

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 16
MARCH 2022 AND THURSDAY, 17 MARCH 2022 at 10.00 am**

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, M Caton (substitute for Councillor Loughlin), J Emanuel, R Freeman, M Lemon (Vice-Chair), B Light (substitute for Councillor Fairhurst), R Pavitt, N Reeve and M Sutton.

Officers in attendance: W Allwood (Principal Planning Officer), H Ashun (Principal Planning Officer), N Brown (Development Manager), C Edwards (Democratic Services Officer), A Emanuel (Planning Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), M Kitts (Conservation Officer, Place Services, Essex CC), S Marshall (Planning Enforcement Team Leader), M Shoesmith (Development Management Team Leader), E Smith (Solicitor) and C Tyler (Senior Planning Officer).

Public Speakers: L Buhagiar, C Bunten, C Cant, C Day, Councillor A Dean, A Edwards, Councillor J Evans, R Freeman, G Gardner, Councillor N Gregory, A Haddad, D Hall, Councillor N Hargreaves, C Houston, K Hutchinson, J Kingdom, A Knowles, C Loon, F Palmer, C Peacock, R Porch, J Redfern, J Reid, Councillor G Sell, C Southcott, O Spencer, P Whalley, S Wighton and C Wragg.

PC103 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from:

- Councillor Fairhurst; Councillor Light substituted.
- Councillor Loughlin; Councillor Caton substituted.
- Councillor LeCount.

Non-pecuniary declarations of interest were made by:

- Councillor Lemon as Ward Councillor for Hatfield Heath and Member of Hatfield PC (Items 8 – 10).
- Councillor Emanuel as Ward Councillor for Newport (Item 17)
- Councillor Bagnall as Ward Councillor for Takeley (Item 14).
- Councillor Sutton as Ward Councillor for Takeley. (Item 14).
- Councillor Pavitt as Ward Councillor for Littlebury, Chesterford and Wenden Lofts (Item 6).
- Councillor Reeve as Ward Councillor for Broad Oak and the Hallingburys (Item 11).
- The Chair as Ward Councillor for Felsted and Stebbing and Member of Stebbing PC (Item 7).

PC104 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 16 February 2022 were approved.

PC105 SPEED AND QUALITY

The Development Manager presented the speed and quality statistics. He said that there would be a deep dive into the figures at the next meeting as the agenda for this meeting was substantial.

The report was noted.

PC106 CHANGES TO THE CONSIDERATION OF MAJOR PLANNING APPLICATIONS AND CONSULTATIONS ON MAJOR APPLICATIONS SUBMITTED DIRECTLY TO THE PLANNING INSPECTORATE

The Development Manager outlined the changes as detailed in the report. He highlighted that there was to be an addition to the Municipal Calendar to include Reserve Planning Committee days midway between scheduled Planning Committees.

Councillor Light questioned the value and impact of becoming consultees; she asked for a review to take place after six months.

The Development Manager stated that the role of the Committee would be critical as being the only way in which the Council could have any input into the process and would run in parallel with the Planning Inspectorate.

The Committee noted the additions to the Municipal Calendar.

PC107 ADOPTED ENFORCEMENT POLICY

The Planning Enforcement Team Leader presented her report relating to the adopted Enforcement Policy which was being brought to the attention of the Committee.

There were some discussions around the S188 register, target resolution times, the resolution time of notices, local performance indicators and milestones.

The Committee noted:

- The adopted Planning Enforcement Policy and the fact that it sits within a Corporate Enforcement Strategy.
- The planning enforcement training for Councillors that had taken place on 3 March 2022.
- There was training programmed for officers on 29 March 2022.
- There was a topic-based Parish Forum session due to take place on 29 March 2022.

The meeting adjourned from 10.20 am to 10.35 am whilst some technical issues were addressed.

PC108 **UTT/20/2724/OP - LAND EAST OF LONDON ROAD, LITTLE CHESTERFORD**

The Senior Planning Officer presented an outline application for the erection of up to 124 dwellings with all matters reserved except for access.

The application was recommended for approval subject to conditions.

