

Minutes

Planning Committee 2nd March 2021



This meeting was held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 via Zoom and YouTube.

Present

Councillors	Present	Councillors	Present
J Abbott	Yes (until 8.41pm)	Mrs I Parker	Yes
K Bowers	Yes	F Ricci	Yes
T Cunningham	Yes	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	Mrs G Spray	Yes
H Johnson	Yes	N Unsworth	Apologies
D Mann	Yes	J Wrench	Yes
A Munday	Yes		

119 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 20/01374/HH - Pantiles, The Street, Ashen as she had received correspondence from Mr N Hendry and Mr J Kingwell, who objected to the application, and a telephone call from one of them. Mr Hendry and Mr Kingwell had registered to participate during Question Time and had submitted written statements. Councillor Mrs Parker stated that she had provided advice to Mr Hendry and Mr Kingwell regarding procedure, but she had not given her views on the application.

Councillor F Ricci declared a non-pecuniary interest in Application No. 19/02304/OUT - Plc Hunwick Ltd, Kings Road, Halstead as family members of Town Councillor P Caulfield, who had registered to participate during Question Time on behalf of Halstead Town Council and had submitted a written statement against this application, were known to him. Councillor Ricci stated that he had not discussed the application with anyone.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. 20/02001/FUL - land opposite Jaspers, Jaspers Green, Shalford as she had exchanged E-Mails and had received a telephone call from one of the District Ward Councillors and the County Councillor for the area about the differences between the

current and the previous application for the site and also to clarify how Shalford Parish Council could make a representation at the virtual meeting of the Planning Committee.

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

120 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 2nd February 2021 be approved as a correct record.

It was reported that the Minutes of the meeting of the Planning Committee held on 16th February 2021 were not available for approval.

121 **QUESTION TIME**

INFORMATION: There were six statements made about the following matters. Those people who had registered to participate during Question Time had submitted written statements in advance of the meeting and these were read to the Committee either by the registered speaker or by the Council's Governance and Member Services Officer immediately prior to the consideration of the applications.

Application No. 19/02304/OUT - Plc Hunwick Ltd, Kings Road, Halstead
Application No. 20/02001/FUL - Land opposite Jaspers, Jaspers Green, Shalford
Application No. 20/01374/HH - Pantiles, The Street, Ashen

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

122 **PLANNING APPLICATIONS APPROVED**

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
**20/01167/FUL (APPROVED)	Earls Colne	Mr and Mrs A Osborne	Erection of 2 detached bungalow-style dwellinghouses accessed off existing shared private drive, 54 Coggeshall Road.

In discussing this application, Members of the Planning Committee considered an update report regarding the Council's planning policies and its five year housing land supply position.

With regard to policy, it was reported that the Council had adopted the Shared Strategic Section 1 Local Plan on 22nd February 2021. As such, the Council's Development Plan now consisted of the Braintree District Local Plan Review 2005; the policies of the Braintree District Local Development Framework Core Strategy 2011 which had not been superseded; the Shared Strategic Section 1 Local Plan 2021; and any Adopted Neighbourhood Plan. Furthermore, as the Council was proceeding with the examination of Section 2 of the Draft Local Plan it could, in accordance with the National Planning Policy Framework, give some weight to the policies contained within Section 2. As the Agenda report had been published prior to the adoption of Section 1, it made reference to policies CS1 and CS9 of the Core Strategy. However, as these policies had now been superseded, Members of the Committee were advised to disregard them when determining the application.

In respect of the Council's five year housing land supply, it was reported that there had been a material change in the position. In particular, the Government had published the Housing Delivery Test results, which showed that the Council would no longer be required to add a 20% buffer to its five year housing land supply calculation and that the standard 5% buffer would now apply. Furthermore, as the Council had adopted Section 1 of the Local Plan it was now required to meet the housing requirement set out in the Plan. Previously, the Council had considered that the five year housing land supply figure for the District was 4.59 years, but given the evidence currently available including the revised 5% buffer; the new housing requirement of Section 1; and an adjustment to supply in response to recent planning appeal decisions; this was now thought to be 3.73 years.

