

**MINUTES**

of the

**PLANNING COMMITTEE**

held on 4 December 2018 at 7:00 pm

Present:

Councillor I Wright (Chairman)

Councillors E A Ahmed, R A Alcock, L Ashley, R F Denston, L A Millane,  
F B Mountain, R J Poulter, T E Roper, G C Seeley and D W Stevenson**1. Apologies for Absence**

Apologies for absence were received from Councillors M W Holoway, P V Hughes, S W Pontin, R A Villa, M D Watson and R A Villa. Councillors R A Alcock and D W Stevenson as substitutes.

**2. Minutes**

The minutes of the meeting held on 9 October 2018 were confirmed as a correct record and signed by the Chairman.

**3. Public Question Time**

Members of the public attended to ask questions and make statements on item 7 on the agenda. Details are recorded under the relevant minute number below.

**4. Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda.

**5. Announcements**

No announcements were made.

6. **Site at 22 Common Road, Stock, Ingatestone, Essex – 18/00719/FUL**

(M8, PL21, 2018) At its last meeting the Committee had deferred consideration of an application for permission to demolish Lushill (a pair of semi-detached dwellings at 22 Common Road, Stock) and erect four detached properties with associated garaging and landscaping. The Committee had asked that the Council's Conservation Officer attend this meeting to answer questions on the impact of the development on the Conservation Area.

A local ward councillor reiterated the representations made at the last meeting, the focus of which was that the proposal represented intensification of development on common land opposite a designated village green and was therefore inappropriate. It would have an adverse impact on the Conservation Area, urbanise and encroach on the common land and would harm a sensitive and significant site. He also questioned the nature and purpose of the access to the existing property on the site, Lushill, which local people asserted had been used only as a footpath in the past.

In response to those points, officers said that historic records showed that the access across the Common to Lushill was a driveway and that the presence of gates and a removable bollard supported that conclusion. Depending on the extent of any proposed improvements to it, the access road may not ordinarily require planning permission, but the inclusion of it in the application brought it within the remit of the Committee's consideration as to whether it would cause harm to the area. They were of the view that it would not. Further, the proposed provision of a pavement along Birch Lane would be a beneficial addition and would outweigh any harm to the appearance of the area, and any vehicular direction signs for the access road would be kept to a minimum and be as unobtrusive as possible. Whilst it was a matter of judgement, the Conservation Officer was of the view that the proposed development would not harm the Conservation Area.

Although it did not regard the arrangements for vehicular access and egress as entirely satisfactory, the Committee accepted that the Highway Authority had no objections to them. In all other respects members were of the opinion that the development would not harm the Conservation Area and was acceptable.

**RESOLVED** that application 18/00719/FUL in respect of the site at 22 Common Road, Stock, Ingatestone, Essex be approved, subject to the conditions detailed in the report to the meeting.

*(7.05pm to 7.32pm)*

7. **Site at 140 Mill Road, Stock, Ingatestone - 18/01631/FUL**

This application had been withdrawn from the agenda and would be considered at the next meeting.

8. **Land East of Drakes Lane Industrial Estate, Drakes Lane, Little Waltham, Chelmsford - 18/01476/FUL**

The Committee had before it an application for the change of use of land to the east of the Drakes Lane Industrial Estate, Little Waltham, to a Gypsy and Traveller site with nine pitches, a site office and associated infrastructure. A Green Sheet of additions and alterations was distributed at the meeting.

Twelve members of the public, the Chairman of Little Waltham Parish Council and one ward councillor attended to speak against the application. A representative of the applicant spoke in support of it, as did the Cabinet Member for Planning and Economic Development.

