

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY 31
AUGUST 2022 at 10.00 am**

- Present: Councillor S Merifield (Chair)
Councillors G Bagnall, J Emanuel, R Freeman, M Lemon,
J Loughlin, R Pavitt and M Sutton
- Officers in attendance: N Brown (Development Manager), C Gibson (Democratic Services Officer), D Hermitage (Director of Planning), M Jones (Senior Planning Officer), A Lindsell (Democratic Services Officer), N Makwana (Planning Officer), M Shoemith (Development Management Team Leader), E Smith (Solicitor), Trevillian (Principal Planning Officer) and C Tyler (Senior Planning Officer)
- Public Speakers: P Gadd (Town Councillor), C Gatland (Applicant), S Metson (Agent), S Gill (Clavering Parish Council Chair) and S Bampton (Agent)
- Virtual attendees: C Edwards (Democratic Services Officer), R Freeman (Felsted Parish Council Chair) and K Wilkinson (Strategic Development Engineer- Essex Highways)

PC190 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Fairhurst and LeCount.

Councillor Freeman declared a non-pecuniary interest in agenda item 14 as a local resident and member of Saffron Walden Town Council.

Councillor Merifield declared a non-pecuniary interest in agenda items 10 and 11 as a local resident and Member of Felsted Parish Council.

Councillor Caton confirmed that he was substituting for Councillor Fairhurst.

PC191 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 3 August 2022 were approved as accurate.

PC192 SPEED AND QUALITY REPORT

The Development Manager introduced the Speed and Quality Report.

The report was noted.

PC193 **QUALITY OF MAJOR APPLICATIONS REPORT**

The Development Manager introduced the Quality of Major Applications report.

The report was noted.

Councillor Emanuel requested the updated figures for April to June 2022. The Development Manager agreed to update the figures.

PC194 **S62A APPLICATIONS**

The Development Manager introduced the S62A Applications report that detailed six applications which had been submitted direct to the Planning Inspectorate.

The report was noted.

PC195 **S62A/22/0006 (UTT/22/2046/PINS) - LAND AT BERDEN HALL FARM, DEWES GREEN ROAD, BERDEN**

The Planning Officer presented an application for the development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.

The report was in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination, with the Council having the status of statutory consultee.

The report recommended that PINS approve the application subject to completion of a S106 Obligation Agreement in accordance with Heads of Terms and Conditions as set out in Section 15 of the report.

The Planning Officer responded to questions from Members in respect of:

- The location of the lithium batteries
- Hard and soft landscaping conditions

Members discussed:

- What the Crump is and where it was located
- Whether they could influence the colour of the convertor unit boxes
- Whether the land was best and valuable farmland and what evidence there was regarding the condition the land would be in in forty years
- Whether all the consultee responses had been seen before the assessment was made
- Whether it was appropriate to expect Officers to make recommendations when they had not had the opportunity to see all the consultee responses
- The need to provide the hectareage of approved solar farms in the district to the Planning Inspectorate
- The need to highlight any issues within the application to the Planning Inspectorate and make conditioning recommendations

- The need for decommissioning guidance to assist Members in decision making in the absence of national guidance
- The huge impact of the proposal which would essentially join up the two small villages and their rural landscape
- The cumulative impact of the current sub-station and the solar farm
- The need for heritage consultation
- The ENV15 within the National Planning Policy Framework which details small renewable energy proposals
- Recent DEFRA guidance which stated that best and most valuable land did not have to be given over to renewable energy proposals.
- The need to list concerns raised by Members to the Planning Inspectorate and suggest conditions if the Planning Inspectorate was minded to approve the application.

The Development Manager said:

- The agricultural land would degrade if left to fallow for forty years.
- The screening opinion was not considered initially necessary as a result of the information available at the time, and that the Planning Inspectorate carried out the consultation not the District Council.
- The process had been carried out correctly and that decommissioning could be covered by conditioning, although they would be pushing for a S106 as part of their comments to the Planning Inspectorate.

Members discussed the need for a letter to be submitted to the Planning Inspectorate listing the objections by 5 September 2022. The Development Manager agreed that the letter, once agreed with the Chair would accompany the Officer's report.

