

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 3
AUGUST 2022 at 10.00 am**

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

Officers in attendance: N Brown (Development Manager), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), E Smith (Solicitor), L Trevillian (Principal Planning Officer) and A Vlachos (Planning Officer)

Public Speakers: D Willoughby and M Young.

PC182 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Emanuel.

The Chair declared that she was Ward Member for Felsted and Stebbing (Item 6) and made a declaration that she was a Member of the Housing Board (Item 8).

Councillor Lemon made a declaration that he was also a Member of the Housing Board (Item 8).

PC183 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 6 July 2022 were approved, with minor non-significant amendments to be agreed between Councillor Bagnall and the Democratic Services Officer.

PC184 SPEED AND QUALITY REPORT

The Development Manager introduced the Speed and Quality Report.

The report was noted.

PC185 QUALITY OF MAJOR APPLICATIONS REPORT

The Development Manager introduced the Quality of Major Applications report.

The report was noted.

PC186 S62A APPLICATIONS TO PINS

The Development Manager introduced the S62A Applications report that detailed five applications which had been submitted direct to the Planning Inspectorate. He said that the two most recent cases were not yet validated; he clarified what needed to take place for a case to be validated.

He also stated that notification had been received the previous day for a new PINs case relating to Land South of Henham Road, Elsenham.

The report was noted.

PC187 UTT/22/0007/FUL - LAND EAST OF SCHOOL LANE, FELSTED

The Principal Planning Officer presented an outline application for the erection of a Solar Photovoltaic Farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works

He recommended that the Director of Planning be authorised to grant planning permission for the development subject to those items set out in section 17 of the report as well as an additional condition as detailed on the Late List.

Officers responded to questions from Members in respect of:

- Possible costs of decommissioning being unknown.
- The land being arable land.
- The transformers being centrally positioned.
- Any possible financial contribution being made towards the Parish Council not being any part of the Planning determination.
- The light pollution provisions for emergency and security lighting.
- Solar panels still generating energy outside of the summer season.

Members discussed:

- The significance and the need for the S106 Agreement to be brought back to the Committee.
- The need for the decommissioning costs in 40 years' time to be realistically costed.
- The need for trees to be protected, particularly during any construction period.
- The fact that if no energy was being generated then de-commissioning could take place prior to 40 years elapsing.
- The need for clarification from the Government with respect to Solar Farms on agricultural land.
- The weight that needed to be given to the loss of agricultural land.
- The weight that needed to be given to the impact upon the 3 listed buildings affected as required by the NPPF.

- The impact that the development would have upon the landscape of, and the consequent visual amenity of the surrounding area.
- The fact that the Parish Council had not objected to the proposals.
- The need for the S106 Agreement to reflect the necessity for UDC to be notified each time the land was sold, with possible novation by every new owner.
- The importance of the Landscape and Ecological Plan (LEMP) and the possibility of linking it to the S106 Agreement.

Councillor Pavitt proposed that the application be approved in line with the recommendations, subject to the S106 Agreement, the Decommissioning Agreement and Method Statement and the on-going LEMP all being brought back to the Committee for approval.

The Chair seconded the proposal.

RESOLVED that the application be approved in line with the recommendations, subject to the S106 Agreement, the Decommissioning Agreement and Method Statement and the on-going LEMP all being brought back to the Committee for approval.

M Young spoke and referred to the need for clarification of Government policy and for de-commissioning costs to be fully considered.

D Willoughby (applicant) spoke in support of the application.

The meeting adjourned at 11.15 am and reconvened at 11.25 am.

PC188 UTT/22/1134/FUL - LAND AT HOLMWOOD, WHITEDITCH LANE, NEWPORT

The Planning Officer presented an application to remove conditions 6 (highways) and 7 (highways) of UTT/15/0879/OP (allowed at appeal ref APP/C1570/W/15/3137906).

He recommended that the Director of Planning be authorised to approve the removal of conditions 6 and 7 subject to the conditions set out at section 17 of the report.

