

Transcript of Uttlesford DC Reconvened Planning Committee - 17 March 2022 (Member Debate Only – not public/other speakers, or officer presentation)

Planning Application UTT/21/2137/FUL – Land north of Cornells Lane, Widdington

Councillor Merrifield (Chair)

I will open this up to the committee now. Councillor Bagnall.

Councillor Bagnall

Thank you chair. Interesting last speaker. I don't know if he wants to say professional advisors anymore. But so he is right, we should listen to the professional advice. I was going to start with Place Services who clearly call out the proposal would result in the harmful urbanisation of the site and they talk about paragraphs 202 and 203, 196 197, there's clearly harm through this application that they see, so we must take advice from the professionals that we employ. If I go to the report, I'm concerned by 9.43, which can be found on page 394, sorry, 395, where it calls out the paragraph 206 of the NPPF and it talks about the opportunities for new development within the conservation area to enhance or better reveal their significance. Proposals that preserve, how they worded it, proposals that preserve that make positive contributions to the asset. But the problem is it doesn't complete what was actually said. So it gives, a biased view in favour of developing a conservation area, but actually what Place Services said was that the proposals are inconsistent with this. So, if the whole of the wording had been used, it would have said that Place Services were actually against the proposal because it's inconsistent with the NPPF.

Yeah, so I think it's important that we do listen to the advisors, but equally it's important for the officers to use all the words that are provided. So I'm disappointed that that didn't make it into the report. That's just an example. I don't believe that anyone could imagine that that access is, is an acceptable access and I've looked at Mr. Gardner's submission and he talks about some of Essex's, Essex's own design guidance, and it clearly doesn't meet that but interestingly, Essex Highways did object to, the previous, previous, access into that lane. It's exactly the same. I think the, the gradient is far too high, so I would, I would agree that, under Gen1, I don't think access is, acceptable. And, I'm not clear that it's a sustainable site either, but I do understand that there have been other sites that may limit that argument. I would reserve the right to come back to any other points raised but they're my main points, so, thank you, Chair.

Councillor Merrifield (Chair)

Thank you very much. I'll come back to you in a minute, Councillor Bagnall. Mr. Loon, um, Ms. Shoesmith or Mr. Tyler could perhaps answer this: Mr. Loon indicated, or hinted that the applicants could do, put up, the access in by PD rights. Could you perhaps help the committee with, with that please?

Maria Shoesmith (planning officer)

Chris do you want to take it or shall I?

Chris Tyler (planning officer)

I can answer that, that that's fine. The, there is permitted development rights to secure a new access, on an unclassified lane, an unclassified highway of which this is, but which is a material consideration, you know, but, that would have to be demonstrated that there is, it can be lawfully done. You know, at this point, we, we haven't got anything in place that says that it can be lawfully done for a certificate of lawfulness application or something like that, but possibly it could be built. And that is a material consideration.

Councillor Merrifield (Chair)

It's a possibility that permitted development rights could be, could be enacted, and a certificate (inaudible)?

Chris Tyler (planning officer)

I wouldn't want to confirm that without a lawful certificate.

Councillor Merrifield (Chair)

Okay, right, thank you. Just thought I'd ask that. Councillor Emmanuel.

Councillor Emmanuel

Thank you Madam Chair. Cornells Lane is a protected lane and, as we've discussed protected lanes before in discussing the score that they reach, I thought I'd give some context to that. Cornells Lane has a score of 20, so in comparison, Warrish Hall had a score of 24 and that was one of the reasons we turned down that application.

Pennington Lane that recently, had an application turned, uh an appeal turned down, has a score of 16. Now, particularly in Cornells Lane, the score is as high as it is, partly because it gets the highest possible score for bio-diversity, which was 4. And also the highest score of 4 for group value, which indicates a strong association with numerous designated historic features or assets. And that would be the conservation area, the five listed buildings. Um, I, I think there's a lot of value in looking at the, the appeal decision, because that doesn't really focus greatly on the scale of housing that was proposed, but more on the location, the character, appearance and the effect of the proposal on, on designated and non-designated heritage assets. In fact, the three main issues in the appeal were, the effect of the proposal on the character and appearance of the area, the effect of the proposal on designated and non-designated heritage assets and whether the proposed development would provide a suitable site for housing, having regard to the extent to which the site is accessible by range of modes of transport and reliance on vehicle based journeys.

