

**DEVELOPMENT CONTROL COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 2.00 pm on 21 MAY 2008**

Present:- Councillor E J Godwin – Vice –Chairman in the Chair.
Councillors E C Abrahams, C A Cant, R Clover, J I Loughlin, J E Menell, M Miller, D G Perry, C C Smith and L A Wells.

Officers in attendance:- M Cox, N Ford, R Harborough, K Hollitt, C Oliva and M Ovenden.

DC1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J F Cheetham, C M Dean, C D Down, K L Eden and J Salmon.

Councillor Miller declared a personal interest in application 0184/08/FUL Great Dunmow as he knew one of the neighbours to the site.

Councillor Abrahams and Councillor Godwin declared personal interests in the applications at Hall Farm Great Hallingbury as they knew the applicant.

Councillor Smith declared a personal interest in application 0184/08/FUL Great Dunmow as a member of Great Dunmow Town Council Planning Committee and Councillor Clover declared a personal interest in the same application as a member of Great Dunmow Town Council

DC2 MINUTES

The Minutes of the meeting held on 30 April 2008 were received, confirmed and signed by the Chairman as a correct record.

DC3 STANSTED G2 INFORMAL INTER AUTHORITY MEMBER LIAISON GROUP

The Committee was advised of the joint working arrangements that were being set up to resource the G2 Planning Inquiry. The group would comprise members from Uttlesford District Council, Hertfordshire and Essex County Councils and East Herts District Council. Its main purpose would be as follows

1. To provide a forum to discuss and, where appropriate, develop a shared view on planning issues of common concern relating to the Air Transport White Paper's policy for Stansted Airport and BAA's G2 proposals
2. To consult the member authorities on joint work programmes.
3. To coordinate the representation of the authorities at any planning inquiry.

The full terms of reference were set out in the report

RESOLVED that the terms of reference be approved.

DC4

SCHEDULE OF PLANNING APPLICATIONS**(a) Approvals**

RESOLVED that planning permission and listed building consent be granted for the following development, subject to the conditions, if any, recorded in the officer's report.

0581/08/FUL Henham – 2 replacement dwellings and cart lodges – Shamrock Cottage and Elmic Starr Road for Miss S Hampton.

Subject to the following conditions:

2.1. Time limit for commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

C.3.1. To be implemented in accordance with approved plans

The development/works hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority

C.4.1. Scheme of landscaping to be submitted and agreed

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

[officers to select as appropriate]

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details
- l) (others as may be necessary to be detailed by officer)

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

C.4.2. Implementation of landscaping

All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

C.5.1. Samples of materials to be submitted agreed and implemented

No development shall take place until samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings

C.8.35 - Condition for compliance with code level 3 (less than five dwellings)

The development as designed, specified and built shall achieve the equivalent of a 'Code for Sustainable Homes' rating of 'Level 3', namely the dwelling emissions rate (DER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L1A SAP methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SAP rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. The applicant will provide a SAP rating of the as-built

development and details of water saving and other environmental features incorporated once the development within four weeks following its completion.
 REASON: In the interests of the promotion of sustainable forms of development and construction

C.8.27.A.Surface water disposal arrangements

Prior to the commencement of development details of the surface water disposal arrangements shall be submitted to and approved in writing by the local planning authority. These should encompass sustainable principles in accordance with the Building Regulations Part H and arrangements for their ongoing maintenance. The drainage shall be constructed as approved prior to the construction of any building on the site and maintained in the same condition thereafter.

REASON: To control the risk of flooding to the development and adjoining land.

C.8.30.Provision of bin storage

Prior to the commencement of the development hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

C.23.1 Demolition of existing dwelling

The existing dwelling shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the completion of the replacement dwelling hereby permitted.

REASON:

- a) To avoid over-development of the site. OR
- b) The site lies within an area where permission for new dwellings is not normally granted and the local planning authority would not be prepared to permit a second dwelling in this location.

C.28.2.Accessibility – further submission

Prior to the commencement of the development hereby permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all.

And additional conditions relating to wheel washing, hours of work and submission of details of hard surfacing.

John Ready spoke in support of the application.

(b) Refusals

RESOLVED that the following applications be refused for the reasons set out in the officers report

0184/08/FUL Great Dunmow – 8 residential flats and associated car parking – Harmans Yard, New Street for Sabre Construction Ltd

Reasons: Dangerous access, poor visibility, too many units, out of keeping with conservation area and historic Dunmow, height of building near to Standrums, position of block side on to footpath, obscure glazing in the sitting room, no private amenity space

Debbie Hasler spoke against the application. Robert Pomery spoke in support of the application.

0535/08/FUL & 0806/08/LB Great Hallingbury – (1&2) change of use and conversion from agricultural barns to B1 (office/light industry) & B8 (storage and distribution) uses – Hall Farm, Church Road for A C & J Streeter.

