

MINUTES
of the
PLANNING COMMITTEE
held on 10 January 2023 at 7:00pm

Present:

Councillor J A Sosin (Chair)

Councillors L Ashley, S Dobson, R J Hyland, J Lardge, R Lee,
R J Poulter, T Roper, E Sampson, and C Shaw

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 Councillors Pooley and Wright.

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 4 October 2022 were confirmed as a correct record.

5. Public Question Time

Three statements had been submitted in advance of the meeting for Item 7 from members of the public and the local Parish Council. These had been circulated to the Committee in advance of the meeting, two were against the application and one was in support. [The statements can be viewed via this link.](#)

6. Broomfield Mill, Mill Lane, Broomfield, Chelmsford, Essex, CM1 7BQ – 22/01413/FUL

The Committee considered an application for the construction of a residential annexe in the rear garden of Broomfield Mill. It was noted that the application had been referred to the Committee as it followed an application for a similar development which the Committee had refused previously. It was noted that the proposed development would replace existing buildings alongside converting an existing pillbox. The Committee were also informed that the proposal would not adversely impact the designation or function of the green wedge, would not have an adverse impact on the non-designated heritage assets or an adverse impact on protected species. The Committee noted that the application site was located in Flood Zone 3b. It was noted that the new application had addressed the previous refusal, with compensatory measures which mitigated against the loss of flood plain volume. The Committee also heard that the proposals incorporated flood resilient and resistance measures and would be safe in terms of flood risk.

Officers informed the Committee that due to the site being in Flood Zone 3b, the Environment Agency had recommended that the application be refused. The Committee heard however that officers were happy with the proposals to mitigate flood risks that had been proposed in the latest application. It was noted that 28.7 cubic meters of flood plain would be lost, but that this would be compensated by the new pond, providing an additional 63.7 cubic meters of flood plain. It was also noted by the Committee, that the proposals complied with local plan flooding policies.

One of the Local Ward members spoke in support of the application. They thanked officers for their assistance in overcoming the previous reasons for refusal and stated that the application would be a good use of a brown field site to support self-build initiatives. The Committee also heard that officer's thoroughness in visiting the site had helped to overcome the issues and gain a more detailed understanding of the site. The Committee were informed that the proposals were in line with the view of one of the leading authorities in flood risk assessment. The Local Ward member asked the Committee to support the officer recommendation and to approve the application before them.

In response to questions from the Committee, officers informed them that the assessment by the Environment Agency was in effect a blanket one, where in principle they could not support any developments in designated flood zones. Officers had gone through the correct procedures with the EA including going back to them with further comments and asking them about the proposed mitigations. Officers had therefore taken a pragmatic view to what was a very small development.

RESOLVED that planning application 22/01413/FUL in respect of Broomfield Mill, Mill Lane be approved subject to the conditions set out in the report to the meeting.

(7.01pm to 7.19pm)

7. Tinsley Farm, Blind Lane, West Hanningfield, Chelmsford, CM2 8UF – 22/01747/FUL

Declarations of Interest :

Cllr Dobson declared a non-pecuniary interest in this item. They spoke as a ward Councillor on the application but took no part in its consideration.

The Committee considered a retrospective application for the change of use of two agricultural buildings to commercial storage (B8), that had been called in at the request of a local ward member. They had raised concerns that the proposed development would have a detrimental impact on highway safety. The Committee were informed that the proposal was an appropriate form of development in the Green belt. The Committee noted that the lane was already well used by heavy farm vehicles and the storage use proposed, generated minimal vehicle movements. It was noted that the conversion would not materially increase traffic movements on Blind Lane or cause additional traffic which would in turn cause harm to highway safety. Officers stated that the use of the building for storage purposes was considered acceptable as it had not caused any adverse impacts to highway safety or neighbouring residential amenity. The Committee were also informed that, restrictive conditions had been proposed, which would ensure the buildings could only be used for their current uses. It was noted that the usage of large HGV's was in line with the lawful agricultural use at the site, there was no adverse impact to the highway and the conditions restricted use to the existing tenants.

The Committee were also informed of an updated response from Essex Highways which had been circulated in between the publication of the agenda and the meeting taking place, to amend inaccuracies.

