

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 14
DECEMBER 2022 at 10.00 am**

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

Officers in attendance: L Ackrill (Principal Planning Officer), N Brown (Development Manager), C Edwards (Democratic Services Officer), C Gibson (Democratic Services Officer), M Jones (Senior Planning Officer), N Makwana (Senior Planning Officer), E Smith (Solicitor), G Tuttle (Development and Flood Risk Officer - Essex CC), C Tyler (Senior Planning Officer) and K Wilkinson (Strategic Development Engineer – Essex CC)

Public Speakers: K Artus, D Barnes, S Butler, Councillor A Fisher, Councillor M Foley, Councillor J Fulcher, M Greenwald, N Greenwald, R Haines, D Macpherson, L Melin, Councillor N Reeve and T Wilson.

PC242 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Bagnall, Fairhurst, Loughlin and Pavitt.

Councillor Sutton declared that she was the Ward Member for Takeley (items 7 and 8).

Councillor Freeman subsequently declared that responsibility for parking was within his portfolio (Item 12).

PC243 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 November 2022 were approved as an accurate record.

PC244 SPEED AND QUALITY REPORT

The Development Manager presented the Speed and Quality Report.

The report was noted.

PC245 QUALITY OF MAJOR APPLICATIONS REPORT

The Development Manager presented the Quality of Major Applications report. In response to a question about the statistics, he said that he would examine the data and respond outside of the meeting.

The report was noted.

PC246 S62A APPLICATIONS

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

In response to a question, the Development Manager confirmed that an aide memoir was currently being 'road tested', with the intention of being rolled out to all Parish Councils.

The report was noted.

PC247 PLANNING ENFORCEMENT TEAM UPDATE

The Development Manager introduced the report that provided an update on work that the Planning Enforcement Team had carried out during the financial year 2022 – 2023 to date. In response to questions, he said that focus had been placed on areas where compliance had been achieved and he explained the situation when enforcement was appealed and then dismissed.

The report was noted.

PC248 S62A/22/0005. UTT/22/1897/PINS - CANFIELD MOAT, HIGH CROSS LANE, LITTLE CANFIELD

The Senior Planning Officer presented a report in relation to a major (full) planning application submitted to PINS for determination. The application sought full planning permission for the erection of 15 dwellings.

The report recommended that observations be submitted to the Planning Inspectorate.

The Senior Planning Officer highlighted a number of issues that had been raised and referred to objections by Essex Highways in respect of GEN1 and Public Rights of Way. He also said that the traditional orchard was not protected from residential development.

In response to various questions from Members, officers said that:

- Essex Highways had responded directly to PINS and a copy of their submission had been requested.
- The speed limit for High Cross Lane West was 60mph.
- Any commuted sums would need to be independently assessed.

- Design images had not been included and there was a moat but it was not historic.

Members discussed:

- Opposition to having commuted sums in lieu of affordable housing. It was recognised that UDC would be responsible for any S106 being put in place.
- The prospect of generating a little island in a field, with no nearby facilities.
- The proposed styles of the dwellings being incongruous and the size of the smaller cottages not meeting standards.
- Amenity space considered to be inadequate.
- The unsustainability of the site.
- The issues relating to the protected orchard.
- Gymnasium facilities only being available to residents.

Members were unanimous in their view that, in addition to the adverse impacts highlighted in the report, the following comments be added and that they would be shared with the Chair before responding directly to PINS:

- The Council noted and supported the Local Highways Objections to this proposal.
- The proposals constituted unsustainable development in an open countryside location. The development would cause harm to the countryside setting contrary to Policy S7 of the ULP.
- The quality of the development as proposed was best described as mediocre and certainly not of the quality to offer any benefits that outweigh the harm. The proposal would not comply with Policy GEN2 of the ULP.
- The Council was disappointed that some of the dwellings failed to adhere to the National Space Standards. Development of this type (which it is claimed is an exclusive gated community) should at least meet the basic levels of living standards.
- The Council was also disappointed that the proposal would not provide onsite affordable housing, not to do so would not provide a properly inclusive development. However, it does accept that in certain circumstances off site contributions can be accepted. Due to the poor quality of this proposal, the Council failed to see the exceptional need for off-site provision. Notwithstanding these objections, should the Inspector entertain this as an option the Council saw no viability reasons that these contributions should in any way be discounted.
- The Council noted that Natural England had identified this as a Traditional Orchard, and the impact of this proposal on this habitat/landscape should be considered in light of paras 179 & 180 of the NPPF. The Council understands that Natural England will respond separately on this matter. The Council supports Natural England on this point.

