

# RICHARD BUXTON

ENVIRONMENTAL & PUBLIC LAW

19B Victoria Street  
Cambridge CB1 1JP

Tel: (01223) 328933

Fax: (01223) 301308

www.richardbuxton.co.uk  
law@richardbuxton.co.uk

Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden CB11 4ER

Attn. Simon Pugh, Interim Head of Legal Services

By email & post

Copy by email to Nigel Brown, Planning Officer

Your ref: UTT/16/3255/FUL

Our ref: HAN1-002/LF

Email: [lfoster@richardbuxton.co.uk](mailto:lfoster@richardbuxton.co.uk)

8 May 2017

Dear Sirs

## **Little Maypole – committee meeting 10 May 2017**

We wrote to the Council on 13 March 2017 setting out several issues of concern and have now studied the Planning Officer's Report for the 10 May committee meeting (the OR). The Council Officer Simon Pugh has subsequently contacted us by email seeking confirmation whether we consider that our 13 March letter should be placed before the committee members.

We have discussed this with our client and consider that the 13 March 2017 letter should indeed be provided to the committee members in full. Our letter raised numerous key material issues which are not adequately addressed by the OR and so the contents of our letter are still relevant. Given the level of public opposition to this development and the context of the application outside the development boundary, it is important that the committee is aware of our points prior to making their determination. It will also assist community members in making their short verbal presentations to the committee members if the committee members have had the opportunity to study their written concerns before the meeting. You will no doubt agree that a short 2 or 3 minute presentation does not permit a detailed summary of the points.

These are the points that the OR has ignored or misconstrued:

### Extant consent

1(a) The OR offers confusing and contradictory advice to members on whether there is extant planning permission on the site. At 5.2 the OR says there is an extant consent but at 10.90 the OR says that this is a 'grey' area, and then goes on to say (10.91) that it doesn't matter anyway. This is confusing and contrary to the contents of our letter which has demonstrated very clearly that there was a consent but that this has lapsed because the consent was not implemented.

We are also instructed that the OR view is contrary to what our clients were advised in a

meeting with UDC's Development Manager, Nigel Brown 12 April 2017 that the 3 year time-to-build condition had not been properly discharged.

1(b) The OR fails to address the point we made in regard to NPPF 70 about the change of use of the site to residential, thus withdrawing a community facility, which in our view is unlawful.

#### Landscape harm

2(a) The OR makes no reference to the Inspector's remark in the Gladman inquiry report that: "I am unable to envisage how even a small number of houses could be acceptably located on the site". The officer steadfastly ignores all the evidence in the Gladman report even though it has been demonstrated that we are dealing with the same view and the same environmental sensitivities.

2(b) In paras. 10.25 to 10.40 the Officer argues that the Liz Lake report is not to be considered because part of the Little Maypole site is outside the scope of the report. This is a specious argument as it presupposes that, because some of the site is not in the scope of the report, it therefore cannot not be seen. It can be seen all too clearly from the Chelmer Valley - and, of course, part of the site *is* within the scope of Liz Lake's report. It is an important evidence-based report that cannot be dismissed so lightly.

#### Housing need

3(a) No mention has been made in the OR of Thaxted's Housing Needs Survey, which stresses the need for 2 bed accommodation as set out in page 4 of our 13 March 2017 letter.

#### Consultation

On a separate point, the application was re-opened for public consultation due to a change in the plans, however the OR was dated 26 April and therefore was written before the extended public consultation had finished on 1 May. The consequence is that at least 58 letters of objection were not read by the Officer, and therefore the OR has failed to deal with all the consultations and material considerations. Apart from the concern our clients have that local residents are not being listened to, this is a breach of natural justice to consult on amended plans but disregard the responses by issuing a report before the end of the consultation period.

#### What the Council is asked to do

This is not an exhaustive list of the shortcomings in the OR nor the unfairness of the procedure leading up to the May 10, 2017 meeting, but because of these highly material shortcomings, our firm view is that it would be improper not to provide members with a copy on grounds that it "might confuse" the committee.

We therefore ask you to confirm that the Council will provide members with both this letter and our letter of 13 March 2017.

Yours faithfully

*Richard Buxton*

**Richard Buxton Environmental & Public Law**