

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 6 July 2020

Place: Virtual Meeting on Zoom **Time:** 7.05 - 8.00 pm

Members Present: S Jones (Chairman), B Rolfe (Vice-Chairman), D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, R Morgan, J Philip, C C Pond, C Roberts, J Share-Bernia and J M Whitehouse

Other Councillors:

Apologies: H Brady and J Lea

Officers Present: A Marx (Development Manager Service Manager (Planning)), S Bell (Solicitor for the Senior Legal Officer), V Messenger (Democratic Services Officer), R Moreton (Corporate Communications Officer), A Prince (Trainee Planning Officer) and G Woodhall (Democratic & Electoral Services Manager)

1. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Democratic & Electoral Services Officer reminded everyone present that the virtual meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

3. SUBSTITUTE MEMBERS

The Committee was advised that no substitute members had been appointed for the meeting.

4. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

(a) Cllr S Heap declared a personal interest in item 8 (Planning Application EPF/0018/20 – Maltings Farm, Church Road, Moreton) of the agenda for the meeting, by virtue of having corresponded with some of the objectors. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

(b) Cllr C C Pond declared a personal interest in item 8 (Planning Application EPF/0018/20 – Maltings Farm, Church Road, Moreton) of the agenda for the meeting, by virtue of being Chairman of the Epping Forest branch of the Essex Association of Local Councils. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

5. MINUTES

Resolved:

(1) That the minutes of the meeting of the Committee held on 18 March 2020 be taken as read and signed by the Chairman as a correct record.

6. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

The Development Management Service Manager reminded the Committee that a briefing note had been prepared to ensure a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

Resolved:

(1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version be noted.

7. PLANNING APPLICATION EPF/0018/20 - MALTINGS FARM, CHURCH ROAD, MORETON

The Development Management Services Manager, A Marx, presented a report for a reserved matters application at Maltings Farm in Church Road, Moreton, in connection with the granting of outline planning permission for the removal of the existing outbuildings and an existing dwelling to be replaced with three new dwellings, a new highway access and ancillary works.

A Marx reported that this application had originally been considered at Area Planning Sub-Committee East on 18 May 2020 with an Officer recommendation to grant planning permission. The Sub-Committee refused the application due to the scale of the proposed dwellings and their impact on the openness of the Green Belt. Four members of the Sub-Committee then invoked the Minority Reference rules within the Constitution to refer this application to this Committee for a decision.

A Marx stated that the original outline planning application was allowed on appeal, and therefore the general principle of development at this location was not considered unacceptable. Planning Officers had concluded that the proposal was acceptable in terms of access, appearance, landscaping, layout and scale, and had largely followed the indicative plan submitted and considered as part of the original outline application. Consequently, it had been originally recommended that planning permission be granted subject to conditions.

The Committee noted the summary of representations received in respect of this application, including objections from four neighbouring properties and an objection from Morton, Bobbingworth & The Lavers Parish Council. The Committee heard from the Parish Council and the Applicant's Agent before proceeding to debate the application.

The Committee noted that a discussion had ensued at the meeting of Area Planning Sub-Committee East regarding the legal status of the Neighbourhood Plan for Morton, Bobbingworth & The Lavers in relation to this application. The outline planning consent had been granted on appeal in March 2019, whereas the Neighbourhood Plan was not adopted until October 2019.

S Bell of Birketts LLP advised the Committee that it should only consider the reserved matters within the application before it as outline planning permission had already been granted on appeal by the Planning Inspector. In addition, Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 provided that, if regard was to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the provisions of the Development Plan unless material considerations indicated otherwise. The Development Plan for these purposes meant the relevant documents within the Development Plan at the time of the making of the decision which, in this case, included the Moreton, Bobbingworth and The Lavers Neighbourhood Plan. If there were conflicts between the Neighbourhood Plan and other documents within the Development Plan, then the Neighbourhood Plan, being the most recent policy, would prevail (S38(5) PCPA 2004).

However, S Bell added that the outline planning consent was a material consideration that was given significant weight in this application, and in this case this would constitute an exceptional circumstance sufficient enough to outweigh the failure to comply with the adopted Neighbourhood Plan.

As the ward member, Cllr I Hadley commented that the site had roads and other houses in the vicinity, and although the site was in the Metropolitan Green Belt it had also been previously developed for residential purposes. The Prime Minister had indicated in a recent speech that the national policy was to build more houses, and the Local Plan for the District envisaged 12,000 new houses to be built by 2033. The Planning Inspector was in favour of development at the site, and the proposed development would be better than what was currently on the site, and therefore the Councillor would support granting planning permission for this application.

Cllr C C Pond highlighted a recent decision by the Secretary of State to uphold the requirements of the Neighbourhood Plan for a planning application in Waverley, and also felt that a speech by the Prime Minister could not be considered a material consideration in planning terms. Cllr R Morgan added that the proposal was appropriate for the site, the Planning Inspector had approved the principle of developing the site and the Planning Officers had recommended that the application be granted. Therefore, the Councillor would be supporting the proposal.

Cllr J Philip accepted the legal argument that the Neighbourhood Plan could be superseded by the outline planning permission already granted, but reminded the Committee that it had a duty to protect land within the Green Belt and the attractiveness of the site was not a material consideration. The Planning Inspector had made their views on the site clear at the appeal, and Green Belt issues could be considered at the reserved matters stage. The Councillor felt these would be significantly larger dwellings and their impact on the openness of the Green Belt would also include the residential paraphernalia such as bin stores and not just the

size of the dwellings themselves. The Councillor had heard nothing to vote against the decision previously reached by Area Planning Sub-Committee East, and therefore he would support the refusal recommended by the Sub-Committee.

Cllr R Morgan proposed a motion to grant planning permission in accordance with the original recommendation of the Planning Officer, and this was seconded by Cllr I Hadley. This motion was lost when put to the vote.

Decision:

- (1) That permission for planning application EPF/0018/20 at Maltings Farm in Church Road, Moreton be refused due to the scale of the proposed dwellings and their impact on the openness of the Metropolitan Green Belt.

Way Forward

To reduce the size and scale of the dwellings due to their location within the Metropolitan Green Belt.

8. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Committee.

9. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press.

CHAIRMAN