

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 7 JUNE
2023 at 10.00 am**

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

Officers in attendance: L Ackrill (Principal Planning Officer), C Bonani (Planning Lawyer), N Brown (Head of Development Management and Enforcement), C Edwards (Democratic Services Officer), T Gabriel (Senior Planning Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), J Pavey-Smith (Senior Planning Officer) and C Tyler (Senior Planning Officer)

Public Speakers: S Dowle, Councillor A Driscoll, G Driscoll, P Ferret, Councillor G Gibbs, Councillor S Gill, Councillor R Gooding, Councillor N Gregory, Councillor D Lovett, D Macpherson, Councillor E Oliver, B Ross, A Stewart, P Stocking, K Sutton, Councillor N Weakley, R Woodhouse, B Woods and F Woods.

PC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

All Committee Members were present.

Councillor Bagnall declared a pecuniary interest in relation to Item 8 in that he owned a property next door to the address of the application. He said that he would reluctantly recuse himself from that item.

Councillor Haynes declared an interest in relation to Items 9 and 13 as he was a Ward Member for Thaxted and The Eastons. He said he would recuse himself from these items.

Councillor Haynes declared an interest in respect of Item 7 as he was a trustee of the CPRE, which had registered an objection to the application, and he would recuse himself from that item.

Councillor Haynes also declared an interest in respect of Item 8 as he owned a property that was within half a mile of the address of the application and he would therefore recuse himself from that item.

Councillor Emanuel declared an interest in respect of Item 12 as she was a Newport Parish Council Member and had drafted their consultation response. She would therefore recuse herself from that item.

Councillor Church declared an interest in respect of Item 6 as he had represented a member of Stansted on matters relating to the application and he would therefore recuse himself from that item.

PC2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 19 April 2023 were approved as an accurate record.

PC3 SPEED AND QUALITY REPORT

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

The report was noted.

PC4 QUALITY OF MAJOR APPLICATIONS REPORT

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

The report was noted.

PC5 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. He confirmed that extensions of time had been granted in three cases.

The report was noted.

PC6 S62A/2023/0018. UTT/23/0966/PINS - LAND EAST OF PINES HILL, STANSTED

Councillor Church recused himself from this item.

The Senior Planning Officer presented a report in relation to a major (full) planning application submitted to the Planning Inspectorate (PINS) for determination. The proposal was for outline application for up to 31 dwellings, with all matters reserved except access onto Pines Hill. The existing access to the neighbouring properties would be retained.

He recommended that the Director of Planning be authorised to advise the Planning Inspectorate of the Council's observations.

In response to various questions from Members, officers:

- Said that they did not consider it to be special circumstances to build 52% affordable housing on Greenbelt.
- Said that land would not qualify as previously developed.
- Said that some biodiversity net gains in Hertfordshire had been indicated.
- Said that this would be harmful to Greenbelt and would not be considered as special circumstances.

Members discussed:

- The fact that the proposal for 52% affordable housing in the Greenbelt was not sufficient rationale to support the application.
- The previous decision made had been considered the correct one.

Councillor Pavitt proposed that comments be sent to PINS objecting to the application in that whilst it provided benefit, it did not meet the special circumstances criteria in the Greenbelt as defined by NPPF and would also have an urbanising effect on the edge of village settlement.

Councillor Emanuel seconded the proposal.

- RESOLVED that the objections as proposed above be conveyed to PINS.

Councillor Church returned to the meeting and Councillor Haynes recused himself from the following three items.

PC7

S62A/2023/0017. UTT/23/0950/PINS - LAND AT TILEKILN GREEN, STANSTED, GREAT HALLINGBURY

The Senior Planning Officer presented a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination. The application was for an open logistics facility where storage containers were decanted from larger vehicles onto smaller ones, to be located within the Countryside Protection Zone (CPZ) in Great Hallingbury.

She recommended that the Director of Planning be authorised to advise the Planning Inspectorate of the Council's observations.

In response to various questions from Members, officers:

- Confirmed that the application was basically the same as that which had previously been refused with some addendums submitted.
- Confirmed that this was against CPZ policy.

