

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 27
SEPTEMBER 2023 at 10.00 am**

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

Officers in attendance: R Beale (Senior Planning Officer), N Brown (Head of
Development Management and Enforcement), C Edwards
(Democratic Services Officer), C Gibson (Democratic Services
Officer), D Hermitage (Strategic Director of Planning), J Lyall
(Planning Lawyer), F Nwanze (Interim Planning Team Leader), J
Pavey-Smith (Senior Planning Officer) and L Trevillian (Principal
Planning Officer)

Public Speakers: W Bargeman, P Beszant, M Brewer, J Dixon, A Edwards, G
Gardner, K Lilley, C Williams & Councillor S Withington.

PC66 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Bagnall and Lemon. Councillor Gooding substituted for Councillor Lemon.

Councillor Emanuel declared that she would be recusing herself from Agenda item 7, as she had attended the Judicial Review.

The following declarations were made only for transparency purposes:
Councillor Haynes declared that Agenda item 11 was within his ward.
Councillor Sutton declared that she lived in Lindsell (Agenda item 11) but had had no contact with any party.
Councillor Gooding declared that as an Essex CC Councillor, Widdington was within his division, but he had no contact with any party (Agenda item 7).

PC67 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13 September 2023 were approved as an accurate record.

PC68 SPEED AND QUALITY REPORT

The Strategic Director of Planning presented the standing Speed and Quality Report. He highlighted that the Quality of major development threshold from April 2021 to March 2023 had increased to 9.46% since the previous meeting but that it was still below the 10% threshold.

The report was noted.

PC69 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Strategic Director of Planning presented the standing Quality of Major Applications report. He highlighted the information given in paragraph 8 in respect of pending appeals.

The report was noted.

PC70 **S62A APPLICATIONS**

The Strategic Director of Planning presented the S62A Applications report. He said that the four most recent decisions made by PINS had been refusals, in accordance with the consultee views expressed by the Planning Committee.

The report was noted.

PC71 **UTT/22/2278/FUL - LAND TO THE NORTH OF CORNELLS LANE, WIDDINGTON ITEM WITHDRAWN**

This item was withdrawn prior to the meeting.

PC72 **UTT/22/3191/FUL - LAND TO THE NORTH OF CORNELLS LANE, WIDDINGTON**

The Chair stated that this case had been appealed to the Secretary of State but that it would still be considered in order to establish the position that the Council would have taken.

Councillor Emanuel recused herself at 10.12am and left the meeting.

The Interim Planning Team Leader outlined her report on a full planning application that proposed the development of the southern part of the paddock in Cornells Lane for the erection of four detached dwellings and associated works.

The report had originally recommended that the Strategic Director of Planning be authorised to refuse permission for the development for the reasons set out in section 17 of the report, which the Interim Planning Team Leader summarised.

In response to various questions from Members, officers:

- Clarified vehicular access to the site.
- Explained the position in respect of Certificate of Lawfulness and Article 4 direction and how the fallback position had been rebalanced to pay greater attention to heritage harms as previously determined as a priority at Judicial Review.

Members discussed:

- The special rural nature of Cornells Lane.
- The fact that Members had been given little option but to approve an application previously.
- Access concerns.
- The justification for building four properties.
- Concerns about surface drainage, the impacts on a Protected Lane, harms to a conservation area and the church.
- A general conclusion amongst most Members that harms far outweighed benefits in any balancing exercise and with greater weight put towards harm to the setting of the nearby listed buildings and other heritage assets, contrary to the adopted Local Plan Policies ENV1, ENV2 and paragraph 199 of the NPPF. One alternative view was put supporting the development but not the access arrangements.

Councillor Pavitt proposed that the application be refused in line with the officer's report, and this was seconded by Councillor Sutton.

RESOLVED that the Strategic Director of Planning would have been authorised to refuse permission for the development for the reasons set out in section 17 of the report.

A Edwards and G Gardner (on behalf of Widdington PC) spoke against the application and a statement was read out from Councillor N Hargreaves, also against the application.

The meeting adjourned from 10.55am to 11.05am, during which time Councillor Emanuel returned to the room.

When the meeting reconvened, the Chair confirmed that in respect of the previous Agenda item the Committee did not have the jurisdiction to make a formal decision but that the recommendation that the application would have been refused would be reported to PINS in the Council's role of consultee.

