

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 11
JANUARY 2023 at 10.00 am**

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, C Criscione, J Emanuel, R Freeman,
G LeCount, B Light, J Loughlin, R Pavitt and M Sutton

Officers in attendance: L Ackrill (Principal Planning Officer), N Brown (Head of
Development Management and Enforcement), C Edwards
(Democratic Services Officer), C Gibson (Democratic Services
Officer), M Jones (Senior Planning Officer), M Sawyers
(Planning Officer), E Smith (Solicitor) and C Tyler (Senior
Planning Officer)

Public Speakers: Councillor A Armstrong, S Barron, Councillor C Cant, D Oelman,
E Trott, J Weet and K Wheeler.

PC254 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Fairhurst and Lemon.
Councillor Criscione substituted for Councillor Lemon and Councillor Light for
Councillor Fairhurst.

Apologies for lateness were received from Councillors Emanuel, Freeman and
Sutton.

Councillor Merifield declared that she was the Ward Member for Stebbing (Item
9).

Councillor Light declared that she was a Member of Saffron Walden Town
Council (item 11).

PC255 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 14 December 2022 were approved as an
accurate record.

PC256 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the Speed
and Quality Report. He said that there had recently been a further appeal lost.

The report was noted.

PC257 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Head of Development Management and Enforcement presented the Quality of Major Applications report.

The report was noted.

Councillor Emanuel arrived @ 10.19 am.

PC258 **S62A APPLICATIONS**

The Head of Development Management and Enforcement presented the S62A Applications report.

The report was noted.

PC259 **S62A/2022/0014. UTT/22/3258/PINS - LAND TO THE WEST OF THAXTED ROAD, SAFFRON WALDEN**

The Senior Planning Officer presented a report in relation to a major (full) planning application submitted to PINS for determination. The outline application was with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road.

The report recommended that observations be submitted to the Planning Inspectorate.

The Senior Planning Officer highlighted a number of issues that had been raised and updated Members on information contained in the Late List as well as three further objections received.

Councillor Freeman arrived @ 10.25 am but took no part in the discussion on this item.

In response to various questions from Members, officers:

- Outlined the comments made by UDC Environmental Health provided on the Late List.
- Said that any cycle paths would be on the site and connected to Thaxted Road and that further information was awaited from Essex Highways in respect of provision of a cycleway.
- Said that no further information had been provided in reference to Paragraph 6.1 of the report but that pre-application discussions had originally taken place with UDC.
- Said that Urban Design had objected to the application and SUDs had provided a holding objection.
- Explained that the green orbital route referenced a recreational footpath.
- Detailed possible economic benefits.
- Corrected the incorrect reference to Elsenham in the report.

- Clarified the situation re Public Rights of Way, non-vehicular access points and unregulated footpaths.
- Outlined the situation in respect of Public Open Spaces.
- Referred to the need to balance between the benefits of 39 dwellings against S7.

Members discussed:

- Information from a previous appeal not being included as a material consideration in the report, other than in the history section.
- Lack of infrastructure – lack of doctors’ surgeries and schools.
- Poor surface water flooding- DEFRA designation. Lack of response from SUDs.
- Poor public transport.
- One access point Cycleways and the cumulative effect on traffic on an already busy road.
- Loss of land.
- Public Open Space concerns.
- Urban creep.
- The density of the gateway development and particularly use of 3-storey landmark buildings.
- Clustered affordable housing, not compliant with the Neighbourhood Plan.
- The need to reference the Neighbourhood Plan and the objections made by the Town Council.
- To note the improved situation re the 5 year land supply.

Following discussions Members were in agreement that the following concerns be brought to the attention of the Planning Inspectorate:

- Density concerns in respect of a gateway site.
- Lack of infrastructure relating to health and education.
- Location of Affordable housing- being clustered, not compliant with the Neighbourhood Plan.
- Technical issues – SUDs and biodiversity concerns.
- Public Open Spaces- quantum and quality issues to be linked to the Neighbourhood Plan.
- Active travel concerns – lack of linkages.
- Single access point.
- Significant adverse landscape impact and AQMA on Thaxted Road.
- Size of houses not meeting local housing needs.
- Lack of public transport.
- The permeability of the site.

The meeting adjourned at 11.17 and reconvened at 11.29.

