

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 26
JUNE 2024 at 10.00 am**

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

Officers in attendance: R Beale (Senior Planning Officer), N Brown (Head of
Development Management and Enforcement), T Cakebread
(Principal Planner), C Forster (Planning Lawyer), C Gibson
(Democratic Services Officer), M Jones (Senior Planning
Officer), J Pavey-Smith (Senior Planning Officer), M Sawyers
(Planning Officer), L Trevillian (District Wide Team Leader),
C Tyler (Senior Planning Officer) and A Vlachos (Senior
Planning Officer)

Public Speakers: T Frostick, D Gidney, Councillor S Luck and J Salmon.

PC13 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Councillor Emanuel took the Chair.

Apologies for absence were given by Councillors Freeman and Loughlin.

The following declarations were made:

- Councillor Church; non-pecuniary interest in Item 16 as he had previously had a business relationship with the applicant.
- Councillor Sutton; Ward Councillor for Takeley. She said that she had carried out some ward case work on Item 14 but that she kept an open mind.
- Councillor Lemon subsequently declared a non-pecuniary interest in Item 9 as he had been working at a site where the applicant had been the developer. He withdrew from the meeting for this item.

PC14 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 29 May 2024 were approved as an accurate record.

PC15 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the standing Speed and Quality Report. He highlighted the 5.88% quality of major development figure as being green but cautioned that other appeals were still coming in.

The report was noted.

PC16 QUALITY OF MAJOR APPLICATIONS REPORT

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

He updated Members on the one pending appeal.

The report was noted.

PC17 S62A APPLICATIONS REPORT

The Head of Development Management and Enforcement presented the S62A Applications report and confirmed that the information was up to date.

The report was noted.

PC18 UTT/23/2962/DFO - LAND TO THE WEST OF THAXTED ROAD, SAFFRON WALDEN

The Senior Planning Officer presented a major planning application that included the details following outline application UTT/22/3258/PINS for the reserved matters for 168 dwellings, including details of appearance, landscaping, layout and scale. The principle of the development along with details of access of the development had already been approved. This matter had previously been deferred to address the concerns of noise raised by the Council's Environmental Health Officer.

He recommended that the application be refused.

In response to questions from Members, officers:

- Outlined footpath access arrangements and concerns raised by the Highways Authority.
- Addressed flooding concerns and said that proposals would have to be submitted prior to any works commencing.
- Said that proposals did not meet UDC Parking Standards.

Members discussed:

- Design and layout concerns; urban designer points remained valid.
- Walking and cycling concerns. Linkages.
- Continuing noise concerns.

The Chair proposed refusal on the basis of highways, design, noise and parking concerns as covered by GEN8, GEN2, GEN1 and Saffron Walden Neighbourhood Plan policies, together with reasons listed in the officer's report.

This was seconded by Councillor Haynes.

RESOLVED that the application be refused in line with reasons detailed in paragraph 16.3 of the report, together with those detailed in the motion above.

T Frostick (Saffron Walden Town Council) spoke against the application.

PC19 UTT/23/1066/FUL - LAND EAST OF WOODSIDE WAY/NORTH OF KINGCUP PLACE, GREAT DUNMOW

The Senior Planning Officer presented a major application for the construction of 58 dwellings together with associated estate roads, footpaths, garages and car spaces to replace 71 dwellings previously approved under reference UTT/0392/05/DFO.

She recommended 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.

In response to questions from Members, officers:

- Said that 22 of the 71 dwellings were two-bedroom houses.
- Said there was an overprovision of parking spaces.
- Said that this scheme had to be linked to the extant permission from 2005.

Members discussed:

- The need for people to cross a road to reach the open space.
- Contaminated land concerns as covered in Condition 12 as raised by Environmental Health with responsibilities falling on the developer.
- Concerns raised by the lead local flood authority.

Councillor Sutton proposed that the application be approved. This was seconded by Councillor Church.

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.

PC20 UTT/24/0670/DFO - LAND SOUTH OF VERNON CLOSE, HENHAM

The Senior Planning Officer presented a major application for details following outline application UTT/20/0604/OP for the development of 45 dwellings and associated landscaping and new open space. Detail to discharge condition 8 (Archaeological works).

He recommended 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.

In response to questions from Members, officers:

- Clarified arrangements for ownership and management of the ditch. Arrangements could be covered by a S106 agreement.
- Said that the flood authority objections still stood but the condition required a sustainable drainage scheme to be in place and agreed prior to the commencement of the development.
- Said that the applicant considered there was sufficient sewage capacity but if there were issues then they were to be resolved with the provider.

