

Committee: Planning

Agenda Item

Date: 6 March 2024

Title: UTT/23/0878/DFO: Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance

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Summary

1. The above planning application was reported to Planning Committee 22 November 2023.
2. Members will recall that Committee resolved to defer the determination of the application for the reasons set out in minutes below:

Members discussed:

- Concerns that this was a gateway development to the village and general dissatisfaction with proposed triple tandem parking arrangements and the overall layout of the development.
- The fact that the proposed housing was imposing and wrong for the village of Debden by reason of its design, scale and layout.
- Concerns about the development feeling too dense, with a lack of appropriate boundary treatments in relation to the existing housing in the area.
- Design concerns, particularly at the edges of the development and that it was considered more of an urban aesthetic development.
- Concerns over the proximity of the flats to the neighbouring properties to the north.
- The clear need to involve the Parish Council and the local community in discussions with the developer.
- The need for a site visit.

Councillor Bagnall proposed deferral of the application, in order to resolve the issues raised during the discussion above. This was seconded by Councillor Sutton.

RESOLVED that the application be deferred, in order to resolve issues raised.

3. It can be confirmed that the applicants have now exercised their right to appeal against non-determination. The appeal has been accepted as a valid appeal and the appellants have opted for the Written Representations method of appeal, but the Planning Inspectorate has the authority to upgrade this to an Informal Hearing or Public Inquiry. The power to determine this application has now been removed from the Council's jurisdiction.
4. In situations where the Local Planning Authority receive appeals against non-determination, it is appropriate for the Local Planning Authority to confirm its

view on the appeal scheme. To minimise criticism for unreasonable behaviour it is imperative that this is done at the earliest stage.

5. It should be clarified at this stage the Committee has two options on this matter. If Committee resolves to support the application, then it would infer that the Council will not defend the appeal other than administratively and through the progressing of the related Section 106. Conversely, if the Committee will not support the proposal, then robust and defensible reasons for not supporting the application should be agreed to inform any defence of the appeal.
6. The original Planning Committee report from the 22 November 2023 is attached. The officers' recommendation remains in support of the application.

It is recommended that Planning Committee support the proposal subject to the Section 106 Obligation (already agreed at outline stage) and conditions recommended within the Officer's report dated 22 November 2023.

For clarification, by agreeing to support the proposal Committee is confirming that the Council will not defend the appeal other than conveying its support for the application. The Council will continue to administer the appeal and progress the Section 106 Obligation with the appellant.

Financial Implications

1. None. There are no costs associated with the recommendation.

Background Papers

Planning Application Reference UTT/23/0878/DFO; Planning Committee Report UTT/23/0878/DFO; submitted documents and drawings by the applicants/appellants; Late list.

Impact

- 1.

Communication/Consultation	None
Community Safety	None
Equalities	None

Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.