

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 22
FEBRUARY 2023 at 10.00 am**

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

Officers in attendance: L Ackrill (Principal Planning Officer), N Brown (Head of
Development Management and Enforcement), C Edwards
(Democratic Services Officer), C Gibson (Democratic Services
Officer), M Jones (Senior Planning Officer), E Smith (Solicitor)
and L Trevillian (Principal Planning Officer)

Public Speakers: Councillor E Oliver, Councillor S Gill (Clavering PC), D Jones. I
Lyne, J Noble, G Stainer, R Thomas and F Woods.

PC279 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Fairhurst.

The Chair declared that she was the Ward Member for Felsted and Stebbing
(item 5).

PC280 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 8 February 2023 were approved as an
accurate record.

**PC281 UTT/22/2052/FUL - SECTOR IV WOODLANDS PARK GREAT DUNMOW,
PARSONAGE DOWNS, GREAT DUNMOW**

The Principal Planning Officer presented a report that sought full planning
permission to revise a scheme approved under outline application
UTT/2507/11/OP with details approved under UTT/13/1663/DFO for the erection
of 28 dwellings (23 open market and 5 social/ affordable 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.

In response to questions from Members, officers:

- Said that information relating to viability assessments was confidential.
- Clarified the location of the affordable housing in relation to the market
housing and confirmed that there had not been a “cluster” policy in 2013.
- Said that possible reasons for deferral could be the density and clustering
issues.

- Confirmed that there was a Registered Social Landlord (RSL) interested provided planning permission was granted.
- Confirmed that the draft S106 included UDC having first option on the designated affordable housing site in the event of another RSL not coming forward
- Said that no more than 65 dwellings could be built until construction of the affordable housing commenced; further market development would be blocked.
- Stated that a further viability assessment could be introduced as a late stage review if needed.

Members discussed:

- A further viability assessment being conducted on the land to be retained by the developer, as to how many of the 118 dwellings could be affordable dwellings.
- The 7 disabled parking spaces and the flats being adaptable.
- The need to look at this application on its own merits as otherwise it was a blocked site.
- The fact that Essex CC Highways had no objections.
- Communal amenities.
- The layout.

Councillor Emanuel proposed that the application be approved

This proposal was seconded by Councillor Pavitt.

RESOLVED that planning permission be granted subject to those items set out in section 17 of the report.

PC282 UTT/22/1508/DOV - SECTOR 4, WOODLANDS PARK, GREAT DUNMOW

The Principal Planning Officer presented a Deed of Variation (DoV) to the Section 106 attached to the Planning Permission UTT/2507/11/OP to reduce the Affordable Housing requirement to 23.7% to dispose of the land required for the Affordable Housing to a registered provider for £1 and to pay an off-site contribution of £46,000 towards the provision of Affordable Housing.

He recommended that the Director of Planning be authorised to grant the variation to the Section 106 Legal Agreement attached to application reference UTT/2507/11/OP.

The Chair asked if there was any additional discussion needed following the previous item.

Councillor Emanuel proposed approval on the basis that in the event of no Registered Social Landlord being identified, that a) UDC would have first refusal and that b) a further viability assessment would be carried out at the 65 houses break point.

Councillor Pavitt seconded the motion.

RESOLVED that the variation to the Section 106 Agreement be authorised in line with the motion.

There was a brief adjournment between 10.50 am and 10.55 am.

PC283 UTT/22/3178/DFO - LAND EAST AND NORTH OF CLIFFORD SMITH DRIVE, FELSTED

The Senior Planning Officer presented an application that provided details following outline application UTT/19/2118/OP for the erection of 41 dwellings with all matters reserved except access along with associated works. The reserved matters to be considered being only appearance, layout, landscaping and scale. The application included discharging conditions 7, 8, 11, 17, 18, 19 and 22. The proposal included 40% affordable housing.

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.

In response to questions from Members, officers said:

- That the play area would be a Public Open Space, and not available for residents only.
- The issue of Anglian Water handling sewage without discharge of phosphates was for future discussion.

Members discussed:

- The reference by the Urban Design Officer to 6-8 parking spaces being over-provision.
- The footpath links encouraging walking.
- The positivity provided by the play area being a Public Open Space.
- The support from the parish.

Councillor Emanuel proposed approval of the application and this was seconded by Councillor Pavitt.

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.

There was an adjournment between 11.05 am and 11.20 am.

The Chair then brought forward the following agenda item as not all speakers had arrived for Agenda Item 6.