With the omission of reasons for refusal 1 and 2 relating to whether the buildings are capable of conversion and the need for an owl and bat survey.

Lucy Back spoke in support of the application.

0532/08/FUL& 0533/08/LB Great Hallingbury -1)&2) conversion of building to live/work unit and erection of 3 further units – Hall Farm, Church Road for A C & J Streeter and Sons.

With the omission of reasons for refusal, part of 1 and 4 relating to whether the buildings are capable of conversion and the need for an owl and bat survey.

Lucy Back and Martin Mugele spoke in support of the application.

(c) Planning Agreements

0338/08/FUL Little Canfield – Demolition of existing dwelling, erection of 7 terraced dwellings with parking, new vehicular and pedestrian access – 8 Hamilton Road for Thomas construction.

RESOLVED that the Director of Development, in consultation with the Chairman of the Committee, be authorised to approve the above application, subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure contributions to social amenity and infrastructure requirements in accordance with the Takeley/Little Canfield Supplementary Planning

Guidance and to link the site with the larger development, preventing its development in isolation.

1) 0643/08/FUL & 0647/08/FUL Saffron Walden – 1) first floor extension 2) first floor front extension – 82 & 80 Cromwell Road for Mr and Mrs R Start.

RESOLVED that the Director of Development, in consultation with the Chairman of the Committee, be authorised to approve the above application, subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the work in connection with the erection of the extensions shall be begun, carried out and completed simultaneously.

DC4

UTT/1403/07/FUL LITTLE CHESTERFORD MANOR SECTION 106 AGREEMENT

On 7 November 2007 the Committee had granted planning permission for this site subject to a legal agreement preventing the open storage of any material, machinery, equipment or chattels of any kind, or the parking of vehicles, in the area of land north of the existing outbuildings. The applicant considered that this wording was too restrictive and would prevent day-to-day use of the land and suggested an alternative wording “there will be no open storage of building materials, machinery or equipment or the parking of motor vehicles other than on a temporary basis...”

It was clarified that temporary in this context would mean 28 days per year. A question was asked whether the reference to motor vehicles could apply only to those vehicles that were owned by the occupiers of the property. The legal officer explained that the agreement had to be reasonable and enforceable and this suggestion would be too restrictive.

John Ready spoke as the agent of the applicant and questioned the accuracy of the plan that had been included in the order. He was advised that it had been prepared in conjunction with planning services and officers were satisfied that it was appropriate.

The Committee considered that the objective of the legal agreement would not be affected by the amended wording and it was

RESOLVED that the wording of the proposed S106 Agreement associated with planning application UTT/1403/07/FUL be amended as follows.

“there will be no open storage of building materials, machinery or equipment or the parking of motor vehicles other than for 28 days in a twelve month period”

DC5

LAND AT DUCK STREET WENDENS AMBO

An outline application (UTT/1303/06/OP) was refused on this site in September 2006 and an appeal was dismissed. As part of the process the applicant had submitted a Unilateral Undertaking offering to give land to the

rear of the planning application site to the District Council as open space, with an endowment of £10,000 and despite the refusal of the application this was still a valid planning obligation. The land could still be accepted either by the District Council for itself or on behalf of the Parish Council for immediate transfer of ownership. Wendens Ambo Parish Council had expressed a wish to accept this land to use as an informal wildlife area. The District Council would require the Parish Council to complete an agreement under seal to accept the transfer of the land from UDC before the District Council accepted the land from the landowner.

RESOLVED that the Unilateral Undertaking relating to this land is accepted by the District Council, and the land transferred to the Wendens Ambo Parish Council with the additional condition that there should be no building on this site in the future.

DC6

APPEAL DECISIONS

The Committee noted the following appeal decisions which had been received since the last meeting.

LOCATION	DESCRIPTION	APPEAL DECISION & DATE	SUMMARY OF DECISION
Site at Maranello Watch House Green Felsted	Appeal against refusal to grant planning permission for proposed extension to the kitchen at the rear of the existing dwelling	28 April 2008 ALLOWED	The Inspector concluded that the proposed extension was relatively modest and complies with policy and the supplementary planning document.
Stocking Green Farm Stocking Green Radwinter Saffron Walden	Appeal against refusal to grant planning permission for re-roof adjoining buildings. Rebuild upper storey of granary/store.	21 April 2008 DISMISSED	The Inspector concluded that the works proposed would be very extensive and represent new development in the countryside. He was not persuaded that there were any mitigating circumstances.
Site adjacent to Longacre Catmere End Saffron Walden	Appeal against refusal to grant planning permission for demolition of the garage and the erection of a dwelling and garage	22 April 2008 DISMISSED	The Inspector concluded that the proposal would result in the erection of a new dwelling in the countryside contrary to adopted policy.