

**PLANNING COMMITTEE held at ZOOM on WEDNESDAY, 30 SEPTEMBER 2020 at 2.00 pm**

Present: Councillor S Merifield (Chair)  
Councillors G Bagnall, M Caton, R Freeman, G LeCount, M Lemon (Vice-Chair), B Light (substitute for Councillor P Fairhurst), J Loughlin, R Pavitt, N Reeve, A Storah and M Sutton

Officers in attendance: N Brown (Development Manager), C Edwards (Democratic Services Officer), B Ferguson (Democratic Services Manager), C Gibson (Democratic Services Officer), M Jones (Planning Officer), N Makwana (Planning Officer), H Peacock (Electoral Services Officer), J Reynolds (Locum Lawyer), M Shoesmith (Development Management Team Leader), E Smith (Interim Legal Services Manager), C Theobald (Planning Officer) and C Tyler (Planning Officer)

Public Speakers: R Butler, R Clifford, Councillor J Emanuel, P Hill, M Johnson, A Russell, A Wallberg and G Warburton.

**PC51 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Fairhurst.

Councillor Reeve declared a non-pecuniary interest as Ward Member for Great Hallingbury.

Councillor Merifield declared a non-pecuniary interest as Ward Member for Felsted and Stebbing.

**PC52 MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 9 September 2020 were agreed and would be signed by the Chair as an accurate record at the next opportunity.

**PC53 UTT/20/0336/DFO - LAND SOUTH EAST OF GREAT HALLINGBURY MANOR, BEDLARS GREEN ROAD, TILEKILN GREEN, GREAT HALLINGBURY**

The Senior Planning Officer stated that the proposal related to details following outline approval UTT/16/3669/OP for the erection of 35 dwellings together with road infrastructure. The proposal would involve the erection of 24 market units and 11 affordable units whereby the dwellings would be positioned around and within a central internal loop road system which would be served by a new vehicular access into the site leading directly from Bedlars Green Road. The submitted scheme would include an area of public open space/ children's play area to be provided within the centre of the site. He said that access

arrangements had been agreed with Essex CC Highways, that no objections had been received and that the Parish Council supported the scheme.

The application was recommended for approval with conditions.

Members discussed the relevant site history details alongside previous planning applications. Concerns were expressed that an affordable housing mix had been agreed which amounted to 31% rather than the required 40% of the total number of properties. It was stated that this figure had been agreed as part of the S106 package and could not be revisited.

Councillor Loughlin said that she remembered this case being refused previously and she could not support the application on this basis.

Councillor Bagnall said that the layout was tight and the design of the houses was not in-keeping with the surrounding properties.

The Chair referred to the comments made by Great Hallingbury Parish Council, particularly referencing the proposal to “gift” to UDC eight affordable homes subject to local connection conditions.

The Development Manager confirmed that eight “gifted” units could be accepted as part of the S106 Agreement.

Councillor Reeve acknowledged that the application had the support of the Parish Council and proposed approval of the application.

Councillor LeCount seconded the motion.

RESOLVED to approve the application with conditions.

**PC54 UTT/19/2692/OP - LAND AT OLD MEAD ROAD, HENHAM**

The Senior Planning Officer said that this application had been to a previous Planning Committee and had been deferred for further consideration of infrastructure provision. He said the outline application was for the erection of up to six dwellings with all matters reserved except access and scale with associated works. Indicative drawings had been submitted that showed how up to six dwellings with detached garages, hard standings and a shared service road from Old Mead Road could be accommodated and the type of dwellings envisaged. A wildflower meadow was shown on the drawings, although it did not form part of the application site.

The Senior Planning Officer said that the issue of affordable housing had been considered as there were potentially two sites in the same ownership with a total number of up to fifteen properties to be erected thereon, although the two sites were divided by a dwelling in the middle in third party ownership, and thereby were not contiguous. He said there had been communications with the applicant about provision of a footpath to Elsenham Station but that the applicant had rejected this.

He said that it was considered inappropriate to require the applicant to provide on-site affordable housing at the application site in the light of the comments of the Council's Housing Enabling Officer regarding the willingness of a housing provider to take on and subsequently find an occupier for a single unit, or in the alternative to require an off-site S106 commuted sum contribution: and that it would be unreasonable and inappropriate for the Council to ask the applicant to provide a footpath link from the site to the train station given the extent of development in the area permitted without the imposition of such a requirement.

