

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 8
FEBRUARY 2023 at 10.00 am**

- Present: Councillor S Merifield (Chair)
Councillors G Bagnall, J Emanuel, G LeCount, M Lemon,
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), E Smith (Solicitor) and L Trevillian (Principal Planning Officer), M Watts {Environmental Health Manager (Protection)} and K Wilkinson (Strategic Development Engineer – Essex CC).
- Public Speakers: I Abrams, Councillor J Cheetham (Takeley PC), M Colletta, C Conway, D Conway, T Demetriades, Councillor G Driscoll, R Keys, Councillor G Mott (Elsenham PC), A Owen, S Parnaby, D Poole, N Reeve, Councillor G Smith, J Thwaites, Councillor A Townsend (Great Hallingbury PC) and V Waring.

PC268 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Freeman and Fairhurst; Councillor Light substituted for Councillor Fairhurst.

Councillors Bagnall and Sutton both declared that they were Ward Members for Takeley (Item 11).

PC269 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 25 January 2023 were approved as an accurate record.

PC270 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the Speed and Quality Report. He drew Members' attention to the percentage figures shown in red representing the Quality of major Development.

The report was noted.

PC271 QUALITY OF MAJOR APPLICATIONS REPORT

The Head of Development Management and Enforcement presented the Quality of Major Applications report. He said that he was happy to take questions outside of the meeting.

The report was noted.

PC272 S62A APPLICATIONS

The Head of Development Management and Enforcement presented the S62A Applications report and updated Members on progress made. He agreed to inform Members when he knew the dates for the re-scheduled hearing for Land to the West of Thaxted Road, Saffron Walden.

The report was noted.

PC273 UTT/22/0267/FUL - LAND AT TILEKILN GREEN, START HILL, GREAT HALLINGBURY

The Senior Planning Officer presented an application for an open logistics facility where storage containers are decanted from larger vehicles onto smaller ones, to be located in the Countryside Protection Zone (CPZ) in Great Hallingbury. She highlighted a number of issues that had been raised and updated Members on information contained in the Late List.

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.

Following the presentations by the public speakers, the meeting adjourned at 11.35 and reconvened at 11.45.

In response to various questions from Members, officers:

- Confirmed that Forestry Commission consent had been given for the removal of trees and that there was a copy on the Council website.
- Referred Members to the map that showed the number of Wren's employees living within 5 miles of the site.
- Outlined the daily traffic movements of 224 two way staff movements and 86 HGV movements. Tracking had taken place of 16.5m HGVs but not of 18.75m vehicles.
- Confirmed that there had been a breach of S4 but that it had always been the intention for Wren to move off-site.
- Clarified the background noise issues relating to masking, in terms of volume and impact. British Standards had been applied but that did not mean there was no noise. It was said that the Noise Consultant had undertaken a desktop exercise, based on assumptions and that modelling had been looked at over 16 hours rather than 24 hours. Members were generally dissatisfied with explanations offered in respect of noise assessments.

- Detailed access to the M11 from site and possible diversions if the M11 was blocked.

Members discussed:

- That access had not been available to site at the time of the site visit; it was considered that there had been enough seen from distance to continue the discussion rather than defer.
- The fact that there had previously been 9 reasons for refusal and that Essex Highways and Highways England now had no objections.
- Serious concerns that the traffic management proposals would not work, particularly in respect of access and the relief road. Concerns were expressed about the inappropriate size of vehicles involved and the changes to traffic flow since the opening of J7A of the M11.
- The need to maintain the CPZ and current attractive piece of landscape, particularly with the current setting of the 16th Century building (The Old Elms).
- Concerns in respect of wildlife, nature conservation and impact on rural character.
- Noise impact methodology and the effects that 24 hour operation would have on neighbours.
- Light pollution.
- The possibility of changing operating hours when the business model was based on 24 working hours per day.
- The breach of S4.

Following discussions in respect of possible reasons for refusal of the application, Councillor Pavitt proposed refusal of the application on the grounds of S7, S8, GEN4 and ENV2.

Councillor Light seconded the motion.

RESOLVED that the application be refused on the grounds of S7, S8, GEN4 and ENV2.

Councillor G Driscoll, J Thwaites, M Coletta, R Keys, D Conway, C Conway, N Reeve, T Demetriades, V Waring and Councillor A Townsend (Great Hallingbury PC) spoke against the application and two statements were also read out from A Smith and O Smith against the application as it stood.