Now, his determination was that it did have an unacceptable impact on the character and appearance of the area, and on the, heritage assets and that it was not a sustainable location in terms of transport options. And actually to back that up, I just looked up the, the highway, response to, this application and there is a conservation map. give me a second, let me bring it up. Where's it gone? Sorry. I'll just reopen that. I had it open, but I've got so many open documents. Right, so the highways note, well the highways response has a note at the end of it, which said the location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys, the only practical option would be the car. This should be taken into consideration by the planning authority when assessing the overall sustainability and accessibility of the site.

I think the *possibility* that the bus service *might* be extended. I think we could compare that with the previous application that *might* be able to be accessed by a new road that *might* be delivered by someone else. You can't rely on a service that *might* be delivered as part of a consultation, because all sorts of things can be promised, but it's, if there were a concrete plan to deliver that, then maybe that would have a bearing, I think on this site where you've got *no* development to the north side of the lane, ever, you know, until you get some Mole Hall, which is over a mile away up this, you know, one way dead end lane. The value of this protected lane is, is significant. And it does play an important role in the community. I haven't been, I haven't looked at this site until we went to the site visit on Monday. And I couldn't quite believe how high up the land level was relative to the lane; how much of a sunken lane it is, and, you know, you're well over two metres from standing on the lane to looking at where the, the ground level would be. I think comparing the access to Weft House opposite, which is, a very, very much more sloping, and angled approach up to the house, which highways don't permit anymore, as accesses have to be at right angles to the road as I understand it, I don't think you can compare the two and I don't see how you could, how you could achieve a safe degree of access. However, I think it's very difficult because highways did push back on the last application on the basis of the highways issues and as a consequence of

that, because that's the last, the last note on the application before the application was withdrawn, highways have said that this is acceptable. However, we have the report from Railton on behalf of the parish council that is contrary to that. So we have two experts' opinions that contradict each other. But so I, I'm not convinced either, I'm in agreement with, Councillor Bagnall, that I'm not convinced about the safe access. I think the location would, would set in the words of one of the speakers an unfortunate precedent that could open up the north side of the lane to significant development because it's open fields all the way out of the village along that lane, and I think if you say that linear development is appropriate at one end of it and that the, the protected lane status is not significant then, that's it, we lose that, we lose that asset. I'll stop now.

Councillor Merrifield (Chair)

Can I just say that as we know we can't, we can say, we can say it, but we can't take it into account. We can only look at each application as we go. We know we have our thoughts about things, but we can't take that into account, just to, just to make that clear to people.

Can I, before I come onto somebody else, in, because we have these supplementals and 9.60, is the highways and there's a red, in the red writing, in the red print, it says there are some minor changes to the gradient, which Essex highways, Essex County Council Highways seek by condition 1.15, the highway's consultant confirms this can be complied with. Now 1.15 says this is starting to get technical, so my brain starts to get a bit, I'm not really good on gradients and thinking of percentages and things. So somebody might, I might have to ask the officers to try and help me with this. The gradient of the proposed vehicular access shall not be steeper than 4%. That's one in 25 for the first six metres from the highway boundary and not steeper than 8%, which is one in 25 thereafter. Sorry, not 25, sorry one in 12.5, thank you very much. Helping me out there, thereafter, to ensure the vehicles can enter and leave the highway in a controlled manner in the interest of highway safety. That to me still seems quite steep. Can somebody help me with that please?

Maria Shoesmith (planning officer)

Madam Chair, can I just quickly clarify, can I go back to the PD rights aspect. I've had a closer look at the legislation, and if I can read a section of that Class B, that's been referred to. So, in terms of what is allowed under permitted development, the formation, laying out and construction of a means of access to a highway, which is not a trunk road or a classified road where that access is required in connection with development permitted by any class in the schedule, other than Part A, therefore, the access is for consideration, whilst there is a lawful access there, the access is part of the consideration of the development and whether that is suitable, an access can't be made, sharely [purely] just for the development of the four houses in itself, that requires permission as part of the application. It's not, it's not permitted to, widen it part as part of the scheme. It does require permission and what the act says.