PC284 UTT/22/3164/FUL - BROOKLANDS FARM, HIGH STREET, CLAVERING

The Principal Planning Officer presented an application for the installation of solar panels to provide green electricity to Brooklands Farmhouse. The application had been called in by Councillor E Oliver.

Following confirmation from the Applicant the officer confirmed that the power generated by the proposals amount to 16.7 kilowatts and not 16.7 megawatts as stipulated within the committee report.

He recommended that the Director of Planning be authorised to refuse permission for the reasons set out in section 17 of the report and that the harms from the application outweighed the benefits.

In response to questions from Members, officers said:

- The applicant as part of their submission had provided two different models/design of the solar arrays, however, the Applicant had not stipulated to the LPA what their preferred model was and that if permission were to be approved, the Applicant would submit further details as to their preferred preference. The officer advised that both models were virtually identical in respect to their visual appearance and that the only difference between the models was the power that they generated.
- Officers confirmed that the Applicant had not undertaken pre-application advice prior to the submission of the application. It was also confirmed that it was not necessary to take part in community consultation given the scale of the proposals.

Members discussed:

- The initiative to get solar power with high spec panels likely to have a 25 year life-span.
- Where the batteries would be stored.
- Conservation area concerns weighed against climate emergency concerns.
- Views previously expressed by planning inspectors.
- Concerns expressed by Place Services.
- The poor screening arrangements around fencing and hornbeam hedges.
- The possibility of finding a better location for the panels.
- That some pre-application works would have perhaps been on benefit.
- That the property had a large footprint.

Councillor Emanuel said that she thought the proposal for solar panels could be moved outside the conservation area, given the size of the area of land owned by the applicant; she proposed refusal of the application for the reasons set out in section 17 of the report. This proposal was seconded by Councillor Bagnall.

RESOLVED that the Director of Planning be authorised to refuse permission for the reasons set out in section 17 of the report.

Councillor E Oliver and J Noble (Applicant) spoke in support of the application.

UTT/22/1718/FUL - LAND WEST OF COLEHILLS CLOSE, MIDDLE STREET, CLAVERING

The Principal Planning Officer presented a report seeking full planning permission for the erection of 10 dwellings alongside associated works including access, parking and landscaping.

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 all public speakers, the meeting adjourned for lunch at 12.45 pm and reconvened at 1.20 pm.

In response to questions from Members, officers:

- Said the lane was not a protected one but became so west of Middle Street, by the ford.
- Gave possible reasons as to why this location had previously been rejected in the call for sites.
- Explained how displaced flooding had been assessed by the LPA and had been referred to the Environment Agency and SUDs as statutory consultees and that this seeking of expert advice discharged the Planning Authority's duty of care..
- Referred to the Highways requirements in respect of widening the road, with an additional 1 metre for planting.
- Said there had been no provision made for solar panels on the roofs.
- Said that the possibility of flood water from the road going into a basin could be seen as a benefit.

The Agent provided some clarity in respect of flooding mitigation, through dropping ground level to give 66 cubic metres extra storage.

Members discussed:

- The fact that flood mitigation was unlikely to make any difference to road flooding.
- Whether this was an inappropriate place to build, given the elevation, topography and the outlook on the conservation area.
- Possible deferral to enable SUDs to attend a future meeting to provide expert opinion.
- The Conservation Officer's comments not being addressed.
- Heritage considerations, as contained within the advice from Place Services.
- An Evacuation Plan and seeking the views of the Emergency Planning Officer and the Emergency Services for a view on access arrangements.
- Access and road widening issues.
- GEN7, ENV3 and biodiversity concerns.
- A Constraints map.

Councillor Emanuel proposed deferral of the application to consider:

- input from the SUDs team,
- an Evacuation Plan,

- Conservation Area concerns,
- Palettes of materials to chime with Middle Street,
- the Protected Lane, and
- Solar Panels.

This was seconded by Councillor Bagnall.

RESOLVED that the application be deferred in line with the proposed motion.

Councillor E Oliver, F Woods (on behalf of Keep Clavering Rural), G Stainer, I Lyne, R Thomas and Councillor S Gill (Clavering PC) all spoke against the application.

D Jones (Agent) spoke in support.

Before closing the meeting, the Chair paid tribute to Elizabeth Smith (Solicitor), as this was her last meeting at UDC, and thanked her for all her efforts over the years.

The meeting ended at 2.07 pm.