

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 10
JANUARY 2024 at 10.00 am**

Present: Councillor R Freeman (Chair)
Councillors G Bagnall, N Church, J Emanuel (Vice-Chair),
R Haynes, J Loughlin and R Pavitt

Officers in attendance: R Beale (Senior Planning Officer), N Brown (Head of
Development Management and Enforcement), J Lyall (Planning
Lawyer), J Pavey-Smith (Senior Planning Officer), M Sawyers
(Senior Planning Officer), C Shanley-Grozavu (Democratic
Services Officer), L Trevillian (District Wide Team Leader) and
C Tyler (Senior Planning Officer)

Public Speakers: J Francis, Cllr N Gregory, D Hall, J Halstead, R Kelsey, Cllr J
Moran, D Morris, Cllr T Newcombe, S Rawlings, Cllr J Redfern,
J van Riemsdijk and H Rolfe

PC117 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

The Chair announced that Agenda Item 14 (South of Deynes Road, Debden) had been withdrawn from the agenda.

Apologies for absence were received by Councillors Lemon and Sutton.

Councillor Haynes declared that he was recusing himself from Agenda Item 8 (Land Between Walden Road & Newmarket Road, Great Chesterford), at the request of the Monitoring Officer.

Councillor Emanuel declared a non-pecuniary interest in Agenda Item 12 (Cricket Willow Field, Sparrows End, London Road, Newport) as she had written the response on behalf of Newport Parish Council. She confirmed that she would recuse herself from the meeting.

Councillor Loughlin declared, for transparency, that she was the Ward Member for Berden (Agenda Item 13).

PC118 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were approved as a correct record.

PC119 SPEED AND QUALITY REPORT

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

The report was noted.

PC120 **QUALITY OF MAJOR APPLICATIONS REPORT**

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

He provided an update on the current status of the Council's 5-Year Housing Land Supply following the release of the latest versions of the National Planning Policy Framework (NPPF) and Housing Delivery Test (HDT) by government in December 2023.

Following questions, the Development Manager agreed to provide further information to members after the meeting.

The report was noted.

PC121 **S62A APPLICATIONS REPORT**

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

He confirmed that the final two applications within the report would be considered at the meeting.

The report was noted.

PC122 **UTT/23/2622/PINS - LAND SOUTH OF (WEST OF ROBIN HOOD ROAD) RUSH LANE, ELSENHAM**

The Senior Planning Officer presented a S62a outline application for the erection of up to 40 dwellings with all matters reserved except for access.

She invited Members to comment on the proposals.

In response to questions, officers clarified that they had not been provided with a reason as to why there was a proposed change of access.

Members discussed:

- Whilst the application had provided an indicative plan, it was emphasised the importance for the Planning Inspector to not give weight to it in order for all matters to be fully considered at a later stage.
- There were safety concerns regarding the location of the proposed children's playground which was adjacent to the railway line and an open pedestrian level crossing.
- There was a need to provide noise mitigation in order to protect residents from impacts of noise from the adjacent railway line.
- Particular attention should be paid to the protection of nearby heritage assets.
- The existing mature trees on the site should be retained.

- Officers confirmed a S106 would be drafted as part of the S62a application. This would be expected to include a financial contribution to Elsenham's community facilities, as other local developments had done previously.

Members proposed the following comments be submitted:

- Little weight be given to the submitted indicative layout.
- Should permission to be granted, the Council would not support the layout as shown, primarily due to the positioning of the proposed play area and its proximity to the open pedestrian railway crossing.
- Members emphasised the importance of protecting the nearby heritage assets.
- Mitigation measures should be required in order to protect neighbouring residents from impacts of noise from the adjacent railway line.
- The existing mature trees on the site be retained.
- The S106, taken from the previously allowed outline application, should be imposed. This included a financial contribution to Elsenham Community Hall.