Councillor Merrifield (Chair)

So they couldn't just put the access in?

Maria Shoesmith (planning officer)

No, if it was an access for something that could be done under permitted development, a development, that, so for example, if it was to make it easier, a part of the curtilage of a house and you needed an additional access to serve, say an outbuilding that you could do, under, under the legislation, then that would be permitted if it wasn't, again, a trunk road or classified road, but obviously the housing in itself requires permission. Therefore, by that point itself, it fails on that point. You can't, you can't just do the access. The fact that there is an access there that is material consideration, but in terms of its new location, its width, to be upgraded, et cetera, is a material part of the determination of this application.

Councillor Merrifield (Chair)

Right? Thank you. I kind of thought that might be the case, but I just wanted that clarified and not because indication by the agent said. Thank you very much. Where was I? Councillor Reeve.

Councillor Reeve

I'm not very well to talk because I'm finding this very, a particularly complicated one because, arguments on both sides are well, are made. Intuitively, it doesn't ring true. And one of the ones is the, maybe not so much has been made of this, is the landscape, or the views, I think maybe the parish council made that point of the, the spoiling the views of that part of the central heart of the village, from the footpaths and whatever and that, yeah, that, that weighs on me sort of to the scale of the housing, in, in that part of the village. The other bit indeed is the access I mean to me, it seems just wrong to carve out a bit of a protected sunken lane, for the relatively small gain of four houses. I know we're in a housing deficit, but four when all is said and done, isn't going to make or save the district and so I don't think it actually carries much weight at all, in terms of benefit to me. So now putting it together I must say I'm sort of minded not to be in favour of the development, simply for its location in, in the village and the harm to the, protected way. Sustainability, yeah, there are pros and cons because, four houses in better location, would have the same sustainability arguments. Then for me, that'd be acceptable given the sort of bus routes or not and also the limited access to things in the village. For me, the big issues are the location an impact and the, and the access. I acknowledge that that's not a terribly strong, in either way from my own, thinking, so I'm still, still thinking about it and trying to really weigh up the arguments in my own mind.

I thought Councillor Hargreaves made the, in a way, the best description of the, the arguments that tilted balance, right in the beginning of the speakers where, he listed the harms, some having more or less weight in my, in my thinking of urbanisation, no storm drains, less than substantial harm to the heritage, S7, the fence and other things, that then set against the benefits, and the only real benefit is four houses, and how strong is that benefit? So, which means that you don't really need to have particularly strong things, against and so I must say, I'm sort of for coming down on the side of against, but that a number of people haven't finished their statements, so let's hear from those as well. I'm sorry to be too wordy. It's just because I'm not firm in my convictions.

Councillor Merrifield (Chair)

Oops, Councillor Emmanuel.

Councillor Emmanuel

I just had a further point. I'm looking back, I'm just looking at the, the Railton report, which was the, independent, transport assessment, assessed, produced by, on behalf of the parish council, forms appendix one of their submission, so he specifically mentions that, the gradient that's proposed is contrary to Essex design guide design details that states for all junctions, the approach gradient should be no steeper than 2.5% within 10 metres at the junction. So he goes on to say, well, even if it's, was it 4% you said, if it's been...

Councillor Merrifield (Chair)

4%

Councillor Emmanuel

And then increasing to eight

Councillor Merrifield (Chair)

And then we're saying that for the first six meters, and then 8%

Councillor Emmanuel

And then 8% after, he said, the difference in levels could be, so he said there's not, there's not any information about, well it's unclear how the difference in levels between the access road and the dwelling could be achieved without some significant regrading the Western end of the site. Difference in levels could be accommodated either through the introduction of retaining walls or by the introduction of embankments. A retaining wall with the height of 4.7 meters, or 1.9 meters to 2 metres if gradient standards were met adjacent to Cornells Lane would both dramatically urbanise the street environment and creates a stark canyon feature that would constitute an extremely dangerous environment for pedestrians. For safety reasons, it's likely that any retaining wall would need to be set back from the edge of the carriageway. And this would have the effect of increasing the scale of the access and the impact from the surrounding embankment, trees and vegetation. I think in the absence of any information about how that's to be achieved, it's very difficult to not just visualise it, but to actually assess the degree of harm that might be done. And I think that's, I'm surprised that highways haven't insisted on knowing that information before determining whether that's actually a safe and suitable access.

