

MINUTES
of the
PLANNING COMMITTEE
held on 28 May 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, C. Tron, 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 Lardge and Sampson. Cllrs Frasca and Walsh substituted for them.

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 16 April 2024 were confirmed as a correct record and signed by the Chair.

5. Public Question Time

Public Questions and Statements had been submitted in advance for Items 6-10, they are summarised under the relevant item. [The questions and statements submitted in advance can be viewed via this link.](#)

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

The Committee considered an application for the construction of one new dwelling with carport, bin store and associated landscaping. The Committee heard that the site was located in the rural area and local planning policies sought to restrict residential development in open countryside and protect the intrinsic character and beauty of the countryside having regard to the National Planning Policy Framework. The Committee heard that the applicant had requested that the proposal be considered in accordance with Paragraph 84 (e) of the National Planning Policy Framework which related to houses of a design of exceptional quality in the countryside. The Committee heard that in 2022 an appeal was dismissed for an almost identical proposal, where the design was found to be very good but not truly outstanding, officers noted that the new scheme was not materially different to the previous one and were therefore recommending the application be refused. It was noted that officers felt only two of the four tests under paragraph 84 (e) were met by the proposals, not all four as required. The Committee noted that the application had been referred to the Planning Committee at the request of a local ward member so that the architecture of the proposal could be considered.

The Committee heard from three members of the public who raised the following points in support of the application;

- A public design survey had indicated significant support for the design of the house.
- The combination of the house and its landscape would significantly enhance the immediate setting.
- The design had been strengthened by the feedback and comments made by the Appeal Inspector and previous advice from planning officers.
- They felt this was the best possible design for the property.
- The planning inspector had previously acknowledged that determining whether a proposed design is of exceptional quality is a matter of subjective judgement.
- Designs of exceptional and outstanding buildings only came to being through time and a strong vision followed through to the delivery.
- The scheme as presented had the ability to be an outstanding piece of architecture to raise both the quality and aspiration of the built environment within a rural setting.

Members of the Committee expressed views in support of the design and architecture of the proposal and that it could be viewed as outstanding compared to other designs. Views were also expressed that the design would enhance the currently derelict area. Members also noted that it would be difficult to go against the inspectors decision on the previous similar application as there did not appear to be material changes.

In response to the points raised, officers clarified that the public design survey had not been seen so could not be relied upon. They also noted that one of their previous arguments had been that the site wasn't isolated, but the planning inspector had a different opinion, therefore it would have been unfair and unreasonable to now come to a different view post their decision.

Members of the Committee proposed that the application be brought back to a future meeting to agree conditions for the application to be approved, due to the view that the two remaining tests under paragraph 84 (e) were met by the application.

RESOLVED that the application be deferred to a future meeting to allow officers to report back with acceptable conditions for approval, based on the view that the two remaining tests under paragraph 84 (e) were met by the application.

(7.02pm to 7.39pm)

7,8,9 and 10. 24/00386/FUL, 24/00387/FUL, 24/00388/FUL and 24/00389/FUL – Land East of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford, Essex

Cllr Dobson declared an interest in these items as they had called them in and therefore withdrew from the meeting to speak as the local ward member.

The Chair agreed to consider Items 7, 8, 9 and 10 together, with one officer report due to the similar nature of the items. The Committee also discussed the four items together, before voting on separate resolutions.

The Committee considered the four items which covered the building of one hay barn and three cow barns on the same site. The Committee heard that the buildings were of a standard design, in a field of just over 4 hectares as part of a large scale farming enterprise across Essex. The Committee were informed that the main issues with the applications were the impact on the setting of non designated heritages assets, a protected lane and a nearby house. It was noted however that there would be a low level of harm to the lane and the cottage. It was also noted that new TPO's would be put in place to protect mature trees on the site and that vehicle movements to and from the site would not be excessive for a lane of that size. The Committee also heard that colleagues in Public Health and Protection Services had no concerns with neighbour amenity as a result of the applications.

In summary the Committee heard that the applications were not inappropriate in the green belt, there was no ecological harm or harm to trees, the access was acceptable along with neighbour relationships and there was a low level of heritage harm to moderate and low level heritage assets. It was also noted that there would be less reliance on imported Beef to the UK along with a local rural business being supported.