PC123 UTT/23/2810/PINS - LAND TO WEST OF CHELMSFORD ROAD, HARTFORD END, FELSTED

The Senior Planning Officer presented a S62a outline application for the construction of up to 50 dwellings (Use Class C3) and associated access and bus stops, with all matters reserved apart from access.

He invited members to make comment on the proposals.

In response to questions, officers clarified the following:

- The application did not provide sufficient information to demonstrate that the proposals would not have a harmful impact to the setting of the nearby Listed building of Mill House, as well as the non-designated heritage asset of the brewery building.
- The proposal was contrary to a number of policies contained within the Felsted Neighbourhood Plan, of which full weight was applied following recent changes to the NPPF. These policies included FEL/CW1 (Landscape and Countryside Character), FEL/CH4 (Avoiding Coalescence) and FEL/HN5 (Residential Development outside Development Limits).

Members discussed:

- The proposed development was outside of development limits, resulting in harm to the countryside and the coalescence of two areas within the Neighbourhood Area.
- The proposal was not proportionate or aligned with the pattern of existing development.
- The application site was not easily accessible by means of walking or public transport.
- The impact on the setting of heritage assets had not been considered within the application.

- There would be a loss of Best and Most Versatile (BMV) agricultural land.

Councillor Church proposed that the Council raise an objection on the following grounds:

- The application did not demonstrate that the proposals would not have a harmful impact to the setting of the listed building, contrary to Policy ENV2.
- The proposed development would amount to the loss of BMV agricultural land, contrary to Policy ENV5.
- The location of the application site would not encourage the use of movement by means other than driving of a car, considered contrary to Policy GEN 1(e).
- The proposal was within an area of open countryside which would therefore be harmful to the rural character of the immediate and surrounding area, contrary to Local Plan Policies S7 and GEN2, as well as Neighbourhood plan policies FEL/CW1, FEL/HN5 and FEL/CH4.

This was seconded by Councillor Emanuel.

RESOLVED: that the Strategic Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council object to the application, for the reasons as stated above.

Councillor Haynes recused himself from the meeting at 10:44

PC124 **UTT/22/2997/OP - LAND BETWEEN WALDEN ROAD & NEWMARKET ROAD, GREAT CHESTERFORD**

The District Wide Team Leader 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 (Use Class E/F), sustainable urban drainage system and associated infrastructure.

The application had been deferred from November's Planning Committee meeting, to allow for additional time for members to review the Great and Little Chesterford Neighbourhood Plan. It was confirmed that there were no material changes to the application since the previous meeting, however the implications of the recent changes to the NPPF had been outlined in the Late List.

The application was recommended for refusal for the reasons set out in section 17 of the officer's report.

The meeting was adjourned between 11:28 to 11:36

Following the end of the Public Speaking session, the Principal Inspector for Historic England was introduced, and members were invited to ask questions.

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

- The negative environmental effect of the development would be limited to the local environment of the site and surrounding area and would be unlikely to result in significant effects on the wider environment.
- The development would have a negative impact to the short-term views of the local landscape, rather than the longer views of the countryside.
- Due to recent changes in the NPPF, full weight was given to the Great and Little Chesterford Neighbourhood Plan when considering the proposed development. However, the Neighbourhood Plan was part of the larger suite of documents which made up the development framework, in which a Local Plan held greater authority.
- The Planning and Compulsory Purchase Act 2004 outlined that where there was conflict between policies within the documentation of the development framework, the newer document would take precedent. In this case, this would be the Neighbourhood Plan, rather than the adopted Local Plan.
- The Great and Little Chesterford Neighbourhood Plan had allocated three sites for housing, but there were no allocations in the emerging Local Plan due to their unsuitability or withdrawal from the Land Owner.
- A recent Secretary of State's decision at Cholsey in Oxfordshire found that there would be an adverse impact of allowing development that conflicted with a neighbourhood plan and this would be likely to significantly outweigh the benefits. It was noted that members should base their decision on the information before them; however the appeal was of relevance.
- The Environment Agency had raised no objection to the proposed development.
- Historically, the site was located in a very open, agricultural landscape. It was a strategic point for settlement due to the valley location, crossing points with both the River Cam and ancient Icknield Way and situated at the gateway to the Fens.
- Both scheduled monuments were of national importance and afforded the highest level of protection due to the rarity of their proximity to each other and the close relationship in which they share in the same historic landscape.
- There was evidence of a pre-Roman temple and Anglo-Saxon burials near the site, which indicated earlier settlements in the vicinity.
- Part of the application site was under consideration for a scheduling extension, based on the results of previous archaeological evaluation.
- Should the application be approved, there would be a condition for archaeological investigation.
- When considering paragraph 11(d) of the NPPF, officers were of the view that the development would cause severe harm to adjoining designated heritage assets but this was not seen as significant enough in itself for refusal and the tilted balance was still engaged.

