

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 7
FEBRUARY 2024 at 10.00 am**

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

Officers in attendance: R Beale (Senior 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 Kolaszewki
(Principal Planning Officer), J Lyall (Planning Lawyer), J Pavey-
Smith (Senior Planning Officer), M Shoosmith (Strategic
Applications Team Leader) and C Tyler (Senior Planning Officer)

Public Speakers: Councillor A Armstrong, S Bampton, P Barber, D Beedle, R
Bodsworth, Councillor M Coletta, T Connelly, W Critchley,
Councillor J Cheetham, Councillor G Driscoll, D Evans, M
Fairchild, Councillor A Gardner, Councillor S Gill, P Graves, J
Hayes, M Letchford, Councillor S Luck, D Marrocco, J O'Brien,
M Peachey, J Pearce, Dr F Perrott-Humphrey, J Spencer, D St
Pierre, D Tew and Councillor V Waring.

PC130 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were given by Councillors Church and Lemon.

The following declarations were made:

- Councillor Bagnall; recused from Item 8.
- Councillor Haynes; recused from Item 10 but would not recuse from Item 8 as his registered interest was at the other end of Smith's Green.
- Councillor Sutton, Takeley Ward Member for Item 8.

PC131 MINUTES OF THE PREVIOUS MEETING

An addition was agreed to PC129 in the reasons for deferral as confirmation being required from Essex Fire and Rescue of them being satisfied if the access suited their needs.

With this addition, the minutes of the meeting held on 10 January 2024 were approved as an accurate record.

PC132 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the standing Speed and Quality Report. He highlighted that the Quality of major development figure for April 2021 to March 2023 currently stood at red 3.5% and for April 2022 to March 2024 was currently green at 5%.

The report was noted.

PC133 QUALITY OF MAJOR APPLICATIONS REPORT

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

The report was noted.

PC134 S62A APPLICATIONS REPORT

The Head of Development Management and Enforcement presented the S62A Applications report. He highlighted the two outstanding cases, which were being consulted on at this meeting.

In response to a question about the Maggots End application, he said that he had heard nothing back on this case.

The report was noted.

PC135 UTT/23/3112/PINS - LAND NORTH OF KNIGHT PARK, THAXTED ROAD, SAFFRON WALDEN

The Principal Planning Officer presented an outline application with all matters reserved except for access for the erection of up to 55 dwellings, associated landscaping and open space, with access from Knight Park that had been submitted to the Planning Inspectorate (PINS) for determination.

There was a short adjournment from 10.15 am to 10.20 am due to IT technical difficulties.

He recommended that observations be submitted to PINS.

In response to questions from Members, officers:

- Confirmed that the employment allocation had been in the 2005 Local Plan and that the site could be sustainable.
- Said that protection of Tip Toffs Lane could be facilitated.
- Said that there had been previously an application made in 2013 for 300 units.

Members discussed:

- That employment needs should not be sacrificed against housing needs.
- That this site was not suitable for housing.

- That this was not within the CPZ as had been stated.
- Concerns in respect of rights of way and the presence of the substation.

Councillor Pavitt proposed that the Council's response should be opposition to the development due to the conflict with the employment policies in the 2005 Local Plan, the emerging Regulation 18 Local Plan and the proposed employment allocation on site, and material considerations in the form of up to date evidence on employment need and suitable, available and achievable HELAA sites for employment land at Saffron Walden. Concerns also to be raised about protection of rights of way and reference to the substation.

This was seconded by Councillor Bagnall.

RESOLVED that the above observations be communicated to the Planning Inspectorate.

PC136 **UTT/23/3113/PINS - LAND WEST OF THE CRICKETERS, CLATTERBURY LANE, CLAVERING**

The Senior Planning Officer presented an outline 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 that had been submitted to the Planning Inspectorate (PINS) for determination.

He recommended that observations be submitted to PINS.

There were no questions from Members.

Members discussed:

- The lack of sustainability in respect of public transport and there being no safe footpath.
- The proposed layout being at odds with the typology and character of the village.
- The clear intrusion into the countryside.
- The case officer confirmed to the committee there was a typo in paragraph 15.2 of the committee report which should have stated "the proposal would not represent sustainable development".
- The overall conclusions detailed in the officer's report in paragraph 15 that the harm to the openness and character of the countryside, loss of agricultural land and unsustainable location of the site significantly and demonstrably outweighed the benefits of the development when assessed against the Framework taken as a whole.

Councillor Loughlin proposed that the officer's conclusions be supported and communicated to the Planning Inspectorate.

This was seconded by Councillor Emanuel.

RESOLVED that the officer's conclusions be supported and communicated to the Planning Inspectorate.

Councillor Bagnall recused himself from the meeting at 10.40 am.

