

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 22
NOVEMBER 2023 at 10.00 am**

- Present: Councillor R Freeman (Chair)
Councillors G Bagnall, N Church, J Emanuel (Vice-Chair),
R Haynes, M Lemon, J Loughlin, R Pavitt and M Sutton
- Officers in attendance: N Brown (Head of Development Management and Enforcement), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), J Lyall (Planning Lawyer), M Shoesmith (Strategic Applications Team Leader), L Trevillian (Principal Planning Officer) and A Vlachos (Senior Planning Officer)
- Public Speakers: D Bauer, J Billingsley, J Cage, J Collins, A Crow, J Francis, Councillor K French, Councillor A Gardner, T Gilder, Councillor N Gregory, C Griffin, C Harris, Councillor S Harris, C Horne, T Jack, D Morris, Councillor T Newcombe, J Pratt, S Rawlings, P Sando and P Wyndham-Pearce.

PC92 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

All Committee members were present.

The following declarations were made, none of which necessitated recusal from the debate.

- Councillor Haynes, Ward Member (item 12).
- Councillor Emmanuel, Ward Member (item 13).
- Councillor Pavitt, Ward Member (Item 8).
- Councillor Church, previously worked on land but had no current relationship (Item 13).
- Councillor Loughlin, whose husband previously employed the Agent but had no current relationship (Item 6).

PC93 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 25 October 2023 were approved as an accurate record.

PC94 SPEED AND QUALITY REPORT

The Head of Development Management and Enforcement presented the standing Speed and Quality Report. He highlighted that there were currently 12 appeals in the system that would obviously affect future percentage figures.

The report was noted.

PC95 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Head of Development Management and Enforcement presented the standing Quality of Major Applications report. He said that there were 6 applications where decisions were awaited and that headline figures could change.

The report was noted.

PC96 **S62A APPLICATIONS**

The Head of Development Management and Enforcement presented the S62A Applications report. He said that an opinion was being given at this Committee on the Land at Eastfield Stables and highlighted the recently received case of Jacks Lane.

The report was noted.

PC97 **S62A/2023/0023. UTT/23/2193/PINS - LAND AT EASTFIELD STABLES, MAY WALK, ELSENHAM ROAD, STANSTED**

The Senior Planning Officer presented an application for the proposed erection of 5 residential dwellings and associated infrastructure that had been submitted to the Planning Inspectorate (PINS) for determination.

He recommended that comments be submitted to PINS requesting refusal of the application for the reasons set out in Section 15 of the report.

In response to questions from Members, officers:

- Explained the reasoning behind the recommendation in that the Council had dealt with similar applications on the Eastfield Stables estate before; this included dismissed appeal decisions.
- Explained the basis for the use of wording of policies being “out of date”, particularly that the Local Plan should have been updated every 5 years and it had not been. Policies were said to be still applicable with their weight depending on their compliance with the National Planning Policy Framework (2023).
- Explained that a Wellness Hub was a building approved to the southern part of the wider estate that would include commercial activities, such as fitness classes.

Members discussed:

- That previous reasons for refusal of the application by UDC had not been overcome.
- There being no pavement or public transport provision in the vicinity, hence unsustainable development and location.
- The proposed development being unsuitable for its location.

Councillor Emanuel proposed that the officer's recommendations be approved in full. This was seconded by Councillor Loughlin.

RESOLVED that the Planning Inspectorate be requested to refuse the application in line with the officer's recommendations.

PC98 UTT/19/2838/DOV - LAND EAST OF THAXTED ROAD, SAFFRON WALDEN

Planning permission had been granted for outline consent (UTT/18/0824/OP) development of up to 150 dwellings with all matters reserved except access at the above site. Reserved matters were later approved at appeal under reference UTT/19/2355/DFO. The Strategic Team Leader presented a Deed of Variation seeking amendments.

She recommended that the Deed of Variation and proposed amendments be approved. Amendments as follows:

- a) Affordable Housing change in mix;
- b) Bus Service Contribution clause amendment to allow the contribution to be spent on Bus Service Enhancement and/or the improvement of existing bus services on Thaxted Road;
- c) Community Facilities Contribution clause to be added, to provide a trigger and allow flexibility as to where SWTC spend the contribution in Saffron Walden and on all community facilities not just Community centres;
- d) Mortgagee in Possession;
- e) Contribution for Recreation clause to be added and to provide a trigger.