Having regard to the above, the Planning Committee formally recorded that the Council objected to the proposed development.

The Development Manager presented an outline application with all matters reserved except for access for the erection of up to 90 dwellings, including affordable housing, together with access from B1256 Stortford Road, sustainable drainage scheme with an outfall to the River Roding, green infrastructure including play areas and ancillary infrastructure. He referred to further comments that had been made in respect of biodiversity and the CPZ as well as additional information on the Late List. He said that the application had previously been deferred and had been brought back.

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.

In response to questions from Members, officers clarified:

- Health Authority requirements.
- Odour concerns as highlighted by the Environment Agency, although outside of the control of the developer. This was an enforcement issue for Essex CC.
- CPZ concerns.
- That ecological concerns had been resolved.

Members discussed:

- The apparent lack of CPZ protection.
- Health Authority issues relating to NHS GP surgeries.
- Lack of local amenities that would require car dependency.
- The proposed development being in the wrong place.
- Concerns relating to the Flitch Way enclosures.
- The need to weigh up the benefits and harms in light of no 5-year land supply being in place.
- Odour and noise concerns particularly relating to the refuse tip.
- The proposed £10k contribution to the village hall.
- The benefits of affordable housing and of 90 new dwellings.
- Possible overdevelopment.
- Many of the issues raised by the public speakers and through their statements.

Councillor LeCount proposed that the application be refused on the grounds of S7,S8, ENV2, GEN6, GEN2 and NPPF200.

This proposal was seconded by Councillor Freeman.

RESOLVED that the application be refused in line with the proposal.

Councillor J Fulcher spoke against the proposal and a statement was read out from Councillor G Bagnall against the proposal.

D Barnes (Agent) spoke in support of the application.

The meeting was adjourned for a comfort break between 12.10pm and 12.20pm.

PC250 **UTT/21/1836/OP - LAND TO THE EAST OF WEDOW ROAD, THAXTED**

The Principal Planning Officer presented an outline application with all matters reserved except access, for the development of the site for up to 49 residential dwellings, with vehicle access from Elers Way, associated infrastructure, sustainable drainage, public open space and linkages for pedestrians and cycle routes.

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.

Following on from public speakers and statements being read out. the meeting was adjourned for lunch at 1.15pm and re-convened at 1.50pm.

In response to questions from Members, officers said:

- The weighting that could be given to the Neighbourhood Plan would be considered as moderate.
- A desk top exercise had been undertaken in respect of flood risks, as confirmed by the Development and Flood Risk Officer – Essex CC. She said that water flow would be no more than that which came off the fields at the current time.
- Various site visits had been made, one during the evening peak time, as confirmed by Essex Highways through the Strategic Development Engineer – Essex CC. The access had been examined and she confirmed that Ellers Way was a cul-de-sac. She also summarised what the Essex Design Guide was and what it does.
- The possibility of access through Copthall Lane had not been put forward in the planning application.

Members discussed:

- Construction access and the possibility of utilising Copthall Lane or alternatives.
- The need for a strong Construction Management Plan; important issues included hours of operation and the possibility of prescribing an obstruction as opposed to a gate and to ensure an adequately sized compound for lorries etc.
- The need to have an agreement in place for any damages to existing dwellings and their surrounds to be rectified.
- The need to manage traffic; the Development Manager said that this would be challenging but he was confident that it could be done. He said that penalties could be put in place such as breach of conditions that could impact significantly as reputational damage.
- The possibility of Public Open Space (POS) to be used by the wider community with a S106 to encourage the POS to be adopted by Thaxted PC.
- The private road being adopted.
- Concerns about the generic designs- e.g. orange roofs.
- The use of swales to increase biodiversity.

- The need for a tight Environmental Management Plan.