PC137 **UTT/22/3126/FUL - LAND AT WARISH HALL FARM, NORTH OF JACKS LANE, SMITHS GREEN LANE, TAKELEY**

The Senior Planning Officer presented a planning application for the erection of 40 dwellings, including open space landscaping and associated infrastructures. This application had been put before Members as it was considered that that the reasons for refusal from the dismissed S62a scheme had now been addressed. These reasons were outlined in her presentation.

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

Following on from the speakers there was a comfort break between 11.35 am and 11.45 am.

In response to questions from Members, officers:

- Said that this was not considered an irreplaceable habitat.
- Said that access arrangements had been covered in the presentation and that lighting concerns related to the byway.
- Said that the Committee should focus on the two previous reasons for refusal and assess whether these were now adequately demonstrated to have been resolved.

Members discussed:

- That this scheme kept being brought back to the Committee and that in totality this was a very valuable green space.
- Concerns about proposed lighting arrangements; a huge light spill pollution impacting on a protected lane. General concerns that the impact on the protected lane had not been addressed, with Historic England still expressing concerns.
- Suburban encroachment and traffic build-up on a historic lane.
- The balance of harms against the benefits of 40 dwellings. Great concerns were expressed about significant harms.
- The Conservation area designation.
- The fact that two statutory consultees had not objected to the proposed development.
- Whether both reasons for refusal were reconcilable with each other.
- The proposed access arrangements changing the character of the area.
- The possibility of deferring the matter until after the Appeal decision.

Officers indicated that if the matter was deferred the applicant had indicated that the Council would be challenged for non-determination.

Councillor Pavitt proposed refusal of the application in that it had not adequately demonstrated that lighting would not result in unacceptable harm to the character and appearance of the surrounding area and to the significance of the protected lane. There would be permanent harm to the protected lane.

This proposal was seconded by Councillor Haynes.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development in line with the above motion.

Councillor M Coletta, M Peachey, W Critchley, R Bodsworth, P Barber, M Letchford, T Connelly, Dr F Perrott-Humphrey, D Evans and Councillor J Cheetham (Takeley PC) spoke against the application. Statements were also read out from D Bagnall and B Pinchback against the application.

J Spencer (Agent) spoke in support.

The meeting broke for lunch at 12.40 pm and reconvened at 1.45 pm with Councillor Bagnall returning to the meeting.

PC138 **UTT/23/1470/OP - STANSTED DISTRIBUTION CENTRE, START HILL, GREAT HALLINGBURY**

The Senior Planning Officer presented an outline planning application with all matters reserved for the demolition of units 1B, 2A, 2B, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for flexible commercial uses with realignment of internal access road, car parking, servicing yards, soft landscaping and other associated works. She highlighted the amendments as made in the Addendum List.

She 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:

- Said that this was only an outline application; most matters such as noise impact assessments and heritage impact assessments would all be picked up under reserved matters.
- Said that opening hours would be picked up under condition 32.
- Outlined the safety zones.
- Said that the report and conditions had covered maximum heights of buildings.
- Said that a traffic assessment had been undertaken.
- Said that the parameters were being set at the meeting.

Members discussed:

- The many concerns expressed by speakers.
- The possibility of Impact Assessments being carried out earlier in the process; Officers confirmed that these would take place at the reserved matters stage.
- The parameter plan being no greater than the current arrangements; Height impacts. These will be subject to heritage impact assessment bars and would take precedence.
- Significant traffic generated by high bay warehousing.
- Protection of the chalk stream into the River Stort; this could be weaved into condition 9.

- Consultation had been made as part of the application with Aerodrome Safeguarding, MAG, NATs and they would also be consulted at reserved matters stage.
- The need to work with the Parish Council and residents moving forward.

Councillor Emanuel proposed approval of the application, subject to the maximum parameters being set; when seconding Councillor Pavitt reminded the committee of the proposed condition regarding chalk stream protection arrangements which Councillor Emanuel agreed to.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report and in line with the above motion.

Councillor G Driscoll, M Coletta and Councillor V Waring (Great Hallingbury PC) spoke against the application.

D Marrocco (Agent) spoke in support.

There was an adjournment from 3.00 pm to 3.15 pm.

Councillor Haynes recused himself from the next item but remained in the room until after his input as a public speaker.

PC139 UTT/23/0707/FUL - LAND SOUTH OF DEYNES ROAD, DEBDEN

The Senior Planning Officer presented a planning application seeking Full Planning Permission for the creation of 9 bungalows on the land with associated works, including landscaping, parking and access.

He recommended that the Strategic Director of Planning be authorised to refuse permission for the development as detailed in section 17 of the report.

Following public speakers there was an adjournment from 3.55 pm to 4.05 pm.

The Head of Development Management and Enforcement addressed comments made during the public contributions. He said that he was satisfied that the Ward Member had behaved appropriately during the site visit. He explained that the Heritage statement had been missing from the officer's report at the previous meeting and that this had been an error; this had resulted in the item being withdrawn.

