

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 8
MARCH 2023 at 10.00 am**

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, J Emanuel, P Fairhurst, R Freeman,
G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt and
M Sutton

Officers in attendance: L Ackrill (Principal Planning Officer), C Bonani (Planning
Lawyer), N Brown (Head of Development Management and
Enforcement), C Edwards (Democratic Services Officer),
C Gibson (Democratic Services Officer), F Nwanze
(Development Management Team Leader), B O'Brien (Senior
Planning Officer) and L Trevillian (Principal Planning Officer)

Public Speakers: Councillor P Barber (Takeley PC), C Brabin, R Davidson, F
Down, J D'Urso, A Nudd, M Peachey, D Poole, K Rixson (Great
Easton PC) and Councillor M Tayler.

PC286 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

All Committee Members were present.

Councillor Bagnall declared that he was a Ward Member for Takeley and a
Member of Takeley PC (Item 11).

Councillor Sutton declared that she was a Ward Members for Takeley (Item 11).

Councillor Loughlin declared that she was a Ward Member for Stort Valley (Item
6).

Councillor Pavitt declared that he was a Ward Member for Littlebury, Chesterford
and Wenden Lofts (Item 7).

PC287 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 22 February 2023 were approved as an
accurate record.

PC288 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the
standing Speed and Quality Report. He drew Members' attention to the fact that
appeal decisions were still coming through the system and said that he was
slightly more comfortable with progress made.

The report was noted.

PC289 **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 happy to take questions outside of the meeting.

The report was noted.

PC290 **S62A APPLICATIONS**

The Head of Development Management and Enforcement presented the S62A Applications report and updated Members on progress made.

Committee Members agreed that the public had a democratic right to let Members know their feelings ahead of consideration by the Planning Committee.

The report was noted.

PC291 **S62A/22/0011. UTT/22/2624/PINS - LAND NEAR PELHAM SUBSTATION, MAGGOTS END ROAD, MANUDEN**

The Principal Planning Officer presented a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination. The proposal was for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development including inverter cabins, DNO substation, customer switchgear access, fencing, CCTV cameras and landscaping

He recommended that the Director of Planning be authorised to advise the Planning Inspectorate of the Council's observations as detailed in the report.

In response to various questions from Members, officers:

- Confirmed that security lighting could be conditioned.
- Confirmed that temporary access for construction vehicles to cease on completion could be conditioned.
- Said that no information had yet been received relating to de-commissioning.
- Said that the Rochdale Principle was appropriate for renewable energy systems.
- Confirmed that the developer had looked at other possible sites.
- Clarified the position in respect of the Environmental Impact Assessment (EIA) and said that it was for the Inspectors to assess.
- Explained the possible benefits from a 10% reduction in the scheme.

Members discussed:

- The fact that it did not appear that the eight reasons for previous refusal had been addressed and that these should be repeated in any submission to PINS.
- The significant impact that the development would have and that 40 years was hardly a temporary period of time.
- The need for a S106 to be included to cover such as issues as site condition surveys.
- The need for de-commissioning to be conditioned to include a review period.
- The need for a Construction Management Plan (CMP) to be conditioned.
- The historic landscape and Ancient Woodland, together with the loss of agricultural land
- An additional condition in respect of a perimeter boundary management plan that ensures the safety of animals.
- Concerns at the need for maintenance of infrastructure, including the battery storage units and the need for screening.
- The reduction of the developable area set against the possible renewable energy generation of up to 49.99MW.
- Where liability responsibility sat.

Members supported a general notification being sent to PINS by UDC about solar panels applications

The Head of Development Management and Enforcement summarised the concerns that had been raised by Members as detailed above. He referred to making an objection in principle to the proposal to include:

- All recommendations made in Paragraph 1 of the report.
- The previous eight reasons for refusal continuing to be valid having not been addressed.
- Loss of agricultural land.
- The need to strengthen the call for a S106, rather than conditions.
- The 10% reduction in space set against the possible renewable energy generation of up to 49.99MW.
- The need for conditions in respect of ecology, highways, security lighting, a CMP, boundary treatment, perimeter fencing, screening, landscaping and maintenance.
- Recognition that 40 years was not a temporary time period.

Members confirmed that they were content with the above comments being conveyed to PINS.