Those who opposed the application did so on the following grounds:

- The application needed to be considered in the context of the present Development Plan and national planning policy and the location of the proposed site was clearly incompatible with and contrary to both.
- Caution should be exercised in giving weight to an as yet unapproved emerging Local Plan policy or overall strategy; in this respect the application was premature.
- The timeline associated with this site being brought forward, its superseding the site in the North Chelmsford Area Action Plan and the signing of the Section 106 Agreements for Beaulieu and Channels and being considered a 'commitment' suggested an element of predetermination that the proposed location would receive planning permission.
- The businesses on the industrial estate questioned the suitability of the site's location in close proximity to the estate on grounds of the safety and security both of residents of the site and the users of the industrial estate. The location of the Gypsy and Traveller site and the prospect that its residents may encroach on the industrial estate where hazardous material were stored and dangerous and noisy activities was carried out could have an impact of the businesses' licences, operations and, ultimately, their viability. Some of the units, it was claimed, were closer to the Gypsy and Traveller site than the 90 metres stated in the report.
- Similarly, the narrowness of the roads in the area, their use by HGVs associated with the industrial estate, and the lack of pavements and lighting presented a hazard to the occupants of the Gypsy and Travellers site if they were walking and cycling to and from it. Safety concerns were also associated with the presence of lakes and reservoirs on the farm land around the site, which would be attractive to and hazardous for children on the Gypsy and Traveller site.
- The site was unsustainable on planning grounds because it was isolated and not within reasonable walking or cycling distance of community facilities and services. Existing health and education provision in the area was already stretched and whilst such facilities were envisaged as part of the future Strategic Growth Site 4, they were unlikely to be provided in the early part of the next Local Plan period.
- The presence of another Gypsy and Traveller site within a mile of the existing site at Cranham Road would place further pressure on the locality and intensify the use of land in the area for that purpose.

- The proposal would lead to an overconcentration of Gypsy and Traveller pitches in the immediate area which would dominate the nearest settled community
- The possible route of the north-east bypass would separate the site from part of the Strategic Growth Site 4 development, further adding to its isolation and unsustainability.
- The report on the application did not show that the Drakes Lane site was more suitable than the Site Allocation 12 in the NCAAP or any other potential alternative sites.
- Although the plans for the allocation of the site dated back to 2014, local residents and businesses had not been made aware of them until 2018.

Those who spoke in support of the application referred to:

- The experience of the applicant in running successfully similar sites elsewhere and the on-site management and support that would be provided.
- The fact that the Council was required to provide eight pitches for gypsies and travellers in the period up to 2033; that it had properly assessed various sites and had identified Drakes Lane as the most suitable; and that a failure to make sufficient provision would make it difficult to resist unauthorised encampments and occupations.

In response to the points raised by the speakers, the officers said that:

- The report to the meeting set out in detail the reasoning behind the justification and selection of the site and the conformity with local and national planning policy. National planning policy required the Council to meet the accommodation needs of Gypsies and Travellers. This had been assessed through the Essex-wide Gypsy and Traveller Accommodation Assessment (GTAA). The national Planning Policy for Traveller Sites (PPTS) stated that a five-year supply of Gypsy and Traveller pitches must be maintained against targets. The Council was unable to comply with this requirement, currently having zero years of supply of sites. Therefore, when considering planning applications, the 'titled' balance would need to be engaged in accordance with paragraph 11 (d) of the NPPF.
- Contrary to the arguments put forward by some objectors, the report showed that the current policies in relation to Gypsy and Travellers sites, which included Policy DC34, were out of date. This was because a five-year supply of sites could not be demonstrated; the new GTAA provided an updated overall pitch requirement, resulting in the number of sites having changed; the PPTS (2015) had changed the definition of Gypsy and Travellers; and the new NPPF had been published in 2018. The Council, properly in the officers' view, was therefore applying policies in national planning policy and the emerging Local Plan for decision making in this regard.

