPD as housing development of less than a certain number of dwellings would not have to provide open spaces contributions.</p> <p>Contributions can still be sought from any development if they are required to make a development acceptable in planning terms.</p>		
<b>Decision:</b>  To note the changes to National Planning Policy Guidance, and the implication this has to current adopted Planning Policy.		

<b>Purpose of Report:</b>	
To make members aware of changes to national planning guidance, and the implications it has for the application of current planning policy.	
<b>Corporate implications</b>	
<b>Financial:</b>	Reduced contributions can be sought from smaller development in rural areas, particularly in relation to open space.
<b>Legal:</b>	More detailed s106 negotiations required.
<b>Equalities/Diversity</b>	N/A
<b>Customer Impact:</b>	Reduced costs associated with developing smaller sites but less funding for improving local facilities, and the provision of affordable housing.
<b>Environment and Climate Change:</b>	N/A
<b>Consultation/Community Engagement:</b>	Government carried out a consultation on the changes.
<b>Risks:</b>	Legal costs associated with challenges to s106.
<b>Officer Contact:</b>	Alan Massow
<b>Designation:</b>	Senior Policy Planner
<b>Ext. No.</b>	2577
<b>E-mail:</b>	<a href="mailto:Alan.massow@braintree.gov.uk">Alan.massow@braintree.gov.uk</a>

## **1. Background**

1.1 In March 2014 Government published National Planning Policy Guidance (NPPG), to help Local Authorities in the interpretation of the National Planning Policy Framework and in the making of Local Plans and the determination of planning applications.

1.2 This guidance is updated as and when required by Government.

## **2. Changes to Planning Obligations**

2.1 On the 28<sup>th</sup> November 2014, an update was issued, with immediate effect, to the section of the NPPG concerning Planning Obligations.

2.2 The changes are as follows;

- Contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 sqm.
- In designated rural areas (See 3 below), local planning authorities may choose to apply a lower threshold of 5 units or less. No affordable housing or tariff style contributions should then be sought from these developments.
- In rural areas, where the lower threshold is used, on developments of 6 to 10 units affordable housing and tariff style contributions be sought from development, but not affordable housing units on site. Any financial contributions sought should be commuted until after completion of units within the development.
- Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.
- Contributions can still be sought from all developments if they are required in planning terms to make a development acceptable e.g. highways matters.
- Commuted contributions should be sought on completion of units

## **3. Designated Rural Areas**

3.1 As set out in the guidance, the lower threshold of 5 units can be applied in designated rural areas as set out in the The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the East) Order 1997.

3.2 A list of areas within the District that are designated rural areas is provided at **Appendix 1** to this report.

3.3 Within these designated areas the Local Planning Authority can choose to apply the lower threshold of 5 dwellings, which means contributions for

affordable housing and other tariff style contributions can be sought for developments between 6 and 10 units, rather than just for 11 units or more.

- 3.4 It should be noted that some parishes in the District are not considered rural as defined by the Government and are not included within the list. These include Coggeshall, Sible Hedingham, Silver End, Earls Colne, Great Notley, and Hatfield Peverel where the population is over 3,000.
- 3.5 It is therefore necessary to reaffirm that for the purposes of deciding whether or not affordable housing contributions are required, that the Council considers the areas designated as rural areas in the Housing Act (1985), as areas in which the lower threshold of 5 units applies.

#### **4. Implications for Affordable Housing**

- 4.1 The Core Strategy (2011), policy CS2 - Affordable Housing, requires the provision of affordable housing on sites in rural areas which consist of 5 or more dwellings or a site greater than 0.16ha in rural parishes. Affordable housing should be provided on the site by the developer in the first instance, but where this was impractical an off-site contribution may be acceptable.
- 4.2 In terms of the site size thresholds referenced in policy CS2, it is unlikely that any weight could be attributed to the figure of 0.16ha or 0.5ha, as the new guidance only refers to housing numbers. The guidance does however prevent the artificial reduction of a site in order to avoid the threshold of contributions.
- 4.3 Where Parishes are included as a designated rural area the District Council can continue to ask for a contribution to affordable housing on sites between 6 and 10 homes, but this must be a commuted sum payable at the completion of development, rather than on site provision.
- 4.4 However for sites in those Parishes, which have a population of over 3,000 and are therefore not a designated rural area the District Council will no longer be able to ask for an affordable housing contribution unless the development provides at least 11 new homes.
- 4.5 As the District Council has a higher affordable housing threshold for urban areas (15 dwellings), the Core Strategy policy in relation to development in urban areas remain unaffected.

#### **5. Implications for Open Space Contributions**

- 5.1 The Council's Open Spaces SPD requires contributions for the provision and maintenance of open space from the creation of 1 or more new housing units on previously undeveloped sites, the net increase in housing units from re-development sites or the conversion of existing dwellings or change of use of other buildings, institutional uses, agricultural workers dwellings, self-catering holiday accommodation (that is capable of normal residential use), and Gypsy/Traveller/Residential caravan sites.
- 5.2 Presently, therefore for every new home in the District, together with the other uses listed above the District Council seeks a Unilateral Undertaking from the

developer to provide a contribution to open space improvements which have been identified through the Open Spaces Action Plan.

- 5.3 The SPD is supported by Core Strategy policy CS10 – Provision for Open Space, Sport and Recreation.
- 5.4 As the SPD is tariff based, under the new guidance, development in urban areas and those Parishes which do not meet the criteria for a designated rural area, for less than 11 housing units would not have to provide a contribution toward open space.
- 5.5 Where Parishes are included as a designated rural area, developments of 5 units or less would not have to provide a contribution for open space. Contributions could still be sought from developments in designated rural areas of between 6 and 10 units with payment on completion.

## **6. Recommendation**

**To note the changes to National Planning Policy Guidance, and the implication this has for the application of current adopted Planning Policy.**

## **Appendix 1 – Designated Rural Areas in the Braintree District**

Alphamstone  
Ashen  
Bardfield Sailing  
Belchamp Otten  
Belchamp St Paul  
Belchamp Walter  
Birdbrook  
Black Notley  
Borley  
Bradwell  
Bulmer  
Bures Hamlet  
Castle Hedingham  
Colne Engaine  
Cressing  
Fairstead  
Faulkbourne  
Feering  
Finchingfield  
Foxearth  
Gestingthorpe  
Gosfield  
Great Bardfield  
Great Henny  
Great Maplestead  
Great Saling  
Great Yeldham  
Greenstead Green and Halstead Rural  
Hellions Bumpstead  
Kelvedon  
Lamarsh  
Little Henny  
Little Maplestead  
Little Yeldham  
Middleton  
Ovington  
Panfield  
Pebmarsh  
Pentlow  
Rayne  
Ridgewell  
Rivenhall  
Shalford  
Stambourne  
Steeple Bumpstead  
Stisted  
Sturmer  
Terling  
Tilbury Juxta Clare  
Toppesfield  
Twinstead  
Wethersfield  
White Colne  
White Notley  
Wickham St Paul