

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 5
APRIL 2023 at 10.00 am**

- Present: Councillor S Merifield (Chair)
Councillors G Bagnall, J Emanuel, R Freeman, G LeCount,
M Lemon (Vice-Chair), B Light, J Loughlin and R Pavitt
- Officers in attendance: L Ackrill (Principal Planning Officer), M Bradley (ECC Highways), N Brown (Head of Development Management and Enforcement), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), J Pavey-Smith (Senior Planning Officer), T Simpson (ECC Green Infrastructure and Drainage Manager), L Trevillian (Principal Planning Officer), C Tyler (Senior Planning Officer) and A Vaughan (ECC Case Officer)
- Public Speakers: K Artus, Councillor P Barber (Takeley PC), M Brindley, M Carter, Councillor A Fisher (Hatfield Broad Oak PC), Councillor S Gill (Clavering PC), J Hartley-Bond, D Jones, G Jones, A Martin, Councillor E Oliver, M Peachey, D Poole, K Rickards, J Spencer, G Stainer, F Woods and Councillor M Young (Wimbish PC).

PC299 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

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

Councillor Light raised the issue of the meeting not being broadcast live and was advised to take up the issue with the Deputy Monitoring Officer.

Councillor Bagnall declared that he was a Ward Member for Takeley and a Member of Takeley PC (Items 7 and 15).

Councillor LeCount declared that he was a Ward Member for Elsenham and Henham (Item 9).

Councillor Pavitt declared that he was a Ward Member for Littlebury, Chesterford and Wenden Lofts (Item 17).

Councillors Light and Freeman declared that they were Ward Members for Saffron Walden and Members of Saffron Walden PC (Items 14, 18 and 19).

Councillor Emanuel declared that she was a Ward Member for Newport, an adjoining ward (Item 19).

Councillor Loughlin said that she would recuse herself from Agenda Item 12 as her husband had worked for the applicant.

Councillor Lemon said that he would recuse himself from Agenda Items 12 and 13 as he knew both landowners.

PC300 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 8 March 2023 were approved as an accurate record.

PC301 SPEED AND QUALITY REPORT

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

The report was noted.

PC302 QUALITY OF MAJOR APPLICATIONS REPORT

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

The report was noted.

PC303 S62A APPLICATIONS

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

The report was noted.

PC304 COMMUNITY INVOLVEMENT PROTOCOL

The Head of Development Management and Enforcement presented a draft Community Involvement Protocol. He said that it had been discussed at the Parish Forum the previous week. He said that the main issue that would be picked up would be training for Parish Councils.

In response to questions, the Head of Development Management and Enforcement said that he would ensure that a review period would be built into the document and that the document should help developers pick up on significant local issues.

Members welcomed the document and agreed that the Community Involvement Protocol be approved for Development Management purposes.

PC305 **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. This application had been deferred at the Planning Committee on 8 March 2023.

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 various questions from Members, officers:

- Confirmed that provision of a medical facility was not a requirement, just a proposal and to be located within the business park. NHS Hertfordshire and West Essex had supported the proposal. In the event of a medical facility not being taken forward then this would have to be brought back to the Committee.
- Clarified the position in respect of the Grampian condition outlined in Condition 25.
- Said that Essex CC Highways had taken potential developments into consideration when assessing additional vehicle movements on Parsonage Road.
- Said that any footpath concerns would be picked up within the S106 conditions.

Members discussed:

- There being no guarantee that a medical facility would be taken forward and that consideration of the application should be based on the business park considerations. It was considered that the NHS had made as much contribution as they could at the current time but were unable to give certainty.
- The Planning balance considerations, particularly the employment benefits.
- There being no objections from consultees and that any possible refusal could not be on S7 or S8 grounds.
- That the site was not isolated and was surrounded on three sides by existing developments.
- Concerns about future traffic movements on Parsonage Road in that no cumulative assessment had been undertaken and the possible impact of commercial vehicles. It was noted that no objections had been raised by Essex CC Highways but that safety mitigation measures could be added in relation to sustainable transport measures.
- The impact on the Woodland and CPZ concerns. Officers stated that a Planning Inspector had assessed the exact site and concluded "minimal" harm to the CPZ.
- The possibilities of better access on foot and cycle and the need for required improvements to the Public Right of Way 40 to bring this to adoptable standards.

- The need for the Community to benefit in the event of a medical facility not being built.

Councillor LeCount proposed that the application be approved in line with the recommendation and on condition that the S106 agreement wording in relation to sustainable transport measures should also include safety measures with an additional condition relating to the footpath around the boundary being a public right of way. In addition there were required improvements to the Public Right of Way 40 to bring this to adoptable standards.

This proposal was seconded by Councillor Emanuel.

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 together with the additions as proposed above.