Members discussed:

- The fact that the application was basically the same and that four refusal reasons given previously by the Planning Committee remained valid.
- Clarification being required in respect of Para 14.3.4 as to whether or not the site was designated.

- There being highways conflicts.
- The benefits to the economy being overstated in that the effects would be neutral.

Councillor Emanuel proposed that comments be sent to PINS objecting to the application on the basis of the four previous reasons given by the Planning Committee, concerns re highways conflicts, noise impact, GEN 2 concerns as well as stating that there would not be a net loss of jobs and that clarification should be sought as to whether the land was designated.

Councillor Lemon seconded the proposal.

- RESOLVED that the objections as proposed above be conveyed to PINS.

PC8

S62A/2023/0016. UTT/23/0902/PINS - WARISH HALL FARM, SMITHS GREEN LANE, TAKELEY

Councillor Bagnall recused himself from the meeting.

The Principal Planning Officer presented a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination. The proposal was for the construction of 40 dwellings (Class C3), including open space, landscaping and associated infrastructure.

He recommended that the Director of Planning be authorised to advise the Planning Inspectorate of the Council's observations.

In response to various questions from Members, officers:

- Explained the possible reasoning for two applications being submitted.

Members discussed:

- Reasons given previously for refusal of the application.
- Concerns re the protected lane.
- CPZ concerns across four sites.
- The impact on the proposed Takeley conservation area.
- Access concerns, although Place Services had considered there would be no harm.
- The closeness of the site to the conservation area.
- GEN 2 concerns in that this was special landscape.

Councillor Emanuel proposed that comments be sent to PINS objecting to the application and raising concerns about the impact on the CPZ, the suburban form of development contrary to GEN 2, highlighting the need to give appropriate weight to the emerging proposed conservation area, the site access onto a protected lane, the character being changed together with there being no clear and convincing benefits to the community.

Councillor Sutton seconded the proposal.

- RESOLVED that the objections as proposed above be conveyed to PINS.

The meeting adjourned for a comfort break between 11.30 am and 11.40 am, during which Councillors Bagnall and Haynes returned to the meeting.

PC9 UTT/22/2900/OP - LAND WEST OF WALDEN ROAD/EAST OF WATLING LANE, THAXTED

The Principal Planning Officer presented an outline application, with all matters reserved except for access, for the erection of up to 67 dwellings with associated private gardens, car parking, vehicular manoeuvring space, bin and cycle stores, and hard and soft landscaping, wildlife pond and swales, and public open space provisions, church viewpoint zone, wheelchair accessible trail, community orchard and children's play area.

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

There was a brief adjournment from 12.00 pm to 12.05 pm to address IT concerns.

Councillor Haynes spoke against the application as a public speaker and then recused himself from the meeting.

There were no questions and Members discussed:

- The tilted balance in that harms outweighed benefits.
- Neighbourhood Plan policies were still applicable.
- Concerns about two different assessments being undertaken by Highways.

Councillor Pavitt supported the recommendation made by officers and proposed that the application be refused for the reasons set out in section 17 of the report.

This proposal was seconded by Councillor Church.

RESOLVED that the application be refused for the reasons set out in section 17 of the report.

Councillor R Haynes, D Macpherson and Councillor N Weakley (Thaxted PC) spoke against the application and a statement was read out from T Wilson against the application.

Councillor Haynes returned to the meeting.

PC10 UTT/22/3094/FUL - LAND TO THE NORTH OF BIRCHANGER LANE, BIRCHANGER

The Senior Planning Officer presented a Section 73A Retrospective application for change of use of land for the stationing of caravans and mobile homes for residential purposes and ancillary works.

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 statements made by Public Speakers the meeting adjourned for lunch between 1.05 pm and 1.55 pm.

In response to questions from Members, officers:

- Clarified the position in relation to there being a need to demonstrate a 5-year supply for gypsy and traveller sites.
- That there had been no changes to documentation since 2018 and that the statutory consultees had been happy with the documentation supplied.
- Said that noise and pollution were material considerations.
- Explained why this was a retrospective application.
- Explained why their previous views had changed in light of the Inspector's decision in respect of the condition given to the needs of residents.
- Clarified what would happen if conditions were breached in that enforcement action would be taken within 3 months.

