

MINUTES
of the
PLANNING COMMITTEE
held on 23 July 2024 at 7pm

Present:

Councillor J. Sosin (Chair)
Councillor S. Dobson (Vice Chair)

Councillors J. Armstrong, J. Frasca, S. Hall, R. Hyland, R. Lee, V. Pappa, G. Pooley, A. Thorpe-Apps, N. Walsh and P. Wilson

Also Present:

Councillor H. Clark

1. Chair's Announcements

For the benefit of the public, the Chair explained the arrangements for the meeting.

2. Apologies for Absence

Apologies for absence were received from Cllrs Tron, Lardge, and Sampson. Cllrs Frasca and Walsh substituted for Cllrs Lardge and Sampson.

3. Declarations of Interest

All Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

4. Minutes

The minutes of the meeting on 28 May 2024 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

The Chair advised that no further questions or statements from the public were allowed on Items 6 to 10 as they were deferred applications. No public questions or statements were received for the meeting.

6. 24/00114/FUL – Land East of Mill Lane, Great Leighs, Chelmsford, Essex

The Committee considered a report detailing conditions for approval with regards to the above application which had been deferred from the Planning Committee meeting on 28th May 2024, based on the view that the proposal met all tests under paragraph 84(e) of the National Planning Policy Framework. It was also noted that further information had been requested to be brought back to the meeting. Members were advised that only those who attended the previous Planning Committee would be able to participate and vote on this item.

The Committee were given a refresh of the application which was for a detached house in a rural area, which ordinarily planning permission would be refused unless it was a design of exceptional quality as set out in the National Planning Policy Framework. It was advised that at the previous meeting, the Committee were of the opinion that the detached house had met the tests under the National Planning Policy Framework and that the proposal was truly outstanding. Officers then suggested planning conditions that were set out in the report which were more detailed than for a standard residential house to ensure that the development was carried out to an exceptional standard.

In response to comments and statements from members of the Planning Committee, officers advised that;

- With regards to the energy performance, planning conditions were to be discharged in a formal way and this information would be considered. If the energy efficiency tests were not met, officers would expect a detailed justification and then decide whether this was acceptable or not.
- Their original recommendation had not changed. As Members were minded to approve the application, officers had come forward with appropriate conditions and reasons and that their recommendation was to approve these conditions.

The Committee held a vote to approve the application, subject to the conditions detailed in the report.

RESOLVED that the application be approved, subject to the conditions detailed in the report.

(7.07pm to 7.16pm)

7. 24/00386/FUL – Land East of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford, Essex

Cllr Dobson declared an interest in Items 7 to 10 as the local ward member and therefore withdrew from the meeting.

The Committee considered a report detailing reasons for refusal with regards to the above deferred application from the Planning Committee meeting on 28th May 2024. Members also heard that appeals had been submitted to the Planning Inspectorate against non-determination of the planning applications within the statutory time frame. As of 5pm Officers had not received a notification that these were valid planning appeals and it stood that the Council would still be able to determine the applications.

It was advised that the Committee had raised five matters of concern which was why the application had been deferred for refusal. The report detailed such reasons as the following:

- 1.) Health concerns;
- 2.) Pollution concerns;

- 3.) Traffic generated by the proposal;
- 4.) Large scale development out of keeping on a small field;
- 5.) Four individual applications instead of one.

The Committee heard the strengths and weaknesses of each reason and officers were of the opinion that the applicant choosing to submit the four applications separately (Reason 5) was not a defensible refusal reason and wording had not been provided. Officers advised that the refusal reasons that would be the strongest related to the traffic generated by the proposal (Reason 3) and that it would be a large scale development out of keeping on a small field (Reason 4). Health (Reason 1) and pollution concerns (Reason 2) were seen as difficult to defend due to fact that the hay barn in itself would be unlikely to cause health and pollution problems, although officers had suggested some wording.

The Committee went into discussion on each refusal reason and voted in terms of whether to include them or not. Members also noted that a reference to a protected lane should be included in the wording. Other members felt that Reason 4 was also connected to Reason 5. With regards to Reason 3, it was also identified by some members that there was no supporting evidence from Essex Highways and thus was not a strong reason for refusal however some members also identified increased risks to all road users. With regards to pollution, some members raised that the national guidance indicated that the Council must be sure that there were no risks of pollution and contamination.

In response to the questions from members, officers advised that;

- There was no contradiction in including Reason 4 and not including Reason 1.
- Protected lanes were non-designated heritage assets that were part of a wider rural character.
- As farming activities were generally very heavily regulated, officers found it difficult to show that a hay barn would cause contamination and pollution

The Committee then took a vote and agreed for the application to be refused on the grounds of Reasons 3 and 4. It was also agreed there would be a specific reference to the protected lane as per the discussion above.