PC73

UTT/23/0456/OP - CHESTERFORD RESEARCH PARK, LITTLE CHESTERFORD

The Head of Development Management and Enforcement presented a hybrid planning application for outline planning permission with all matters reserved except access for construction of a research and development building (ClassE(g)), works to improve estate road, car parking, landscaping and associated works on Plots 1400, 1500 and 1600, Plots 1700 and 1800, Plot 500 and Plot 1. Full planning application for construction of a research and development building (Class E(g), works to improve estate road car parking, landscaping and associated works on Plot 1100/1200.

He said that the application had been deferred by the Planning Committee on 2 August 2023 with a view to finding a satisfactory scheme for funding a cycle/footpath between the Research Park and Saffron Walden as well as Great Chesterford but that no justification had been provided for a need for further

cycle way infrastructure to make the development acceptable in planning terms and that any contributions had to be commensurate and CIL compliant which it was as a 300 metre cycle way had been proposed. He said that the Highways Authority had indicated that further design works were necessary in respect of any cycle/footpath between the Research Park and Saffron Walden.

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 a question about whether a bats survey had been undertaken, the agent was invited to respond and confirmed that there was now no need for such a survey as that building was no longer proposed for demolition.

In response to questions from Members, officers:

- Said that any contribution to cycleways/ footpaths had to be proportionate; it would not be proportionate to fund an entire path to Saffron Walden, particularly when there was currently no set scheme in place.
- Suggested that in order to ensure that the possible future funding of a pathway to Saffron Walden was not lost, there were mechanisms within S106's that could be put in place. The application could be approved and that prior to the agreement of other reserved matters, the County Council, District Council and the Developer would consider the feasibility of a sustainability link to Saffron Walden and a contribution framework. The Planning Lawyer said that he would need time to frame the exact wording.

Members discussed:

- The idea of keeping the sustainable link to Saffron Walden at the forefront of future applications. The suggested above was welcomed.
- The possibility of a future visit to the Research Park in order to better understand the Masterplan; this would be taken away by officers.

Councillor Pavitt said that it appeared that there was currently not much that could be changed on this application. He proposed approval of the application subject to S106 clauses being prepared and agreed with the Chair and Vice-Chair in respect of future sustainability links with Saffron Walden. Councillor Loughlin seconded the proposal.

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 issues to be addressed in line with the motion above.

PC74

UTT/23/0119/DFO - LAND WEST OF WOODSIDE WAY, WOODSIDE WAY, GREAT DUNMOW

The Senior Planning Officer presented an application seeking approval of details regarding the provision of sports facilities land following the granting of outline planning under reference UTT/13/2107/OP whereby outline permission was approved for all matters reserved for up to 790 homes, including primary school,

community buildings, open space including playing fields and allotments and associated infrastructure. This related to the provision of sports facilities land and associated landscaping and infrastructure works.

She 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:

- Clarified the position relating to the LEAP falling outside the red line.
- Said that the intention was for the Town Council to take on future responsibility through the S106 Agreement.
- Confirmed that the outstanding approval only related to the location of the sports pitches and the landscaping.

Members discussed:

- Concerns that young children could be too close to action play and the possibility of providing fencing to secure an area and ensuring safety from ball strikes. This could be ensured by boosting Condition 4 to include boundary treatments to the LEAP to avoid ball strikes within the LEAP.
- Concerns about the LEAP and LAP, particularly with the Town Council not being happy with the LEAP. Sport England had expressed no concerns about the LEAP.
- That the sports pitches and landscaping appeared to be good.

Councillor Loughlin proposed approval of the application, as recommended, with additional boosting of Condition 4 to avoid ball strikes and to ensure protected boundary treatment including with the adjacent LEAP.

This proposal was seconded by Councillor Emanuel.

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, together with Condition 4 being boosted.

Councillor S Withington (Great Dunmow TC) spoke against the application and C Williams (Agent) spoke in support.

PC75

UTT/23/0243/DFO - LAND WEST OF WOODSIDE WAY, WOODSIDE WAY, GREAT DUNMOW

The Senior Planning Officer presented an application seeking approval of details following the granting of outline planning under reference UTT/13/2107/OP whereby outline permission was approved for all matters reserved for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure. This related to the provision of a combined community building and sports pavilion and associated landscaping and infrastructure.

She 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.

There were no questions from Members.

Members discussed:

- Concerns that there were no changing facilities. This was in line with the Town Council's requests.
- Whether 50 car parking spaces were adequate if six sports pitches were in use.
- The general lack of space in the development.
- The fact that the outline application went back to 2013 and that the amount of money allocated was considered now to be inadequate.

