

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 13
DECEMBER 2023 at 10.00 am**

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

Officers in attendance: R Beale (Senior Planning Officer), N Brown (Head of
Development Management and Enforcement), J Lyall (Locum
Planning Lawyer), M Sawyers (Planning Officer), C Shanley-
Grozavu (Democratic Services Officer), L Trevillian (Principal
Planning Officer), C Tyler (Senior Planning Officer) and
A Vlachos (Senior Planning Officer)

PC105 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Bagnall, with
Councillor Coote attending as his substitute.

Apologies for lateness were received from Councillor Church.

The following declarations were made for transparency:

- Councillor Sutton declared that she was the Ward Councillor for
Takeley (Items 7 and 9).
- Councillor Lemon declared that he was the Ward Councillor for
Hatfield Heath (Item 8).

Councillor Haynes declared that he had an interest in a property on the
other side of Smiths Green. He confirmed that he would not recuse
himself on Item 7.

PC106 MINUTES OF THE PREVIOUS MEETING

The Chair announced that a clarification to the minutes would be applied
in respect of Minute 101 as the Parish Councillor was neither speaking for
or against the proposal.

The minutes of the meeting were approved, subject to the minor
amendment outlined above.

PC107 SPEED AND QUALITY REPORT

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

The report was noted.

PC108 **QUALITY OF MAJOR APPLICATIONS REPORT**

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

He provided a verbal update on the appeals for UTT/21/3272/OP (Land South of Stortford Road, Little Canfield) and UTT/22/1275/OP (Land at Parsonage Farm, Great Sampford) which had both been dismissed.

The report was noted.

PC109 **S62A APPLICATIONS**

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

He confirmed that the hearing for UTT/23/1848/PINS (Moors Fields, Little Dunmow) and UTT/23/2193/PINS (Land At Eastfield Stables, Stansted) had both been postponed until after the new year.

In addition, there had been an increase in applications due to the increase in Planning fees from 6th December.

The report was noted.

PC110 **UTT/23/2616/PINS - LAND TO THE NORTH OF ELDRIDGE CLOSE, CLAVERING**

The Senior Planning Officer presented a S62a outline planning application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development. This had been submitted to the Planning Inspectorate (PINS) for determination.

He invited Members to comment on the proposals.

In response to questions from Members, Officers clarified the following:

- Whilst there were no designated heritage assets near to the site, the application had not provided sufficient detail to show that the historical context had been considered.
- Should the application be granted approval with a s106 agreement, then the Council as the Planning Authority would receive the nomination rights to enter into the agreement with the Developer.
- The lack of pedestrian access had not been a previous reason for refusal, however Members could include this in their comments, should they be minded to.

Members discussed:

- The Committee still maintained their original objections, as outlined in Appendix 2 of the Officer's report.
- The location of the application site had limited pedestrian access and would not encourage the use of movement by means other than driving of a car, contrary to Policy GEN1.
- There was a need to protect the surrounding hedgerows.

Members proposed that the previous reasons for refusal be retained in their comments to PINS, along with additional objections regarding the 5-year land supply and pedestrian access.

PC111 **UTT/23/2682/PINS - LAND AT WARISH HALL FARM NORTH OF JACKS LANE, SMITHS GREEN LANE, TAKELEY**

The Senior Planning Officer presented a S62A application for the erection of 40no. dwellings, including open space landscaping and associated infrastructure. This had been submitted to PINS for determination.

She invited Members to comment on the proposals.

In response to questions from Members, Officers clarified the following:

- The application site was located within the Countryside Protection Zone (CPZ).
- The updated five-year land supply would be brought to the Inspector's attention; however it was unlikely to impact the decision making as they had previously accepted the principal of development.
- The applicant had yet to propose acceptable by-way improvement works and a lighting design scheme that satisfied both ECC Highways and ECC Place Services. This dispute was ongoing, and both consultees had requested additional information and revised plans.

Members discussed:

- The Inspector had refused a previous application on the site on the grounds of highways, ecology and impact on the character from works to the byway. These matters had yet to be resolved in the current application.
- The site was located within the CPZ and would have adverse effects on the openness of the countryside, therefore contrary to Policy S8.
- The development may potentially have an adverse impact on the setting of several designated and non-designated heritage assets, including harm to the character and appearance of Smiths Green Lane (Warish Hall Road), a protected lane.
- The application had not addressed the Council's previous objections, nor the Inspector's reasons for refusal.

Members proposed that comments be sent to PINS advising that the Council object to the application on the following grounds:

1. The application had not addressed the reasons for refusal from the dismissed S62a application (S62A/2023/0016).
2. The proposal would result in an adverse effect on the open characteristics of the CPZ.
3. The development would cause harm to the character and appearance of Smiths Green Lane, a protected lane.

PC112 UTT/22/1261/FUL - LAND TO WEST OF MILL LANE, HATFIELD HEATH

The Senior Planning Officer presented an application for the demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. There would also be the creation of a pedestrian and cycle link path.

This application had previously been presented to the Planning Committee in October 2023, and the application was deferred so that the report could be brought back with reference to the 2018 appeal decision on the site.

