

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 1 MAY
2024 at 10.00 am**

Present: Councillor R Freeman (Chair)
Councillors G Bagnall, N Church, J Emanuel (Vice-Chair),
R Haynes, M Lemon, J Loughlin, R Pavitt and M Sutton

Officers in attendance: N Brown (Head of Development Management and
Enforcement), C Forster (Planning Lawyer), C Gibson
(Democratic Services Officer), P Hunt (Planning Officer), C Tyler
(Senior Planning Officer) and A Vlachos (Senior Planning
Officer)

Public Speakers B Elvin and V Ranger.

PC170 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence or declarations of interest.

PC171 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 3 April 2024 were approved as an accurate record.

PC172 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the standing Speed and Quality Report. He said that the pending appeal had been recently dismissed and that he would report back to Members at the next meeting on potential appeals in the system.

The report was noted.

PC173 QUALITY OF MAJOR APPLICATIONS REPORT

The Head of Development Management and Enforcement presented the standing Quality of Major Applications report and indicated there was a need to keep everything under review.

The report was noted.

PC174 S62A APPLICATIONS REPORT

The Head of Development Management and Enforcement presented the S62A Applications report. He said that the two outstanding hearings were scheduled for the following week.

The report was noted.

At this point, the Chair welcomed Councillor Loughlin back to the Committee after illness.

PC175 UTT/22/2035/FUL - LAND EAST OF ST EDMUNDS LANE, GREAT DUNMOW (CHIEF OFFICER'S REPORT)

The Senior Planning Officer presented a report in relation to a planning application previously approved on 8 February 2023, subject to the completion of S106 agreement to secure a number of infrastructure provisions. On the basis of a recent high court decision, it was now proposed to remove the affordable housing element from the current resolution to grant permission subject to prior completion of a satisfactory S106.

He recommended that the Committee amended the previous resolution to remove the financial contribution for the 8 affordable rent properties. All other provisions and conditions made on 8 February 2023 would remain the same.

In response to questions from Members, officers:

- Outlined the history of the application, the involvement of PINS and the consequences of the high court decision.
- Made it clear that the only aspect of debate should relate to the removal of the affordable housing element of the application and that the whole application should not be re-visited.

Members discussed:

- The issues relating to self-build homes.
- Balancing harms against benefits.
- The main benefit from the development is the delivery of housing.
- The Head of Development Management and Enforcement said that provision of affordable housing was mitigation for the development and was not part of the benefit balance and that the heritage elements had already been balanced against the scale of the development; the Legal Officer also confirmed that this was the case.

Councillor Emanuel proposed that the officer's recommendation be approved. This was seconded by Councillor Sutton.

RESOLVED that the Committee amended the previous resolution to remove the financial contribution for the 8 affordable rent properties. All other provisions and conditions made on 8 February 2023 would remain the same subject to completion of a satisfactory S106.

UTT/24/0585/FUL - OLD COTTAGE, START HILL, STANE STREET, GREAT HALLINGBURY

The Senior Planning Officer presented an application for the closure of existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 dwellings.

He recommended that the Strategic Director of Planning be authorised to grant permission for the development subject to the expiry of the notification period, and the conditions set out in section 17 of the report.

In response to questions from Members, officers:

