

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 25
OCTOBER 2023 at 10.00 am**

Present: Councillor R Freeman (Chair)
Councillors N Church, J Emanuel, R Haynes, M Lemon,
J Loughlin and M Sutton

Officers in attendance: C Bonani (Planning Lawyer), N Brown (Head of Development Management and Enforcement), T Gabriel (Senior Planning Officer), M Sawyers (Planning Officer), C Shanley-Grozavu (Democratic Services Officer) and A Vlachos (Senior Planning Officer)

Public Speakers: A Balaam, S Bampton, M Carpenter, D Cox, Councillor J Evans, Councillor S Gill, Councillor R Freeman, R Humphery KC, T Malin, E Manzi, Councillor N Robley, L Sivyer, G Stainer, P Walters and F Woods

PC79 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Bagnall.

Councillor Lemon declared a pecuniary interest in Items 10 and 11 and confirmed that he would recuse himself on these items.

For transparency, he also declared that Item 6 was within his ward.

PC80 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 27 September 2023 were approved as an accurate record.

PC81 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the standing Speed and Quality Report.

The report was noted.

PC82 QUALITY OF MAJOR APPLICATIONS REPORT

The Head of Development Management and Enforcement presented the standing Quality of Major Applications report.

He confirmed that the Council had published a land supply figure is 5.14 years, which included the 5% buffer, and the inspectors of the ongoing appeals had been advised of this. However, as the Council's Local Plan was not up to date, paragraph 11(d) of the National Planning Policy Framework (NPPF) was still

engaged whereby planning applications would still be determined on a case-by-case basis using the principles of tilted balance.

The report was noted.

PC83 S62A APPLICATIONS

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

The report was noted.

PC84 UTT/22/1261/FUL - LAND TO THE WEST OF MILL LANE, HATFIELD HEATH

The Planning Officer presented an application for the demolition of 10 existing structures, the conversion and restoration of 8 existing buildings to form 8 holiday cottages and 1 dwelling, the construction of 3 single storey dwellings and the creation of a pedestrian and cycle link path.

He recommended that the Strategic 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 following:

- Place Services had raised concerns regarding the proposed installation of glass balconies and balustrades. It was therefore conditioned that samples of the materials to be used on the external finishes would need to be submitted and approved prior to the commencement of construction.
- Developments in the Green Belt were only deemed acceptable in “exceptional circumstances”. In this case, this would be by bringing a non-designated heritage asset back into use.
- The site owners would be required to apply for further Planning Permission if they wished to change the buildings from one Use Class to another: for example, the conversion into residential properties.
- The construction of the three single story dwellings were required in order to enable the non-designated heritage asset to be brought back.
- The decision to depart from the original site footprint was made by the developer.

Officers confirmed that the 2019 appeal had not been referenced in the report, nor considered in the officer’s recommendation. The appeal had been for a larger site with more dwellings but had been dismissed for various reasons including the impact on the Green Belt, the character and appearance of the area, heritage and highway safety. These had since been addressed in the most recent application.

Members discussed:

- If approved, the proposal may open pathways for other developers to build on Green Belt.
- Mill Lane was too narrow to accommodate the additional traffic and could not be widened as householders owned the land adjacent to the highway.

- Holiday homes in Hatfield Heath was not a viable proposal.
- There was a need for more affordable housing in the area.
- The proposal was an opportunity to bring back a non-designated heritage asset which would otherwise deteriorate further and be forgotten.
- Both members and the applicant did not consider the application to be enabling development and there was no evidence submitted in support of it.
- A scheme for the site needed to be brought forward which was sympathetic to the heritage.
- The decision could be subject to Judicial Review as the recent appeal was not considered.
- The application could be deferred to revisit the appeal and consider if the dismissal reasons had been addressed in the current application.
- There was no consensus within the local community as to what should happen to the site.

The Legal Officer confirmed that the 2019 appeal decision was a material consideration and the lack of reference could be challenged at a Judicial Review.

Councillor Lemon proposed that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of Policy S6 (building on the Metropolitan Green Belt).

This was seconded by Councillor Loughlin; however she later withdrew her support, following the Legal Officer's advice regarding the 2019 appeal decision.

The proposal was withdrawn.

Councillor Sutton proposed that the application be deferred so that consideration may be given to the 2019 appeal decision.

This was seconded by Councillor Emanuel.

RESOLVED that application be deferred.

D Cox and Councillor N Robley (Hatfield Heath Parish Council) spoke against the application and S Bampton (applicant) spoke in support.

The meeting was adjourned between 11.11 and 11:21

PC85

UTT/22/3513/FUL - LAND EAST OF CHELMSFORD ROAD, FELSTED

The Planning Officer presented an application for a mixed-use development, comprising a relocated and improved village convenience store, incorporating a Post Office, together with area for farmers market, three first floor offices with dedicated parking facilities and multi-use overspill area. Together with nine dwellings comprising a one-bedroom apartment, two 2-bedroom houses, two 3-bedroom apartments, two 4-bedroom semi-detached houses, one 4 bedroom detached house, and a 5 bedroom chalet style bungalow with dedicated 2m footpath routes.