Councillor Merrifield (Chair)

That had crossed my mind. Can I just ask as well, I looked at, the houses and in the size of the gardens, it says a hundred, is it square meters, yeah, it would be a hundred square meters plus for each one, which, okay, they're going to be bigger, it's more than the requirement, which is good. But it's not a definite size, which always kind of concerns me because it's, how far do we go? Do you know that sort of thing? I'd like to know how big the, how big the garden is and, or the sort and size of the plots. Maybe we've got the size of the total plot, in there. And each house has two parking spaces. There's no visitor parking, or, it doesn't say any visitor parking. Now, there's a foot path they are proposing to go, which sounds very nice that people can come and they can go out and walk down to the church, that sounds very admirable, very nice. But where, where are visitors going to park? Because you need parking, and I would imagine parking in Widdington, as we in fact kind of saw in the middle of the day was quite tight. Wasn't it? So where are visitors going to park? So Mr. Tyler, was there anything about visitor parking on the site?

Chris Tyler (planning officer)

There wasn't any visitor set visit parking, so the set parking within each plot, provides two spaces. So as you was right, but there is a further space drive ways space that would probably give provision for three parking spaces per house. I'm not a hundred percent sure of your question in terms of the size of the garden, of each one. I know each one provides, in accordance to the Essex design guides sizes, but I haven't got the each plot's size of the garden.

Councillor Merrifield (Chair)

Yeah. I'm very pleased. I mean, it's great that it's going to be a hundred plus, that's marvelous, so it exceeds the Essex design guide really, I think doesn't it, for each house, it was just that, having, I can't remember where it was, it was before I've been on this planning committee that there was, there was a development that, obviously we've involved them in our, in our parish and it, the garden, the garden edge kind of said it was one place and then actually it wasn't, they extended it to another, and people and the, the new owners had to apply to take, to put the garden into their, you know, the field into their garden, 'cause they were finally, they were told by the landowner or the landowner that actually that's that, that, that bit of land on the other side of the fence is yours. You know, so it would be good to know how big the whole, how big the whole plot was. So just saying, cause every other application you get, you get the actual size of the garden or the total plots, even if the size of the total plot, that was really, it was just something it came into my head when I saw that, you know. Anyway if you, if you, if it's not something you can answer because it wasn't in information given that's fine. Councillor Lemon.

Councillor Lemon

Yes I had in my own mind was the parking sufficient. Where the application says two parking spaces and that's what I'm going to go on. There isn't to my mind, if there was visitor parking, it should have been in the application and it isn't, so I can only read into the application what's there.

My other concern I'm sorry to say is the same with everybody else, I think is the access, and I'm actually quite appalled by the access. I don't like to criticise highways, but highways like everybody else they're like us, sometimes they get it wrong. And I think I'm sorry, but in my opinion, in this case, they've got it wrong. Particularly I noted on as you're going up on the right hand side, there's a, almost an open ditch that is running, which I assume, when it rains, it pours with water down there and if I was driving up there in, in a large car, trying to turn in or even trying to come out I would find it quite dangerous, so I'm sorry but I don't think the access is very good. I can't understand why they can't use the original access to the site, which I thought was quite suitable, but that's only my own thoughts as a Councillor. Thank you.

Councillor Merrifield (Chair)

I'm sure Mr. Tyler will tell us that, weren't we told that highways has rejected that access?

Chris Tyler (planning officer)

Yes. For visibility splays that, so if you're coming down there to look to your right to see coming down from Cornells Lane, it would prove very difficult to have visibility. So the preference was to have a preferred access, where it is proposed; a safer access.

