

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 15
JANUARY 2025 at 10.00 am**

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

Officers in attendance: N Brown (Head of Development Management and Enforcement), C Forster (Locum Lawyer), C Gibson (Democratic Services Officer), L Trevillian (District Wide Team Leader) and A Vlachos (Senior Planning Officer)

Public Speakers: S Heritage, Councillor A McLean and Councillor E Oliver.

PC114 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were apologies for absence from Councillor Loughlin and there were no declarations of interest.

PC115 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 11 December 2024 were approved as an accurate record.

PC116 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the standing Speed and Quality Report. He highlighted key UDC data figure as being well below 10% and comfortably in green. This would enable the Council to challenge the special designation status.

He did, however, state that the speed of non-major development was currently moving towards amber status.

The report was noted.

PC117 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 awaiting the outcome of the appeal re UTT/22/3470/OP- Baynard Avenue and that the appeal for UTT/23/2962/DFO – Land West of Thaxted Road, Saffron Walden was scheduled for 11 February 2025 and that the UDC decision would be defended.

The report was noted.

PC118 S62A APPLICATIONS REPORT

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

He reported that no further S62A's had been submitted.

He said that a third hearing date had been set in February 2025 for S62A/2023/0019 – Bull Field, Warish Hall Farm, Takeley.

The report was noted.

PC119 UTT/24/2673/FUL - BUILDINGS TO THE REAR OF MULBERRY HOUSE, WENDEN ROAD, ARKESDEN

The Senior Planning Officer presented an application for the demolition of agricultural buildings and erection of 3 dwellings (Use Class C3) with associated access, garages, private gardens and ancillary garden rooms. The matter had been deferred at the previous meeting to (a) further explore the potential fallback position under permitted development legislation and (b) to consider the possibility of bringing the Aisled Barn back into use instead of its total demolition.

The Senior Planning Officer updated Members as to how these two deferral issues had been addressed.

For the first reason for deferral, the Senior Planning Officer said that the fallback position or potential fallback position should be afforded significant weight considering the 3 tests set out in case law (R v SoS for the Environment Ex P PF Ahern London Ltd 1998 Env. L.R. 189). The potential fallback position would involve the residential conversion of up to another 4 dwellings and up to 404 sqm of residential floorspace.

The Senior Planning Officer confirmed that that the second reason for deferral from the previous committee was in direct conflict to what was being applied for which involved the total demolition of the non-designated asset (Aisled Barn). The proposals have been accompanied with a structural engineering report that has been reviewed by Place Services Conservation who found 'less than substantial harm' from the loss of the asset and the urbanisation of the site to the significance of the Grade II listed building (Hobs Aerie) and also found inconclusive justification for the total loss of the asset.

The Senior Planning Officer also reiterated the Inspector's comments in relation to the heritage impacts of the dismissed appeal scheme for 9 dwellings.

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

The application had previously been called in by Councillor Oliver.

In response to questions from Members, officers:

- Confirmed that they had gone back to Place Services Conservation following the deferral but there was no updated information from the applicant and that the position of the consultee was unchanged. Officers also confirmed that it was not up to the consultee to perform the heritage balancing exercise of paragraph 215 of the NPPF or the 'balanced judgement' of paragraph 216 of the NPPF and that these were upon the decision-maker.
- Confirmed that an additional comment by Place Services Conservation confirmed that "the significance of the Aisled Barn has been diminished due to alterations made to the building over its lifespan, the limited remaining historic fabric, and the changes that have occurred within its setting". Officers said that this falling significance of the non-designated heritage asset would justify the total loss of the asset (paragraph 216 of the NPPF).
- Said that UDC were unlikely to face a Judicial Review in respect of the possibility of bringing the barn back into use as this was outside of the scope. Officers also confirmed that anyone aggrieved by a decision could bring forward a Judicial Review.
- Referred to legislation around permitted development (Class Q) and the potential for a fallback position as being one of the considerations that should inform the assessment of the case. Officers also confirmed that the application should be considered on its own merits notwithstanding the potential fallback position.
- Said that since 11 December 2024 there had been a change in the Council's position in respect of housing land supply. The housing land supply requirement had now increased from 4 to 5 years considering the changes in the NPPF in late December 2024 and therefore gave some greater weight to the provision of housing.
- Outlined the Planning balance analysis detailed in section 14.10 of the report in respect of benefits weighed against harms. Reference was made to previous planning appeals, particularly the one for 9 houses on a wider version of the current application site.
- Referenced that a condition was recommended by Place Services Archaeology and the case officer for the historic recording of the Aisled Barn, but this should not be a factor in deciding whether such loss should be permitted, as per paragraph 218 of the NPPF.
- Explained that the previous reason for refusal around the poor accessibility of the location to services would still apply but the harms had been reduced and the public benefits increased from the proposals in comparison to the 9-unit scheme that had been dismissed on appeal.
- Explained that a potential fallback position also existed for a commercial development under Class R and that this should also be considered in terms of the intensity of such potential use in comparison to current proposals.

Members discussed:

- The planning balance analysis, particularly sustainability concerns in regard to the accessibility to services and public transport.
- Harm to heritage assets.
- The effect of building 3 houses as opposed to 7 or 9 on the planning balance considerations.

- The fallback position on Class Q permitted development. This had to be considered by Members. A view was expressed that further details could have been included in the report. Officers explained that should members wish to attribute less than significant weight to the potential fallback position (as officers afforded significant weight), they should follow the legal test explained by officers regarding the legal fallback use, whether there was a real prospect of the use occurring and then compare the fallback position with the current application.
- The potential for Class R permitted development.

The Chair reminded Members that they should always listen to the full debate and that there should be no pre-determination of applications.

Councillor Church said that he felt the impact of this development was being minimised and that he found the layout to be sympathetic. He supported the officer's recommendation and proposed approval.

Councillor Emanuel seconded this proposal and said that she hoped that the developer would take a more sympathetic approach to the Grain barn development and perhaps look into developing the wider site in a more holistic manner.

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.

Councillor E Oliver and Councillor A Mclean (Arkesden PC) spoke against the application. S Heritage (Agent) spoke in support.

The meeting adjourned for a comfort break between 11.21 am and 11.28 am.

PC120 UTT/24/2905/HHF - CHAUMIERE, NATS LANE, WENDENS AMBO

The District Wide Team Leader presented a planning application for the demolition of an existing single storey utility room and the construction of a single and two storey extension.

He recommended 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.

The matter had been brought to committee for transparency purposes as a member of staff was a partial owner of the property.

There were no questions or debate.

Councillor Haynes said that he could find no fault with the application and proposed approval. This was seconded by Councillor Pavitt.

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.

The meeting ended at 11.33 am.