- Referred Members to Condition 10 (Construction Method Statement) and Condition 28 (Construction Management Plan (CMP) in relation to questions in respect of a CMP and potential impacts on neighbours. The condition for the previous CMP for the extant planning permission for 7 dwellings has not been discharged yet but an application has been received.
- Clarified car parking arrangements for the Old Cottage and bin store provision. Car parking arrangements for Old Cottage were previously covered in the extant permission as the then application site included the neighbouring cottages, however, the application site has been decreased now as land had been sold to not include those neighbouring cottages.
- Said that Nationally Described Space Standards had been met for the living quarters and bedrooms of the proposed dwellings. Previous concerns regarding car parking, the provision of appropriately sized private gardens and lack of shared green space have been satisfactorily resolved.
- Said that a drainage scheme had been submitted and conditioned (Even though there was no such requirement as it is not a 'major development'). Any arrangements for sewage treatment plants would be a civil matter outside the scope of planning.
- Said in response to CPZ and other concerns that a 'fallback position' exists as the extant permission has commenced for to build 7 homes on the site, and as such, the likelihood of the 'fallback position' being used by the developer was high, which would afford significant weight to the fallback position. The presence and weight to the 'fallback position' is a matter well-established in case law.
- Said that Condition 5 removed the Permitted Development Rights for new extensions and alterations to the dwellings, to preserve the character and appearance of the area and to safeguard residential amenity issues.
- Said that tandem parking spaces were not 17 and they had been reduced in comparison to the previously refused application. There is no adopted policy or Design Code to prohibit tandem parking.
- Confirmed that visitors' parking spaces exceeded requirements.

Members discussed:

- Concerns regarding green space; it was recognised that garden sizes were in order for each plot.

- Concerns regarding possible overdevelopment of the site.
- Continuing parking layout concerns, with some tandem parking and 4 spaces allocated for visitors.
- Parking and sewage arrangements at Old Cottage were not ideal but outside the application site or the scope of planning.
- Whether this application was an improvement on the previous one; it was recognised that the applicant had listened to previous concerns expressed.
- Concerns regarding building on the Countryside Protection Zone.
- Specific concerns in respect of Plot 7 being seen as unacceptable overdevelopment, with design concerns.
- The need to protect the brook from pollution at the rear of the site. Reference was made to Condition 20 in respect of foul and surface water.
- The need for a CMP to be in place.
- The housing density figures for 9 dwellings being in order.
- A swept path analysis having been carried out to the satisfaction of Essex Highways to ensure refuse and other vehicles to be able to enter the site and turn.

Councillor Bagnall proposed that the application be refused on the grounds of the scale, design and layout in the context of being over-development and out of the character of the area, contrary to policy GEN2.

This was seconded by Councillor Church.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development in line with the above motion.

V Ranger spoke against the application. Statements were also read out from Councillor G Driscoll and J Thwaites against the application.

B Elvin (agent) spoke on behalf of the applicant, in support.

There was a brief adjournment between 11.50 am and 12.00 pm during which Councillor Church left the meeting.

PC177 **UTT/23/2989/FUL - SPRINGWELL PADDOCK, WALDEN ROAD, LITTLE CHESTERFORD**

The Planning Officer presented an application seeking retrospective permission for the erection of 4 sheep and goat shelters.

He recommended that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report.

In response to questions from Members, officers:

- Outlined the history of the site.
- Said that the land was considered to be an agricultural paddock.

- Said that it was well-recognised that the access arrangements were not considered safe.
- Said that no members visit has taken place, as the matter was one of principle as to whether or not the buildings would directly cause an intensification of the site, and not related to context.
- Said there were an estimated 12 sheep and 8 goats in residence at the time of the officer site visit although photographs submitted appear to show kids/lambs having been born into the flock.
- Confirmed that the concerns of the science officer had been considered and in officer's opinion the access was not affected by this precise proposal.

Members discussed:

- Condition 2 whereby shelters should only be used for sheep and/or goats.
- The relatively small size of the shelters.
- The possibility that a condition be placed to state that if the shelters were not being used for stated purposes, then they could be removed.
- The objections expressed by Natural Sciences Officer regarding the access and Special Verge, and the weight to be given to the assessment.
- Whether additional shelters represented an intensification of the use of the access.

Councillor Emanuel proposed approval of the application with an additional condition in respect of stating that the shelters would be removed from site if they were not being used by goats or sheep.

This proposal was seconded by Councillor Sutton.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report and the additional condition detailed above.

A Statement was read out from Little Chesterford Parish Council opposing the application.

The meeting ended at 12:35 pm.