Councillor Merifield recused herself as she knew the applicant and left the room. Councillor Freeman took the Chair, having been nominated by the Chair and seconded by Councillor LeCount.

UTT/22/1802/FUL - WOOD FIELD (LAND ADJOINING 'LAND WEST OF WOODSIDE WAY'), GREAT DUNMOW

The Principal Planning Officer presented a planning application for the construction of 120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure. The report had been deferred at the Planning Committee held on 23 November 2022 to enable further discussions and clarification to be undertaken regarding the buffer zone to the ancient woodland; useability of open/amenity space and issues regarding active travel and the need to prevent informal access through on to Woodside Way. The applicant had subsequently provided additional material to address the points raised.

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 nothing material had changed since the previous deferral, other than additional information being provided.
- Outlined the contamination issues covered by Condition 30.
- Provided information from the Urban Design Officer's comments particularly referring to connectivity issues outside of the applicant's control.
- Clarified ownership of the buffer zone.
- Detailed the size of the Public Open Space of 0.498 hectares, being 9% of the overall plot.
- That there had been no requirement to consult the Environment Agency in this instance as this was an allocated site in a plan-led process.

Members discussed:

- The fact that no material changes had been made since previous deferral.
- The size of the buffer.
- The SUDs scheme and the pond.
- Tree protection.
- Condition 30 referring to prior to occupation rather than prior to commencement of development.
- Permeability and general linkage issues.
- Access to the Public Open Space within the Masterplan and how management of the open space would be offered to the Town Council in the first instance.
- The Housing mix.
- "Ransom strips" of land to provide protection.
- Safety issues and public right of way.
- The offer by the agent to provide fencing/hedging along the remainder of the boundary- details of which would be secured by way of condition.
- The site being plan-led.

Councillor Sutton had arrived at 12.13 but took no part in the debate.

Councillor Emanuel proposed that the application be approved with the amendment that Condition 30 relating to contamination would apply prior to commencement of any building works.

This proposal was seconded by Councillor Loughlin.

RESOLVED that the item be approved with an amended Condition 30 in place.

A statement was read out from A Clarke against the application and Councillor A Armstrong spoke against the application on behalf of Great Dunmow TC.

K Wheeler (Agent) spoke in support.

The meeting was adjourned for a comfort break between 12.30pm and 12.35pm.

Councillor Merifield re-joined the meeting and re-took the chair.

PC261 **UTT/22/1508/DOV - SECTOR IV WOODLANDS PARK, GREAT DUNMOW**

The Principal Planning Officer presented a Deed of Variation (DoV) application seeking permission to make revisions/amendments to the Section 106 Legal Agreement that was attached to the outline permission reference UTT/2507/11/OP.

The application had been deferred at Planning Committee on 23 November 2022 to explore the specifics of the delivery of the affordable housing and to allow the S106 to be revisited. The applicant had subsequently included a covenant clause to the extent that would prevent the occupation of more than 65 Open Market Housing Units until the Affordable Housing Land had been transferred to an Approved Body and the construction of the Affordable Housing Units had commenced.

He recommended that the Director of Planning be authorised to grant the variation.

In response to questions from Members, officers:

- Outlined the reasons for the Deed of Variation application and the historical background of the site.
- Said that the viability had been independently assessed and the reduced affordable housing calculation of 23.7%, together with other amendments was acceptable .
- Said that the density for affordable housing was 44.5/hectare and for the market rate properties was 18.6/hectare.
- Said that building work had commenced with 14 properties occupied to date.
- Referred to comments made in the Late List by UDC's Housing Strategy, Enabling and Development Officer.

- Said that an upward review mechanism could be considered.
- Said that constraints were in place from the extant planning permission, particularly relating to clusters.

Due to concerns expressed about actual numbers of dwellings involved, the developer was asked to explain the proposal, together with an application yet to be considered.

Members then moved forward to the discussion. Many expressed concerns in terms of specific numbers of affordable dwellings being included and also the general need for greater clarity, together with the application yet to be considered.

The Head of Development Management and Enforcement said that the matter could be deferred and then brought back at the same time as the further application.

Councillor Bagnall proposed deferral of the application to enable further clarification to take place and to include consideration of spreading out the affordable housing rather than in clusters.

This was seconded by Councillor LeCount.