The meeting adjourned at 11.40 am and reconvened at 11.50 am

The Senior Planning Officer presented a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination. The proposal was for outline planning permission for the erection of 18 dwellings including provision of access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved for subsequent approval except for means of access and layout. He confirmed that a late representation had been received from Urban Design who were objecting to the proposal.

He recommended that the Director of Planning be authorised to advise the Planning Inspectorate of the Council's observations.

In response to various questions from Members, officers:

- Confirmed that no comments had been seen from Anglian Water in respect of sewage.
- Said that the land was Grade 2 Agricultural Land being used as Paddock Land.
- Said that open space use could be captured in a S106.
- Said that the site was not in a conservation area but was adjacent to a special habitat area.

Members discussed:

- Lack of reference to sustainability. The location being significant distances away from schools, medical facilities, shops, towns and supermarkets.
- The need to pay particular attention to the submission made by the Parish Council.
- The effects on the habitat area.
- The size, design and layout not fitting in with the existing dwellings in a "beautiful, special village", where only 12 houses had been built in the last 30 years. The need for starter homes was recognised. Elmdon had previously been classified as unsustainable.
- The need to drill down on the harms from the proposed development.
- There being no responses seen in respect of ecology, heritage and highways but to note the objections by Urban Design.
- There being real heritage concerns, edge of settlement concerns, GEN 2 concerns, priority habitat, not far from conservation area and impact on the church.
- The development being outside S7 development limits, GEN1 Highways concerns and loss of Grade 2 Agricultural Land.
- Harms on Elm Court, foul water, biodiversity and ecological harm, impact on the landscape and the urban form being a major concern.

The Head of Development Management and Enforcement summarised the concerns that had been raised by Members as detailed above. He referred to making an objection in principle to the proposal to include:

- The location being unsustainable.
- Harms to the setting of the village, in respect of urban design, landscape and character.
- Loss of agricultural land.
- Biodiversity concerns.

- Drainage, elevation and general topography concerns.
- Support for the views expressed by the Parish Council, Natural England and Urban Design.

An issue was raised that work on the site might have already commenced.

Members confirmed that they were content with the above comments being conveyed to PINS.

The meeting adjourned for lunch between 12.30 pm and 1.30 pm.

PC293 UTT/22/2744/FUL - LAND KNOWN AS 7 ACRES, WARISH HALL FARM, PARSONAGE ROAD, TAKELEY

The Head of Development Management and Enforcement outlined the reasons for the report being brought back to the Committee, following previous consideration on 8 February 2023.

The Principal Planning Officer presented a planning application for the erection of 4 industrial/ flexible employment (Use Class E) buildings with associated landscaping and parking. Following refusal of the application at the meeting on 8 February 2023, additional information and clarification had been received and brought back to the Committee.

He recommended that the 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 NHS Integrated Care Board (ICB) were considering locating a medical centre in the area and that an extension of the option period had been given to 5 years. Possible dimensions of the medical centre were also given. Reference was made to the correspondence with the NHS in the Late List.
- Expressed concern that a possible S106 relating to a medical centre might require NHS commitment to build a surgery which was outside of the control of the developer.
- Said that car parking would be provided of 25 + 101 spaces.
- Said that the Economic Team supported the application which should also provide additional employment.
- Said that Place Services had not objected to the proposal and that what had previously been said by PINS was that a 15 metre buffer zone to the Ancient Woodland of Prior's Wood was adequate.

Members discussed:

- The need for caution in respect of the possible attraction of a new medical centre and whether it would be possible to get more certainty about a facility being guaranteed. Confirmation of the size of the medical centre was requested as to whether the size would be sufficient for the purposes of the NHS Integrated Care Board.

- Whether 25 car parking spaces would be enough in that area.
- The abundance of industrial units already in the area and traffic concerns.
- The CPZ not being protected.
- Whether or not there had really been any significant movement since the Planning Committee meeting in February 2023.
- Possible problems accessing a medical centre through the site; an alternative public right of way alongside the boundary was identified. It was stated that it could possibly be conditioned as a public right of way to the surgery.
- Loss of views and no sympathy for Ancient Woodland.
- The fact that previous appeal decisions needed to be considered.
- The size of the buffer zone.
- The possible re-configuration of the light industrial units.
- The general need for greater certainty over the proposals.

Councillor LeCount proposed that the application be approved with an additional condition relating to the footpath around the boundary being a public right of way.

This proposal was seconded by Councillor Emanuel.

This motion was lost.