S Parnaby (Agent) spoke in support of the application.

The meeting adjourned for lunch at 12.45 pm and re-convened at 1.50 pm.

PC274 UTT/21/2461/DFO - LAND TO THE WEST OF ISABEL DRIVE AND OFF STANSTED ROAD, ELSENHAM

The Principal Planning Officer presented a planning application for Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings and associated works to include details required by Conditions 17 and

19 of planning permission ref; UTT/19/2470/OP. He updated Members on information in the Late List and referred to a submission from Elsenham PC that had been circulated.

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:

- Confirmed that the applicant was not seeking approval of details in relation to condition 17 imposed on the outline permission, but merely that the applicant as part of this application has incorporated noise mitigation measures as part of the overall design and layout of the scheme.
- Reference was made to the Noise Impact Assessment being a useful document for reference.
- Described the design and appearance on balance as being “acceptable” and referred to the comments made by the Urban Design Officer. It was suggested that details of materials could be conditioned.
- Explained the reasoning behind the report coming forward at this time.
- Said that the Planning Inspector had looked at data re emissions from the M11.
- Detailed affordable housing as shown on the plans.
- Said that the 6 metre high fencing along the northern boundary of Parcel B by way of a suggested condition could be replaced with a bund & acoustic fence similar to that proposed along the western boundary and that this was not in the woodland buffer zone.

Members discussed:

- The fact that the design could be improved.
- The fact that there had already been considerable improvements made to the scheme.
- Number of dwellings could be reduced.
- The need to avoid oppressive boundary treatment.
- Concerns that the Urban Design comments had been only recently received.

Councillor Emanuel proposed that the application be deferred in order to allow the Urban Design Officer to work with the applicant and also to seek to avoid oppressive boundary treatment.

This proposal was seconded by Councillor Bagnall.

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

Councillor G Mott spoke against the application on behalf of Elsenham PC.

A Owen (Applicant) spoke in support.

The meeting was adjourned for a comfort break between 2.40pm and 2.45pm.

PC275 UTT/22/2480/FUL - LAND TO THE NORTH WEST OF HENHAM ROAD, ELSENHAM

The Principal Planning Officer presented an application seeking variation of conditions 2, 9, 10 and 11 attached to outline permission UTT/17/3573/OP granted on appeal – conditions 2, 9 and 10 to be varied to amend the Access Plan reference to updated plans and condition 11 to be amended to alter trigger for completion of cycleway.

He recommended 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.

In response to questions from Members, officers:

- Outlined the access arrangements and cycleway details.
- Explained the logic behind the revised condition that the cycleway should be constructed prior to the occupation of the 80th dwelling on site.
- Said that there was no need for a “catch-all” statement to be inserted as everything was covered through the phasing plan.

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

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.

PC276 UTT/22/2035/FUL - LAND EAST OF ST EDMUNDS LANE, GREAT DUNMOW

The Principal Planning Officer presented an application for full planning permission for the erection of 30 new self-build and custom built dwellings.

He recommended 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.

In response to questions from Members, officers:

- Said that the calculation had not yet been completed for a contribution in lieu of affordable housing; this would be an independent assessment that had to be agreed by the applicant and the Council's Housing Enabling Officer. It would not be negotiable.
- Said that no changes had been made in terms of design but that the significant change was the financial contribution to be made in lieu of affordable housing.
- With reference to the buffer zone and boundaries, said that proposed details would have to be submitted for each plot given the nature of the scheme.
- Said that the current land supply figure was 4.89 years but there was a need to go beyond 5 years to ensure a buffer was in place.

The applicant was allowed to speak to clarify garden sizes and footpath issues.

Members discussed:

- How the affordable housing contribution was to be determined and the need for Members to be aware of a possible sum. It was again stated that the Housing Enabling Officer would have to agree this and that the figure was being independently assessed and would be part of the S106.
- The possible intrusion into the countryside as urban sprawl.

The Head of Development Management and Enforcement said that this matter had already been to appeal and that the only outstanding issue was the S106 agreement. Everything else had been considered previously.

Councillor Loughlin said that she could see no planning reason to refuse the application and proposed approval in line with the recommendations as stated. This was seconded by Councillor Pavitt.

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.