Members agreed the list of concerns should include:

- Grave concerns based on policies E4, ENV5, ENV15, S7 and GEN2.
- Loss of best and versatile agricultural land
- Impact on footpaths
- Concerns about decommissioning, which needed to be under the District Council control
- Protection of the eleven heritage assets and scheduled monument close to the site
- The need for archaeological evidence to be preserved
- Impact on the landscape, although it was acknowledged that it was positive that a landscape impact assessment had been requested
- Acknowledgement of the Parish Council concerns about screening, noise and traffic
- Existence of electrical infrastructure not being a reason to justify further harm to the landscape
- The lack of consideration of other sites by the applicant
- DEFRA and NCLHG recent guidance was clear that there was no obligation to sacrifice best and most versatile agricultural land
- Uttlesford had already made a significant contribution to renewable energy and are already exceeding their need and delivery requirements
- Members welcomed the Inspectors decision to request an environmental statement.

- The concerns raised outweigh the benefits of the proposed green energy provision in this location.
- If the Planning Inspectorate were minded to approve the application, in addition to conditions recommended by Officers, Members would require a bond within the financial arrangements.
- They would additionally request:
 - Mature trees
 - maintenance continuous for the length of the solar farm as part of the S106 process
 - the implementation of a management plan
 - evergreen hedging to be used for the screening
 - batteries to be located so accessible for the emergency services

Councillor Bagnall proposed that Members object to the application and submit comments captured in the form of a letter to the Planning Inspectorate to accompany the Officer`s report.

Councillor Freeman seconded the proposal.

Councillor Loughlin called for a recorded vote.

The Solicitor undertook a recorded vote:

RESOLVED to object to the application and to submit a letter to the Planning Inspectorate detailing the concerns raised by Members.

Councillor:	Chair nomination:
Bagnall	For
Caton	For
Emanuel	For
Freeman	For
Lemon	For
Loughlin	For
Merifield	For
Pavitt	For
Sutton	For

The result was declared unanimous.

The meeting adjourned at 11.26am for a comfort break and reconvened at 11.37am.

PC196 UTT/21/3596/OP - MOORS FARM, STATION ROAD, LITTLE DUNMOW

The Principal Planning Officer presented an outline planning application (with all matters reserved except for means of access from Station Road) for residential development of up to 160 dwellings, a countryside park, up to 100sqm of office hub floorspace, sustainable urban drainage system and associated infrastructure.

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

Officers responded to questions from Members in respect of:

- Concerns raised in regard to the revised landscaping scheme. The Principal Planning Officer said that more buffering had been introduced and additional landscaping had been enhanced on the northern boundary. He said that he didn't necessarily think that there would be coalescence
- Anglian Water have confirmed that there was currently no capacity but that they would work with the developer to accommodate it at a future date. A Grampian condition could be introduced with agreement at reserved matters stage
- There is currently a 3.52 year land supply, which was reviewed in March/April each year

The Development Manager confirmed that Anglian Water's obligations would be resolved at the reserve matters stage, not at this outline planning stage.

Members discussed:

- Discrepancies in the Anglian Water report regarding sewerage capacity
- The suggested replacement of the established tree that would be removed with two mature trees
- The need for Anglian Water to increase their capacity and evidence that they were not increasing the phosphorus overload into the rivers
- Loss of agricultural land
- Impact on heritage assets and the Flitch Way
- Impact on the sewerage system
- The 4000 approved houses that were not currently built that were not taken into consideration in the land supply
- Concerns about coalescence and urban sprawl
- Concerns over the redesigned access into the development
- The impact of the location of the parish boundary on the location of the proposed development
- Concerns about infrastructure in relation to doctors' surgeries, schools, travel and shops
- Easy access on foot to Little Flitch facilities
- The inclusion of the country park and orchard were supported
- Concerns were raised regarding the lack of control regarding other authorities and their reliability to deliver requirements

The Development Manager said that condition five and six had been agreed with the developer and locked down the design guide and fundamental principles. He said that the buffering reduced the coalescence.

He said that the financial contributions would be resolved at the reserve matters stage.

Councillor Caton proposed that Members accept the Officers recommendation and conditions as set out. This was seconded by Councillor Emanuel.

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

The meeting was adjourned for lunch at 12:40 and reconvened at 13:30.

PC197 UTT/22/1598/DOV- LAND NORTH OF SHIRE HILL FARM, SAFFRON WALDEN

The Principal Planning Officer drew Members attention to the late representation received from the Town Council which requested that moderate weight was given to the Saffron Walden Neighbourhood Plan as it was two weeks from referendum.