The application was recommended for approval with conditions.

Members discussed the issues of whether the applicant should be required to provide affordable housing or a commuted sum in lieu thereof, and the possibility of having a footpath link to the station. Most Members were strongly in support of the necessity of building a footpath but some questioned whether it was fair for only one applicant to fund this, given that this requirement had not previously been laid down against other nearby development schemes. The idea of having a footpath fund was put forward on the basis that it had to be set at such a financial level as to incentivise fundraising activity to ensure that a footpath could be built.

Members put forward the view that the applicant ought to be making a contribution to affordable housing, on the basis of there being an aggregate of fifteen properties in the scheme as opposed to nine. They also asked if provision and maintenance of the wildflower meadow could be considered as a condition.

Councillor Pavitt proposed approval of the application subject to conditions and an agreement under S106 requiring:

- a) a commuted sum for one affordable home;
- b) a footpath fund to be set up and a contribution thereto to be made by the applicant, the amount of the latter to be agreed with UDC and with ECC as Highway Authority; and
- c) the provision, including sum for maintenance of a wildflower meadow.

Councillor Freeman seconded the motion.

RESOLVED to approve the application subject to conditions and an agreement under S106 requiring:

- a) a commuted sum for one affordable home;
- b) a footpath fund to be set up and a contribution thereto to be made by the applicant, the amount of the latter to be agreed with UDC and with ECC as Highway Authority; and
- c) the provision, including sum for maintenance of a wildflower meadow.

**PC55 UTT/20/1270/HHF - VICTORIA COTTAGE, DEYNES ROAD, DEBDEN**

The Development Management Team Leader said that the application related to the demolition of an outbuilding to the east and the construction of a two storey side extension to the side (east) elevation and a lean to extension to the side

(west) elevation to create a storage space. She said this had previously been deferred pending a site visit.

The application was recommended for approval with conditions.

Members asked questions about future car parking arrangements at the property and if the listed building in the vicinity would be affected. The view of the Conservation Officer that the proposals would fail to preserve the special interest of the listed building were noted.

Councillor LeCount proposed approval of the application with conditions.

Councillor Lemon seconded the motion.

RESOLVED to approve the application with conditions.

*The Committee adjourned at 3.42 pm and reconvened at 3.52 pm.*

PC56 **UTT/19/1437/FUL - 77 HIGH STREET, GREAT DUNMOW**

The Senior Planning Officer said that the proposal was for the demolition of existing buildings and the erection of 29 Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping.

The development would consist of 11 x 1 bedroom and 18 x 2 bedroom apartments, a communal lounge, laundry room, guest suite and manager's office. 23 parking spaces would be provided together with a communal green space to the rear of the building. There would also be storage and charging points provided for electric mobility scooters. Access would be via the High Street, utilising the existing access and this would lead into an internal access road.

The Senior Planning Officer said that it would be conditioned that no persons under 60 years of age should occupy any of the apartments, except the partner of a qualifying resident who is over 55 years of age, guests or wardens.

The application was recommended for approval with conditions and S106 Legal Obligation.

Members discussed the provision of affordable housing. The applicant had stated that on site provision of affordable housing within the same block was not possible due to the functional and managerial issues surrounding retirement/ sheltered developments.

The Council had said that it was willing to accept a commuted sum in lieu of provision of on site affordable housing. This sum had initially be calculated at a negative figure of £23,800; an independent assessment of the viability statement concluded that a figure of £852,727 could be contributed towards affordable

housing delivered elsewhere in the district; however, the applicant had submitted further information that had resulted in a revised calculation of £404,240. West Essex Clinical Commissioning Group had also stated that a developer contribution of £8,850 was required as there was likely to be an impact on the services of two GP practices. Members expressed concerns about the levels of both the revised calculation of £404,240 and the NHS contribution, whilst recognising that they could not influence the NHS calculation.

The Development Manager provided members with background information as to how the independent assessment had been undertaken.