Councillor Lemon proposed approval of the application subject to those items set out in section 17 of the report along with a Construction Management Plan and an Environmental Management Plan. The Chair would be party to discussions with the developer and UDC officers.

This was seconded by Councillor Freeman.

RESOLVED that the Director of Planning be authorised to grant permission for the development subject to the terms detailed in the proposal above.

Councillor M Foley, T Wilson, D Macpherson, M and N Greenwald and R Haines (on behalf of Thaxted PC) all spoke against the proposed application.

Statements were also read out against the proposal from Councillor M Tayler, T Lant, K Woodhouse and T Mawer.

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

PC251 **UTT/21/3298/FUL - LAND SOUTH OF CANNONS LANE, HATFIELD BROAD OAK**

The Principal Planning Officer presented an application for erection of 30 dwellings with open space, landscaping, access and associated infrastructure.

He recommended that the Director of Planning refuse permission for the development for the reasons set out in section 17 of the report on the basis that the harms outweighed the benefits.

In response to questions from Members, officers said:

- The speed limit rose to 60mph from 30mph outside the village.
- There were no records of any dedication or adoption of ditches in the County terrier.

Members discussed:

- There being no access to the west of the site.
- The request made by the applicant to defer the decision, pending a site visit.
- The linear settlement boundary that jutted out which might be considered for possible refusal under GEN2.
- That there was no longer an objection in place regarding bats.
- That there should not be dependence on Essex Highways as a reason for refusal as views sometimes changed.

Following these discussions, Councillor Emanuel proposed refusal on the grounds of GEN1 and GEN2. This was seconded by Councillor LeCount.

The Development Manager said that the agent was looking to resolve all issues and that Members should consider a site visit. Following this guidance both Councillor Emanuel and Councillor LeCount withdrew their motion.

Councillor Emanuel then proposed deferral, pending a site visit. This was seconded by Councillor Sutton.

RESOLVED that the matter be deferred, pending a site visit.

Councillor N Reeve, K Artus and Councillor A Fisher (Hatfield Broad Oak PC) spoke in support of the recommendation made in the report.

L Melin (Agent) spoke in support of the application.

There was a brief adjournment between 3.30pm and 3.35pm.

PC252 UTT/22/2568/FUL - LAND NORTH OF WATER LANE, STANSTED

The Senior Planning Officer presented a report seeking removal of conditions 5 (pre-commencement condition survey of Water Lane) and 6 (post-completion condition survey of Water Lane) attached to planning permission UTT/16/2865/OP for the erection of up to 10 dwellings.

He recommended that the Director of Planning be authorised to approve the removal of conditions 5 and 6 subject to the re-imposition of all other conditions as set out in section 17 of the report.

In response to questions from Members, officers said:

- The works had commenced but had now ceased and that no survey had been undertaken when it should have been. Conditions 5 and 6 had failed all the tests of paragraph 56 of the NPPF, including being unenforceable and unreasonable.

Members discussed:

- S278 of the Highways Act 1980 which gave powers to the Highways agencies to enforce what happened on the roads in respect of extraordinary traffic.
- The need for Essex Highways and the Development Management team to take forward various issues.
- The need for strong construction management to be in place.

Officers confirmed that various S278 issues generally needed resolving and would be discussed further by UDC and Highways.

Councillor Emanuel proposed the removal of conditions 5 and 6 subject to the re-imposition of all other conditions as set out in section 17 of the report. This was seconded by Councillor LeCount.

RESOLVED that conditions 5 and 6 be removed subject to the re-imposition of all other conditions as set out in section 17 of the report.

The Strategic Development Engineer – Essex CC was thanked for her various contributions to the meeting.

PC253 UTT/22/0579/FUL - FORMER GAS WORKS, MILL LANE, GREAT DUNMOW

The Senior Planning Officer presented an application that sought planning permission to undertake the necessary initial engineering works, aimed at removing the contamination legacy arising from the historic use of the site as a gasworks. The proposals had been put forward voluntarily by the applicant in an effort to return the site into a viable and beneficial commercial use in the future.

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.

Members discussed:

- That this was remediation and that the site needed to be sorted.
- It was not known what the proposed use would be.

The Chair proposed approval of the development, subject to those items set out in section 17 of the report. This proposal 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 ended at 4:05 pm.