RESOLVED that the item be deferred in line with the proposal.

The meeting was adjourned for lunch at 1.40pm and reconvened at 2.40pm.

Councillor Light left the meeting, feeling unwell, during this break.

PC262 **UTT/22/2763/DFO - LAND EAST OF WAREHOUSE VILLAS, STEBBING ROAD, STEBBING**

The Senior Planning Officer presented a reserved matters application consisting of details of layout, scale, landscaping and appearance of 10 Market Housing Plots 7 – 17 following outline application UTT/19/0476/OP for the erection of 17 dwellings. She said that the reserved matters application for the affordable housing had already been dealt with.

She 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 proposed tandem parking was not ideal but that visitors parking had been incorporated into the plans.
- Provided clarification as to the landscape plan.
- Said that the development was similar to that opposite but accesses had been reduced because of electricity pylons and broadband.

Members discussed:

- Parking concerns in terms of manoeuvrability, tandem parking and possible overprovision. It was stated that UDC currently had no parking policy in relation to tandem parking and that this needed to be revised and that parking could not be a reason for refusal.
- Possible overdevelopment.
- Possible poor design.

Councillor Loughlin said that she believed that the applicant had done their best in this instance and proposed approval of the application.

This proposal was seconded by Councillor LeCount.

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.

Cllr C Cant (Stebbing PC) spoke against the application and S Barron (Agent) spoke in support.

At 3.20pm the meeting adjourned for a comfort break and reconvened at 3.25pm.

The Chair brought forward Agenda Item 11 at this point as speakers were waiting in the Chamber.

PC263 **UTT/22/2491/HHF - 24A BOROUGH LANE, SAFFRON WALDEN**

The Planning Officer presented an application that proposed front and rear extension, alterations to facing materials, windows and external landscaping, including new entrance gates.

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:

- Clarified the situation relating to the 45 degree rule in respect of loss of light, enclosure and tunnelling as well as what constituted a habitable room.

Members discussed:

- Whether the 45 degree rule had been correctly applied in respect of the kitchen being a living space.
- That the design proposals were potentially overbearing with the extension in the wrong direction; there would be significant loss of light with the kitchen as a funnel.
- The possible impact on the street scene.
- That there did not appear to be an impact on the property on the other side of the road.
- The potential for alternative development of the property and the possibility of working out a future solution with neighbours.

Councillor Pavitt proposed refusal of the application in that the 45 degree rule should apply, the proposal was for an overbearing development with a loss of light, with reference to H8 and GEN2.

Councillor Sutton seconded the motion.

RESOLVED that the application be refused on the grounds stated.

E Trott and D Oelman spoke against the application. J Weet (Applicant) spoke in support.

There was a brief adjournment from 4.05pm – 4.10pm.

PC264 **UTT/22/1764/FUL - WOODSIDE FARM, GALLOWES GREEN ROAD, GREAT EASTON**

The Planning Officer presented a report seeking planning permission for demolition of an existing dwelling and erection of a replacement dwelling. Alterations to existing access to provide a minor access road. Demolition of intensive poultry rearing/ production buildings and associated structures. The erection of 4 new detached dwellings with associated garaging, parking and gardens, including provision of ecology areas.

He recommended that the Director of Planning be authorised to refuse permission for the reasons set out in section 17 of the report.

In response to questions from Members, officers said:

- That the ponds were for biodiversity measures.
- That the proposed height of the dwelling was just lower than Pear Tree Cottage.
- That the applicant had explained that proposed prior-notification fallback was in place which would allow Members to have greater control.

Members discussed:

- That this was a refreshing, imaginative and honest application that looked good and would not do harm.
- Any further development would require a new planning application.
- The possible effects on the Listed Building.
- The need for a Construction Management Plan to be put in place, including times of operation and for there to be no construction traffic on the by-way.
- The need for a condition that mature planting should take place on the boundaries for a period of 10 years, rather than 5 years.

The Chair said that Essex Highways should be encouraged to look at this proposal alongside the Parish Councils affected and this could be fed into the Highways Panel.

Councillor Pavitt proposed approval of the application, subject to a Construction Management Plan and stronger landscaping arrangements as outlined above.

This was seconded by Councillor Criscione.

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

The meeting ended at 4:40 pm.