He recommended that the application be approved, subject to those items set out in section 17 of the report.

Officers clarified that it was in their view that the site was not previously developed land, as the former Prisoner of War Camp was considered a temporary use. Therefore, the site could not be exempt under paragraph 149(g) of the NPPF and in order to be deemed acceptable within the Green Belt, the proposal would require "very special circumstances" which would outweigh the harm identified, as outlined in paragraphs 147 and 148 of the NPPF. In this case, the "special circumstances" for the site was the historical benefit of the proposal as it sought to restore a portion of the Prisoner of War Camp enabled by the addition of new dwelling house on the site, as well as a degree of public access. However, it was for the committee to decide for themselves as to whether the tests within paragraphs 147, 148 and 149(g) applied.

In response to further questions, Officers confirmed the following:

- A letter from the Clerk of Hatfield Heath Parish Council, regarding traffic problems had been sent directly to the Case Officer; however, this had not been included on the Late List as the Officer had been absent.
- The Highways Authority raised no objection towards the proposal, subject to conditions.
- The commercial aspect of the development did not automatically rule it out as unacceptable within the Greenbelt.
- It was for Members to decide how much weight should be applied towards the holiday let bringing a heritage asset back into use.

Members discussed:

- The access to the scheme was acceptable.
- Essex Highways had not raised any objections with the proposal.

- There were concerns surrounding flooding on to Stortford Road which had been caused by a filled-in ditch. The Parish Council had been liaising with Essex Highways on this issue.
- The proposed footpath to Home Pastures and Broomfield would not reduce the number of pedestrians using Mill Lane as it would take longer to reach their destination on the new route.
- Eight holiday lets was not a viable commercial proposal in Hatfield Heath.
- The Inspector of the 2018 appeal concluded that the site was previously developed land. However, dismissed the application due to harm to the Green Belt, heritage and the character and appearance of the area contrary to the development plan and national policy.
- There was currently not a scheme which would retain the pre-existing buildings or restore them to their original condition.
- ECC Place Services stated that the proposal would inevitably result in harm to the significance of the non-designated heritage asset.

Members debated the principle of the development; specifically whether the site could be considered to be on previously developed land and, if not, whether the proposed restoration of the non-designated heritages assets was to be considered very special circumstances which would outweigh the harm to greenbelt. There was general agreement that it was not previously developed land, and therefore the exemption under paragraph 149(g) of the NPPF was not applicable. In addition, most members concluded that the benefits of the proposal could not be considered “very special circumstances” which would outweigh the harm identified, including the heritage and greenbelt. For this reason, the application also failed to meet the tests found within paragraphs 147 and 148 of the NPPF.

Councillor Emanuel proposed that the application be refused on the following grounds:

The proposed development would constitute inappropriate development within the Green Belt and additional harm would result from the loss of openness. The harm by reason of its inappropriateness and loss of openness was not clearly outweighed by other considerations. There were no very special circumstances associated with the proposal that would outweigh the harm identified, therefore it failed to meet the tests found within paragraphs 147, 148 and 149(g) of the National Planning Policy Framework (2023)

The proposal was therefore contrary to Policy S6.

This was seconded by Councillor Lemon.

RESOLVED that the Director of Planning be authorised to refuse permission for the reasons listed above.

The Principal Planning Officer presented an application which sought approval of details following the granting of outline planning under reference UTT/19/0394/OP for a 66-bed care home. The details for consideration were appearance, landscaping, layout and scale.

He recommended that the application be approved subject to those items set out in section 17 of the report.

In response to questions from Members, Officers clarified the following:

- The care home would have approximately 46 full time and 20 part time members of staff who would provide 24-hour care.
- The proposed car parking provisions were deemed sufficient and in line with both UDC and ECC's Parking Standards.
- The Adopted Council Parking Standards recommended that a maximum of 1 space per full time staff and 1 visitor space for every 3 bedrooms for a residential care home.
- When calculating the parking provisions, the applicant had taken into consideration 2011 Census data to determine means of local population travel modes to and from their places of employment. This confirmed that on average 80% of the population in Takeley travelled to work by car whilst the remaining 20% was by other means of transport such as walking, cycling or public transport.
- Based on the presumption that the maximum number of staff on site would be 26 at any one time, the Applicant included 20 off street parking spaces to meet the peak demand for staff parking.
- There was no provision for mobility scooter parking or charging.
- The Inspector has applied various conditions to the outline permission which the applicant would be required to discharge.
- The proposed layout of the site generally complied with the approved indicative masterplan that was granted permission under the outline application.

Members discussed:

- There was some dissatisfaction with the overall scale and layout of the proposal as it felt both too high and cramped for the application site.
- A S106 agreement had been agreed at the Outline Planning stage, however it had not included any financial contributions towards improvements of the footways, highways or local bus services.
- It would be the responsibility of the Care Home's Management company to manage the car parking provisions and explore options for preventing airport fly-parking.
- There was concern around the allocation of 9 spaces for visitors. It was noted that visiting hours were spread across the week, thus the allocation was deemed acceptable as residents wouldn't all expect visitors at the same time.
- The number of staff parking spaces may cause issues during shift changeovers times.