He presented a request for variation of 106 agreement made pursuant to section 106 of the 1990 Act dated 13th July 2020 and made between (1) UDC (2) ECC (3) Gordon Carl Kenmure Roberts, John Anthony Shippey, Lucinda Burnett, William Gustav Robert Engelmann and (4) Dianthus Land Limited in relation to UTT/17/2832/OP.

He recommended that the Director of Planning be authorised to grant permission for the variation to the Section 106 Legal Agreement attached to application reference UTT/17/2832/OP.

The Essex Highways Strategic Development Engineer responded to questions from Members and said that:

- Essex Highways were responsible for the provision of the link from the residential area. The County Council would give the contract to build the school at the same time on parish land
- She said that the spine road has a cycle way all the way along it
- The obligation in the S106 was linked specifically to the school being provided

Members discussed:

- The lack of provision of cycle paths in Saffron Walden
- The lack of evidence of the school being built in the near future
- If the school was not built then the cycle path would not be built
- Whether the deed of variation was viable
- That the 80% completion should be reduced to 50% completion

Councillor Freeman suggested that the proposal should be refused.

The Development Manager said:

- He said that the S106 had to be changed
- The deed of variation was required to achieve the link road
- There was an error in the drafting S106, which was resolvable
- The developer needed to sign the deed of variation

The Development Manager Team Leader said:

- The developer would not execute the work but was making a financial contribution to the County Council who would provide the path when they build the school.
- The actual spine road would have sufficient foot and cycle paths through all three sites.
- The cycleway would go from Thaxted Road to Radwinter Road.
- The cycleway would be on the Town Council's land.
- The triggers enabled the developer to be in possession of sufficient funds to continue to execute the road works and join with the adjacent site

The meeting was adjourned at 14:23 and reconvened at 14:35.

The Development Manager said:

- The trigger through the byway site was outside the control of the developer.
- The developer was accepting it had to deliver all of the link way up to the byway into the Bellway estate , within the 50% build as specified in the S106.
- The developer could not undertake the work until the County Council had completed their obligation.
- The developer was putting right a situation that was not of their making.
- The drafting of the S106 was the problem as a piece of land was missing from it.
- Because the developer had been proactive they had been enabled to agree a way forward with the County Council.

The Essex Highways Strategic Development Engineer confirmed they have been very active working with the developer and the District Council, and that it would be delivered through a S278 agreement. They have already undertaken conversations with Bellway, who were completely on board and want the road completed. She said that everyone wanted the road to be put in place in the most cost-effective manner.

Councillor Emanuel proposed approval of the recommendation with the DOV triggers unchanged, apart from the bit across the bridleway which would be delivered within the 80% build. This was seconded by Councillor Merifield.

RESOLVED that the Director of Planning be authorised to grant permission for the variation to the Section 106 Legal Agreement attached to application reference UTT/17/2832/OP with the specified amendment.

P Gadd (Town Councillor) spoke against the application.

PC198 **UTT/21/3565/DFO - LAND NORTH OF SHIRE HILL FARM, SAFFRON WALDEN**

The Principal Planning Officer brought the following amendments to the conditions to Members attention:

- Condition three now included the most up to date plan

- Condition four was proposed to be removed as it was duplicated and already formed part of the existing S106
- Condition thirteen was proposed to be removed as it was duplicated and already approved under the separate outline application

He said that the condition numbering would be adjusted to accommodate these changes.

He presented an application seeking approval of reserved matters subject to permission UTT/17/2832/OP for up to 100 dwellings, for the following:

- Layout
- Strategic highway masterplan for the spine road
- Scale
- Public open space- Landscaping
- Appearance

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

Officers responded to questions from Members in respect of:

- There was no provision for solar panels on these houses
- There were electrical vehicle charging points on 63% of the homes
- The attenuation point would be in the north-eastern point of the site
- Urban design comments have been received and the developer had made some minor adjustments and included some Essex vernacular. It was not so bad that it would provide reasons for refusal

Members discussed:

- Concerns about the play spaces being located next to the link road
- The ribbon development
- The need for the implementation of a 20mph speed limit
- The need to raise standards

The Development Manager said that it was a difficult site to work with as it was dominated by the link road and that there were no alternative locations for the open spaces.

The Principal Planning Officer said that the public open spaces of the neighbouring sites complemented each other well.

The Development Manager suggested Members could defer rather than refuse the application.

Councillor Bagnall proposed a deferral of the decision subject to further discussions with the Urban Designer and the relocation of the play spaces.