Concerns were expressed that only 23 parking spaces were being provided as this figure was lower than the parking standard figures of 29 parking spaces and 7 visitor spaces. It was recognised that there were charging points provided for mobility scooters but that there was a need for charging points to be also provided for cars and consideration was given to this being conditioned.

Members raised the issue of the 150 year old party wall; this was thought to possibly be a heritage wall that needed to be preserved.

The Development Manager said that this could be conditioned through additional wording in respect of actions to be undertaken prior to demolition.

There was some further discussion about energy and archaeological issues.

Councillor Bagnall proposed refusal of the application until the affordable housing and car parking issues had been resolved.

Councillor Light seconded this motion.

The motion was lost.

Councillor Merifield proposed approval of the application with conditions and S106 Legal Obligation and additional conditions in respect of the minimum age of occupants, provision of electric vehicle charging points and party wall retention.

Councillor Reeve seconded the motion.

RESOLVED to approve the application with conditions and S106 Legal Obligation and additional conditions detailed below:

No persons under 60 years of age shall occupy any of the apartments hereby permitted except any partner of such a qualifying resident who is over 55 years of age, guests or wardens.

REASON: to minimise the need for on- site parking in the interest of highway safety and to reduce the demand in respect of on site amenity space in accordance with ULP policies GEN2 and GEN8.

Prior to occupation, 10% of all parking spaces shall be provided with electric vehicle charging points. All other parking spaces points shall be fully wired and connected, ready to use and retained thereafter.

REASON: to encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005)

No development shall take place, until details of the retention of the party wall are submitted to and approved in writing by the Local Planning .Authority.

REASON: In the interest of protecting the character and setting of the Conservation Area in accordance with policy ENV1 of the Uttlesford Local Plan (adopted 2005).

*R Butler spoke on the application.*

PC57 **UTT/20/0028/DFO - LAND OFF STEVENS LANE, FELSTED**

The Senior Planning Officer said that the reserved matters application related to the erection of seven dwellings with all matters reserved which followed on from a grant of outline planning permission at appeal under reference UTT/17/0649/OP seeking the principle of residential development at this undeveloped site.

The proposed site layout for the current DFO application showed seven two storey market dwellings comprising detached and semi-detached units all with detached garages of varying house types which would radiate around a new access road. All properties had significant sized rear gardens.

The Senior Planning Officer said that the Parish Council had objected on the basis that that the design and scale of the proposed dwellings failed to have due regard to the site's rural setting and character and would fail to preserve the setting of the adjacent two listed buildings, that smaller dwellings would be more suited to the site and that the boundary hedge should be retained. Also, the consultation response from Place Services Heritage was that the design and layout could be improved. In response to a question from the Chair, the Senior Planning Officer confirmed that the frontage retention of the hedge had been conditioned.

The application was recommended for approval with conditions with unilateral undertaking – Special Protection Areas/ RAMSAR sites.

Some discussion took place about the size of the site being less than 0.5 Hectares (0.49 ha) as the adjacent private track had been excluded by the architects, and that it was not a major development for affordable housing considerations.

Concerns were expressed about the size of the dwellings and bio-diversity considerations as well as the need for a Construction Management Plan.

Councillor Lemon, proposed approval of the application with conditions together

with an additional condition requiring a Construction Management Plan.

Councillor Storah seconded the motion.

RESOLVED to approve the application with conditions and an additional condition requiring that no development should take place until a Construction Management Plan had been submitted to and approved in writing by the local planning authority. The approved Plan should be adhered to throughout the construction period.

**PC58 UTT/19/1585/FUL - ALMONT HOUSE, HIGH LANE, STANSTED**

The Senior Planning Officer said that the application related to the redevelopment of the site comprising demolition of the existing structures including Almont House and Westwinds and the construction of a 75- bedroom care home across two and a half storeys (plus part of the lower ground floor). The application also included upgrades to the site entrance from High Lane, additional planting , associated car parking and provision of site infrastructure.

The application was recommended for approval with conditions subject to a S106 Legal Obligation.

Members expressed various concerns:

- that the size and scale of the building were out of keeping in what was a residential area,
- that a number of properties would be overlooked,
- that there would be a significant impact on local GP surgeries. It was highlighted that the proposed care home would not have an ECG machine,
- that the level of energy consumption would be too high,
- that neighbouring properties would be affected by noise pollution,
- that noise emitted from the building was likely to cause a material nuisance to neighbours.
- that the proposed number of electric vehicle charging points was inadequate.