Members discussed:

- Flooding concerns, including raw sewage problems.
- Lost landscape.
- Footpath issues; narrow paths with a pinch point at Church Street.
- Access concerns.
- Clarification of the site boundary of the developable area; no evidence of an indicative site plan.
- Sustainability.
- Conservation; nature corridors.
- Car dependant site.
- The possibility of a bridge being unrealistic.
- Highways issues; concerns at the letter from Highways Essex not being on the public portal but only on the internal system.
- Potentially dangerous junctions; consideration of a roundabout being built instead.
- High density potential crowding of the development, particularly when compared with the development across the road.
- Biodiversity.
- Lack of an adequate 5-year land supply.
- Apparent lack of consideration of the harms within the tilted balance.
- Consideration that this was a “whitewash”.
- Schooling implications.
- The possibility of a Grampian style condition to be included for the sewage works; the Development Manager advised that this would be an unreasonable condition and the Solicitor advised that this should not be included.

Councillor Emanuel proposed deferring the item as there was no indicative site plan, the Highways Essex letter had not been shared, Essex CC were not seeking secondary education contributions, and because of flood risk.

The Development Manager responded that he was concerned that there would be an appeal if this application was not approved. He said that an indicative plan did not have to be supplied at this point and that the Highways letter could have been requested. He said that a secondary education contribution had not been requested but would have been if there was a need, and that the flood risk had been addressed by the statutory consultees who had said there was no risk. He emphasised that the Environment Agency had been consulted as well as Essex County Council.

Councillor Pavitt seconded the proposal to defer. This proposal was lost.

Councillor Bagnall proposed refusal of the application on the grounds of S7, Tilted balance, ENV 1, 2 and 8 and Highways GEN 1.

Councillor Pavitt seconded the proposal for refusal. This proposal was lost.

The Chair raised the possibility of archaeology matters being taken forward and also asked that the construction management condition detailed in conditions 14 and 25 identify a named Clerk of Works with contact details. Various other possible conditions were put forward but advised against by the Development Manager.

Councillor Light had previously indicated during the course of the discussion that with a very heavy heart she might be driven to approve this application. She had said that it was a sad day for democracy. She said that she had been driven to this position and proposed approval of the application with the additional information as requested in conditions 14 and 25 above. An additional condition was added by Councillor Emanuel that a density condition be imposed specifying that the development would not exceed 35 dwellings per hectare. Both the Development Manager and the Agent agreed that this would be acceptable.

Councillor Lemon seconded the motion.

At this point Councillor Pavitt stated that in light of the way that this application had come forward and was being pushed through on the basis that the tilted balance and 5-year land supply were the only things that mattered, he was resigning from the Committee and did not wish to vote on this item, and he would not waste his time.

Councillor Light said that she supported Councillor Pavitt's stance; and that he was right to resign, that it was a travesty and undemocratic, but that as a substitute she was not in a position to resign.

Councillor Pavitt left the meeting at 12.41 pm.

RESOLVED to approve the application with additional information required in conditions 14 and 25 and also the density condition as specified.

Councillor N Gregory, C Day, P Whalley, F Palmer, Councillor J Redfern (on behalf of Little Chesterford PC) and Councillor D Hall (Great Chesterford PC) spoke against the application.

C Houston (Agent) spoke in support.

The meeting adjourned and then reconvened at 1.50 pm.

PC109 **UTT/21/2082/FUL - LAND EAST OF BRICK KILN LANE & NORTH OF POUND GATE, STEBBING**

The Principal Planning Officer presented an application for the proposed erection of sixty dwellings with associated parking, amenity space, vehicular access, public footpaths and new trees and hedgerow.

The application was recommended for approval subject to conditions and Section 106 Agreement.

Members discussed:

- The significant weight that should be given to the conflict with the Stebbing Neighbourhood Plan, given that there had been a 95% response from the community.
- The fact that the proposal was outside Development Limits.
- Significant Highways issues and access arrangements.
- Water supplies and flood risk assessments.
- Lack of consultation with Clinical Commissioning Groups. The need to consider community needs on the edge of the district.