Members discussed:

- The development would cause significant harm to the setting and experience of the two nationally important scheduled monuments.
- The proposal would create a separate block of development which was not cohesive with the existing spatial strategy of the area and did not coalesce with Great Chesterford.

- The development would create up to 140 affordable homes to contribute towards the identified local housing needs. This would be determined at the reserve matter stage if outline consent was granted.
- Recent changes to the NPPF meant that the Great and Little Chesterford Neighbourhood Plan held full weight for up to 5 years.
- There were a number of concerns around sewage including the sewage treatment plant being at capacity, the impact of untreated phosphorus in the waterways and the lack of response from Cambridgeshire, given they had a shared water supply with North Essex.
- Essex County Council had confirmed within the Neighbourhood Plan that there were no plans for additional schooling provision, so children may need to be sent to schools elsewhere, detaching them from the community.
- Great Chesterford, like other areas of the district, had seen major growth and had increased by over a third in size. Further development was likely; however, this should not be damaging or speculative.
- The proposed Heritage Park would create a dedicated space in which to observe history and regard it as a location in which to view and explore, rather than continuing as fields. However, historical views would be lost.
- Only 3 objections had been raised by the statutory consultees.
- The site was not sustainable in relation to the existing community as it was located over a kilometre away from the village centre.
- There were unresolved questions as to what history was on the development site which had yet to be uncovered.
- The titled balance was still required in members considerations, due to the out-of-date Local Plan and a lack of a 5 year land supply that included a 20% buffer.

Councillor Emanuel proposed that the application be refused for the reasons set out in Section 17 of the Officer's report.

This was seconded by Councillor Pavitt.

RESOLVED: That the Strategic Director of Planning be authorised to refuse the application for the reasons set out in section 17.

Cllr N Gregory, Cllr J Moran, H Rolfe, D Hall, J Francis, Cllr J Redfern and Cllr T Newcombe (Great Chesterford Parish Council) spoke against the application.

D Morris and S Rawlings (Applicant) spoke in favour of the application.

The meeting was adjourned between 12:40 and 13:35.

Councillor Haynes returned to the meeting at 13:35.

PC125 **UTT/23/1439/FUL - LAND EAST OF THE STAG INN, DUCK LANE, LITTLE EASTON**

The Senior Planning Officer presented a S73 planning application for the variation of conditions 25 (commercial units Class E) and 26 (approved plans) of planning permission UTT/21/1495/FUL to allow amended plans for 44 residential

units and 3 commercial units (flexible space); inclusion of 3 additional plots for self-build homes together with associated access, car parking and landscaping

The application was recommended for approval subject to those items set out in section 17 of the report.

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

- The access road was previously under private ownership, however, was now adopted by Essex Highways.
- Concerns around flooding could not be revisited, as planning permission had already been granted for the site.
- A condition was already in place in which the applicant was required to consult with Place Services on the materials to be used in the development.