RESOLVED that the application to be refused on the grounds of Reason 3, traffic generated by the proposal, and Reason 4, large scale development out of keeping on a small field, with reference to the protected lane.

(7.16pm to 7.53pm)

[8., 9., and 10. 24/00387/FUL, 24/00388/FUL, and 24/00389/FUL – Land East of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford, Essex](#)

The Committee considered reports detailing potential reasons for refusal with regards to the above deferred applications from the Planning Committee meeting on 28th May 2024. It was advised that the Committee had raised five matters of concerns which was why the application had been deferred for refusal. The report detailed such reasons as the following:

- 1.) Health concerns;
- 2.) Pollution concerns;
- 3.) Traffic generated by the proposal;
- 4.) Large scale development out of keeping on a small field;
- 5.) Four individual applications instead of one.

The Committee heard the strengths and weaknesses of each reason and officers were of the opinion that the applicant choosing to submit the four applications separately (Reason 5) was not a defensible refusal reason and wording was not provided. Officers advise that the refusal reasons that would be the strongest related to the traffic generated by the proposal (Reason 3) and that it would be a large scale development out of keeping on a small field (Reason 4). Health (Reason 1) and pollution concerns (Reason 2) were seen as difficult to defend as refusal reasons, although officers had suggested some wording. It was also noted that Public Health had not raised concerns regarding Reason 1 and Reason 2 and it was noted that best farming practices and modern farming operations would be in place for the cow barns.

As with the previous application, members went into discussion regarding the merits of each refusal reason. Some members felt that there was more weight in including Reason 1 and Reason 2 as there was no demonstration on how waste management would be handled. However, some members also suggested that this would be a matter for Public Health and Protection services if it posed to be a problem on grounds of pollution and contamination. Other members also commented on the lack of drainage designs for the cow barns and thus it could not be determined whether there was a risk or not.

In response to questions and statements from members, officers advised that;

- It was reiterated that the farming industry was heavily regulated by legislation.
- Officers from Public Health and Protection Services did not raise an issue with regards to the health and pollution concerns.

The Committee then took a vote and agreed for the application to be refused on the grounds of Reasons 3 and 4. It was also agreed there would be a specific reference to the protected lane as per the discussion above.

RESOLVED that the applications 24/00387/FUL, 24/00388/FUL, and 24/00389/FUL to be refused on the grounds of Reason 3, traffic generated by the proposal, and Reason 4, large scale development out of keeping on a small field, with reference to the protected lane as per the decision on 24/00386/FUL.

(7.53pm to 8:16pm)

11. [24/00774/FUL – 10 Moulsham Chase, Chelmsford, Essex CM2 0TB](#)

The Chair, Cllr Clark, Cllr Frasca, Cllr Hall, Cllr Lee, and Cllr Walsh declared a non-registerable interest in this item and withdrew from the meeting. Cllr Pooley also declared a non-registerable interest for this item but spoke as the local ward member. Cllr Dobson returned as the Chair for this item.

The Committee considered an application to demolish an existing dwelling and construction of a replacement dwelling. It would be a two-storey detached property and would be deeper than the existing but 1.5 metres narrower which would ensure sufficient isolation and prevent the property being overbearing from the windows of the nearest habitable rooms of the neighbours. The outlook from those windows would not be affected. It was also advised that the replacement dwelling would be higher than existing but overall lower than the neighbours to the south. The property was situated in a predominantly residential area where there were a variety of styles, whilst still maintaining a traditional character. It was also advised that the replacement dwelling would be well within the traditional proportions and appearance of properties within the area. There would also be sufficient off-street parking and private amenity spaces.

Cllr Pooley, as the local ward member, spoke in support and advised there had been conversations with the applicant about the application. It was noted that there had been extensive discussions with the applicants and the advisor with regards to the original concept which led to the current application. The local ward member then withdrew from the meeting.

In response to the questions and statements from Planning Committee Members, officers advised that;

- An application for a replacement house was submitted previously when officers highlighted some concerns. The application had been withdrawn by the applicant and discussions took place which led to the current proposal.
- Regarding the self-build scheme, which would make it exempt from biodiversity net gain and CIL, officers advised that a form would need to be completed and that the applicants would need to reside in the property for three years.
- The replacement dwelling would be consistent with the surrounding properties and the contemporary materials used would be kept on a small scale.
- The impact of the brick elevation from the north had been considered by officers.
- With regards to what would constitute a self-build scheme, it was advised that applicants would be involved with the original design and instruct a builder and architect to work on the design brief. This would also be monitored in terms of CIL liability.
- With regards to permitted development rights, officers advised that the property was a normal house on a street where everyone else enjoys permitted development rights and there were no grounds to remove this right.

RESOLVED that the application be approved, subject to the conditions listed in the report.

(8.16pm to 8.32pm)

The meeting closed at 8.32pm.

Chair