Councillor Reeve proposed that the application be refused on the grounds that it was contrary to Steb 9, S7, GEN 6 and NPPF Para 49.

Councillor Freeman seconded the proposal.

RESOLVED to refuse the application on the grounds as stated above.

Councillor J Evans, C Cant, L Buhagiar, A Haddad and Councillor J Kingdom (Stebbing PC) spoke against the application.

C Wragg (Agent) spoke in support.

PC110 **UTT/19/3164/LB - LEA HALL, DUNMOW ROAD, HATFIELD HEATH**

The Senior Planning Officer presented an application for the proposed renovation of barns, including change of use to seven dwellings.

The application was recommended for the grant of listed building consent.

Members spoke in support of the barns restoration development.

Councillor Lemon proposed that the application be approved. Councillor Freeman seconded the proposal.

RESOLVED to grant listed building consent.

PC111 **UTT/19/3163/LB - LEA HALL, DUNMOW ROAD, HATFIELD HEATH**

The Senior Planning Officer presented an application for the proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing.

The application was recommended for the grant of listed building consent.

Members discussed the need to ensure that the hall ceiling was not removed and also the possible reuse of the floor's flagstones.

The Conservation Officer said that the developer would be obliged to produce methodology and materials in the full schedule of works and that the conditions would assist.

Councillor Freeman apologised and left the meeting at 3.45 pm.

Councillor Lemon proposed that the application be approved. The Chair seconded the proposal.

RESOLVED to grant listed building consent.

PC112 **UTT/19/3173/FUL - LEA HALL, DUNMOW ROAD, HATFIELD HEATH**

The Senior Planning Officer presented an application for the proposed refurbishment of Lea Hall including the addition of new detached garage and detached swimming pool building. Conversion of barns and cottage to eight dwellings. Demolition of existing stables to be replaced by three dwellings with cart lodges and associated landscaping.

The application was recommended for approval with conditions subject to S106 Legal Obligation.

Members discussed:

- The S106 Legal Obligation that was still being worked on.
- The values to be attached to the three new builds.
- The need to ensure that the heritage works were completed first prior to any new builds being sold.
- The need to ensure the 12% Planning Policy Guidance figure of Gross Development value was adhered to and kept under review.

Councillor Lemon proposed that the application be approved with conditions subject to S106 Legal Obligation, with the S106 to be brought back to the Committee. Councillor Emanuel seconded the proposal.

RESOLVED to approve the application with conditions subject to S106 Legal Obligation with the S106 to be brought back to the Committee.

M Kitts (Place Services, Essex CC) contributed to the discussion.

S Wighton (Agent) spoke in support of the application.

The meeting was adjourned and reconvened at 4.50 pm.

The Chair announced that following consultation with the Lead Officer, Agenda Item 14, UTT/21/1488/OP Land East of Parsonage Road, Takeley had been withdrawn in order that a site visit could take place.

PC113 **UTT/21/02755/OP - CANNONS YARD, BEDLARS GREEN, GREAT HALLINGBURY**

The Senior Planning Officer presented an outline application with all matters reserved for 14 dwellings (Class C3), parking, landscaping and all associated development.

The application was recommended for conditional approval subject to Section 106 legal obligation.

Members discussed:

- The provision of 42% affordable housing that equated to six dwellings.
- The fact that this was Brownfield land.
- Trees and hedges boundaries.
- Appropriate arrangements being in place prior to occupation.
- Information on the Construction Management Plan

Councillor Lemon proposed that conditional approval be given, subject to S106 Legal Obligation and that 1) Trees and hedges boundaries be retained and protected in line with the Parish Council's request, 2) Commitment to appropriate arrangements being in place prior to occupation and 3) The Construction Management Plan to include the name of a contact person/ clerk of the works and their details.

Councillor Reeve seconded the proposal.

RESOLVED to approve the application in line with the proposals above.

O Spencer (Agent) spoke in support of the application.