M Peachey and Councillor P Barber (Takeley PC) spoke against the proposal. D Poole and J Spencer (for the applicants) spoke in support.

The meeting adjourned for a comfort break between 11.45 am and 11.55 am.

PC306 UTT/21/0688/FUL - LAND AT COLE END LANE, WIMBISH

The Senior Planning Officer presented a planning application for the construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping.

This application had been approved by Planning Committee on 6 July 2023, subject to a S106 agreement being brought back to the Committee to be ratified.

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 there was currently no model de-commissioning plan and that any plan would be reviewed every five years up to year 39. UDC had not commissioned any experts to look at this but the review periods were crucial. Comparisons were made with de-commissioning plans in respect of minerals and waste.
- Said that an independent expert would assess the structure of the S106 and that it would not come back to this Committee.
- Detailed possible arrangements in respect of bonds or deposits and explained possible scenarios still ensuring the continuance of arrangements over 40 years.

Members discussed:

- The significance of a de-commissioning plan and debated how simple and explicit any legal agreement should be, whilst still maintaining controls. The legal agreement was confirmed to be the S106.
- The need to protect the public sector from picking up excess costs.
- The need to restore the land to its former state at the end of 40 years.

Councillor Emanuel suggested using wording such as “bond or similar instrument”. She then proposed approval of the application together with including a timescale for re-instatement as a condition and the need to re-check the cascade process.

This proposal was seconded by Councillor Freeman.

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 together with the two additional proposals above.

G Jones and Councillor M Young (Wimbish PC) spoke against the application. J Hartley-Bond (for applicant) spoke in support.

The meeting adjourned for lunch from 1.10 pm and 1.50 pm

PC307 **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 for 99 residential dwellings and associated works to include details required by Conditions 17 and 19 of planning permission reference UTT/19/2470. This matter had been deferred at Planning Committee on 8 February 2023.

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:

- Addressed various safety concerns relating to boundary fences and ditches.
- Clarified concerns relating to Condition 17 and the Noise Impact Assessment.
- Confirmed that previous comments made by the Urban Designer had been addressed.
- Said that no changes could now be made to the Construction Management Plan.
- Confirmed that it would be acoustic fencing in place.

Members were content with the proposal.

Councillor Emanuel said that she was pleased that matters had been addressed and proposed approval of the application. This was seconded by Councillor Bagnall.

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.

PC308 **UTT/22/1718/FUL - LAND WEST OF COLEHILLS CLOSE, MIDDLE STREET, CLAVERING**

The Principal Planning Officer presented a full planning application for the erection of 10 dwellings with associated landscaping, access and parking. This matter had been deferred at the Planning Committee on 8 February 2023. He said that the Late List had included additional proposed conditions.

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.

Following the public speakers, a comfort break was taken between 2.55 pm and 3.05 pm.

The Principal Planning Officer confirmed that Essex CC had confirmed that the lane was not protected. Reference was also made to an Evacuation Plan.

T Simpson (ECC Green Infrastructure and Drainage Manager) responded to various questions. He said that it could be possible to mitigate the risk of flooding.

A Vaughan (ECC Case Officer) said that ECC had not been out on site but had looked at infiltration testing information that showed no increase in flooding. She said that permeable paving would slow down water flow and that two gullies and water butts would also provide further mitigation.

Councillor S Gill stated that the Environment Agency had previously stated that they would not be looking to dredge the river.

Members discussed:

- The tilted balance pros and cons.
- Major flooding concerns.
- The impact on a very narrow lane.
- The possibility of better locations for ten houses to be built and how significant ten new properties were considered to be.
- Possible future concerns about insuring properties.
- The need for small properties rather than large.
- The dwellings not being in a conservation area but the possible impact on the chalk stream.
- The proposed application being outside development limits.
- The heritage asset.

Councillor Pavitt proposed that the application be refused on the grounds of it being outside of development limits, the impact on the lane adjacent to the Conservation area, heritage issues, lack of infiltration under GEN6 and paragraph 120 of the NPPF.

This proposal was seconded by Councillor Lemon.

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

Councillor E Oliver, F Woods, G Stainer, M Carter and Councillor S Gill (Clavering PC) spoke against the application.

D Jones and M Brindley (for the applicant) spoke in support.

Councillor LeCount had left the room at 3.35 during the discussion and did not vote.

PC309 **UTT/22/3013/OP - HIGHWOOD FARM, STORTFORD ROAD, GREAT DUNMOW**

This item was withdrawn from the Agenda.

Councillors Lemon and Loughlin recused themselves from the next item and left the Council Chamber at 3.50 pm.