In response to questions from Members, officers:

- Confirmed that the reason for the proposed amendments were that things had moved on significantly since 2019.
- Said that the Mortgagee in Possession clauses had been brought into line with the National Housing Federation suggested clauses.
- Said that this would facilitate affordable housing arrangements.

Members expressed general satisfaction with the proposals.

Councillor Emanuel proposed that the Deed of Variation and amendments proposed be approved. This was seconded by Councillor Bagnall.

RESOLVED that the Deed of Variation and proposed amendments (listed above) be approved.

PC99 UTT/22/2997/OP - LAND BETWEEN WALDEN ROAD AND NEWMARKET ROAD, GREAT CHESTERFORD

The Principal Planning Officer presented an Outline planning application with all matters reserved except for means of access from Walden Road and Newmarket Road for residential development of up to 350 dwellings, including a Heritage Park, up to 50sqm of shop and café floorspace, sustainable urban drainage system and associated infrastructure.

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

There was a comfort break between 11.15 am and 11.25 am.

In response to questions from Members, officers:

- Clarified the position outlined in paragraph 1.5 relating to the adverse impacts of development.
- Explained the need to have reason 3 for refusal (page 149) in the report as there was currently no S106 in place.
- Referred to the advice offered by Historic England relating to protection of assets below ground.
- Said that the site had no landscape designation, however it had been valued in the Neighbourhood Plan as being a sensitive site.
- Said that due weight had to be given to the recently approved Neighbourhood Plan and that the policies included were significant considerations.

Members discussed:

- The benefits of 350 new dwellings, including 140 affordable dwellings.
- The heritage views and significance of roman history in respect of assets below the ground.
- Landscape concerns and poor footpaths.
- Recognition of the significance of the Neighbourhood Plan against the NPPF. The development did not comply with the Neighbourhood Plan.
- Water supply and sewerage concerns.
- The impact on education facilities and local employment.
- Loss of agricultural land
- Whether or not the location was sustainable, particularly regarding the impact on Great Chesterford.
- Attention could not be given to the Regulation 18 Local Plan.
- A brochure from the land promoter that had been circulated to Members ahead of the meeting had outlined the proposed building types. A view was put forward that this was exactly the type of development needed in Uttlesford.
- Whether or not the £9m of Planning gain was considered high enough to provide sufficient mitigation.

The Planning Lawyer and the Head of Development Management and Enforcement made it very clear to Members that if they were minded to approve the application they would have to give specific reasons as to why the recommendation from the Planning Officer was being rejected, particularly with regard to the Neighbourhood Plan. The Planning Lawyer said that this would also open up Judicial Review options.

Councillor Emmanuel proposed refusal of the application in line with the officer's recommendations. This was seconded by Councillor Pavitt.

The motion was lost.

Officers explained the options still available to Members. After significant discussion the Chair proposed that the matter be deferred, in order that Members could fully acquaint themselves with the Neighbourhood Plan and various policies included in order that clear reasons for a future decision could be addressed. In addition the opportunity would also be taken to upload the brochure from the land promoter onto the Planning portal as it had only previously been shared with Members.

This proposal was seconded by Councillor Haynes.

RESOLVED that the matter be deferred in line with the above motion.

Councillor N Gregory, J Francis and Councillor T Newcombe (Great Chesterford PC) spoke against the application.

D Morris and S Rawlings spoke for the applicant in support.

The Committee adjourned for lunch from 12.45 pm to 1.30 pm.

PC100 **UTT/22/3470/OP - LAND NORTH OF BAYNARD AVENUE, FLITCH GREEN**

The Head of Development Management and Enforcement presented a Hybrid planning application with an outline application for up to 72 dwellings and a full application with proposed access and structural landscaping.

He outlined an issue on the Late List where items had been incorrectly numbered within items 9 and 10 of the agenda. He also explained that he was presenting this item at late notice in the absence of the Senior Planning Officer.

He said that the item had been referred from the meeting held on 30 August 2023 and that since the report issue, the heritage comment had changed to low risk rather than middle.

He recommended that the application be approved, subject to those items set out in section 17 of the report.

There was a brief adjournment during the public speakers from 2.30 pm to 2.35 pm.

In response to questions from Members, officers:

- Said that there was no difference to the proposals since deferral and that the Highway Authority had no objection to the application, subject to conditions. A revised Transport Assessment had been reviewed. Access arrangements had been considered acceptable.
- Said that the traffic flow assessment undertaken by the Parish Council had not been shared with the Highway Authority.
- Said that whilst the Local Plan had not be updated every 5 years as required Policies S7 and GEN2 were robust policies and that the tilted balance was therefore engaged.
- Said that UDC clearly needed more affordable housing.