Members discussed:

- Concerns that lower standards were being accepted for travellers.
- There being no identified immediate need for a travellers' site, with there being no special circumstances relating to the Greenbelt in this instance.
- Government Planning policy relating to travellers in Greenbelt and matters being subject to the best interest of the two children in this instance.
- Possible external lighting concerns.
- Health impacts on the affected children.

Councillor Bagnall proposed that the application be refused as it represented inappropriate development on the Greenbelt with no special circumstances demonstrated. In addition there had been a failure to demonstrate noise impact in respect of the motorway and airport. These concerns related to ENV10, ENV13 and S6.

This proposal was seconded by Councillor Sutton.

RESOLVED that the application be refused in line with the motion above.

Councillor R Gooding, B Ross, G Driscoll, P Ferret, S Dowle, A Stewart, Councillor A Driscoll (Birchanger Parish Council) spoke against the application and statements from J McArthur and B Stewart were also read out against the application.

B Woods (Agent) spoke in support.

There was a brief comfort break adjournment from 2.35 pm to 2.40 pm.

PC11 **UTT/22/1578/OP - LAND TO THE NORTH OF ELDRIDGE CLOSE, CLAVERING**

The Senior Planning Officer presented an outline application, with all matters reserved except for access, for up to 32 dwellings, including public open space, sustainable drainable systems, landscaping and associated infrastructure and associated development.

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 surrounding Eldridge Close being an unadopted road and that it could be conditioned for the road to be brought up to an acceptable standard and adopted.
- Said that the developer would have a problem if residents refused to provide access.
- Said that the substantial tree lines could be protected through Condition 26.
- Discussed the apparent lack of consultation between the applicant and the community.
- Clarified the previous appeal decision that the density of the proposed housing was an entirely inefficient use of the resource.
- Detailed the lack of 5 year land supply and the tilted balance arguments.
- Said that some parking and congestion issues might be alleviated if the application was approved.
- Said they understood that the width of Eldridge Close was 5.5m.
- Said that the Construction Management Plan could be boosted to put limitations on any construction traffic.

Members discussed:

- Concerns that the access road was not suitable.
- The design being very linear and out of keeping with the area.
- Sustainability being very constrained.
- Landscaping issues.
- No wildlife or ecology statements.
- The effect on the character of the footpath.
- The need for tree protection.
- The need for clarity as to whether the road could be adopted.
- The need to understand any restrictions that the residents' management company could impose.

Councillor Bagnall proposed that the application be deferred in order to gather further information relating to access, landscaping, sustainability, assurance re water and ecology reports.

This proposal was seconded by Councillor Emanuel.

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

Councillor E Oliver, F Woods (Keep Clavering Rural), R Woodhouse and Councillor S Gill (Clavering Parish Council) spoke against the application and a statement was read out from F Bullen against the application.

K Sutton (Agent) spoke in support.

PC12 **UTT/22/1706/FUL - BRICKETTS, LONDON ROAD, NEWPORT**

The Senior Planning Officer presented an application for the erection of 11 dwellings which would be accessed from the existing residential development and also via a new access to the southern part of the site.

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.

Councillor Emanuel, representing Newport Parish Council spoke in support of the application as a public speaker and then recused herself from the meeting.

In response to questions from Members, officers:

- Said that there had been excellent liaison between the agent and the Parish Council.
- Said that a landscape condition could include re-wilding the land behind the earth bund.
- Said that in respect of the proposed gateway scheme that there had been no other proposal made.

Members discussed:

- The excellent relationship that had built up between the Parish Council and the agent.
- The need for a 10 year, rather than 5 year, reparation clause within Condition 9.

Councillor Pavitt proposed approval of the application, subject to those items set out in section 17 of the report, together with an amendment to Condition 9 that refers to a 10 year reparation period replacing 5 years.

This was seconded by Councillor Lemon.