As the Council could not demonstrate a five year housing land supply, the 'tilted balance' requirement of the National Planning Policy Framework had to be engaged. However, taking all relevant matters into account, it was considered that the adverse impacts of the application would not significantly, or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and that the application should be granted as recommended in the published Agenda report.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01374/HH (APPROVED)	Ashen	Mr D Green	Erection of a part two storey and part single storey side and rear extension, alterations to materials, fenestration and new front porch. Erection of replacement ancillary outbuilding, Pantiles, The Street.

In discussing this application, Members of the Planning Committee considered an update report regarding the Council's planning policies.

It was reported that the Council had adopted the Shared Strategic Section 1 Local Plan on 22nd February 2021. As such, the Council's Development Plan now consisted of the Braintree District Local Plan Review 2005; the policies of the Braintree District Local Development Framework Core Strategy 2011 which had not been superseded; the Shared Strategic Section 1 Local Plan 2021; and any Adopted Neighbourhood Plan. Furthermore, as the Council was proceeding with the examination of Section 2 of the Draft Local Plan it could, in accordance with the National Planning Policy Framework, give some weight to the policies contained within Section 2. As the Agenda report had been published prior to the adoption of Section 1, it made reference to policy CS9 of the Core Strategy. However, as this policy had now been superseded, Members of the Committee were advised to disregard it when determining the application.

However, it was considered that the application should be granted as recommended in the published Agenda report.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01483/FUL (APPROVED)	Halstead	Messrs Day and Banning	Erection of 5no. dwellings with associated parking and garaging and alterations to previously approved and part implemented scheme for the erection of a replacement dwelling, 83 Chapel Hill.

In discussing this application, Members of the Planning Committee considered an update report regarding text which was missing from the Agenda report, the Council's planning policies and its five year housing land supply position.

It was reported that some of the text on page 61 of the published Agenda relating to this

application was missing. The missing text related to the Essex Design Guide; Essex Parking Standards; the reason why the application was being considered by the Committee; and a description of the site and its context. The missing text was set out in the update report. Legal advice had been sought, which indicated that as the text provided background information its omission was not detrimental to the Committee's consideration of the application and that Members could determine it.

With regard to policy, it was reported that the Council had adopted the Shared Strategic Section 1 Local Plan on 22nd February 2021. As such, the Council's Development Plan now consisted of the Braintree District Local Plan Review 2005; the policies of the Braintree District Local Development Framework Core Strategy 2011 which had not been superseded; the Shared Strategic Section 1 Local Plan 2021; and any Adopted Neighbourhood Plan. Furthermore, as the Council was proceeding with the examination of Section 2 of the Draft Local Plan it could, in accordance with the National Planning Policy Framework, give some weight to the policies contained within Section 2. As the Agenda report had been published prior to the adoption of Section 1, it made reference to policy CS9 of the Core Strategy. However, as this policy had now been superseded, Members of the Committee were advised to disregard it when determining the application.

In respect of the Council's five year housing land supply, it was reported that there had been a material change in the position. In particular, the Government had published the Housing Delivery Test results, which showed that the Council would no longer be required to add a 20% buffer to its five year housing land supply calculation and that the standard 5% buffer would now apply. Furthermore, as the Council had adopted Section 1 of the Local Plan it was now required to meet the housing requirement set out in the Plan. Previously, the Council had considered that the five year housing land supply figure for the District was 4.59 years, but given the evidence currently available including the revised 5% buffer; the new housing requirement of Section 1; and an adjustment to supply in response to recent planning appeal decisions; this was now thought to be 3.73 years.

As the Council could not demonstrate a five year housing land supply, the 'tilted balance' requirement of the National Planning Policy Framework had to be engaged. However, taking all relevant matters into account, it was considered that the adverse impacts of the application would not significantly, or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and that the application should be granted as recommended in the published Agenda report.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01880/FUL (APPROVED)	White Colne	Mr B Wisdom	Demolition of existing agricultural building and erection of 1 x 5 bedroom two-storey dwellinghouse, Little Catleys Farm, Catley Road.