- The use of the policies in the emerging Local Plan was not premature in the context of paragraphs 48 and 49 of the National Planning Policy Framework (NPPF). The proposal was not so substantial, nor its cumulative effect so significant, to undermine the plan-making process. Through the new Local Plan process the site at Drakes Lane had been assessed through the Sustainability Appraisal against other potential reasonable alternative sites and, based on the criteria used, has been chosen as the most suitable and achievable.
- In terms of its location, there were three GP surgeries within 2.5 miles of the site, and it was within the priority catchment area for the Little Waltham Primary and Chelmer Valley Secondary schools, with existing school transport serving Drakes Lane. The site was located in an area of change with planned significant development in close proximity as part of the proposals for a large new flour mill and the planned North East Chelmsford Garden Village.
- The claim that the proposal for the Drakes Lane site had not been made public until 2018 was incorrect and there was evidence showing that local people had been aware of, and commented on it, since 2014 and there had been two rounds of consultation on the Local Plan in 2017 and 2018. Site notices were also posted as part of these two consultations with public exhibitions also being held.
- The Highway Authority had not objected to the site on road safety grounds. The Environment Agency had confirmed that it was satisfied with the proposals, which would not have implications for the licences of businesses on the industrial estate.
- The minimum distance between the Gypsy and Travellers site and the industrial estate had been confirmed as 90 metres.
- It was incumbent on the parents or guardians of children from the site to keep them away from the industrial estate and for the businesses to take precautions to secure any hazardous materials. The national Planning Policy for Travellers Sites envisaged sites being close to existing businesses. Reference in that policy to the dominance of sites over local communities referred to very large sites and not those of the size envisaged at Drakes Lane.
- The plans for the north-east bypass included a junction at Cranham Road and four pedestrian crossings were being proposed as part of the master planning of the NE Chelmsford Garden Village, so the argument about severance of the site from the Garden Village site was unfounded.
- It was clear from surveys that Gypsies and Travellers did not want to live on housing estates and preferred locations on the rural edge.

During the Committee's ensuing discussion, it was emphasised that the current Development Plan policies in relation to Gypsy and Traveller sites were out of date. The emerging Local Plan was at an advanced stage, took into account the GTAA and the conclusion of the focused review in 2013 that national planning policy should be a material consideration in determining sites for gypsies and travellers. Paragraph 48 of the NPPF allowed local authorities to give weight to emerging Local Plans, and accordingly the Committee should have particular regard to policy HO3 within it.

In regard to that policy, the application before the Committee was compliant in all respects apart from the requirement that adequate facilities and services for those living on the site be within reasonable walking and cycling distance. Realistically, however, the Committee recognised that this site was no different to villages and other areas in a rural location, even allowing for a lack of public transport. In the case of Drakes Lane, there were adequate facilities and services within a reasonable travelling distance by car.

As regards potential hazards associated with the site's location, there were no footpaths and lighting on the roads around it, which were also used by HGVs. The Highway Authority, however, took the view that most of the journeys by those living on the site were likely to be by car. In that respect they were similar to other communities in rural areas and the Authority had no objection to the application on highway safety grounds. There was no evidence presented to support the fear of crime expressed by some objectors. As regards the presence of nearby hazards, there were concerns about the safety of any residents of the Gypsy and Traveller site who ventured onto the industrial estate. However, the businesses had a legal duty to protect the industrial estate from potential trespassers and the public bodies responsible for safety had no objections to the application. The risks associated with the presence of lakes and reservoirs nearby were those that existed in other areas and residents and landowners needed to be aware of the need to manage and limit those risks.

On balance, the Committee regarded the application as acceptable.

**RESOLVED** that:

1. the Channels S106 Agreement and the Beaulieu S106 Agreement be varied along the lines detailed in Section 9 of the report to the meeting and the Director of Sustainable Communities after consultation with the Legal and Democratic Services Manager be authorised to complete the deeds of variation to those two Agreements; and
2. subject to a unilateral undertaking being entered into to secure the provision of a commuted sum of £900 to provide appropriate habitat mitigation in accordance with the Conservation of Habitats and Species Regulations 2017, the Director of Sustainable Communities be authorised to grant the application subject to the conditions detailed in the report to the meeting.

*(7.32pm to 9.43pm)*

9. **Planning Appeals**

**RESOLVED** that the information on appeal decisions between 22 August and 21 November 2018 be noted.

*(9.43pm to 9.45pm)*

10. **Urgent Business**

There were no matters of urgent business brought before the Committee.

The meeting closed at 9.45pm.

Chairman