K Wheeler (Agent) confirmed that the extent of permeable paving had yet to be agreed but would be in line with Condition 10 of the outline application.

Members discussed:

- Drainage proposals.
- Improved boundary treatment to the north of the development.
- Proposals to include more street trees.
- The need to link S106 to the ditch proposals.

Councillor Pavitt proposed approval of the application with additional conditions in respect of improved boundary treatment to the north of the development, together with more street trees and the need to link a S106 to future arrangements for management of the ditch.

This proposal was seconded by Councillor Lemon.

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 the additional conditions above detailed in the motion.

There was an adjournment between 11.17 am and 11.25 am, following which Councillor Lemon recused himself from the next item.

PC21 **UTT/23/3236/DFO - LAND EAST OF HIGH LANE, STANSTED**

The Senior Planning Officer presented a major application for approval of reserved matters following approval of outline application UTT/22/0457/OP for the erection of 30 dwellings including access..

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 tree protection plans had been submitted for the two veteran oak trees and that conditions would be added requiring the submission of an Arboriculture Method Statement and New Tree Schedule to ensure protection both during the construction phase and following construction.
- Pointed out the northerly direction footpaths.

Members discussed:

- The housing mix of affordable and non-affordable dwellings raising concerns.
- That officers had confirmed that arrangements were in line with the S106 agreement as agreed by officers. A cluster of 12 dwellings had been allowed rather than 10 and that cluster was separated.
- The possibility of conditioning materials to ensure dwellings would be tenure blind in order for there to be no architectural distinction between dwellings.
- That the S106 was already in place and changes could not be made re requests from the parish council. Housing officers would have had input to the S106.
- Concerns about the use of artificial slates and the requirement for high quality materials to be used.
- Attenuation ponds and tree protections within the development.

Councillor Pavitt proposed approval of the application with three additional conditions relating to tenure blind dwellings, use of high quality materials and tree protection.

This proposal was seconded by Councillor Sutton.

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, together with the three conditions detailed in the motion above.

Councillor Lemon returned to the meeting at 12.00.

PC22 **UTT/23/2707/FUL - LAND TO THE NORTH OF STEWARTS WAY, MANUDEN**

The Principal Planner presented a major planning application for the proposed erection of 36 dwellings including 40% affordable housing and 2 bungalows.

He recommended 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.

In response to questions from Members, officers said that:

- The proposal included an informal play area which is identical to what was included in the previous planning applications. A formal play space had not been provided on request from Manuden Parish Council who would like residents to utilise Manuden Village Community Centre and its playing fields.
- There was a two-space shortfall in visitors car parking which ECC Highways considered acceptable due to the over provision of private car parking spaces.

Members discussed:

- The excellent relationship that had been built up between the developer and the Parish Council in consideration of this application.

- The loss of the proposed nursery was disappointing but respected the views of the Parish Council.

Councillor Church proposed approval of the application and this was seconded by Councillor Sutton.

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.

PC23 UTT/24/0935/FUL - LAND EAST OF WAREHOUSE VILLAS, STEBBING ROAD, STEBBING

The Senior Planning Officer presented a major application that sought an amendment to condition 1 to be varied as there were some minor changes to the design and appearance of the windows and roofs. The scheme related to 10 residential housing units and followed the granting of outline planning permission (UTT/19/0476/OP) for the erection of 17 dwellings and subsequent planning application for reserved matters (UTT/22/2763/DFO).

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

There were no questions or discussion.

Councillor Pavitt proposed approval of the application. This proposal was seconded by Councillor Bagnall.

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.

There was an adjournment between 12.20 pm and 12.30 pm.

PC24 UTT/24/0763/FUL - LAND TO WEST OF STORTFORD ROAD, CLAVERING

The Senior Planning Officer presented a major planning application to vary condition 1 attached to UTT/22/1103/DFO to allow for the revision to the approved plans for plot 7 garage, plot 12 garage and two storey garages to plots 2, 5, 6, 13, 14 and 17.

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:

- Said that there was no direct overlooking of the external staircase.
- Said that this was a S73 application for a major application and there was a proposal being taken forward through the committee system to amend

current constitutional/governance arrangements meaning if approved that such issues would not need to be brought to committee in future.

There was no further discussion.

