

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 13
APRIL 2022 at 12.00 pm**

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, M Caton (substitute for Councillor J Loughlin), G LeCount, B Light (substitute for Councillor P Fairhurst), N Reeve, M Sutton and J De Vries (substitute for Councillor R Freeman)

Officers in attendance: H Ashun (Principal Planning Officer), N Brown (Development Manager), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), A Lockhart (Interim Legal Services Manager), M Sawyers (Planning Officer), M Shoemith (Development Management Team Leader), E Smith (Solicitor) and L Trevillian (Principal Planner)

Public speakers: D Amott, S Bampton, D Brett, Councillor G Driscoll, G Hilton, Councillor E Oliver, A Urquart and S Whitehead.

PC121 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Emanuel, P Fairhurst, R Freeman, M Lemon and J Loughlin.

Apologies for lateness were received from Councillor B Light.

Non-pecuniary declarations of interest were made by:

- Councillor Sutton as Ward Councillor for Takeley (Item 5).
- Councillor Bagnall as Ward Councillor for Takeley and Member of Takeley PC (Item 5).
- Councillor Reeve as Ward Councillor for Broad Oak and the Hallingburys (Item 6).

PC122 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 16 and 17 March 2022 were approved with one amendment:

Page 15, PC119 – removal of the bullet point that stated “Climate change and ecology”.

PC123 SPEED AND QUALITY REPORT

The Development Manager presented the speed and quality report and outlined the criteria. He said that he would be reporting the 2019 -21 allowed appeals data to the Committee in May.

In response to various questions about making improvements, the Development Manager confirmed that:

- Additional higher level staff were now in place and provided greater capacity.
- All major applications regardless of recommendation would in future be reported to Committee.
- Major applications trackers were being introduced.
- Appeal trending would be taken forward and would include information on dismissed appeals.

The report was noted.

PC124 **UTT/21/3108/FUL - LAND TO THE NORTH-WEST OF BISHOP`S STORTFORD, FARNHAM ROAD, FARNHAM**

The Principal Planning Officer presented an application for the for the erection of a solar photovoltaic farm alongside associated works. He said that a small proportion of the site was not green belt and therefore S7 applied. He referred to this application being a cross-boundary application with East Herts DC. He said that 47 standard letters of support had been received in respect of climate change, Carbon Dioxide emissions, fossil fuels, sustainable energy security and renewables. However, he said that these would have no impact on the recommendation in respect of benefits against harms.

The application was recommended for refusal.

The Principal Planning Officer responded to questions from members in respect of:

- The situation at East Herts DC re the application being made there.
- Outstanding concerns from Highways, Ecology and Archaeology.
- Possible conditions in the event of a decision being made against the recommendation.
- Employment numbers.
- Educational purposes.
- Public Rights of Way.

Councillor Light had arrived at 12.55 pm

There was a brief adjournment between 1.00 pm and 1.05 pm.

The Interim Legal Services Manager made a statement that any emails and attachments that had been received the previous evening would not be considered by the Committee.

Members discussed:

- The balance between the negatives and the benefits of the proposal.

- Consideration of solar panels.
- Erosion of the Green Belt and the CPZ.
- The planning application situation at East Herts DC.
- The fact there were likely to be alternative locations in the district for similar proposals.
- The lack of a clear response from Highways.

Councillor LeCount proposed that the application be refused for the reasons as set out in Section 17 of the report.

Councillor Sutton seconded the proposal.

RESOLVED to refuse the application for the reasons as set out in Section 17 of the report.

(Councillor Light did not vote as she had arrived during the course of the item).

A Urquart, D Brett and G Hilton (applicant) spoke in support of the application.

PC125 UTT/21/3095/FUL - FALAISE AND MOUNTJOY, THE STREET, TAKELEY

The Senior Planning Officer presented an application for the demolition of the existing pair of semi-detached dwellings and the construction of six new residential dwellings and associated access, parking and landscaping.

The application was recommended for approval subject to conditions.

The Senior Planning Officer responded to questions from members in respect of:

- An Appeal being granted in 2020.
- Other sites in CPZ being material considerations.
- A buffer zone with the Fitch Way.
- Parking spaces.
- Garden sizes all above the Essex Design Guide figure.
- A bus service.

Members discussed:

- Precedents being set by developments on the road.
- Sewage and water pressure issues.
- Material Planning considerations.
- Possible overdevelopment.
- Comments made by Place Services.
- NPPF 197C.
- Parish Council objections.

Councillor Reeve proposed that the application be approved subject to those conditions as set out in Section 17 of the report.

Councillor LeCount seconded the proposal.

RESOLVED to approve the application, subject to those conditions as set out in Section 17 of the report.

D Amott (applicant) spoke in support of the application.

PC126 UTT/21/3204/FUL - TANDANS, GREAT CANFIELD ROAD, GREAT CANFIELD

The Senior Planning Officer presented an application for the replacement of an existing static home with detached house with associated access and parking.

The application was recommended for approval subject to conditions.

The Senior Planning Officer responded to questions from members in respect of:

- The current level of travellers sites in the district.
- There being no impact on the register of travellers.

Members discussed:

- The size of the dwelling.
- The possible creeping development.
- The possible conditioning in respect of the dwelling remaining within the traveller community.

Councillor Reeve re-stated his non-pecuniary declaration on this item and proposed that the application be approved subject to those conditions set out in Section 17 of the report.

Councillor LeCount seconded the proposal.

RESOLVED to approve the application subject to those conditions set out in Section 17 of the report.

