

Committee: Development Control Committee

Agenda Item

Date: 9 March 2011

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Title: Willow Tree Cottage/The Acorns, Broadfield
Road, Takeley

Author: Karen Hollitt, Principal Planning Officer
(01799) 510495

Item for decision

Summary

1. This report seeks authorisation to amend the conditions to be imposed on planning permission UTT/1226/10/FUL following the committee's resolution to approve the application at its meeting on 17 November 2010. The permission has not been issued because the resolution to approve was subject to a S106 Agreement which has not yet been completed.
2. The proposed amendments seek to clarify the requirements of the conditions and to ensure that the conditions are capable of compliance.

Recommendation

That the committee agrees to remove/amend the indicated conditions

Financial Implications

3. None

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Application file: UTT/1226/10/FUL

Impact

Communication/Consultation	There have been discussions with the agent concerning the wording of the conditions.
Community Safety	NA
Equalities	NA
Health and Safety	NA
Human Rights/Legal Implications	NA

Sustainability	NA
Ward-specific impacts	None
Workforce/Workplace	NA

Situation

5. The committee resolved to grant planning permission under reference UTT/1226/10/FUL for the demolition of Willow Tree Cottage and The Acorns along with outbuildings and the redevelopment of the site to provide 10 no. dwellings, garage and access on the site known as Willow Tree Cottage/The Acorns, Broadfield Road, Takeley at the meeting on 13 November 2010. The resolution to grant consent was subject to a Section 106 Agreement that is still in the process of being drawn up. The applicant has been in contact with officers regarding conditions 13, 14, 15 and 19. These queries are as follows.

Condition 13 of the resolution to grant stated:

C.10.11. All construction traffic shall enter and exit the site from a point of access road to be submitted to and approved in writing by the local planning authority before the development commences. Thereafter, the construction access shall be implemented in that form. Upon completion of development works the land shall be reinstated to a condition to be previously agreed in writing by the local planning authority.

REASON: In the interests of highway and pedestrian safety.

6. We have received correspondence from the applicant raising concerns that the requirements of the condition are unclear and that the proposed access point would be from Broadfield Road (North). This access point would serve the development on completion.

Condition 14 stated:

C.10.13. Before development commences (including demolition) wheel cleaning apparatus must be provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety.

Condition 15 stated:

C.10.14. Before development commences vehicular parking for site operatives (including provision for delivery and storage of materials) clear of the public highway shall be provided within the application site in accordance with details to be submitted to and

approved in writing by the local planning authority, and such provision shall be retained and kept available for this purpose during construction of the development.

REASON: In order to prevent indiscriminate parking in the interests of highway safety and residential amenity.

7. It is considered that conditions 13-15 are duplications of the requirement of condition 19. Subject to minor changes indicated below it states:

*C.90B Before development **commences** ~~the provision of~~ suitable access arrangements **shall be provided** from the internal estate road network to the application site in connection with the demolition/construction operations, to include wheel washing facilities, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site. Details **of these arrangements** shall ~~to~~ be submitted to and agreed in writing **by** ~~with~~ the Planning Authority.*

REASON: In the interests of highway safety.

8. This condition is more precise in its requirements and seeks to ensure that access to the site is secured via the internal estate road network, which will eventually be adopted by Essex County Council. It is therefore recommended that conditions 13-15 are deleted.

9. A further amendment is sought to condition 25 (C.90I) which originally stated:

C.90I All access to the site to be served via the internal estate roads of the overall Priors Green development.

REASON: To accord with Uttlesford District Council's Supplementary Planning Guidance to Takeley/Little Canfield Local Policy 3 - Priors Green (The 'Island' Sites).

10. This condition does not reflect that fact that access will need to be taken from Broadfield Road (North). Therefore it is proposed that this condition be amended to read:

All access to the Broadfield Road (North) entrance to the site shall be served via the internal estate roads of the overall Priors Green development.

REASON: To accord with Uttlesford District Council's Supplementary Planning Guidance to Takeley/Little Canfield Local Policy 3 – Priors Green (The 'Island' Sites).

Risk Analysis

1. The following risks have been identified:

Risk	Likelihood	Impact	Mitigating actions
Issuing the decision as originally drafted would perpetuate confusion.	2 - The draft conditions have clear potential to give rise to confusion.	2 - This may result in a refusal to sign the S106 agreement, a revised application or an appeal. None of these would be desirable.	Agree the removal of conditions from the decision

- 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.

Appendix one:

Extract from committee minutes – 17 November 2010

c) Planning agreement

1226/10/FUL Takeley – demolition of Willow Tree Cottage and the Acorns along with outbuildings and redevelopment to provide 10 dwellings, garage and access – Willow Tree Cottage/the acorns, Broadfield Road for Mr Oliver Hookway.

RESOLVED that the Director of Public Services, in consultation with the Chairman of the Committee, be authorised to approve the above application, subject to the conditions set out in the officers report and the amended conditions below

- i) condition 14 to relate to the retention of trees
- ii) An additional Grampian condition to stop development of the residential site before junction improvements had been finished to the base course and the completion of an agreement under Section 106 of the Town and Country Planning Act requiring financial contributions for island sites.

Appendix two:

Copy of report to Development Control Committee 17 November 2010