

Report of:	Assistant Director – Place and Client Services	Author	James Ryan
Title:	Planning Application 192136, Brierley Paddocks, West Mersea		
Wards affected:	Mersea and Pyefleet		

This report concerns a request for Members to formally determine planning application 192136 which was deferred in December 2019.

1.0 Decision Required

- 1.1 Members are requested provide a formal decision in relation to planning application 192136.
- 1.2 The site is known as Brierley Paddocks in West Mersea.
- 1.3 This application was for the demolition of 1 dwelling (No. 43 Seaview Avenue) and erection of up to 101 dwellings and up to 0.5ha of D1/B1 commercial use with associated parking, public open space, landscaping, sustainable urban drainage system (SUDs), vehicular access from East Road and pedestrian/cycle access from Seaview Avenue.

2.0 Reasons for Decision(s)

- 2.1 A decision is requested as the planning application 192136 (item 7.1) was deferred at Planning Committee on the 18/12/2019. The item was deferred until receipt of the Inspector's letter in relation to Section 1 of the Emerging Local Plan or for six months, whichever is the longer.
- 2.2 The applicants have now provided formal notification of their intention to appeal non-determination through the Public Inquiry Route. The Planning Inspectorate will now determine the application.
- 2.3 Members are therefore requested to formally determine the application. If the resolution is for refusal then these formal reasons for refusal will be defended at the Public Inquiry, likely to be held in late spring/summer of this year. In the event that the resolution is to approve, then this will obviate any need for an inquiry to be held in relation to this scheme.

3.0 Alternative Options

- 3.1 There are no alternative options as the Council must reach a decision on the application.

4.0 Supporting Information

- 4.1 The committee report of the 18/12/2019 sets out your Officer's consideration and conclusions on planning merits of the application and has all supporting information contained within. A copy of this report is provided for reference at Appendix 1 of this report. The minutes from the Planning Committee meeting held on 18/12/2019 can be seen in elsewhere in this agenda at page 7.
- 4.2 The committee's previous consideration of this application was focused around the matter of whether the application is *premature* in the context of allocation in the emerging Local Plan (2017-2033) and the emerging Neighbourhood Plan. Concerns were also expressed about infrastructure constraints. It was suggested that it is inappropriate to approve the application in advance of the Inspector's letter following the Local Plan examination and receiving confirmation that the plan is sound. The committee report (see Appendix 1. para. 16.9-16.28) provides detailed advice on this matter and the relevant tests governing the weight that should be applied to emerging plan policies (para.48 of the NPPF). These tests are reviewed having regard to the specific circumstances and facts of the current application. Members will note that your officers conclude that they do not consider the proposal to be premature or prejudicial to the proper plan making process. Members have previously accepted the validity of this approach in the case of recent applications for major residential development at Chitts Hill, Eight Ash Green and Great Tey. All of these now approved major applications were outside the adopted settlement boundary in the adopted local plan and subject to allocations in the emerging local plan; as is the case in the current application. It is also important to note that the Inspectors Report will only be in relation to section 1 of the Local Plan and not Section 2 which deals with allocations on Mersea.
- 4.3 Members will be aware that it is necessary to consider each application on its planning merits. Officer's advice in this case remains that the proposal is in conformity with the emerging local plan and significant weight can be afforded as the relevant tests at para.48 of the Framework are satisfied. No material harm is identified of sufficient magnitude to outweigh the public benefits identified, in order to justify and sustain refusal. Accordingly, your officers continue to recommend approval subject to prior completion of a s.106 agreement to secure contributions to infrastructure as set out in the previous report (Appendix 1.)

5. Strategic Plan References, Consultations, Publicity Considerations, Financial Implications, Equality, Diversity and Human Rights Implications, Community Safety Implications, Health and Safety Implications and Risk Management Implications

- 5.1 None directly arising from this report.