Members discussed:

- The amended design was sympathetic to the locality.
- There were concerns around the use of concrete, rather than slate and peg tiles.
- There were concerns regarding flooding and surface water drainage. Members requested that officers work with the developer to address the concerns.

Councillor Church proposed that the application be approved, subject to those items set out in section 17 of the officer's report.

This was seconded by Councillor Pavitt.

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 officers report.

With the agreement of the Chair and for the purposes of training, the Vice-Chair chaired the meeting for Agenda Items 10 and 11.

PC126 **UTT/23/1853/FUL - FORMER FRIENDS SCHOOL, MOUNT PLEASANT ROAD, SAFFRON WALDEN**

The District Wide Team Leader presented a S73 application to vary condition 2 (approved plans) of S62A/22/0000002 (application reference UTT/22/1040/PINS) for conversion of buildings and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping.

The application was recommended for approval, subject to the items set out in section 17 of the report.

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

- Due to the constrained nature of the site, the proposed orientation was seen as the best way forward for the entire development. An alternative

scheme which made use of the traditional entrance had not been submitted.

- Officers had been working closely with the developers regarding the design and materials of the development.
- A replacement building had been proposed following the commencement of development as the current building was found to be structurally unsound and unsuitable for conversion.
- The variation of the internal walls would create more rooms and improve the overall liveable space.

Members discussed:

- The plan variation would result in the loss of the heritage integrity attached to the Assembly building and it was a departure from the original intention to preserve the features.
- Whilst it could not be condition, members requested that the historical fabric of the portico be retained and used elsewhere on the site.

Councillor Church proposed that the application be approved, subject to those items set out in section 17 of the officer's report.

This was seconded by Councillor Pavitt.

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 officer's report.

PC127 UTT/23/1046/FUL - LAND SOUTH OF RADWINTER ROAD, SAFFRON WALDEN

The Senior Planning Officer presented an application for the amendment to scheme approved under planning permission UTT/21/2465/DFO in order to change of use of 16 bungalows from Extra Care (C2) to Retirement Living (C3)

The application was recommended for approval, subject to the items set out in section 17 of the officer's report.

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

- A Financial Viability Assessment (FVA) was submitted by Alder King, on behalf of the Applicant to consider the financial impact of the change in planning use from C2 to C3, particularly on the affordable housing requirement. This was reviewed by Altair Consultancy who were appointed by the Council.
- After discussions between Altair Consultancy and Alder King on behalf of the applicant, a figure of £640,000 has been agreed as the sum for the contribution in lieu of affordable housing.
- The FVA had not been made available to the meeting, due to commercial sensitivity.
- The development would become unviable under the current required contributions.
- The development had been substantially completed.

Members discussed:

- Altair Consultancy were content with the agreed contribution figure in lieu of affordable housing.
- There were concern that a decision was required without being provided with the FVAs or supporting evidence.
- No fundamental objection had been raised against the change of use from Extra Care (C2) to Retirement Living (C3).

Councillor Pavitt proposed that the application be approved, subject to the items set out in section 17 of the officer's report.

This was seconded by Councillor Freeman.

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 officer's report.

The meeting was adjourned between 14:13 and 14:19

PC128 **UTT/23/2575/FUL - CRICKET WILLOW FIELD, SPARROWS END, LONDON ROAD, NEWPORT**

The Senior Planning Officer presented the application for the erection of 10 dwellings with garages and storage buildings (including 4 affordable homes) with access off London Road, sustainable drainage system and 2 wildlife areas.

The application was recommended for refusal for the reasons set out in section 17 of the officer's report.

Councillor Emanuel made a statement, on behalf of Newport Parish Council, and then recused herself from the meeting at 14:27

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

- A response had been received prior to the meeting from the Environment Agency which raised no objection to the application.
- Due to Sparrowsend Hill creating a division between the development site and the Shortgrove Estate, Historic England had not raised any objections that the development could cause harm to the nearby heritage assets.
- The site was bounded along its length to the east by the River Cam Chalk Stream and associated Wet Woodland, both of which have been identified by Natural England as Priority Habitat. These Habitats currently required a mandatory 10m buffer from the riverbank.
- Place Services had placed a holding objection, due to insufficient ecological information on European Protected Species (bats), protected species (reptiles) and Priority habitats (Chalk Stream and Wet Woodland) being supplied.