RESOLVED that the application be approved in line with the motion.

Councillor J Emanuel and P Stocking (Agent) spoke in support of the application.

The meeting adjourned from 4.05 pm to 4.15 pm.

Councillor Emanuel returned to the meeting whilst Councillor Haynes recused himself from the next item and apologised for having to leave the rest of the meeting.

PC13 **UTT/23/0526/FUL - CLAYPITS FARM, BARDFIELD ROAD, THAXTED**

The Senior Planning Officer presented an application to vary conditions made under Section 73 of the Town and Country Planning Act 1990 (as amended) pursuant to application UTT/20/0614/OP allowed at appeal on 28 October 2021. The outline application was for the demolition of existing buildings and the erection of 14 dwellings with all matters reserved except access and layout. The amendment sought to vary conditions in relation to the provision of electricity sub-station and the arrangement of plot 1.

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 location of the sub-station and said that issues such as insulation of the sub-station and metrics for background noise would be picked up under reserved matters and could be conditioned.
- Said that there should have been a response from Environmental Health but this would be picked up at the reserved matters stage.

Members were in support of the proposal and a comment was made that the heritage issues had been addressed.

Councillor Emanuel proposed 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.

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.

PC14 **UTT/23/0628/FUL - STANE HOUSE, 77 HIGH STREET, GREAT DUNMOW**

The Senior Planning Officer presented an application for an additional unit at lower ground floor level to the existing Retirement Living (Category II Sheltered Housing) apartments for the elderly making a total of 30 units.

She 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 the original space did not have a use.
- Said there were no parking issues as there was a very low demand.
- Noted that the application was partially retrospective as it was already built.

- Said that the existing S106 would transfer to this application with an uplift payable after the 8th dwelling was occupied.

Members were in support of the proposal.

Councillor Pavitt proposed 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.

This was seconded by Councillor Lemon.

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.

PC15 UTT/22/3020/FUL - NEWPORT ROAD, SAFFRON WALDEN

The Senior Planning Officer presented an application for the creation of a new agricultural access to enable the applicant to have an independent access onto their land. The proposed access was taken from Newport Road (B1052).

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 existing ownership and access arrangements.
- Said that Highways had not objected to the proposed visibility splays.
- Said that the likely loss of hedgerow would be 2.5m x 160m in each direction.

Members discussed:

- The significant loss of hedgerow to impact on the landscape.
- The need for an appropriate barrier to be in place on the side of the access road.
- Safety issues and the change of appearance to what was considered a fast main road.
- The possibility of a new hedge line condition and a new 10 year growth condition.
- The fact that the existing access had already been widened.

Councillor Pavitt proposed refusal of the application on the grounds of ENV8 and S7.

This was seconded by Councillor Bagnall.

RESOLVED that the application be refused as per the motion.

PC16 UTT/22/0863/FUL - NEW FARM, ARKESDEN ROAD, WENDENS AMBO

This application had been withdrawn ahead of the meeting.

PC17 **UTT/23/0036/FUL - LAND AT NORTON END, WENDENS AMBO**

The Senior Planning Officer presented an application for the erection of an agricultural storage building. The building would be associated with the current agricultural use of the site.

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 residents' concerns in that they could condition the building for agricultural use.
- Said that they could condition that old vehicles be removed prior to development.
- Said that a material landscaping condition could be included.

Members discussed:

- Conditioning that the building's outside walls be olive green.
- Ensuring that laurel trees be retained with a 10 year reparation.

Councillor Church proposed approval of the application on the basis that there would be no change from agricultural use, vehicles would be removed from site prior to the development, landscape conditions re the laurel trees and the materials to be agreed to include olive green walls.

This was seconded by Councillor Lemon.

RESOLVED that the Director of Planning be authorised to grant planning permission for the proposed development subject to those items set out in section 17 of the report, together with the proposals included in the motion above.

Councillor N Gregory and Councillor G Gibbs (Wendens Ambo Parish Council) spoke against the application and a statement was read out from M Samson against the application.

D Lovett (Applicant) spoke in support.

The meeting ended at 5:30 pm.