- Said that officers considered that the application did not represent coalescence but that it was down to Members to make a judgement.

Members discussed:

- Policy S7 in terms of coalescence, landscape harm, the setting of 2 settlements and the impact on the Flitch Way.
- GEN2 in respect of there only being one way into the development.
- ENV5 in respect of agricultural land.
- GEN 1 in respect of the cumulative impact on roads as well as encouraging more car use/ ability to move around Flitch Green (GEN 1E).
- ENV 2 in respect of harm to listed buildings and impact on the conservation area.
- Other concerns were expressed in respect of this being outside the boundary of the original masterplan and the Landscape Officer's comments relating to creep.

Councillor Church proposed refusal of the application, on the grounds of S7, GEN 2, ENV2 and GEN 1E.

This proposal was seconded by Councillor Emanuel.

RESOLVED that the application be refused on the above grounds.

Statements were read out from Councillor C Criscione and D Arora opposing the application.

D Bauer, A Crow, Councillor K French (Little Dunmow PC), C Harris, Councillor S Harris (Flitch Green PC), C Horne, T Jack, J Pratt and P Wyndham-Pearce spoke against the application.

J Billingsley and J Cage spoke for the applicant in support.

There was a brief adjournment from 3.30 pm to 3.35 pm.

PC101 UTT/23/0878/DFO - LAND TO THE WEST OF THAXTED ROAD, DEBDEN

The Senior Planning Officer presented a reserved matters planning application with the details of access, layout, scale, landscaping and appearance, following outline application UTT/20/0264/OP for the erection of 25 private and affordable dwellings. The application proposed 10 affordable units a public open space to the front of the site.

He outlined amendments to condition 10 in section 17 of the officer's report which should read:

Prior to occupation of the development hereby approved, a 2-metre wide footway (with localised adjustments as and where necessary) shall be provided along the western side of Thaxted Road to extend from the approved access to the south until it meets the existing footpath as shown in the Proposed Footpath Link drawing hereby approved (reference PL43). The footway shall include a pedestrian crossing point to connect to the existing footway on the eastern side

of Thaxted Road. Thereafter, the footway and crossing point shall be retained as such at all times.

REASON: In the interest of highway safety and accessibility, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

He also proposed an additional condition to those in section 17 of the officer's report:

Notwithstanding any drawings or information hereby approved indicating otherwise, the layout of the development hereby approved shall be implemented in full accordance with the approved Revised Site Plan drawing (reference number PL13 Rev D).

REASON: For clarity purposes, in accordance with policies S7, GEN1, GEN2, GEN8 of the adopted Uttlesford Local Plan (2005), and the NPPF.

The officer reported a typo in paragraph 14.3.2 of the officer's report, as the 5-Year Housing Land Supply should read 5.14 years.

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

In response to questions from Members, officers:

- Clarified the recommended changes to Condition 10.
- Said that the revision to access related to the visibility splays as previously approved at the outline stage and other revisions requested by the Highway Authority (as shown in their consultation responses).
- Said that although the Uttlesford Design Guide was going through the consultation process, no reference could be made to it, particularly in relation to tandem parking matters, as tandem parking was allowed by the current Essex County Council Parking Standards (2009).
- Said that the level of detail submitted regarding drainage and flood risk had been considered to be appropriate by the Lead Local Flood Authority.
- Confirmed the proposed housing density as 23.8 dwellings per hectare.

Members discussed:

- Concerns that this was a gateway development to the village and general dissatisfaction with proposed triple tandem parking arrangements and the overall layout of the development.
- The fact that the proposed housing was imposing and wrong for the village of Debden by reason of its design, scale and layout.
- Concerns about the development feeling too dense, with a lack of appropriate boundary treatments in relation to the existing housing in the area.
- Design concerns, particularly at the edges of the development and that it was considered more of an urban aesthetic development.

- Concerns over the proximity of the flats to the neighbouring properties to the north.
- The clear need to involve the Parish Council and the local community in discussions with the developer.
- The need for a site visit.

Councillor Bagnall proposed deferral of the application, in order to resolve the issues raised during the discussion above. This was seconded by Councillor Sutton.

RESOLVED that the application be deferred, in order to resolve issues raised.

J Collins, C Griffin and P Sando spoke against the application.

Councillor A Gardner (Debden PC) spoke neither in support or against the application.

The meeting adjourned from 4.25 pm to 4.30 pm.