Councillor Church proposed that the application be approved. This was seconded by Councillor Sutton.

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.

PC25 **UTT/23/3085/FUL - WHARTON HOUSE AND WITTRICK HOUSE, GIBSON WAY, SAFFRON WALDEN**

The Senior Planning Officer presented a major application for the demolition of 2 existing blocks of flats and outbuildings and the construction of 12 new apartments, with associated parking and access.

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:

- Confirmed that there was no scope for refurbishing existing buildings.

Members discussed:

- Rendering. Members expressed a preference for alternative rendering.
- Car parking arrangements being consistent with street scene.
- Footpaths into buildings evolving over time. Footpath provision covered within Condition 8 with links to the landscaping scheme.
- Turning spaces being in accordance with guidelines.
- Refuse collection through acceptable kerbside collection.
- The need to put a Design Code in place.
- Their general satisfaction with the application.

Councillor Church said that he considered it to be a good design and proposed that the application be approved, subject to revision of Condition 8 re internal footpath links (landscaping). This was seconded by Councillor Sutton.

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.

The meeting adjourned for lunch from 12.55 pm to 2.00 pm.

PC26 **UTT/24/0494/FUL - PRIORS GREEN COMMUNITY HALL, BENNET CANFIELD, LITTLE CANFIELD**

The District Wide Team Leader presented an application to remove Condition 3 that was imposed that restricted the hours of use of the vehicle charging stations in that they could not be used between the hours of 11 pm and 7 am for each day of the week. This application had been called in by Councillor Coletta.

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:

- Outlined the key points re Permitted Development (PD) rights.
- Said that this application had been validated and that PD was relevant in terms of the application.
- Outlined legislation that could be utilised to provide protection to the public in respect of public space protection, nuisance or anti-social behaviour.
- Said that charging points could not be turned off remotely but that it had to be done on-site.

Members discussed:

- The need to put charging points in the correct locations.
- The possibility of LED lights conditioning.
- Other means of legislation that could be engaged to allay residents' concerns.
- Noise issues when vehicles re-charged.
- Consistency with previous applications.
- General dissatisfaction with the proposal that it be 24/7.
- Mitigation in the form of evergreen hedging at a height of 1.5m as opposed to the submitted 1.1m.

Councillor Church proposed that the application be approved, with Condition 4 amended to include evergreen hedging at 1.5m, together with conditioning the use of LED lighting.

This was seconded by Councillor Pavitt.

On the casting vote of the Chair it was:

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 additional points referred to in the motion above.

Statements were read out from K Reid against the application and from S Bainbridge (Agent) in support of the application.

PC27 UTT/23/3034/FUL - LOVECOTES FARM, CHICKNEY ROAD, DEBDEN

The Senior Planning Officer presented an application for the demolition of an industrial unit and the proposed erection of 6 new industrial units under class use E(g)(iii).

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:

- Confirmed receipt of two letters of support from the Highway authority, following the submission of additional information from the applicants as per the case officer's and Highways' request.
- Addressed concerns relating to traffic having to reverse out of the existing and proposed units and the neighbouring units.
- Clarified that appropriate visibility splays will be delivered.
- That the application is supported by Place Services Conservation, given the changes in comparison to the previously refused application and the additional revisions on the current application (omission of mezzanines in units 5 and 6, lower ridge, etc.).
- Confirmed that matters around the legal rights of third parties over the use of the access, driveway and land were civil matters outside the scope of planning that must not be taken into account in decision-making.

Members discussed:

- Vehicle concerns; the problems likely to be created by long vehicles having to reverse out of the facility as inadequate turning space available.
- Additional traffic flow with 7 businesses operating instead of just one (including the neighbouring business).
- Possible heritage harm to the setting and significance of the nearby listed building, although no concerns had been raised by conservation officers.

The Chair proposed that the application be approved. This was seconded by Councillor Sutton. This proposal was lost.

Further discussion followed in respect of heritage impacts, impact on the character and appearance of the area (countryside and landscape) and the impact of the proposal on highways safety.

The Head of Development Management and Enforcement advised the exercise of a cautious approach and that good reasons would be required to refuse the application and that consideration should be given to possible costs being awarded against the Council in such an instance, especially if members were considering reasons for refusal contrary to the expert advice from consultees.

A Point of Order was raised that the officer should only be advising on planning issues.