PC310 **UTT/21/3298/FUL - LAND SOUTH OF CANNONS LANE, HATFIELD BROAD OAK**

The Principal Planning Officer presented a planning application for the erection of 30 dwellings with open space, landscaping, access and associated infrastructure.

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.

He said that the Essex CC Highways submission had only come in the previous day.

M Bradley (Essex CC Highways) clarified the Highways position. He said their objections remained in place and that any Grampian condition was planning related rather than Highways. In response to various questions in respect of what was considered to be a narrow road, he said that to improve visibility a hedge would need to be cut back, the road could be widened in places to allow two vehicles to pass and there was no specific footpath or cycle path.

In response to a question, the Principal Planning Officer confirmed that other than the Grampian condition nothing had changed since the previous Committee discussion.

The Head of Development Management and Enforcement said that it was appropriate to use a Grampian condition and outlined how it would work.

Members discussed:

- The concerns previously expressed as possible reasons for refusal contained in the December 2022 Committee report- GEN1 (narrow lane), GEN2 (linear village breached) and S7.
- Possible incursion into the countryside and loss of agricultural land
- Consideration of the Grampian condition.

The Head of Development Management and Enforcement advised that if members were minded to refuse the application then the previous recommended highway reasons for refusal should be included in policies GEN1 & GEN8.

Councillor Emanuel proposed that the application be refused on the grounds of GEN1, GEN2, GEN6, GEN8 and S7.

This proposal was seconded by Councillor Freeman.

RESOLVED that the Director of Planning be authorised to refuse permission for the development on the grounds of GEN1, GEN2, GEN6 and S7.

K Artus and Councillor A Fisher (Hatfield Broad Oak PC) spoke against the application. A statement was read out from Councillor N Reeve against the application.

K Rickards (Agent) spoke in support.

A brief adjournment took place at 4.50 pm to discuss re-arranging the Agenda. The meeting recommenced at 4.55 pm during which time Councillors Lemon and Loughlin returned to the Council Chamber.

PC311 **UTT/22/1014/OP - LAND NORTH OF HAMMONDS ROAD, HATFIELD BROAD OAK**

This item will be carried over to the next meeting.

PC312 **UTT/22/2977/DFO - LAND TO THE EAST OF SHIRE HILL, SAFFRON WALDEN**

The Senior Planning Officer presented reserved matters details of appearance, landscaping, layout and scale following the allowed appeal APP/C1570/W/19/3227369.

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:

- Acknowledged the potential lack of greenery around the edge of the site and the possibility of more tree planting.
- Detailed permeable paving and water storage arrangements.

Members discussed:

- The desire to locate air source heat pumps away from the adjoining Horn Brook estate.
- Industrial traffic concerns.

Councillor Light proposed that the application be approved. This proposal was seconded by Councillor Freeman.

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.

PC313 UTT/22/1752/FUL - BLUEGATES FARM, STORTFORD ROAD, GREAT DUNMOW

This item will be carried over to the next meeting.

PC314 UTT/21/3563/FUL - LAND EAST OF ST EDMUNDS LANE, ST EDMUNDS LANE, GREAT DUNMOW

The Senior Planning Officer presented a planning application for an amendment to UTT/19/1508/FUL in order to change plot 13 from a single dwelling to 2 separate dwellings and to provide a total of 24 dwellings.

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 delays since 2021 had been because of legal agreements being drawn up.
- Said that financial adjustments would be made to reflect affordable homes contribution for self-builds.

Members were content with the proposal.

Councillor Pavitt proposed that the application be approved. This proposal was seconded by Councillor Bagnall.

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.

PC315 UTT/22/3321/OP - LAND REAR OF WOODENE, HIGH STREET, LITTLE CHESTERFORD

This item will be carried over to the next meeting.

PC316 UTT/23/0308/HHF - 54 ROSS CLOSE, SAFFRON WALDEN

The Senior Planning Officer presented a planning application for the construction of a single storey rear extension. The application had been made by a former staff member.

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 a question from Councillor Light, the Senior Planning Officer confirmed that the extension was single storey with a flat roof.

Members were content with the proposal.

Councillor Light 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.

PC317 UTT/22/3020/FUL - NEWPORT ROAD, SAFFRON WALDEN

This item will be carried over to the next meeting.

Due to time constraints the following four agenda items were not taken and will be carried forward to the next meeting:

13. UTT/22/1014/OP – LAND NORTH OF HAMMONDS ROAD, HATFIELD BROAD OAK

15. UTT/22/1752/FUL – BLUEGATES FARM, STORTFORD ROAD, GREAT DUNMOW

17. UTT/22/3321/OP – LAND REAR OF WOODENE, HIGH STREET, LITTLE CHESTERFORD

19. UTT/22/3020/FUL – NEWPORT ROAD, SAFFRON WALDEN

The meeting ended at 5:20 pm.