Councillor Merrifield (Chair)

I'll come back to you in a minute Councillor Reeve. I must admit, I think the access, they're proposing, I would like to have more information about that, you know, because, this one bothers me. I don't have as many issues about, you know, the four houses, perhaps I would very much like to see that fence taken down. Then if it was that the application went through, I would be asking for a condition for that fence to come down and hedging replaced and all that sort of thing. If we were minded to approve that, because I don't like seeing fences like that in the middle of the countryside, that just, it's not, it's not, not nice it's not natural to me. Anyway, Councillor Reeve.

Councillor Reeve

I was going to come down on the side of proposing a refusal on the grounds of, predominantly, access. You were sort of starting to go in the direction of deferral to, to get that sorted out and possibly that's the wiser course of action, simply because we don't have the, the details of that. What, what my argument with the refusal on the grounds of access is that from a highways point of view I can understand the visibility splay argument, but on the other hand, that slaps right in the middle of the protected lane argument, which should be protected and your you're destroying it with this access, in that respect, and that's a, yeah, that's, that's a planning balance and I must say I would come down on the side of not supporting that access for that reason. But a deferral might be the better way to get definitive, highways view on that. So having thought what I'm thinking I'm going to propose a deferral to get that clarified.

Councillor Merrifield (Chair)

Does that have a second?

It doesn't appear to. Okay. Councillor Emmanuel.

Councillor Emmanuel

I think almost whatever the access looks like, it's going to urbanise the site. And, I saw in one of the responses that the, the width of the access would actually be wider than Cornells Lane itself, which it just seems to me in an inappropriately urban form of development for what is it pristine rural environment right now. As you said, the benefit of the scheme is four houses, but there, there is, there are identified harms identified by an inspector, not just by our opinion or by our view and by the conservation officer. And we have concerns raised by, an independent transport consultant, you know, that counters the view and actually Essex highways' view is contrary to their own guidance. You know, that what they've said is acceptable is contrary to what the regulations actually say. I mean, the regulations say that you can have exceptions, but there hasn't been a

clear and convincing reason given why you would make that exception. In this case, in my, in my, that I've seen, I'd be happy to propose that we refuse, on the grounds of impact on the conservation area, impact on the protected lane. I'd be happy to take Maria's view, sorry, Ms. Shoesmith's view on, on the, on the Gen One access, the inspector was comfortable refusing on Gen One. I don't see that this is any less harmful, than that proposed within the appeal.

Maria Shoesmith (planning officer)

If I could, Madame chair, just, clarify a few things and if I could skip back a little bit in terms of the parking that was originally raised. If, I'm being told that there is three parking spaces available. The houses themselves by the sizes of the dwellings fulfil the, the parking standards that are adopted. In terms of the sizing and the turning spaces there appears to be sufficient parking for visitors within, within each individual plot itself. However, I mean, going with regards to the access, I would err on the side of caution with regards to going with a refusal regarding the access, the reason being we have got advice from highways in terms of whether, whether that particular access is acceptable or not. They said it is subject to certain gradients.

Now, if there is obviously some doubt in terms of whether that would work, what it would mean in terms of the overall size, scale, appearance, what that would mean to protected lane, then personally, I would advise that further information is sought with regards to that.

Councillor Merrifield (Chair)

Councillor Caton.

Councillor Caton

Thank you. I mean, having just heard what Ms. Shoesmith has said, I would actually now be, be prepared to support Councillor Reeve's proposal for a deferral, and I'm quite prepared to either second the proposal or propose it myself.

Councillor Merrifield (Chair)

Ms. Emanuel do you have a question?

Councillor Emmanuel

I'm just questioning, if we defer purely to find out what the access would look like and whether the gradient was okay, wouldn't that indicate that we were comfortable with all other aspects of the application? Because when we've come back from a deferral previously, it's been only to discuss that one issue that we deferred on those grounds.

Now, I think there are other harms here, which have been identified by the appeal inspector to heritage and character and the appearance of the area that I don't think we can ignore. And, I'm not comfortable saying that all of those matters are okay, as long as we can sort out the access, because I think the harm to the protected lane, it will be harmed regardless of whether the access is, you know, a two and a half gradient or, or 4% or 8%. A big chunk of it will be removed, that green canopy won't be there anymore.