Councillor Bagnall proposed that the application be deferred in order to allow for further information on a possible Medical Centre to be gathered and for further work to be undertaken in respect of the boundary footpath being utilised as a public right of way to a Medical Centre.

This proposal was seconded by Councillor Emanuel.

The motion was carried on the casting vote of the Chair.

RESOLVED that the item be deferred in line with the motion.

M Peachey and Councillor P Barber (Takeley PC) spoke against the application.

D Poole (Agent) spoke in support.

The meeting adjourned between 3.10 pm and 3.20 pm, during which Councillor Freeman left the meeting.

PC294 **UTT/22/3013/OP - HIGHWOOD FARM, STORTFORD ROAD, GREAT DUNMOW**

The Chair had announced at the meeting that this item had been withdrawn.

PC295 **UTT/22/1947/FUL - CAMP POULTRY FARM, MILL LANE, HATFIELD HEATH**

(WITHDRAWN)

This item had previously been withdrawn by the Agent.

PC296 UTT/21/2922/FUL - REAR OF MARSHES, CHERRY STREET, DUTON HILL, TILTY

The Senior Planning Officer presented a retrospective application for the retention of buildings for domestic storage of the occupants of the dwellinghouse known as Marshes.

He recommended that the 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:

- Confirmed that this application related to Units 4 and 5.
- Confirmed this was not for B8 use but for a use of its own as described.
- Said that previous refusal had been given to Unit 6 on the basis that it was a shipping container and was harm to heritage and character and appearance of the site and its surrounds.
- Said that conditions could be made to prevent Units 4 and 5 from being used for any other purposes.

Members discussed:

- Concerns expressed by Place Services as stated in Paragraph 10.3 of the report and on the Portal.
- That it had not been helpful that each application had not been individually assessed by consultees.
- The impact on a listed building.

Councillor Bagnall proposed refusal of the application on the grounds of over-intensification of the site and the impact on listed building ENV2.

This was seconded by Councillor Sutton.

RESOLVED that the application be refused in line with the motion.

Councillor M Tayler, C Brabin, A Nudd, R Davidson and K Rixson (Great Easton Parish Clerk) spoke against the application.

J D'Urso (Agent) spoke in support.

PC297 UTT/21/2927/FUL - REAR OF MARSHES, CHERRY STREET, DUTON HILL, TILTY

The Senior Planning Officer presented a retrospective application for the change of use of buildings for B8 use as a commercial self-storage facility.

He recommended that the 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 the definition of B8 usage, in that storage could take place but not vehicle repairs or restoration.
- Said that it would be necessary to provide evidence to the contrary that the building had not been used as a lock-up for the previous 10 years in the event of an application for a certificate of lawful use.
- Explained the potential hours of use.

Members discussed:

- Evidence provided by the previous owner.
- Whether a certificate of lawfulness could have been applied for.
- The response by Highways that was now supporting refusal.
- E4 and E5 considerations.

Councillor Pavitt proposed refusal of the application on the grounds of GEN1 (access), GEN (enabling disturbance) and E5 (Re-use of Rural Buildings).

This was seconded by Councillor Bagnall.

RESOLVED that the application be refused as per the motion.

Councillor M Taylor, C Brabin, A Nudd, R Davidson, F Down and K Rixson (Great Easton Parish Clerk) spoke against the application.

J D'Urso (Agent) spoke in support.

There was a brief adjournment between 5.20 pm and 5.25 pm, during which Councillor LeCount left the meeting.

PC298 **UTT/22/2863/DFO - 10 AND 12 THE MEAD, THAXTED**

The Development Management Team Leader presented an application for approval of reserved matters of outline planning permission UTT/21/1850/OP (access, appearance, landscaping, layout and scale of development) for the erection of one dwelling.

She recommended that the Director of Planning be authorised to grant planning permission for the development subject to those items set out in section 17 of the report.

In response to questions from Members, she confirmed that the proposed dwelling would fit in with other properties and that a heat pump would be utilised.

Members were in support of the proposal.

Councillor Fairhurst proposed approval of the application subject to those items set out in section 17 of the report. This was seconded by Councillor Emanuel.

RESOLVED that the Director of Planning be authorised to grant planning permission for the development subject to those items set out in section 17 of the report.

Prior to closing the meeting, the Chair announced that Katherine Wilkinson from Essex CC Highways was shortly due to leave her role. Members thanked her for all her contributions to the UDC Planning Committee over a number of years.

The meeting ended at 5:30 pm.