PC114 **UTT/20/1882/FUL - LAND AT SUNNYBROOK FARM, BRAINTREE ROAD, FELSTED**

The Principal Planning Officer presented an application for the construction of twenty-four dwellings and school related community car park served via a new access from Braintree Road complete with related infrastructure and landscaping.

The application was recommended for approval subject to conditions and Section 106 Agreement.

Members discussed:

- The compliancy with the Development Plan.
- The excellent collaboration between the Parish Council and the agent.
- The car parking arrangements, triple tandem parking.
- The possible extension of the school.
- New pedestrian access and the upgrading of footpaths.

The Chair acknowledged the significant contribution made to this application by Clive Theobald, Senior Planning Officer, who had recently left the authority.

Councillor Light proposed that the application be approved subject to conditions and a S106 Agreement.

Councillor Emanuel seconded the proposal.

RESOLVED to approve the application subject to conditions and a S106 Agreement.

The Principal Planning Officer had stated his thanks to Members as he was moving on; the Chair thanked him for his contribution to the Planning Committee

Councillor R Freeman (Chair of Felsted PC Planning Committee) and C Loon (Agent) spoke in support of the application.

The meeting adjourned for the day at 5.50 pm and reconvened at 10.00 am on Thursday 17 March.

In the absence of the Development Manager, the Development Management Team Leader took on the role of Lead Officer for the remainder of the meeting.

Additional apologies for absence were given by Councillors Freeman and Light.

Non-pecuniary declarations of interest were given by:

- Councillor Caton whose wife is Chair of Stansted Mountfitchet PC (Item 16)
- Councillor Emanuel as Ward Councillor for Newport but with no involvement in the case (Item 17).
- Councillor Reeve as the Portfolio Holder for the Economy, Investment and Corporate Strategy (Item 15)

Prior to the resumption of normal business, Councillor Bagnall raised an issue in respect of the Grampian pre-commencement condition that had been suggested in respect of Agenda item 6. The Council's Solicitor confirmed that the Town and Country Planning(Pre Commencement Conditions) Regulations 2018 coming into effect in October 2018 meant applicants now had to consent to pre-commencement conditions.

PC115 **UTT/21/2509/OP - LAND SOUTH OF (EAST OF GRIFFIN PLACE) RADWINTER ROAD, SEWARDS END**

The Principal Planning Officer presented an outline application for the erection of up to 233 residential dwellings including affordable housing, with public open space, landscaping, sustainable drainage system (SuDS) and associated works, with vehicular access point from Radwinter Road. All matters reserved except for means of access.

The application was recommended for refusal.

Members discussed:

- Capacity, accessibility, ecology, climate change and possible mitigation.
- The proposal being contrary to the NPPF 2021, the County Highway Authority's Development Management Policies and the adopted Uttlesford Local Plan 2005.
- Urban protrusion and the joining two settlements, outside the development limits of the Saffron Walden Neighbourhood Plan.
- The impact on local schools.
- The apparent lack of consistency from the Highways Authority.
- The possibility of deferral pending a site visit.

Councillor Lemon proposed that the application be refused on the grounds outlined in the reasons for refusal in Paragraph 1.1 of the report. Councillor Reeve seconded the proposal.

RESOLVED to refuse the application on the grounds detailed in Paragraph 1 of the report.

K Hutchinson, Councillor A Knowles (Sewards End PC) and Councillor R Porch spoke against the application.

PC116 **UTT/21/2488/OP - LAND EAST OF PARSONAGE ROAD, TAKELEY**

This item had been withdrawn the previous day.

PC117 **UTT/21/2846/FUL - GREEN ENERGY HUB, CHESTERFORD PARK, GREAT CHESTERFORD**

The Senior Planning Officer presented an application for the proposed construction of a Green Energy Hub for the Chesterford Research Park, comprising solar array development, a battery energy storage system, associated transformers, underground cabling and other electrical equipment, related landscaping scheme, fencing and CCTV.

The application was recommended for conditional approval.