The Local Ward member, Parish Council and a member of the public spoke against the application and raised the following points;

- Concerns that the application would have a detrimental impact on highway safety.
- The Highways advice did not take the cumulative effect of the application into account, in terms of traffic movements from the site.
- A traffic survey had not been carried out to demonstrate the level of vehicle movements, generated by all the existing businesses.
- The Highways advice did not take into account the potential to increase the level of usage of the barns. The barns appeared to not currently be used to capacity and there was the potential for the current or future tenants to operate on a much larger scale, in turn significantly increasing vehicle movements.
- An application for a B8 change of use had been refused in 2001 and upheld on appeal due to 'material harm to highway safety and to living conditions of occupiers of properties in the vicinity of the site'.
- The proposed conditions were likely to be unenforceable and did not address the potential expansion of the businesses.
- The application should be refused on the basis it contravened Policy DM29 which stated that development 'should not result in excessive noise, activity or vehicle movements'.
- The change of use would not, as advised by Essex Highways reduce traffic, but instead increase it.
- A size and weight restriction should be in place on Blind Lane.
- Blind Lane had no passing places or footways, along with poor access from Ship Road and to the Parish Council's knowledge, no environmental survey had been carried out.
- The proposed conditions would be impossible to police.
- The Parish Council were keen to look at the bigger picture, and to protect residents against increased traffic and industrialisation.
- Horse riders, dog walkers and walkers would face impacts upon their safety when using Blind Lane.
- The Parish Council had received comments from residents who were significantly against the increase in traffic movements.

- A previous application for the same change of use at a different farm on Blind Lane had been refused.
- The statement that the application would remove a number of large grain lorry movements from Blind Lane was incorrect.
- Blind Lane was already significantly impacted by operations from other businesses at the farm and this would only increase the issues.

The agent for the applicant spoke in support of the application. They informed the Committee that the objections were based on the fear of increased HGV movements from the site, but it was important to differentiate between the movements that storage and agricultural use generate. They informed the Committee that the storage uses had not increased the frequency of HGV use at the site. It was noted that the storage uses, utilised small post office vans two to three times a week and a small Luton lorry, two to three times a month. Therefore, it was felt there would be minimal impact on local traffic levels. The Committee were also informed that if the change was not supported then the sheds would have to be returned to agricultural use, therefore leading to increased HGV movements. The Committee also heard that ECC Highways had found the application acceptable.

The Committee were informed by Essex Highways that they had reissued a new recommendation which did not include the statement that the proposal would remove the movements of the 29 tonne lorries. The Committee heard that the retrospective application would not generate significant vehicle movements, and they could not take into account existing usage levels, they could only consider the application before them. The Committee heard that therefore, the Highways authority could not recommend refusal as it would not be defensible at appeal. The Committee heard that since the nearby application in 2001, the NPPF had come into force, detailing that an application should only be refused for severe impact.

Officers clarified that there were open enforcement investigations on the site currently and that the applicant had been working with them to regularise the other uses, the further cumulative impact would be assessed then.

A member of the Committee agreed with the reasons put forward by the Local Ward Councillor for refusal, highlighting how the application was contrary to policy DM29. Other members of the Committee, expressed concern regarding an increase in agricultural use if refusing the application, which would lead to increased vehicular movements. Other members also highlighted that they could only consider the application that was before them, and not what has been there in the past or could theoretically be there in the future. Members also noted that as the application was retrospective, there was a clear example of what the vehicular movement levels would continue to be. Members of the Committee also highlighted that the concerns raised related to the highway, but the Highways authority did not hold any concerns against approving the application.

RESOLVED that planning application 22/01747/FUL in respect of Tinsley Farm, Blind Lane, be approved subject to the conditions set out in the report to the meeting.

(7.20pm to 7.55pm)

8. 2-4 Hamlet Road, Chelmsford, Essex, CM2 0EU – 22/01076/FUL

This application had been withdrawn prior to the meeting.

9. Planning Appeals

RESOLVED that the information submitted to the meeting on appeal decisions between 21 September and 16 December 2022 be noted.

The meeting closed at 7.56pm.

Chair