Members discussed:

- The applicant had not provided sufficient information to demonstrate that the proposal would be acceptable in terms of highway safety, ecology and impact on heritage.

- Affinity Water did not object to the application, despite the site being located within a groundwater Source Protection Zone and in close proximity to their Pumping Station at Debden Road.
- The Environment Agency had not yet classified the site, thus did not raise any objections.
- Some of the development was located within 7m from the riverbank and was therefore in breach of the mandatory buffer zone.
- The site would risk causing displacement flooding further upstream in Newport and Wenden Ambo.
- Additional information was required around sewage, given the development was not connected to the sewer network and located in a vulnerable habitat.
- There were faults with the principals of the development.
- All statutory consultees had provided a response.

Councillor Church proposed that the application be refused for the reasons set out in section 17 of the officer's report, as well as for a lack of S106 legal agreement, contrary to policy H9.

This was seconded by Councillor Haynes.

RESOLVED: That the Strategic Director of Planning be authorised to refuse the application refused for the reasons set out in section 17 of the officer's report, as well as for a lack of S106 legal agreement, contrary to H9.

Cllr J Emanuel (Newport Parish Council) spoke against the application and R Kelsey (Agent) spoke in favour.

The meeting was adjourned between 14.48 and 14.51

Councillor Emanuel returned to the meeting at 14.51

PC129 **UTT/22/1203/FUL - LAND OFF PELHAM ROAD, BERDEN**

The District Wide Team Leader presented an application for the construction and operation of a Battery Energy Storage System and associated infrastructure. The application was recommended for approval, subject the items set out in section 17 of the officer's report.

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

- The application formed part of a cross-boundary application with East Herts District Council (EHDC). The proposed Battery Energy Storage System itself was located within the boundaries of East Hertfordshire, whereas an unnamed road to provide vehicle access fell within Uttlesford.
- The Applicant previously confirmed to officers that they anticipated that a total of 370 vehicle movements would be required during the construction period, which equated to an average of six to ten two-way movements per day.
- EHDC had yet to determine their part of application.

The Legal Advisor confirmed that members were only to determine as much of the application as was within the administrative boundary of the district. In this case, it was the access.

Members discussed:

- The Outline Safety Management Plan had highlighted that the site had a high risk of a severe fire. Members felt that it was important consider the safety of the whole site, given the impact of a fire would affect both districts.
- There were concerns around the practicality of access in the event of an emergency; particularly the suitability of access and manoeuvring for the multiple emergency vehicles which would be required.
- The construction traffic movements would have a negative impact on both the neighbour amenities and the fabric of the highway network.
- A comparative exercise had not been conducted to investigate the harm of each construction route. It was confirmed, however, that the Highways Authority for both Hertfordshire and Essex had met, but the planning authorities were not part of the discussions.
- Whilst the shorter proposed construction route through East Hertfordshire may affect fewer people, the disruption could be to a greater extent.
- A condition could not be imposed which required the other part of the site to receive approval from EHDC, before construction commenced in Uttlesford.

Councillor Church proposed that the application be approved. This did not receive a seconder.

Councillor Bagnall proposed that the application be deferred, in order for further information to be obtained regarding the impact of both construction routes to neighbouring amenities and heritage and that confirmation was required from Essex Fire and Rescue of them being satisfied that the access suited their needs.

This was seconded by Councillor Pavitt.

RESOLVED: That the application be deferred for the reasons stated above.

J van Riemsdijk spoke against the application and J Halstead (Applicant) spoke in favour.

The meeting ended at 15:51