

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 21
JUNE 2023 at 2.00 pm**

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

Officers in attendance: N Brown (Head of Development Management and Enforcement), C Edwards (Democratic Services Officer), T Gabriel (Senior Planning Officer), C Gibson (Democratic Services Officer), J Lyall (Planning Lawyer) and C Tyler (Senior Planning Officer)

Public Speakers: J Blanchard, L Howles, Councillor P Lavelle, D Lawrence and J Snares (Housing Strategy and Operations Manager).

PC18 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

All Committee Members were present.

The Chair said that he would make his judgements on each case on the basis of the evidence as presented.

PC19 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 June 2023 were approved as an accurate record.

PC20 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the standing Speed and Quality Report.

The report was noted.

PC21 QUALITY OF MAJOR APPLICATION REPORT

The Head of Development Management and Enforcement presented the standing Quality of Major Applications report and outlined the background to the report.

The Chair highlighted the costs of appeals as shown in the chart in paragraph 7, particularly showing a total of around £476k for 2022 – 2023.

The report was noted.

PC22 **S62A APPLICATIONS**

The Head of Development Management and Enforcement presented the S62A Applications report and updated Members on the current situation in respect of progress made.

The report was noted.

PC23 **UTT/22/2208/FUL - PARKSIDE, ABBEY LANE, SAFFRON WALDEN**

The Senior Planning Officer presented a report for proposed redevelopment of Parkside Retirement Housing, including the demolition of existing building and erection of new building to provide 24 apartments with associated parking, bin storage and communal gardens including alterations to existing site access. He outlined the public benefits of the development as detailed in paragraph 14.4.14 of the report.

He recommended that the 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 various questions from Members, officers:

- Confirmed that the apartments would be retirement dwellings for over 60's.
- Said that parking arrangements were adequate.
- Said that the height discrepancy issue had been resolved as detailed in paragraph 14.4.7; the Council had employed a landscape architect who had confirmed measurements.
- Said there was only one lift proposed for the building.
- Said that 7 charging points for vehicles had been provided.
- Detailed the air source heating pump provisions.
- Said that it was for members to judge such matters as the Neighbourhood Plan being satisfied and NPPF considerations.
- Said that the proposal was contrary to SWNP (Policy SW3) but that everything else was broadly in compliance with the Neighbourhood Plan.

Members discussed:

- That SWNP (Policy SW3) was a material consideration in respect of a three-storey block on the edge of a conservation area.
- Concerns about the design needing to be re-worked.
- The proximity of a Listed Building and potential significant level of harm being contrary to the Neighbourhood Plan.

At this point the Chair invited the Housing Strategy and Operations Manager to address the Committee; she outlined the background and need for housing within the district.

The Planning Lawyer outlined the need to balance the level of harm against public benefit, consideration of S70 of the Town and Country Planning Act, both NPPF and conservation area considerations being material and the need to consider social requirements.

Members further discussed:

- That the need for housing was recognised but some concerns continued to be expressed in respect of the design, character, appearance and heritage and whether the environment could be “softened”.
- Concerns that the NPPF adverse impact could significantly outweigh the benefits in that it was the wrong scheme and wrong layout.
- That some positives were recognised in the efficient use of space.
- The acceptance of a three-storey building by Conservation officers, although Place Services had commented there would be a harmful effect on heritage at a lower level.
- The desire to review heating arrangements.

The Planning Lawyer read out and summarised paragraph 14 of the NPPF.

The Head of Development Management and Enforcement said that they could influence the materials to be used but could not specify the heating system or the use of solar panels. He said that the word “fenestration” could be added as part of Condition 6.

Councillor Bagnall proposed that the matter be deferred in order to re-work the design and to further work with Conservation officers. Councillor Lemon seconded this proposal.

The motion was lost on the casting vote of the Chair.

Councillor Sutton proposed that the application be approved with the additional proviso in Condition 6 in respect of materials and fenestration being identified prior to the commencement of the development above slab level.

Councillor Loughlin seconded the proposal.

This motion was carried on the casting vote of the Chair.

RESOLVED that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report with the additional proviso in Condition 6 in respect of materials and fenestration being identified prior to the commencement of the development above slab level.

There was a comfort break adjournment from 3.05 pm to 3.15 pm.

As there were four speakers waiting to speak the next item was brought forward on the agenda by the Chair.