This was seconded by Councillor Freeman.

RESOLVED that the Director of Planning be authorised to defer the decision on this application.

S Gill (Clavering Parish Council Chair) read out P Gadd's (Town Councillor) comments against the application.

C Gatland (Applicant) spoke in support of the application.

The meeting adjourned for a comfort break at 15:33 and reconvened at 15:41.

PC199 UTT/22/1078/DFO - LAND WEST OF BURY FARM, STATION ROAD, FELSTED

The Senior Planning Officer presented a reserved matters application, following approval of UTT/18/2508/OP, for appearance, landscaping layout and scale, for the proposed development of a doctor's surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL.

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

The Chair said;

- One of the Dunmow surgeries was not fit for purpose and was at risk of closure. The Clinical Commissioning Group agreed that as part of the S106 the developer would build the new doctor's surgery that would belong to the Community Trust
- There were not 40% affordable housing as a result of the doctor's surgery
- There were five affordable homes being built

Members discussed how the development showed what could be achieved when developers work with residents.

Councillor Pavitt proposed approval of the application.

This was seconded by Councillor Caton.

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

Due to technical difficulties, the Solicitor read out the statement of R Freeman (Felsted Parish Council Chair) in support of the application.

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

PC200 UTT/22/1080/FUL - LAND WEST OF BURY FARM, STATION ROAD, FELSTED

The Senior Planning Officer presented an application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings.

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

Councillor Emanuel proposed approval of the application.

This was seconded by Councillor Freeman.

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

The Chair noted that R Freeman`s statement read out for the previous agenda item also applied to this application.

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

PC201 **UTT/22/1103/DFO - LAND TO THE WEST OF STORTFORD ROAD, CLAVERING**

The Senior Planning Officer brought the two additional compliance conditions, four and five, which were late list additions, to Member`s attention:

He presented details following outline application UTT/20/2639/OP for the erection of 31 no. dwellings and 38 no. parking spaces - details of appearance, landscaping, layout and scale.

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

Officers responded to questions from Members in respect of:

- A condition, as requested by Committee Members had been added to clarify the number of houses having heat pumps installed
- Only plot 16 was changing the ridge height, it was a bungalow and would now be a short 6.6m high two storey house. It was consistent with the neighbouring property and was on a lower level
- Electrical vehicle charging points was conditioned on the outline planning to each dwelling prior to occupation
- The intention was that all market dwellings would have air source heat pumps and there was a condition in place prior to development and implemented prior to occupation

Members discussed:

- The need to lock down commitment to provision of air source heat pumps and underfloor heating
- The need to future proof properties
- The need for deliveries to be outside of school run times

The Development Manager said that there was a construction management scheme in place.

The applicant said they intended to install air source heat pumps and underfloor heating in all properties, but they have been approached to provide passive housing for some of the dwellings which would be a superior provision.

Councillor Sutton proposed recommendation of the proposal.

This was seconded by Councillor Loughlin.

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

S Gill (Clavering Parish Council Chair) spoke against the application.

S Bampton (Agent) spoke in favour of the application.

Councillor Pavitt left the meeting.

PC202 UTT/22/1020/FUL - CLAYPITS FARM, THAXTED

The Planning Officer presented a Section 73A retrospective application to vary conditions 4 (approved plans) and 5 (vehicular access) attached to UTT/20/0614/OP (approved at appeal APP/C1570/W/21/3269464) - alterations to access.

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

Officers responded to questions from Members and said that following receipt of a holding objection from the Parish Council, although a reason had not been given, no further comment had been submitted.

The Planning Officer said that the requirement for the access move was as a result of a request by Essex Highways.

Councillor Lemon proposed approval of the application.

This was seconded by Councillor Emanuel.

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

PC203 UTT/22/2192/TCA - SAFFRON WALDEN MUSEUM, SAFFRON WALDEN

The Development Manager presented a notification of intent to carry out tree works within a conservation area at Saffron Walden Castle.

He recommended that no objections be raised to the proposed tree works.

Members discussed whether compensatory tree planting elsewhere in Uttlesford would be undertaken.

The Development Manager said that this would be taken forward.

Councillor Emanuel proposed that no objections be raised in response to the proposed tree works.

This was seconded by Councillor Caton.

RESOLVED that the Director of Planning be authorised to approve the proposed tree works.

The meeting ended at 17:05.