- The car park layout had been designed to accommodate refuse and emergency vehicles and allow manageable reversing and turning manoeuvres.
- The Parking Standards prescribed a maximum number of car parking as an oversized car park would encourage various issues including airport fly-parking and more cars on the road.
- The Applicant's proposed travel plan would encourage a modal shift from cars.

Councillor Emanuel proposed that the application be approved subject to those items set out in section 17 of the report.

This was seconded by Councillor Coote.

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.

A written statement from J Deane (Takeley PC) was read out neither in support nor against the application.

A written statement from Councillor G Bagnall was read out against the application.

D Jenkins (Applicant) spoke in support of the application.

PC114 **UTT/23/2555/FUL - LAND BEHIND OLD CEMENT WORKS, THAXTED ROAD, SAFFRON WALDEN**

The Senior Planning Officer presented a S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL approved under appeal ref APP/C1570/W/20/3264407 (Erection of 35 Dwellinghouses) in order to substitute drawing 90416.01 for BRD/22/029/012 to make amendments to plots 7 and 8.

He recommended that the application be approved subject to those items set out in section 17 of the report.

In response to questions from Members, Officers clarified that the variation of the conditions enabled changes to be made to plots 7 and 8 in order to extend the ground floor single storey rear element of the dwellings and further revisions to the fenestration.

Councillor Emanuel proposed that the application be approved.

This was seconded by Councillor Church.

RESOLVED: that the Director of Planning be authorised to grant permission subject to the items set out in section 17 of the report.

The meeting was adjourned between 14:05 to 14:15

PC115 **UTT/23/0990/FUL - SHIRE HILL, SAFFRON WALDEN**

The Principal Planning Officer presented an application for a new light industrial unit with associated car park and servicing area.

He recommended that the application be approved, subject to those items set out in section 17 of the report.

In response to a question from Members, Officers clarified that solar panels had been included as a condition.

Members discussed the following:

- The designs could have included more solar panels, particularly to take advantage of the south inclined roof.
- The parking provision was acceptable under the current policy.
- Should there be a need in future for further Electric Charging Points, then these could be installed without the need for additional Planning Permission.
- ECC Highways had conducted a Vehicle Tracking Plan which concluded that a significant sized lorry could turn within the Service Yard.
- The proposal was an efficient use of space.

The Legal Advisor reminded members to be cautious about seeking to apply conditions that would redesign the application as these would not stand up if appealed.

Councillor Coote proposed that the application be approved.

This was seconded by Councillor Church.

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.

The meeting was adjourned between 13:00 and 14:00

PC116 **UTT/23/2119/FUL - LAND BETWEEN 39 AND 41 CROMWELL ROAD, SAFFRON WALDEN**

The Senior Planning Officer presented an application for the erection of 2 no. semi-detached dwellings with associated access, parking and landscaping.

He recommended that the application be approved, subject to the conditions outlined in section 17 of the report.

There was also an additional proposed condition for a lighting scheme to the west side of the plot, starting from the south-western corner of the unit 1 building to the north-western corner of plot 1.

In response to questions from Members, officers clarified the following:

- A Construction Management Plan could be implemented to ensure that the adjacent pathways were not obstructed at any time during the development's construction phase.
- The application site was an informal open space and not designated public open space or part of the protected open spaces' network. As such, policies LC1 and ENV3 of the Local Plan and policy SW17 of the Saffron Walden Neighbourhood Plan were not applicable.
- There was no mechanism in which a green space could be designated as a public open space, based on usage or maintenance over time alone.
- The proposal was compliant with the Nationally Described Space Standard.
- There was a dispute regarding the ownership of the land at the north-end of the plot. For this reason, the fence line would not be brought to the end of the plot.

Members discussed:

- No objections had been raised by the Statutory Consultees, including Saffron Walden Town Council.
- There were concerns over the potential loss of the land as a public open space. However, as the application site was not designated public open space it was not protected by the provisions of the Local Plan or the Saffron Walden Neighbourhood Plan
- The issue around ownership of the land to the north of the plot was ongoing and out of the control of the Committee as a non-planning matter.
- To prevent anti-social behaviour, a condition could be applied for a lighting scheme to be applied on the east, north and west sides of the development as the development would create darker footways due to the necessary use of close boarded fencing for the private gardens and due to the size of the proposed dwellings.
- There was a lack of evidence in the original planning permissions for the wider estate to outline the rationale as to why the green space had been left, and why it was not designated as a Public Open Space.
- Neighbourhood Plans could be used in future to enhance and protect pre-existing green spaces.
- The design of the houses was similar to the surrounding area.

Councillor Loughlin proposed that the application be approved, with the additional conditions:

- A lighting scheme for the east, west and north sides of the site
- Construction Management Plan

This was seconded by Councillor Sutton.

RESOLVED: that the Director of Planning be authorised to grant permission for the development subject to the items outlined in section 17 of the report and the additional conditions listed above.

A written statement from Councillor C Fiddy was read out against the application.

T Cannon (Agent) spoke in support of the application.

Meeting ended 14:38