Officers responded to questions from Members in respect of:

- The developer being the applicant requesting changes.
- The fact that these changes were in contradiction of the conditions imposed on appeal by the Planning Inspector.
- Matters relating to the tests set out in paragraph 56 of the NPPF, including the unenforceability and unreasonableness of conditions 6 and 7 because there can be no mechanism in place to attribute specific highway damage to the individual development to which the permission relates.
- Whether there should have been a masterplan in place for the whole of Whiteditch Lane, Newport.

- That this application was approved in 2015 and that the position had significantly changed in Whiteditch Lane, Newport during this time. People were now living there, and this had substantially affected usage of the road.

Members discussed:

- Their concerns in being asked to over-turn the conditions imposed by the Planning Inspector and of Members being placed in a no-win situation. The Development Manager confirmed that the conditions failed all tests for validity contained within national policy, was incapable of enforcement and could therefore be removed: and the substantive application is a major application.
- The fact of any possible appeal costs were not relevant to the determination of this application
- The fact that the developments had yet to commence and that the case had been approved in 2015, when circumstances had been much different.
- Whether further discussions should take place with Essex CC Highways to seek resolution.
- The possible problems identifying who had specifically caused any damage to the public highway, given that the developer would not have sole access thereto and was not in control thereof.
- Whether a precedent was being set if the officers' recommendation was followed. The Development Manager said that UDC officers could assist Essex CC Highways in monitoring the public highway.

Councillor Loughlin proposed that the application be deferred to enable further discussions to take place with Essex CC Highways. This was seconded by Councillor LeCount. The motion was lost.

Councillor Pavitt proposed that conditions 6 and 7 be removed, subject to the conditions set out at section 17 of the report. This was seconded by Councillor Lemon.

RESOLVED that the Director of Planning be authorised to approve the removal of conditions 6 and 7, subject to the conditions set out at section 17 of this report.

PC189 UTT/22/1486/DFO - 22 TYE GREEN, MAPLE LANE, WIMBISH

The Planning Officer presented an application following outline application UTT/21/1855/OP for the erection of one dwelling - details of access, appearance, layout, landscaping and scale.

He recommended that the Director Planning be authorised to grant planning permission for the development subject to the conditions set out in section 17 of this report and an additional condition detailed on the Late List.

Officers responded to questions from Members in respect of:

- The building being two storey and in keeping with other properties nearby.
- That this was an application made by the Council.

- Justification for building a four-bedroom property, rather than three bedrooms or even two properties.
- The possibility of having one window as frosted at first-floor level on the west elevation.
- Driveway parking provision for three vehicles meeting the appropriate standards.

Members discussed:

- Electrical charging points.
- The possibility of the construction being heat pump ready when built.
- Water efficiency measures.
- The possibility of building two semi-detached properties instead of one. The Planning Officer said that this could be challenging in respect of the triangular shape of the plot and the amenity space available.
- The general need for the Housing Team to liaise with Parish Councils moving forward.
- The possibility of a frosted, non-opening window being utilised (west facing window of bedroom 1).
- The possibility of the property being built to passive home standards.

The Development Manager said that this could all be discussed with the Housing Team. He suggested that a condition be included that ensured that renewable energy and water efficiency measures be submitted.

Councillor LeCount proposed that planning permission be granted, subject to the conditions set out in section 17 of the report and the additional condition detailed on the Late List and that a sealed frosted window be utilised and that renewable energy and water efficiency measures be taken forward with the applicant.

This was seconded by Councillor Pavitt.

RESOLVED that the Director of Planning be authorised to grant planning permission for the development, as per the proposal above.

Councillor M Young (Wimbish PC) expressed concern about the size of the property and whether two smaller properties could be built instead and also that consideration be given of building to passive house standards.

Prior to closing the meeting, the Development Manager announced for transparency reasons that a recent Proposed Certificate of Lawfulness (CLP) application from the Chair of the Planning Committee reference UTT/22/1138/CLP had been approved.

The meeting ended at 12.55 pm.