Members discussed:

- The concerns expressed by Little Chesterford PC.
- The consistency with the Climate Change Plan in making the Research Park carbon neutral.
- The need to encourage the scheme as a pathfinder project.
- The possibility of reducing time limits from 3 years to one; officers advised against this.
- The need to strengthen conditions.

Councillor Caton proposed that the application be approved subject to:

- Condition 1.2.4 paragraph 2 replacing the word “may” with “will”
- Conditions 1.2.5 and 1.2.6 being tied into the responsibilities of the ecological clerk of works.
- Condition 1.2.13 to refer to traffic management signage and to include a named contact person and their details.

Councillor Emanuel seconded the proposal.

RESOLVED to approve the application subject to the condition changes as specified.

A briefing note from the Agent was read out.

PC118 **UTT/21/2376/FUL - LAND WEST OF HIGH LANE, STANSTED**

The Senior Planning Officer presented an application for the proposed variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres". The omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

The application was recommended for conditional approval.

Members discussed:

- The concerns that the two footpaths had not been delivered and that this was a retrospective application.
- The possibilities of upgrading landscaping and vegetation as well as provision of enhanced acoustic fencing.
- The possibility of compensating residents for lack of the facilities; officers stated that this would not be possible.
- The possibility of taking enforcement action; officers highlighted that any civil action would be a long process.
- The apparent lack of consultation with the Chelmsford Housing Partnership, the owner of the affordable dwellings.
- Crime concerns.

Councillor Bagnall proposed that the application be deferred to enable further discussions to take place between officers, the RSL and the Parish Council as to how to move forward. Councillor Sutton seconded the proposal.

RESOLVED to defer the application as proposed.

Councillor A Dean and Councillor G Sell (on behalf of Stansted Mountfitchet PC) spoke against the application.

The meeting adjourned at 12.10 pm and reconvened at 1.00 pm, during which time Councillor Sutton had apologised and left the meeting.

PC119 **UTT/21/2137/FUL - LAND TO THE NORTH OF CORNELLS LANE, WIDDINGTON**

The Senior Planning Officer presented an application for the proposed erection of four detached dwellings and associated works.

The application was recommended for conditional approval.

Members discussed:

- Access (to include concerns about gradient), parking and transport.
- Concerns in respect of the advice provided by the Highways Agency.
- The protected lane status, with a score of 20 and safety concerns.
- Character, appearance, landscaping, views and heritage.
- Climate change and ecology.
- Sustainability.
- Engineering issues.
- NPPF inconsistencies.
- Permitted Development rights.
- The potential harms as identified by the public speakers against the application.
- The possible benefits of four new dwellings and the tilted balance argument

Councillor Reeve proposed deferral to seek further clarifications. There was no seconder.

Councillor Emanuel proposed that the application be refused on the following grounds: NPPF paragraphs 196,197,199, 202, 203 and 206, ENV 1, 2 & 9 and S7.

Councillor Bagnall seconded the proposal.

RESOLVED to refuse the application on the grounds listed.

Councillor N Hargreaves, A Edwards, C Peacock, C Southcott and G Gardner (on behalf of Widdington PC) spoke against the application.

C Bunton and C Loon (Agent) spoke in support.

Two statements in support were read out from R Reed and D Waterman.

The meeting adjourned at 2.45 pm and re-convened at 2.55 pm. Councillor Reeve had apologised and left the meeting during the adjournment.

PC120 **UTT/21/3410/FUL - DUNMOW CRICKET CLUB, ST EDMUNDS LANE, GREAT DUNMOW**

The Planning Officer presented an application for the proposed demolition of the existing building and erection a of new cricket pavilion.

The application was recommended for conditional approval.

Members commented very positively on the proposals as clearly benefiting the local community. The reasons for the location of parking and practice nets were clarified.

Councillor Emanuel proposed that the application be approved with the condition that there be a three-year commencement clause and that an ecological clerk of the works be appointed; this could be filled by a volunteer.

Councillor Lemon seconded the proposal.

RESOLVED to approve the application in line with the proposal.

J Reid (Chairman of Dunmow CC) spoke in support of the application.

The meeting ended at 3.12 pm with the Chair thanking officers.