Councillor Church proposed approval of the application, subject to those items set out in section 17 of the report. This was seconded by Councillor Emanuel.

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

The meeting adjourned for lunch from 12.25 pm to 1.20 pm.

PC76 **UTT/23/0306/OP - HOMEFIELD, HOLDERS GREEN ROAD, LINDSELL**

The Principal Planning Officer presented an outline planning application with all matters reserved except access for residential development comprising 5 units with associated amenity space and parking. He said that this was a revised application to one that had previously been refused by officers.

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:

- Clarified information contained in paragraph 14.7.7 in that an off-site contribution to affordable housing could be sought.
- Addressed sustainability issues.
- Addressed concerns raised about precedence being set, given what had been built opposite.

Members discussed:

- The possible concerns that precedence might be set by approving the application in that further proposals to develop further in Holders Green Road might follow and that this could then be clustered development.
- That as the landholding was significant, there was a need to ensure that if any further development applications came forward, they would be seen as contiguous. Officers confirmed that this would be the case.
- Sustainability concerns alongside Policy S7 of the Local Plan 2005.

- Loss of habitat and access concerns on a narrow lane.
- Possible reliance on cars, lack of footways, amenities and poor links.
- The need for an off-site contribution to be conditioned in the event of approval. This could be included as part of the S106 Agreement.

Councillor Church proposed that the application be approved, subject to an affordable housing contribution being sought. This was seconded by Councillor Loughlin.

The motion was lost.

Councillor Haynes proposed refusal on the grounds of Policy S7 (Sustainability and unsuitable location), H9 (Lack of affordable housing contribution) and GEN1e (car dependant scheme). This was seconded by Councillor Emanuel.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of Policy S7, H9 and GEN1e.

W Bargeman and P Beszant spoke against the application and K Lilley (Agent) spoke in support.

PC77

UTT/23/1362/DFO - BARNSTON WAREHOUSING, CHELMSFORD ROAD, GREAT DUNMOW

The Principal Planning Officer presented details following outline application UTT/20/2417/OP (partial site redevelopment comprising erection of two industrial buildings together with associated engineering works access and landscaping), details of appearance, landscaping, layout and scale. He said that there had been no public objections to the development.

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:

- Said that the proposal was for light industrial units.
- In response to concerns about possible disposal of diesel oil, established that there was a nearby brook that flowed into the River Chelmer; responsibility for the brook rested with Essex County Council.

There was an adjournment from 2.14pm to 2.19pm for the Principal Planning Officer to examine the Outline Application made in 2021.

Following the adjournment, the Principal Planning Officer reported that the Outline application approval had contained various drainage management conditions but no conditions re management of contamination. He said that this could be picked up as part of the reserved matters.

Members supported this way forward.

Councillor Emanuel said that she considered the development was an efficient use of space and proposed approval and to ensure that possible management of contamination issues was also covered.

This was seconded by Councillor Church.

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 to ensure that contamination management issues were covered as part of reserved matters.

PC78 **UTT/23/0739/FUL - REAR OF BROMLEY COTTAGES, ROYSTON ROAD, WENDENS AMBO**

The Senior Planning Officer presented an application for the erection of an agricultural grain store with associated machinery and a reception area.

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:

- Confirmed that there had been no objections re possible noise levels from the grain dryer and that there were already grain dryers on site.
- Provided figures in respect of vehicular movements.

The agent was invited to address the meeting and said that consideration of whether to utilise solar panels was a matter for consideration once planning permission was secured.

Members discussed:

- That provision of a tall grain store was totally logical.
- The possibilities around possible conditioning of renewable energy solutions. The Planning Lawyer advised that an informative could be utilised. Suggestions were put forward and favourably received in respect of undertaking a structural survey of the roof to look to facilitate a 90% solar panel covering.
- Concerns as expressed by the Parish Council about vehicular movements. Views were expressed that in rural areas at harvest time this was a necessary way of life.

Councillor Emanuel proposed 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 to also ensure that in the interest of sustainable development, prior to the completion above slab level of the grain store, a structural survey of the roof should be completed to demonstrate that the roof was of sufficient structural integrity to house PV solar panels with a 90% roof coverage.

This was seconded by Councillor Church.

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 requirement as detailed in the motion above.

The meeting ended at 2:47 pm.