The Planning Lawyer advised the meeting that any proposals to refuse the application should describe the harm and or loss of something and be linked back to relevant policies and that officers sometimes had to offer unpalatable advice and warn of possible consequences to actions, assisting Members to good decision-making.

Further discussion took place relating to:

- Serious traffic concerns. Highways looking at factors such as the impact on the existing user of the neighbouring facility. It was confirmed that Highways had visited the site.
- Possible inconsistencies with speed assessments – clarification was needed from Highways over the size of vehicles expected to use the site and development. Also, clarification from Highways was required to ensure they had reviewed appropriate submissions regarding speed and volume of traffic.
- Possible swept path analysis for articulated lorries.
- The impact on the protected lane, where the Landscape Officer had not expressed any objections.
- Concerns about possible appeal against non-determination.

The Chair proposed deferral of the item to request that further checks be undertaken on the Highways' authority's analysis of the size of vehicles (including articulated lorries), the number of vehicles used (for the highway impact on the highway network) and the speed survey to ensure that out of date data was not being used, together with the impact of the combination of two way traffic flows. Overall, the deferral was proposed to ensure that there were no highway safety issues.

This was seconded by Councillor Pavitt.

RESOLVED that the matter be deferred in line with the above motion.

Councillor S Luck and D Gidney spoke against the application. J Salmon (Agent) spoke in support of the application.

The meeting adjourned from 4.05 pm to 4.15 pm.

PC28 **UTT/23/1732/FUL - TUDOR HALL, PLEDGDON GREEN, BRICK END ROAD, BROXTED**

The Senior Planning Officer presented an application for the change of use of paddock to residential and the construction of 3 residential dwellings. He said that the application had been called in by Councillor Lees for reasons of overdevelopment and noise.

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

In response to questions from Members, officers:

- Said that the application was outside of the CPZ.
- Said there had been no comments received from Environmental Health in respect of an air quality assessment or particulates but that comments had been made about noise.
- Said that concerns had been raised about heritage issues.
- Said that this was not considered as infill.

Members discussed:

- Air pollution issues on the M11.
- Access to the back of site not being a gateway.
- The benefits weighed against the harms.
- Suburban form of inappropriate overdevelopment.
- The significance of the protected lane.

The Chair proposed that the application be refused on the grounds of inappropriate development in the Countryside S7, the benefits do not outweigh the impact on the designated heritage asset and non-designated asset (protected lane) GEN2. Officers were also asked to ascertain whether Environmental Health had considered all air quality issues in their assessments and if they had not then policy ENV13 reason would also be added with that understanding if measurements were not within limits.

This was seconded by Councillor Bagnall.

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

PC29 UTT/24/0854/FUL - 3 HILL STREET, SAFFRON WALDEN

The Planning Officer presented an application for the change of use for the first and second floor from office space to one self-contained flat together with the creation of a doorway to the rear elevation to access the community space. He said that the reason for this item being on the agenda was that this was a town council application and a Council asset. He corrected the statement made in paragraph 14.7.1. of his report.

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

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

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.

PC30 UTT/24/0855/LB - 3 HILL STREET, SAFFRON WALDEN

The Planning Officer presented an application for the creation of a doorway to the rear elevation to access the community space together with internal alterations to convert the first and second floors into one self-contained flat.

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, the Planning Officer:

- Confirmed that Place Services were happy with the proposal and that there had been no objections.

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

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.

PC31 UTT/24/0787/FUL - 6 QUICKSIE HILL, ARKESDEN

The Senior Planning Officer presented an application for a change of use of annex (UTT/21/0466/HHF) to a separate dwelling house.

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:

- Addressed the concerns raised by the Parish Council in that the annexe was not to be used as a separate dwelling as this was a new full application and there had therefore been a new assessment undertaken.
- Said that there was enough available space for two dwellings, including appropriate garden and parking/turning spaces.

Members discussed:

- The opinion that this would make an ideal good low-cost starter home.

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

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.

PC32 EXCLUSION OF PUBLIC AND PRESS

Councillor Pavitt proposed the exclusion of public and press and to move into Part II. This was seconded by Councillor Church:

AGREED that under section 1001 of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 part 1 Schedule 12A of the Act.

There was a brief adjournment between 5.15 pm and 5.20 pm.

PC33 UTT/22/3470/OP - LAND NORTH OF BANYARD AVENUE, FLITCH GREEN

This item was discussed in private session and Members agreed the officer's recommendations.

The meeting ended at 5.37 pm.