In discussing this application, Members of the Planning Committee considered an update report regarding the Council's planning policies and its five year housing land supply position.

With regard to policy, it was reported that the Council had adopted the Shared Strategic Section 1 Local Plan on 22nd February 2021. As such, the Council's Development Plan now consisted of the Braintree District Local Plan Review 2005; the policies of the Braintree District Local Development Framework Core Strategy 2011 which had not been superseded; the Shared Strategic Section 1 Local Plan 2021; and any Adopted Neighbourhood Plan. Furthermore, as the Council was proceeding with the examination of Section 2 of the Draft Local Plan it could, in accordance with the National Planning Policy Framework, give some weight to the policies contained within Section 2. As the Agenda report had been published prior to the adoption of Section 1, it made reference to policy CS9 of the Core Strategy. However, as this policy had now been superseded, Members of the Committee were advised to disregard it when determining the application.

In respect of the Council's five year housing land supply, it was reported that there had been a material change in the position. In particular, the Government had published the Housing Delivery Test results, which showed that the Council would no longer be required to add a 20% buffer to its five year housing land supply calculation and that the standard 5% buffer would now apply. Furthermore, as the Council had adopted Section 1 of the Local Plan it was now required to meet the housing requirement set out in the Plan. Previously, the Council had considered that the five year housing land supply figure for the District was 4.59 years, but given the evidence currently available including the revised 5% buffer; the new housing requirement of Section 1; and an adjustment to supply in response to recent planning appeal decisions; this was now thought to be 3.73 years.

As the Council could not demonstrate a five year housing land supply, the 'tilted balance' requirement of the National Planning Policy Framework had to be engaged. However, taking all relevant matters into account, it was considered that the adverse impacts of the application would not significantly, or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and that the application should be granted as recommended in the published Agenda report.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/02001/FUL (APPROVED)	Shalford	Essex Village Properties Ltd	Construction of three dwelling houses alongside ancillary vehicle access, parking, landscaping and other associated works - Revised scheme, land opposite Jaspers, Jaspers Green.

In discussing this application, Members of the Planning Committee considered an update report regarding text which was missing from the Agenda report, the Council's planning policies and its five year housing land supply position.

It was reported that some of the text on page 104 of the published Agenda relating to this application was missing. The missing text related to the Essex Design Guide; Essex Parking Standards; the reason why the application was being considered by the Committee; a description of the site and its context; and the proposed development. The missing text was set out in the update report. Legal advice had been sought, which indicated that as the text provided background information its omission was not detrimental to the Committee's consideration of the application and that Members could determine it.

With regard to policy, it was reported that the Council had adopted the Shared Strategic Section 1 Local Plan on 22nd February 2021. As such, the Council's Development Plan now consisted of the Braintree District Local Plan Review 2005; the policies of the Braintree District Local Development Framework Core Strategy 2011 which had not been superseded; the Shared Strategic Section 1 Local Plan 2021; and any Adopted Neighbourhood Plan. Furthermore, as the Council was proceeding with the examination of Section 2 of the Draft Local Plan it could, in accordance with the National Planning Policy Framework, give some weight to the policies contained within Section 2. As the Agenda report had been published prior to the adoption of Section 1, it made reference to policy CS9 of the Core Strategy. However, as this policy had now been superseded, Members of the Committee were advised to disregard it when determining the application.

In respect of the Council's five year housing land supply, it was reported that there had been a material change in the position. In particular, the Government had published the Housing Delivery Test results, which showed that the Council would no longer be required to add a 20% buffer to its five year housing land supply calculation and that the standard 5% buffer would now apply. Furthermore, as the Council had adopted Section 1 of the Local Plan it was now required to meet the housing requirement set out in the Plan. Previously, the Council had considered that the five year housing land supply figure for the District was 4.59 years, but given the evidence currently available including the revised 5% buffer; the new housing requirement of Section 1; and an adjustment to supply in response to recent planning appeal decisions; this was now thought to be 3.73

years.

