

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2.00 pm on 8 FEBRUARY 2012**

Present:- Councillor J Cheetham – Chairman.
Councillors C Cant, R Eastham, K Eden, E Godwin, E Hicks, J Loughlin, K Mackman, J Menell, D Perry, V Ranger and J Salmon.

Officers in attendance:- N Brown (Development Manager); K Benjafield (Senior Planning Officer), M Cox (Democratic Services Officer), C Oliva (Solicitor), A Taylor (Assistant Director Planning and Building Control) and C Theobald (Planning Officer).

PC51

APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Davey and L Wells.

Councillor Eden declared a prejudicial interest in application 2457/11/FUL Saffron Walden as he lived close to the site. He also declared a personal interest in application 2343/11/FUL Saffron Walden as a member of Saffron Walden Town Council.

Councillor Salmon declared a prejudicial interest in agenda item 6 and 7, trees at Brewery Lane, Stansted as he was a friend of the applicant.

Members declared the following personal interests:-

Councillor Loughlin in items 6 and 7, TPO Brewery Lane Stansted as a member of Stansted Parish Council.

Councillor Ranger in application 2100/11/REN as ward member and application 2427/11/FUL Arkesden as in his capacity as deputy portfolio holder for Stansted he had attended an event as a guest of Hastoe Housing Association.

Councillor Menell in application 2427/11/FUL Arkesden as she knew the landowner and in application 2343/11/LB Saffron Walden as a member of English Heritage.

Councillor Perry in applications 2457/11/FUL, 2343/11/LB and 2440/11/FUL Saffron Walden as a member of Saffron Walden Town Council.

Councillors Eastham in application 2343/11/LB Saffron Walden as a member of English Heritage.

PC52

MINUTES

The Minutes of the meeting held on 11 January 2012 were received, confirmed and signed by the Chairman as a correct record.

PC53

MATTERS ARISING

i) **Minute PC48 – Application 2154/11/FUL Saffron Walden**

The Committee resolved to grant planning permission for this application at the last meeting subject to the preparation of a section 106 agreement by the 1st February 2012. The agreement had been drafted and agreed but the applicants had been unable to get all the required signatures by 1st February, mainly because there were five parties to sign or seal and one of the signatories was a Bank.

The agreement had now been signed or sealed by all the parties but because the agreement was received after 1st February Legal Services no longer had authority to seal the agreement and the Assistant Director of Planning and Building Control did not have the authority to issue the decision notice. This authority was sought from the Committee.

RESOLVED that the Assistant Director of Planning and Building Control be authorised to issue the decision notice for application
UTT/2154/11/FUL Saffron Walden

PC54

PLANNING APPLICATIONS

(a) Approvals

RESOLVED that the following applications be approved.

2329/11/FUL Hatfield Broad Oak – single storey extension to existing farm office for use as consulting rooms and office for physiotherapy business – Town Farm, Old Street Hill for Mrs N Robinson.

Subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details and to ensure that the development is carried out with the minimum harm to the local environment in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. Before development commences full details of both hard and soft landscape works shall be 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:-

- a) proposed finished levels
- 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

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 in accordance with Policies GEN2, GEN7, GEN8, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. 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 in the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise first agreed in writing by the local planning authority.

Subsequently, the external surfaces 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 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. The area set aside for staff and visitor parking for the development hereby permitted shall be laid out and surfaced in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the building is first occupied and shall be retained permanently thereafter for such parking and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety and to ensure an adequate level of parking in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

7. The development hereby permitted shall be used for Class XV purposes only and for no other purposes within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

REASON: To ensure the development is compatible with the character of the surrounding rural area and in the interests of parking and highway safety in accordance with Policies S7, GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

Nicky Robinson spoke in support of the application.

(b) Planning Agreements

2427/11/FUL Arkesden - erection of 4 affordable dwellings, creation of new vehicular and pedestrian access – site adjacent to Crathie, Hampit Road, Arkesden for Hastoe Housing Association.