The Chair also confirmed that the Ward Member had behaved appropriately during the site visit.

In response to questions from Members, officers:

- Confirmed that the application could be refused on the basis of ENV2 and heritage grounds and that heritage grounds were the strongest basis for any refusals.

- Said that the development could be considered to be sustainable.
- Explained the basis for using Grampian conditions and that it was not inappropriate in this instance.

Members discussed:

- The heritage concerns and how this would take priority above matters such as the development being sustainable.
- ENV 5, S7, GEN 1 and GEN 2 concerns.

Councillor Pavitt proposed refusal of the application, on the basis of the refusal reason (paragraph 17) in the officer's report and ENV 5, S7, together with a mix of GEN1 and GEN2 together.

This was seconded by Councillor Sutton.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission as outlined in the motion above.

Councillor S Luck, Councillor R Haynes (as a member of the public), M Fairchild, J O'Brien, D Tew, J Pearce, J Hayes and Councillor A Gardner (Debden PC) spoke against the application. Statements were also read out from L Carpenter, A Hudson and J and J Millership opposing the application.

D St Pierre (Agent) spoke in support.

The meeting adjourned from 4.35 pm to 4.45 pm. Councillor Haynes left the meeting.

Councillor Emanuel took the Chair for the last three applications, whilst Councillor Freeman remained in the room; this was for training purposes.

PC140 **UTT/23/2494/FUL - CAR PARK, RECREATION GROUND, THE CAUSEWAY, GREAT DUNMOW**

The Senior Planning Officer presented an application for the redevelopment of the existing car park to provide 70 parking spaces and widening of existing crossover. Demolition of existing toilet block and construction of new block with bottle filling station. New storage facility with photovoltaic panels and new MUGA with surrounding hardstanding and landscaping. The application had been called in by Councillor Davey.

She recommended that the application be approved, subject to the conditions set out in section 17 of the report.

There were no questions from Members.

Members discussed:

- The need to encourage participation in sports and that this would be an asset to the town.

- Ensuring the appearance of the MUGA and storage building fitted into the location.
- The need for time switches on the lights and for hours of use to be specified.
- The fact that Sport England supported the proposal had meant that there would be no loss of football pitches.

Officers confirmed that concerns had been addressed in the conditions, other than the hours of use had not been specified but could be added into condition 6.

Councillor Freeman proposed approval of the application, together with the hours of use being added to condition 6.

This proposal was seconded by Councillor Loughlin.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to the conditions set out in section 17 of the report, together with the hours of use being specified in condition 6.

Councillor A Armstrong spoke in support of the application.

P Graves and D Beedle spoke against the application.

PC141 **UTT/23/2538/FUL - LAND TO THE WEST OF STORTFORD ROAD, CLAVERING**

The Senior Planning Officer presented a s73 application to vary condition 20 (widening of footway) of UTT/20/2639/OP (Demolition of Poppies and erection of up to 31 dwellings) in order to remove reference to widening of existing footway and replace with provision of new internal footpath to school.

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:

- Explained that the reason for this being brought to Committee was because it was a S73 Application.

Members discussed:

- The footpath arrangements: the Parish Council confirmed satisfaction with the explanation given by the Agent who was commended by the Committee.

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

RESOLVED that the Strategic Director be authorised to grant permission for the development subject to those items set out in section 17 of the report.

Councillor S Gill (Clavering PC) said that the Parish Council had been neutral on this application but specifically sought clarification on the footpath arrangements.

S Bampton (Agent) clarified the footpath arrangements.

PC142 **UTT/23/1950/FUL - OLD COTTAGE, START HILL, STANE STREET, GREAT HALLINGBURY**

The Development Management Team Leader presented an application for Full Planning Permission for the closure of existing access and formation of new access from the highway and the creation of 9 dwellings on the land, with associated works including landscaping, parking and access. She said that approval had previously been given for 7 dwellings.

She recommended that the application be approved subject to conditions set out in section 17 of the report.

In response to questions from Members, officers:

- Clarified the parking arrangements for visitors in that three dwellings had over provided on parking to cover visitors parking on plot. There were two additional spaces specifically available for visitors.

Members discussed:

- Concerns about parallel parking.
- That there should be at least 2.25 parking spaces for visitors; whilst there were an extra three spaces on three specific dwellings for visitors there were only two spaces specifically for any visitors.
- Concerns about overdevelopment and the reduction of the size of some gardens.

Councillor Pavitt left the meeting at 5.50 pm.

Councillor Bagnall proposed that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of GEN2- design overdevelopment and the need for good garden amenity green space.

This was seconded by Councillor Freeman.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of GEN2- design overdevelopment.

Councillor G Driscoll spoke against the application.

The meeting ended at 5:52 pm.