PC102 UTT/21/3783/OP - LAND AT NEW BURY MEADOW, HATFIELD BROAD OAK (WITHDRAWN)

This item had been withdrawn prior to the meeting.

PC103 UTT/23/1439/FUL - LAND EAST OF THE STAG INN, DUCK STREET, LITTLE EASTON

The Head of Development Management and Enforcement presented an application for 44 residential units and 3 commercial units, the inclusion of 3 additional plots for self-build homes, together with associated access, car parking and landscaping. He outlined the differences from the approved scheme on the site.

He recommended that the application be approved subject to the reasons set out in section 17 of the report.

In response to questions from Members, officers:

- Acknowledged that there had also been changes made to the housing types.
- Said that SUDS were satisfied in respect of sustainable drainage arrangements.
- Said that a Management Company would be responsible for SUDS in this instance.

The agent was invited to address the meeting and said that consideration of whether to utilise solar panels was a matter for consideration once planning permission was secured.

Members discussed:

- Concerns that this was more than just a minor change but was effectively a new scheme with new types of housing and that it was not suitable.
- Conditions being needed in respect of an ecology impact assessment.
- There being a need for the developer to work with the community to take the matter forward.

The Agent was not allowed to speak on this item, as the application had been recommended for approval, with no public speakers registered to speak against the recommendation.

Councillor Lemon proposed that the matter be deferred to allow the situation to be clarified and for the developer and officers to have further discussions, particularly in respect of the design thinking.

This was seconded by Councillor Sutton.

RESOLVED that the application be deferred in line with the motion above.

The Head of Development Management and Enforcement also indicated that responsibility for this case would revert to the original case officer who was in a position to take this forward.

PC104 **UTT/23/2141/FUL - LAND SOUTH OF CORNELLS LANE, WIDDINGTON**

The Senior Planning Officer presented an application for the demolition of existing stables and buildings and the erection of a detached dwelling with wildflower meadow and planting.

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

In response to questions from Members, officers:

- Confirmed that there would be no changes needed to existing access arrangements and visibility splays.
- Said that the previous scheme had been refused and was an outline proposal.
- Said that consideration could be given to removal of permitted development rights in respect of Class E (outbuilding) of Part 1 of Schedule 2 of the General Permitted Development Order, only to the area where the wildflower meadow was proposed. For the land on and around the proposed dwelling, Permitted Development rights would not need to be withdrawn given that the scheme would not represent over-development of the site and the appropriate garden space could be secured even if Permitted Development rights were exercised.

Members discussed:

- The possibility of some discretion being applied to this application, particularly with the meadow arrangements being conditioned.

- There being general agreement with the points made by Councillor Hargreaves in his statement.
- That the development would be quite contained.
- That lighting arrangements could be conditioned.
- That on the planning balance the benefits were considered to outweigh adverse impacts.
- That the 1-unit scheme that benefitted from planning permission to the south of the application site was a material consideration that would show that the proposed dwelling would 'round off' the built form of this housing cluster, limiting the impact to the character and appearance of the area.

The Chair proposed that the Strategic Director of Planning be authorised to grant permission for the development on the basis that the benefits outweighed the adverse impacts with conditions attached. This was seconded by Councillor Pavitt.

The conditions should include:

- Time limit condition.
- Implementation in accordance with the approved drawings.
- All conditions recommended by consultees that meet the tests of paragraph 56 of the NPPF (as justified by the consultees).
- A condition to ensure the wildflower meadow remains as such at all times (to preserve the character and appearance of the area).
- Materials to be used in the external finishes (to preserve the character and appearance of the area).
- Soft and hard landscaping measures (to preserve the character and appearance of the area).
- Energy and water efficiency measures (to ensure energy and water efficiency as required by the adopted Uttlesford Interim Climate Change Planning Policy (2021)).
- To remove Permitted Development rights under Class E Part 1 Schedule 2 of the General Permitted Development Order for the area outlined in the drawings as wildflower meadow land (to ensure no built form is built on this open land).
- A lighting design scheme for biodiversity (to avoid harm to protected species or priority species).
- A car charger (to improve air quality).
- A Part M condition (to ensure accessibility).
- A contamination condition (phase 1, phase 2, etc.) to ensure no harm to human health and the environment.
- A condition to ensure all existing structures are demolished and the container and any other buildings removed from the land (to preserve the character and appearance of the area).

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development on the basis that the benefits outweighed the adverse impact, together with the above conditions.

A statement was read out from Councillor N Hargreaves supporting the application. T Gilder (Applicant) spoke in support.

The meeting ended at 5:15 pm.