Councillor Reeve said that the additional employment that would be provided at the home would be a positive factor.

Councillor Sutton proposed to refuse the proposed application on the grounds of Policies GEN 2, GEN 4 and GEN 6 of the adopted Uttlesford Local Plan and the provisions of the National Planning Policy Framework.

Councillor Bagnall seconded the motion.

RESOLVED to refuse the application for the following reasons:

- Contrary to Policy GEN 2, the scale, form and layout and appearance of the proposed development was not compatible with the surrounding buildings and would have harmful impact to the residential character of the site and its surroundings.
- Contrary to Policy GEN 2, the scale and layout of the proposed development would have a materially adverse impact to the

- reasonable occupation and enjoyment of neighbouring residential properties as a result of loss of privacy and overbearing impacts.
- Contrary to Policy GEN 4, the operational use of the proposed development would result in noise that would have a material disturbance and nuisance of surrounding residential properties.
  - Contrary to Policy GEN 6, the application did not include a mechanism such as a S106 legal agreement to secure;
    - i. Payment of contributions £11,822 towards healthcare provision
    - ii. Arrangements for the provision of a drop kerb crossing of High Lane
    - iii. Arrangement for the provision of enhancements to the northbound bus stop on Cambridge Road
    - iv. Travel Plan and associated monitoring fee of £6,000
    - v. Resurfacing of footpath 13 from High Lane to Normans Way
    - vi. Resurfacing of Normans Way
    - vii. Pay the Council's reasonable legal costs
    - viii. Pay the Council's monitoring fee.

*R Clifford, P Hill, M Johnson, A Russell and A Wallberg spoke on the application.*

*The Committee adjourned at 6.10 pm and reconvened at 6.20 pm.*

**PC59 UTT/20/1603/FUL - LAND R/O CHESTNUTS, BISHOPS WAY, NEWPORT**

The Planning Officer said that the application was seeking full planning permission for the erection of a new dwelling and car port. The application site comprised a parcel of unoccupied land which was located in excess of twenty metres from the rear boundary fence of the residential dwellings facing onto the London Road. Access to the site would be achieved via a gravelled surface track from London Road. He said that previous planning applications had been refused.

The application was recommended for approval with conditions.

Members discussed the objections raised by Newport Parish Council in their eleven page submission and were very sympathetic to the views expressed. Members said that the proposed property was inappropriate, far too large, in the wrong place and represented Backland development.

Councillor Sturah proposed refusal of the application on the grounds of H4 and GEN2 of the Uttlesford Local Plan 2005 and the National Planning Policy Framework.

Councillor Pavitt seconded the motion.

RESOLVED to refuse the application for the following reasons:

- The proposed development, by virtue of its scale, layout, form, design, height, location would have an adverse effect on the living conditions of the the occupiers of Allium, Iris Cottage and Elysian in terms of

outlook and light, on the living conditions of Willow Chase in terms of outlook, and on the living conditions of Chesterton House, Chestnuts and Elysian in terms of noise and disturbance. Therefore it would not accord with Policies GEN 2 and H 4.

*Councillor J Emanuel and G Warburton spoke on the application. E Burroughs was originally scheduled to speak as an objector but was unable to attend.*

*Councillor Freeman withdrew from the meeting at 6.41pm ahead of the following Agenda item. He said that he knew both the applicant and the neighbour.*

PC60 **UTT/20/2158/TCA - 32 BRIDGE STREET, SAFFRON WALDEN**

The Development Manager said that the item sought the Committee's consideration of the proposed felling of one pine and one birch tree within a conservation area at 32 Bridge Street, Saffron Walden. The applicant was the District Council Ward Member for Saffron Walden Shire and was a current member of the Planning Committee. The application had been made following a neighbour's request to remove the trees.

He said that the recommendation was that no objection should be raised to the proposed tree works.

Councillor Reeve proposed that no objection be raised to the proposed tree works.

Councillor Light seconded the motion.

RESOLVED that no objection be raised to the proposed tree works.

*Meeting Closed 6:47 pm.*