He recommended that the application be refused for the reasons set out in section 17 of the report.

In response to questions from Members, officers clarified the following:

- The site was located on Grade II agriculture land.
- The car parking provision for the farmers market would consist of eight standard spaces, two parent and child spaces and one disabled space.
- Policy S7 was partially compliant with the NPPF's stance on development in the Countryside.
- The Council's current land supply figure was 5.14 which included a 5% buffer. This would still be subject to disputed and challenge by developers.

Members discussed:

- No objections had been raised by any of the statutory consultees.
- Additional employment opportunities would be brought to the area.
- There would be a reduction in the dependency on cars and buses to travel to amenities outside of the village limits.
- The proposal was disproportionate as it was an expansion from a small village shop to a full-scale development.
- The site was located at a distance from the nearest bus services.
- There was insufficient car parking provision to support a farmers market.
- The development would lead to the coalescence of Felsted and Causeway End.
- There was ambiguity around the involvement of the current village shop; they previously supported the application, but this has since been withdrawn.
- There were concerns around the design and layout; the two entrances were highlighted as particularly unacceptable.
- Policy FEL/HVC2 of the Felsted Neighbourhood Plan supported the relocation of the existing village shop and Post Office, however to a location no less accessible to users and which will not exacerbate existing traffic congestion and parking issues.

Councillor Emanuel proposed that the Strategic Director of Planning be authorised to refuse permission for the development subject to those items set out in section 17 of the report.

This was seconded by Councillor Sutton.

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

Cllr J Evans and Councillor R Freeman (Felsted Parish Council) spoke against the application and R Humphrey KC spoke in support.

PC86

UTT/23/0976/FUL - KING EDWARD VI ALMSHOUSES, ABBEY LANE, SAFFRON WALDEN

This item had been withdrawn prior to the meeting.

The Senior Planning Officer presented an outline planning application with all matters reserved except access for the development of 6 no. self-build homes with a new village green, landscaping and associated infrastructure.

He recommended that the application be refused for the reasons set out in section 17 of the report (as amended in the Late list).

In response to questions from Members, officers clarified the following:

- Paragraph 14.3.16 mistakenly stated that the site covers an area of 14.5 hectares (whereas it covers 1.45 hectares) and the proposal would give a housing density of 0.4 dwellings per hectare (whereas it gives 4 dwellings per hectare).
- As shown in the most recent progress report on self-build and custom housebuilding, there is a surplus of planning permissions granted for serviced plots in Uttlesford which meant that the proposed six self-build units would comprise a limited benefit of the scheme.
- As outlined in Footnote 55 of the NPPF, proposals in Flood Zone 1 require a Flood Risk Assessment (FRA) when the site is one hectare or more. The Lead Local Flood Authority (LLFA) raised an objection on the grounds of insufficient information as an FRA or drainage strategy have not been submitted with the application. The LLFA objection means that it has not been demonstrated that the proposed development would not increase flood risk on the site or elsewhere.
- Whilst the reason for refusal around flood risk was a technical issue which could be addressed through the submissions of the appropriate evidence, there were five other reasons for refusal, including the principle of the development, that would not be addressed if the flood risk concerns were resolved.
- The 40% affordable housing contribution could be triggered despite the exemption under paragraph 65 of the NPPF.
- The proposed development would harm the rural character and appearance of the area.
- The proposed density would represent an inefficient use of the land.
- The 'less than substantial harm' caused by the proposal to the significance of the heritage assets was weighed against the public benefits of the proposal and the heritage balance was against the scheme.
- The adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Members discussed:

- Objections had been raised on the grounds of harm to the rural character and appearance of the area, as well as to the nearby designated heritage assets.
- The proposal would coalesce two distinct parts of Clavering (Hill Green and Stickling Green) which would have detrimental impact on the openness of the countryside.

- There was no means of sustainable transport in which to access the site or everyday services and facilities. Footways are not appropriate for walking to these services and facilities.
- No FRA or drainage strategy had been submitted; thus the application had not yet demonstrated that the proposed development would not increase flood risk on the site or elsewhere.
- The location of the site was away from the most sustainable part of Clavering village.

Councillor Haynes proposed that the Strategic Director of Planning be authorised to refuse permission for the development for the reasons set out in section 17 of the report (as amended in the Late list).

This was seconded by Councillor Lemon.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development for the reasons set out in section 17 of the report (as amended in the Late list).

F Woods, G Stainer, Lisa Sivyer and P Walters spoke against the application.

A statement from Councillor S Gill (Clavering Parish Council) against the application was also read out.

M Carpenter (Agent) and A Balaam (Applicant) spoke in favour of the application.

The meeting adjourned from 12:50 and 14:00

Councillor Lemon recused himself at 14:00

PC88 **UTT/23/1412/FUL - LAND AT SUNNYBROOK FARM, BRAINTREE ROAD, FELSTED**

The Senior Planning Officer presented a S73 application to vary condition 2 (approved plans of UTT/23/0364/NMA) following approval of UTT/20/1882/FUL (construction of 24 dwellings and school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping).