PC277 UTT/22/1275/OP - LAND AT PARSONAGE FARM, PARSONAGE FARM LANE, GREAT SAMPFORD

The Principal Planning Officer presented an application that sought permission for the construction of a mixed-use development containing 27 residential dwellings (14 private and 13 affordable) and a community shop alongside associated works with all matters reserved apart from access.

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

In response to questions from Members, officers:

- Outlined the public consultations that had taken place.
- Said that there had been no engagement with the Parish Council by the applicant prior to submission of this application.

Members discussed:

- Concerns expressed by Sampford Parish Council, particularly relating to the difficulties of running a community shop.
- The fact that the Highways Authority had opposed this development.
- That the proposal was unsustainable and there was a need for better transport links.

Councillor Loughlin proposed refusal of the application on the grounds as detailed in the report. This was seconded by Councillor Lemon.

RESOLVED that the application be refused on the grounds stated in the report.

Cllr G Smith spoke against the application and I Abrams (Agent) spoke in support.

There was a brief adjournment from 4.02pm – 4.07pm.

Councillors LeCount and Light both left the meeting during the adjournment.

PC278 UTT/22/2744/FUL - LAND KNOWN AS 7 ACRES, WARISH HALL FARM, PARSONAGE ROAD, TAKELEY

The Principal Planning Officer presented a report seeking full planning permission for the construction of 4 industrial/flexible employment buildings with associated landscaping and parking.

He recommended 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.

In response to questions from Members, officers:

- Said that talks were on-going with the Clinical Commissioning Groups (CCG).
- Explained the layout of the 4 blocks.
- Said that Condition 40 stated that usage would be for light industrial warehouse units.
- Explained the vehicular access to parking areas.
- Said that Condition 38 covered green issues relating to solar panels.

Members discussed:

- The benefits of further employment opportunities.
- Concerns about traffic, particularly HGV's.
- The potential for a Medical Centre and whether or not it would actually be built.
- That the site would be well-contained and very enclosed.
- The fact that it was further erosion of the CPZ and would be on agricultural land, with an adverse impact on landscape and views.
- Planning balance considerations.
- Highways concerns and an on-going accident investigation which could not be discussed. The Strategic Development Engineer- Essex CC said that the 4 Ashes junction had been assessed and included the cumulative impact. She said that there would be a roundabout and the speed limit further north should slow down traffic. Cycleways would also connect. The possibility of signage being put in Parsonage Road would be considered.
- Concerns that the layout was dense and cramped and needed better design.

The Head of Development Management and Enforcement said that he needed to put things in context. He said that the CPZ was not green belt and that although S8 said that it should be preserved, this was given less weight. Green

belt is statutory and the legislation and case law regarding it is clear. The CPZ does not have that status. He said it would be difficult to rely on the land being agricultural or CPZ in terms of possible refusal given the comments of the Inspector in their entirety.. The buffer issue had been resolved and he accepted that progress in respect of a Medical Centre would be slow, and that perhaps a 5 year option should be put in place but that the Health Authority were currently engaged in the process and that deferral would be an option in order to progress any outstanding matters.

Councillor Pavitt said that he was conscious that this was not an easy matter to resolve and, in light of that, he proposed deferral in order that

- further clarification could be sought from the Highways Authority,
- the proposed site layout could be revisited, and
- further investigation into the proposed Medical Centre could take place.

This was seconded by the Chair.

The proposal was lost.

Councillor Emanuel said that it was unclear exactly what information was wanted from the Highways Authority and proposed approval of the application with the consideration and consultation period for the Health Centre to be increased from one year to five years.

This did not find a seconder.

Councillor Loughlin proposed refusal of the application on the grounds of S7, S8 and GEN4.

The Head of Development Management and Enforcement expressed concern that these reasons would not be defensible on appeal, and that the potential harm must be particularised and that there had been no objections from statutory consultees.

He said that he was obliged to seriously warn Members not to go down this route.

Following further discussions, Councillor Lemon seconded the proposal.

The Head of Development Management and Enforcement repeated that he seriously suggested advising deferral. However, there was a proposal on the table and therefore Members would have to move to a vote.

RESOLVED that the Director of Planning be authorised to refuse planning permission for the development as detailed in the above motion.

Cllr J Cheetham (Takeley PC) spoke against the application and a statement was also read out from M Peachey against the application.

D Poole (Applicant) spoke in support.

The meeting ended at 5:20 pm.