The Committee heard from members of the public who raised the following concerns with the applications;

- Little to no public benefit from the development.
- Increased traffic and pollution, being detrimental to the local environment and causing health issues for nearby residents along with other health and safety risks.
- The accumulative impact of the four applications together did not appear to have been taken into account properly.
- The ecology assessment did not take into account that the field had recently been ploughed by the owner just prior to the assessment.
- No flood risk assessment, or traffic management plan had been provided.
- The application was not a simple agricultural application, but instead an intensive farming operation.
- Impact on nearby heritage assets and neighbouring properties with the barns being built nearby along with vehicular access to the site causing issues on the lane.

The Committee also heard from a member of the public in support of the applications who highlighted the below points;

- The site was part of the applicant's agricultural land holding who was 'Farm Assured' and 'Red Tractor Assurance' approved and was regularly audited.
- The site would be accessed through a historic and established field gate from Lower Stock Road.

- The applications followed on from a previous proposal working on the advice of the Council's own Heritage Officer and had been amended to relocate the barns away from the protected lane.
- Comments about issues at a similar site North of Billericay were unfounded and misleading as there had not been damage to the road and verges as a result of the site.
- There would not be excessive vehicular movements as a result of the new development.
- There would not be excess surface water from the site due to the underground rainwater harvesting and the applicant had every right to plough their field.
- The applications had the support of the Planning Department, Essex Highways and the Council's Heritage Officer.

The Committee also heard from the local Parish Council and local ward member who echoed the concerns raised by residents and highlighted the below points;

- There would be harm to the protected lane next to the development.
- The proposals raised the spectre of being a route to possible future planning permissions more aligned to profit than farming.
- The development would be better placed as part of a large commercial farming establishment, rather than being located on a small parcel of land amongst residential homes.
- A similar nearby application had been rejected by the Council and the Parish wished to see consistency between decisions.
- The lane was not suitable for the development, other issues had been seen at similar sites and the gateways would need widening and further hard surfacing, that would erode the character of the protected lane.
- No environmental report had been submitted and Essex Wildlife Trust had objected to the applications.
- When considered cumulatively the four applications would lead to a significant additional amount of hardstanding that could lead to issues with surface water.
- Local residents and local heritage assets would both be affected by the plans and there would be a significant impact on residents for years to come.

In response to the concerns raised, officers informed the Committee that the lane was part of the highway and therefore could be used by any types of traffic and that information on expected use would not have a material impact on the highway. It was also noted that the entrance was already sufficient and would not need additional hardstanding. The Committee also heard that the applications had come in before changes in bio-diversity requirements. The Committee were also informed that officers had sought expert advice from other teams such as Highways, Public Health and Heritage and they had not raised significant concerns with the applications.

Members of the Committee expressed views both in support and against the applications, highlighting the importance of supporting local businesses, especially in rural areas, but also the impact the applications would have on the local rural area and nearby residents.

In response to questions asked and comments raised by the Committee, officers informed them that;

- The Council could not require the four applications to be made as one major application.

- It was expected that the site would have a consistent level of use, rather than a site for example that was used for arable farming.
- Workers would visit for a few hours at a time, therefore no welfare facilities had been proposed.
- Public Health and Protection Services had no concerns about emissions or pollution from the site and this had been checked again with the service after residents raised concerns of that nature.
- Other legislation was in place to control pollution and farming practices and the Planning Committee were only considering planning related issues, when dealing with the applications.
- The applicant would have to secure the site themselves where the public footpath was concerned.
- The site was in Zone 1 so would not require a Flood Risk Assessment.
- A previously referred to legal case that had determined a whole development had to be taken into account, related to environmental impact assessments and was therefore not relevant to this sort of development or applicable in this scenario.

The Committee held votes on each of the four applications and voted against the officers recommendations to approve the applications. The Committee highlighted that this was due to concerns about pollution and health impacts as well as other concerns raised by residents.

RESOLVED that the four items be deferred to the next meeting as the Committee decided not to approve the applications and that officers would report back on potential reasons for refusal as raised by members during the debate.

(7.40pm to 9.19pm)

11. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 26th March 2024 and 15th May 2024 be noted.

The meeting closed at 9.19pm.

Chair