Councillor G Driscoll (on behalf of Great Canfield PC) spoke against the application. The application had been called in by Councillor Driscoll.

The meeting adjourned at 2.00 pm and re-convened at 2.45 pm. Councillor De Vries was not in the room when the meeting re-convened.

PC127 UTT/21/2719/FUL - LAND NORTH OF BRAINTREE ROAD, GREAT DUNMOW

The Development Management Team Manager and the Planning Officer presented an application for the proposed erection of 32 self-build and custom build dwellings.

The application was recommended for approval subject to conditions and completion of a S.106 Obligation Agreement in accordance with the Heads of Terms.

Councillor De Vries joined the meeting at 2.52 pm.

Questions were answered in respect of:

- SUDs and water drainage.
- Lack of a response from the Town Council.
- Affordable housing provision.
- Schooling provision.
- The S106 not specifying financial sums as reflected in paragraph 14.3.10 as supplied by Essex CC.
- Comments made by Place Services (Conservation and Heritage) in respect of Ford Farm.

The meeting adjourned at 3.05 pm and re-convened at 3.15 pm.

Members discussed:

- That the bar had been set very high by the developer.
- That this was a good quality development, where people would like to live.
- That it would be good if the Town Council were more involved.

Councillor Reeve proposed that the application be approved subject to the terms as detailed in the report's recommendations.

Councillor LeCount seconded the proposal.

RESOLVED to approve the application subject to those items set out in Section 17 of the report-

- A) Completion of a S106 Obligation Agreement in accordance with the Heads of Terms
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Interim Director Planning & Building Control shall be authorised to REFUSE permission following the expiration of a 6 month period from the date of the Planning Committee.

(Cllr De Vries did not vote as he had arrived during the course of the item)

S Bampton (agent) spoke in support of the application.

There was a further short adjournment between 3.35 pm and 3.40 pm.

The Principal Planning Officer presented an application for the proposed erection of 9 detached dwellings, provision of new access and associated landscaping and parking.

The application was recommended for approval subject to conditions.

The Principal Planning Officer responded to questions from members in respect of:

- The history of applications on this plot.
- The access arrangements.
- Receipt/non-receipt of an archaeology report.

Members discussed:

- That neighbours were particularly concerned about parking arrangements and dirt.
- Possible conditioning of the timing of planting the buffer within the Landscaping condition.

The Chair proposed that the application be approved subject to those conditions as set out in Section 17 of the report and that the Construction Management Plan includes the name and contact details of a site manager.

Councillor Sutton seconded the proposal.

RESOLVED to approve the application subject to those conditions as set out in Section 17 of the report and that the Construction Management Plan includes the name and contact details of a site manager.

A statement was read out from A Young (agent) in support of the application.

PC129 **UTT/21/2649/FUL - LAND TO THE REAR OF MALT PLACE, CORNELLS LANE, WIDDINGTON**

The Principal Planning Officer presented an application for the demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL.

The application was recommended for approval subject to conditions.

The Principal Planning Officer responded to questions from members in respect of:

- Affordable housing or off-site contribution to affordable housing.
- Previous applications and Class Q builds.

Members discussed:

- Whether it was possible to request affordable housing provision.
- The general lack of 1 and 2 bedroom properties in the district.

Councillor Caton proposed that the application be deferred to enable further discussions to take place with reference to affordable housing provision.

Councillor Bagnall seconded the proposal.

RESOLVED to defer the application pending discussions taking place with reference to affordable housing.

S Bampton (Agent) spoke in support of the application and a statement was read out from A Edwards against the application.

PC130 **UTT/22/0086/FUL - THREE ELMS COTTAGES, LANGLEY LOWER GREEN, LANGLEY**

The Principal Planning Officer presented an application for the erection of 1 detached dwelling with cart lodge.

The application was recommended for refusal.

The Principal Planning Officer responded to questions from members in respect of:

- Whether the property would be 1.5 or 2 storey.
- The response by Place Services and the need for consistency.

Members discussed:

- The lack of a 5 year land supply.
- The site offering a good development within the existing curtilage.
- Local support, including lack of objection from the Parish Council.
- That the applicant had worked closely with Place Services to ensure minimal impact.

Councillor Light proposed that the application be approved on the basis that the development was within the existing curtilage, would not be extending the development and would contribute to the 5 year land supply.

Councillor Sutton seconded the proposal.

The Principal Planning Officer outlined the conditions that would be required if the application was approved. He has subsequently expanded them and they are detailed below.

- The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- The development hereby permitted shall be constructed in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- Prior to any of the development hereby permitted is commenced, details of all materials to be used in the external finishing of the building shall be submitted and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the proposed development will reflect with the character of the surrounding locality in accordance with policy GEN2 of the adopted Local Plan.

- Prior to commencement of development above slab level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) Proposed finished levels
 - b) Means of enclosure
 - c) Car parking layout
 - d) Hard surfacing, other hard landscape features and materials
 - e) Existing trees, hedges or other soft features to be retained (unless since removed)
 - f) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - g) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - h) Details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - i) Location of service runs
 - j) Management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies GEN2 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2019.

- A minimum of a single electric vehicle charging point shall be installed for the new dwelling house. This shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Policy ENV13 and the NPPF.

- If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: in the interest of human health in accordance with policy ENV14 of the adopted local plan.

- All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report, (Arbon February 2022) and Arboricultural Impact Assessment (Arbon, January 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling house. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

RESOLVED to approve the application subject to conditions.

Councillor E Oliver and S Whitehead (applicant) spoke in support of the application.

The meeting ended at 4.55 pm .