Elizabeth Smith (Council solicitor)

If I can assist Madam Chair, the original proposal for a deferral fell away through lack of a second, seconder, we now have an un-seconded proposal to refuse. So procedurally, we have to work through that before we can consider a fresh proposal to defer.

Councillor Merrifield (Chair)

Ok fine, so, but we are being advised, that to go on what, to put in the access for a reason would not, would not be advisable. Is that right Ms. Shoesmith?

Maria Shoemith (planning officer)

I think based on the advice that you've been provided within the report, what highways have come back with, if you are not comfortable and would require further information to make that decision, then I think that would be the most advisable route. Obviously they have recommended approval, they themselves in terms of highway safety terms in itself, not necessarily the impacts upon the protected lane, that's obviously a separate assessment as part of the application, but obviously if you require further information to be able to have a fully informed decision, through additional information, then I personally would advise that rather than obviously refusing it on highway grounds when highways themselves have recommended approval.

Councillor Merrifield (Chair)

I'm wondering if we, if we defer Councillor Emmanuel? I think we can say that if we're asking we're asking for more advice and evidence about the access, that we would, I mean if there's, if there's anything else that we want some more information on, I mean, I'd also like to know why in the previous application, that was, what was it the one that was withdrawn, somebody can remind me, and you're saying that the application that highways, objected to that one, I'd like to know where the difference is. And its ok just now you don't have to tell me, but I'd like to know why from one application to the other, what happened, what was the difference with that as well. That was one of the things I would like to know; the reasoning behind one to the other. I'd also like to know how, you know, this might not be possible, the engineering of that, you know, if it is going to be so wide and the impact on the protected lane.

Maria Shoemith (planning officer)

That's, that information could be sought, and be referred back to the committee.

Councillor Merrifield (Chair)

Councillor Emmanuel and then Councillor Lemon.

Councillor Emmanuel

I think if we look back at some of the other applications, we've, we've rejected on the basis of impact on the protected lane, which is protected for a reason, if we look at the one that had the industrial site, I don't recall the name of the location now, that had a protected lane leading up to it, and we refused the application on the basis of the impact on the protected lane. This is, this is, a beautiful, tranquil, rural, historic, undeveloped, at any point in its history.

Councillor Merrifield (Chair)

It's not undeveloped, because the other side of the lane is developed.

Councillor Emmanuel

No, that side of the lane, no that side of the lane.

Councillor Merrifield (Chair)

Right, let's be accurate please.

Councillor Emmanuel

I just I'm concerned that by asking for more information about highways that suggests that in all other respects, we're comfortable with the application. I don't feel that at all.

Councillor Merrifield (Chair)

Councillor Lemon.

Councillor Lemon

Very similar to Councillor Emmanuel. It's a protected lane with no buildings on one side, to start building, to me to start building on the one on the other side, it's it will spoil the whole aspect of the land. Now if we defer on the grounds of access there's a lot of other reasons that I have that I would rather refuse it than defer it. Unless these arguments can come up again once we've deferred, I would be still minded to refuse.

Councillor Merrifield (Chair)

Councillor Bagnall.

Councillor Bagnall

Thank you Chair. I'm not going to second yet. So when we look at the access and highways responses, the previous highway's response from the application 20/2193, called out that it was not an acceptable proposal, and called out the same issues, visibility splays, suitable access gradient, so we're in the same position with the highways response that says something different at the beginning, but it's asking for the same thing. So I don't think we're going to move forward by going back to highways. So I think we should have a vote on refusal. And I think some of the reasons are the conservation area, the protected lane, heritage assets. And I think that's just going to keep it, it's going to make it cleaner. I think if there's a genuine solution to the highways, the applicant can always come back with a genuine solution to the highways, but you can't change the conservation area or the protected lane status. So, I don't, I don't support deferral for that reason. And I'm happy, if you'll allow me, I'm happy to second Councillor Emmanuel's proposal for refusal. I would like to, I would like to add some paragraphs with the NPPF that have been called out as reasons for refusal.

Councillor Merrifield (Chair)

Ms. Shoemith?

Maria Shoemith (planning officer)

Yes, Madam Chair.