RESOLVED that conditional approval be granted for the above application subject to a s106 legal obligation

(1) The applicant be informed that the committee gives delegated powers to the Assistant Director Planning and Building Control in his discretion to refuse planning permission for the reasons set out in paragraph (3) unless by 8 August 2012 the freehold owner(s) enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

- (i) provision of affordable housing
- (ii) pay the Council's reasonable costs

(2) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:

(3) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:

(i) No provision of affordable housing

And subject to the conditions set out in the agenda report and the following additional conditions.

(i) The development shall be implemented in accordance with the slab levels and ridge heights detailed on approved drawing no. 2875.13.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

(ii) Details of external lighting shall be submitted to and approved in writing by the local planning authority before development commences. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and the rural area in accordance with Policies S7, GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005)

And a note to the applicant to encourage further consultation with the parish council and residents regarding landscaping.

Mr Shave spoke against the application. Rod Higgins (parish council) and John Lefever spoke in support of the application.

2100/11/REN Great Dunmow - renewal of application UTT/0776/08/FUL for erection of three storey extension to existing Travel Lodge to provide 38 bedrooms and restaurant – site off Hoblongs Industrial Estate, Chelmsford Road, Great Dunmow for Aldis of Barking Ltd.

RESOLVED that conditional approval be granted for the above application subject to a s106 legal obligation.

(1) The applicant be informed that the committee gives delegated powers to the Assistant Director Planning and Building Control in his discretion to refuse planning permission for the development unless by 8 August 2012 the freehold owner(s) enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

(i) A contribution of TWENTY FIVE THOUSAND NINE HUNDRED AND TWENTY THREE POUNDS (£25,923) divided into

- Contribution A and Contribution B, index linked to the date of the original S106 agreement (see Contribution A and B).
- (ii) Contribution A shall mean the sum of ELEVEN THOUSAND SIX HUNDRED AND ELEVEN POUNDS (“£11,611”) calculated as a contribution pursuant to the Planning Permission relating to the increase in bedrooms from the original planning permission granted under reference No. UTT/1591/01OP for a 90 bedroom hotel pursuant to a Section 106 Agreement dated 10 December 2002
 - (iii) Contribution B shall mean the sum of FOURTEEN THOUSAND THREE HUNDRED AND TWELVE POUNDS (“£14,312”) calculated as a contribution pursuant to the Planning Permission relating to the provision of a restaurant for which planning permission was originally granted under reference No. UTT/1496/04 pursuant to a S106 agreement dated 25 August 2005
 - (iv) Increased or decreased in line with the Department for Business Enterprise and Regulatory Reform Civil Engineering Formulae (1970 based series) published in the Department of Trade and Industry’s Monthly Bulletin of Indices weighted in accordance with Annexure A.
 - (v) The Contribution Works shall mean the investigation and Improvement of capacity and safety at the junction of the B184 Chelmsford Road with the B1256 as the Engineer considers necessary in the vicinity of the Application Site
 - (vi) pay the Council’s reasonable costs

(2) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:

(3) If the applicant/developer/freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse planning permission for the following reasons:

(i) No provision for investigation and improvement of capacity and safety at the junction of the B184 Chelmsford Road with the B1256.

And subject to the conditions set out in the agenda report.

(c) Refusal

RESOLVED that the following applications be refused.

NOTE: The Takeley case was an overturn so the heading above is wrong.

2342/11/FUL Takeley – erection of detached dwelling and alterations to existing vehicular access – Lyric Cottage, Dunmow Road for Mr J Sanderson. Reason: The proposal, by reason of siting, scale, size, massing and design, would result in the erection of a dwelling out of character with the site and surroundings. The proposal would lead to the overdevelopment of the site and

would not provide sufficient private amenity space. The proposal would also have an overbearing impact on the residential amenities of occupiers of neighbouring dwellings. As such the proposal would be contrary to policies S2, H3, H4 and GEN2 of the Uttlesford Local Plan which require development to be compatible with its surroundings and to protect the amenity of neighbouring properties.

2440/11/FUL Saffron Walden – retrospective application for the erection of front boundary wall – 72 Little Walden Road for Mr E Rooney.

Edward Rooney spoke in support of the application.