As the Council could not demonstrate a five year housing land supply, the 'tilted balance' requirement of the National Planning Policy Framework had to be engaged. However, taking all relevant matters into account, it was considered that the adverse impacts of the application would not significantly, or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and that the application should be granted as recommended in the published Agenda report.

123 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/02304/OUT (APPROVED)	Halstead	AR Clarke (Builders) Ltd	Outline application for four x 2 bed houses, five x 4/5 bed houses, 12 flats and 10 commercial units for B1(a) office purposes (with all matters reserved other than means of access, layout and scale), Plc Hunwick Ltd, Kings Road.

DECISION: That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Term:

Affordable Housing

- 6 one bedroom flats at affordable rent

Health Care Financial Contribution

- £7,889 towards the reconfiguration, refurbishment, or extension of the Elizabeth Courtauld Surgery, Halstead

Public Open Space

- Financial contribution towards outdoor sports improvements at Ramsey Road Recreation Ground - £15,523.36
- Financial contribution towards equipped play improvements at King George V Playing Field, Kings Road - £10,571.16
- On-site open space management plan

Habitat Regulations Assessment (HRA / RAMS)

- Financial contribution towards ecological mitigation - £125.58 per dwelling

the Planning Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans and the conditions and reasons set out in the report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the Planning Committee's decision, the Planning Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

In discussing this application, Members of the Planning Committee considered an update report regarding the Council's planning policies and its five year housing land supply position.

With regard to policy, it was reported that the Council had adopted the Shared Strategic Section 1 Local Plan on 22nd February 2021. As such, the Council's Development Plan now consisted of the Braintree District Local Plan Review 2005; the policies of the Braintree District Local Development Framework Core Strategy 2011 which had not been superseded; the Shared Strategic Section 1 Local Plan 2021; and any Adopted Neighbourhood Plan. Furthermore, as the Council was proceeding with the examination of Section 2 of the Draft Local Plan it could, in accordance with the National Planning Policy Framework, give some weight to the policies contained within Section 2. As the Agenda report had been published prior to the adoption of Section 1, it made reference to policies CS4, CS9 and CS11 of the Core Strategy. However, as these policies had now been superseded, Members of the Committee were advised to disregard them when determining the application.

In respect of the Council's five year housing land supply, it was reported that there had been a material change in the position. In particular, the Government had published the Housing Delivery Test results, which showed that the Council would no longer be required to add a 20% buffer to its five year housing land supply calculation and that the standard 5% buffer would now apply. Furthermore, as the Council had adopted Section 1 of the Local Plan it was now required to meet the housing requirement set out in the Plan. Previously, the Council had considered that the five year housing land supply figure for the District was 4.59 years, but given the evidence currently available including the revised 5% buffer; the new housing requirement of Section 1; and an adjustment to supply in response to recent planning appeal decisions; this was now thought to be 3.73 years.

As the Council could not demonstrate a five year housing land supply, the 'tilted balance' requirement of the National Planning Policy Framework had to be engaged. However, taking all relevant matters into account, it was considered that the adverse impacts of the application would not significantly, or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and that the application should be granted as recommended in the published Agenda report.

The Committee approved this application, subject to an additional Information to

Applicant as follows:-

Information to Applicant

4. The applicant is advised to carefully consider the lighting, layout and rear gate security of the rear parking courts with key lockable accessibility from either side being important and contributing to that feeling of safety for future occupiers. Furthermore, with the flats it is important to consider robust access control, a visitor entry system and a mail delivery system that does not compromise the security of the building at any time.

Halstead Town Council submitted a written statement against this application, which was read to the Committee by Town Councillor P Caulfield prior to the consideration of the application.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 9.40pm.

Councillor Mrs W Scattergood
(Chairman)