Councillor Bagnall

Yeah, I've got, paragraph 196, harm to heritage assets and conservation area, I've got paragraphs 197 for protected lane and 199 and 206 that are inconsistent with the NPPF. And I think that paragraph 202 and 203 are harmful urbanisation of the site is what's being called out and I'd like to include those.

I think S7 was mentioned, I think that needs to be included. I know ENV 2 and ENV 9 were mentioned. I don't know if they are defensible. I would support Gen1 on the basis that I do not think that it's an access that could be used as an access for anything, such as a bin lorry or a large delivery vehicle, it's just, it's just inappropriate in my view. So I would include Gen One. I know the advice is not to include it. That stands for the proposer, but my advice would be to include it because I, I genuinely think Gen1 is a reason for refusal.

Councillor Merrifield (Chair)

Ms. Shoemith

Maria Shoemith (planning officer)

Ok, I need to go through the NPPF. It's quite a lot of paragraphs that I need to go through to make sure that whether it's, they're actually, valid for obviously..

Councillor Bagnall

Ms. Shoesmith if I can help, I got those from the Place Services response.

Maria Shoesmith (planning officer)

Ok.

Councillor Bagnall

So hopefully they would be valid.

Maria Shoesmith (planning officer)

So if it's with regards, purely with regards to the implications and the level of harm, and from the, Place Services response, that that will be fine in itself, as is implications upon the countryside it's set in. In terms of ENV 9, I'll need to have a look, if you bear with me one moment.

Historic landscapes, proposals likely to harm significant historic, local historic landscapes, historic parks, gardens, protected lanes as defined on the proposal will not be permitted. That seems to be reasonable, in line of obviously what you're talking about, or I would, however, throw caution with regards to Gen One though, just based on, obviously the advice that we've been given in terms of highway safety, just to make it more focused with regards to the, impact on the local area, in terms of, the protected lane and its countryside rural setting.

Councillor Merrifield (Chair)

Councillor Emmanuel it's your proposal, are you happy to withdraw with Gen One and keep the rest in, given Ms. Shoesmith's recommendation?

Councillor Emmanuel

I think we should follow the recommendation that we are being given. I do have reservations about the access and about the sustainability of the location in general but I don't want to, you know, go contrary to the advice we've been given. So I'm happy to do that. Thank you.

Councillor Merrifield (Chair)

Thank you very much. So we have a proposal, proposed by Councillor Emmanuel, seconded by Councillor Bagnall to refuse. So, all those in favour..

William Allwood (Planning Officer)

Chair? Chair? Before we get into this, can we have a discussion about local plan policies? I mean mention's been made on NPPF policies, but clearly the local plan, is a starting point when we're refusing planning applications so I think quite rightly officer advice is not to look at Gen One, potentially we can look at Gen Two, but I again, probably try to dissuade you about that.

But certainly as, as I've read the meeting, it's been focusing on heritage, both in terms of the conservation area and listed buildings together with the protected lane. So it's going to be ENV 1 ENV 2, ENV 9, and also mentions have been made of S7 as well. Are members happy, happy with that in terms of, local plan policies, which clearly as Councillor Bagnall said, can be supplemented by relevant passages from the NPPF. Thank you.

Councillor Merrifield (Chair)

Councillor Emmanuel

Councillor Emmanuel

That sounds very sensible. Thank you.

Councillor Merrifield (Chair)

Thank you very much, Mr. Allwood. I think we've got a couple of the, of the ENV's in, Mr Allwood, so thank you very much for the additional ones. Thank you for your help.

Elizabeth Smith (Council solicitor)

If I can assist again, Mr. Allwood we had got ENV 2 and 9 and S7 already.

Councillor Merrifield (Chair)

Thank you very much.

William Allwood (Planning Officer)

Thank you.

Councillor Merrifield (Chair)

Much appreciated. So where were we? Let's start again. So can we go to the vote for all those in favour of refusal?

Elizabeth Smith (Council solicitor)

That is 1, 2, 3, 4, 5 in favour of refusal, and one abstention.

Councillor Merrifield (Chair)

Thank you very much. I am going to take a five minute break.