PC24

UTT/23/0475/OP - LAND TO SOUTH OF BRAINTREE ROAD, GREAT DUNMOW

The Senior Planning Officer presented an outline application (all matters reserved except for access) for the construction of 20 dwellings alongside associated parking, access and landscaping works. He said that the applicants had elected to resubmit the application because they considered that at the time of determination, the Planning Committee had not been aware of the grant of planning permission in 2019 for the erection of a dwelling on land adjacent to Nutshell and Walnut Tree Cottages. He also referred to late concerns being brought forward by the Woodland Trust.

He recommended that the 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:

- Said that they would continue to defend the original Committee decision made at any Appeal in respect of heritage harm, the urbanisation effect and S106 issues.
- Said that it was advisable for local consultation to take place but not essential and was not a reason for possible refusal.
- Outlined the situation in respect of Lilac Cottage (the dwelling granted planning permission in 2019 on land adjacent to Nutshell and Walnut Tree Cottages).
- Clarified that any issues relating to trees on site would be picked up through reserved matters.

Members discussed:

- The fact that they had been aware of the additional information relating to Lilac Cottage at the time of their previous decision.
- The fact that there was no new information and that reasons for the previous refusal remained the same.

Councillor Pavitt proposed refusal of the application on the same grounds as the previous refusal. Councillor Bagnall seconded the proposal.

RESOLVED that the application be refused on the grounds of urbanisation of the gateway into Dunmow, the impact on heritage assets and S106 issues.

J Blanchard, L Howles and Councillor P Lavelle (Great Dunmow TC) spoke against the application. D Lawrence (Agent) spoke in support.

PC25

UTT/23/0414/FUL - LAND BEHIND THE OLD CEMENT WORKS, THAXTED ROAD, SAFFRON WALDEN

The Senior Planning Officer presented an application to vary conditions 2 and 8 attached to UTT/20/0864/FUL (approved at appeal ref APP/C1570/W/20/3264407) – changes to plot 19.

He recommended that the 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:

- Said that the levels needed to be amended and this was a possible solution.
- Said that their assessment was that any “overlooking” issues could be mitigated by use of obscure glazing and fixed shut windows which would allow sufficient light in.
- Said that the proposals met Building Regulations.
- Said that the 15 metres separation as required by the Essex Design Guide had not been met but had been approved by the Planning Inspectorate.

Members discussed:

- The potential harm to both plots 19 and 18.
- The duty of care to existing properties.
- The possibility that any future owner might look to replace existing glass windows.
- The fact that a mistake appeared to have been made previously and the proposal was for a patch.

The Chair proposed that the application be deferred to enable work to take place with the applicant to address the overlooking issue in a more acceptable way.

This proposal was seconded by Councillor Pavitt.

RESOLVED that the application be deferred to enable work to take place with the applicant to address the overlooking issue in a more acceptable way.

PC26 **UTT/23/0114/FUL - LAND BEHIND THE OLD CEMENT WORKS, THAXTED ROAD, SAFFRON WALDEN**

The Senior Planning Officer presented a variation of condition 14 attached to UTT/20/0864/FUL allowed on appeal – in order to exclude Plots 22-23, 24-26 and 33-34 from the need to comply with Building Regulation M4(2).

He recommended that the 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:

- Explained the background in respect of the Planning Inspectorate decision being allowed on appeal.
- Said that Condition 14 had been requested by the Planning Inspectorate.

Members discussed:

- That the scheme was not seen to be a good one but that in many ways this was a “fait accompli”.
- That these matters should have been resolved at the design stage.

- That were this a fresh application, it would likely be refused.
- The need for the Committee to be “smarter” in their decision-making.
- That this case could be used as an example to review what could have been done better.

Councillor Pavitt proposed that the application be approved.

This proposal was seconded by Councillor Emanuel.

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

The Head of Development Management and Enforcement said that as a result of the two previous applications’ decisions that the Deed of Variation would move forward and that there would be further discussions with the applicant.

PC27 **UTT/23/0574/FUL - LAND TO THE WEST OF STORTFORD ROAD, CLAVERING**

The Senior Planning Officer presented a variation of Condition 1 of UTT/22/1103/DFO to allow for the revision of the site plan and the revision of the floor plans and elevations for plots 7 and 15.

He recommended that the 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:

- Said that the reason this had been brought to Committee was because it was a Major Application.
- Conceded that this application could possibly have been dealt with by officers as a non-material amendment.

The Chair said that the site had been visited and that he viewed it as a quality development. He proposed that the Director of Planning be approved.

This was seconded by Councillor Pavitt.

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

The meeting ended at 4:45 pm.