He recommended that the Strategic Director of Planning be authorised to grant permission for the application subject to those items set out in section 17 of the report.

In response to questions from Members, officers clarified the following:

- The on-site electricity substation would be removed.
- The site was allocated as part of the Felsted Neighbourhood Plan so that the Parish could deliver its housing requirements and in particular that such housing would enable the provision of a community car park to mitigate the congestion caused by school traffic. To make this viable, the requirement for affordable housing was removed.

Members discussed how the proposed amendments reflected the development of the site in line with the requirements of the market.

Councillor Emanuel proposed approval of the application, subject to those items set out in section 17 of the report.

This was seconded by Councillor Church

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

PC89 UTT/23/1734/FUL - LAND AT POUND HILL, LITTLE DUNMOW

The Senior Planning Officer presented a S73 application relating to the variation of condition 23 (approved plans) of planning permission UTT/19/1789/FUL, added under UTT/22/3301/NMA. The previous proposal approved was for erection of 14 dwellings at Land at Pound Hill in Little Dunmow. The same number of dwellings were proposed in the current application, as well as the same numbers of affordable dwellings (one dwelling and to flats, at 21.5%).

He recommended that the Strategic 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 following:

- The Heritage Officer previously objected on the basis of the External Materials Schedule submitted including the use of white uPVC which would have had an adverse impact on the three adjacent Grade II listed cottages.
- The current application omits details of any proposed materials; however these would be agreed with the Heritage Officer under Condition 3 of approval of the original scheme UTT/19/1789/FUL.

Members discussed:

- The modification from semi-detached to detached units was acceptable.
- There was general agreement with the scheme, provided that the condition surrounding the material of the windows was discharged.

Councillor Haynes proposed that the application be approved, subject to the conditions set out in section 17 of the report.

This was seconded by Councillor Church

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

Councillor Lemon returned at 14:18

PC90

UTT/23/0068/FUL - GROVE COURT, NURSERY RISE, GREAT DUNMOW

The Senior Planning Officer presented an application for alterations and refurbishment of the existing supported living housing block to reduce the number of units from 31 to 25, replacing bedsits with one- and two-bedroom flats; formation of a new access ramp to the main entrance and refurbishment of the main entrances; formation of a new secondary access to the courtyard garden and renewal of the landscaped gardens.

He recommended that the Strategic 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 following:

- It was the responsibility of Social Services to ensure that the existing residents which they were supporting continued to have their social care needs met whilst the building works were carried out.
- The existing building was for supported independent living and was not a nursing home.

Members discussed:

- The change from bedsits to one- and two- bedroom flats was acceptable.
- The communal accommodation would be reduced in order to be able to increase the number of flats available in the development.
- Whilst it was not in the committee's gift to impose, members felt that it was important that the applicant control the disruption for existing residents as much as possible.

Councillor Church proposed approval of the application, subject to the conditions set out in section 17 of the report.

This was seconded by Councillor Sutton

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

E Manzi spoke neither in support or opposition of the application.

PC91

UTT/23/0515/FUL - GLAN HOWY, BANNISTER GREEN, FELSTED

The Senior Planning Officer presented an application for the erection of one detached dwelling to the rear of the existing dwelling on the site. The new dwelling would be a bungalow and would be accessed via the driveway between 16 and 18 Burnstie, which served an informal car parking area to the rear of 12 – 18 Burnstie.

He recommended that the application be refused for the reasons set out in section 17 of the report.

In response to questions from Members, officers clarified the following:

- It was not the responsibility of the Planning Authority to determine the rights of access of a site and this would need to be secured by the applicant before any construction could commence.
- One of the two proposed bedrooms was slightly below the required size prescribed in the Nationally Described Space Standards (NDSS). However this could be resolved through an amendment to the floor plan.
- There would be substantial garden space and sufficient parking provisions left for the host property, after the dwelling was built.
- In order to address the Housing Officer's concerns around construction vehicles, it was in the gift of members to condition a Construction Management Plan to be agreed before development commenced to ensure that all relevant traffic was off of the highway.

Members discussed:

- The recent site visit addressed their concerns raised from the report.
- There was no specific character in the area to comply with as street scene was already diverse.
- The setting of the nearby listed building had been previously compromised and surrounded by modern developments.
- The loss of a willow tree at the western boundary of the property would have positive and negative impacts.

Councillor Sutton proposed approval for the following reasons:

1. The sub-standard bedroom size could be addressed through the implementation of a condition.
2. The dwelling, as resigned, did not result in a harmful impact upon the street scene or nearby heritage asset.

The approval of the application would be subject to the following conditions:

1. Time (to commence development within 3 years)
2. Approved plans
3. Materials to be approved
4. Hard and soft landscaping, including levels
5. Implementation of an approved landscaping scheme
6. Approval of any proposed external lighting details
7. Provision of cycle parking
8. Removal of Permitted Development Rights
9. Amended room sizes in line with the national standards
10. Securing the means of access

This was seconded by Councillor Church.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to the above conditions.

T Malin (applicant) spoke in support of the application.

The meeting ended at 14:56