(d) Deferment

2457/11/FUL Saffron Walden – Removal of conditions 37 and 57 attached to planning consent UTT/0188/10/FUL, Friends School, Mount Pleasant Saffron Walden for Hill Partnerships Ltd.

Reason: to consider additional information and to hold further discussions with Essex County Council regarding highway requirements.

Councillor Eden, having declared a prejudicial interest made a statement and then left the room for the consideration of the application.

Councillor Watson and Dan Starr spoke against the application.

(e) District Council Development

RESOLVED that pursuant to the Town and Country (General) Regulations 1992, permission be granted for the developments proposed subject to the conditions recorded in the agenda report.

2343/11/LB Saffron Walden – replacement windows and doors – 1-26 Walden Place for Uttlesford District Council.

PC55

TREE PRESERVATION ORDER 07/11 BREWERY LANE STANSTED

Councillor Salmon left the meeting for the consideration of this item.

This item had been considered at the last meeting when it had been deferred to enable the committee to visit the site. The updated report to the meeting included details of the tree evaluation undertaken by the Landscape Officer and the ECC TPO's that had previously applied to the site. Members were now asked to consider whether the TPO should be confirmed taking account of the objection from the owner of the property.

Jonathan Rich, the owner of the property, spoke to the meeting. He felt that the trees subject to the TPO should be considered individually as the western most tree in the group was a poor specimen. The findings of the tree evaluation put the tree just within the 'merit TPO category'. He was concerned about the condition of the trees and had sought guidance on how to manage them but did

not wish to be regulated in doing so. He questioned why these particular trees had been singled out when the previous ECC TPO had applied to the whole of Brewery Lane.

Jonathan Rich as a District Councillor then left the meeting for the consideration of this item.

In answer to a Member's question about what the would be done in relation to the condition of the trees, the Landscape Officer said he had suggested that that the trees could be dead wooded, for which no application was required. The owner could also apply for a reduction back to the previous pruning point. The Landscape Officer confirmed that the other trees in the Brewery Lane would be resurveyed in due course. Members commented that these were beautiful trees in a prominent position which enhanced the area.

RESOLVED that the Tree Preservation Order 07/11 be confirmed.

PC56

TREE PRESERVATION ORDER 06/11 MONT HOUSE AND BREWERY LANE STANSTED

The TPO proposed to protect four lime trees at Mont House, High Lane and on the boundary with 27 Brewery Lane Stansted. The owner of 27 Brewery Lane had objected to the order in relation to T3 and T4 which were on the boundary of his property. The trees had previously been protected under an ECC TPO and on resurvey had been considered worthy of protection.

Jonathan Rich, the objector, spoke to the Committee. He said that these trees had scored less highly than the trees on TPO 07/11. He was concerned that during recent development a large proportion (around 30%) of the roots had been cut away and there had been substantial die back and the trees had been dropping material.

Jonathan Rich as a District Councillor then left the meeting for the consideration of this item.

In answer to member's question in relation to the condition of the trees the Landscape officer said that advice had been given by the developer's arboriculturist for small scale works to the trees but the trees had not been rendered unsafe or considered likely to die. The die back would continue to be monitored. Members noted that under the provisions of TPO applications for consent were not required for carrying out works on trees that were dead or dangerous.

RESOLVED that Tree Preservation order 06/11 be confirmed.

PC57

APPLICATION UTT/0400/09/OP AND UTT/0407/09/OP DEVELOPMENT AT LITTLE WALDEN ROAD AND ASHDON ROAD SAFFRON WALDEN

The resolution to grant this application was made on 2 June 2010. The two sites were to be linked and developed in tandem so it was essential that the provisions relating to UDC were set out in a single planning agreement. There had been some delays in completing the agreement due to technical issues but there had then been further delays because Essex County Council had been reluctant to enter into a single agreement for the two applications.

In order to progress this matter it had been suggested that a single section 106 agreement relating to UDC provisions would be completed and a Unilateral Undertaking by the applicants would be provided to cover the obligations relating to ECC. This would require the original resolution for an agreement to be changed to "an obligation under section 106".

Essex County Council had since engaged with the developer and had entered into negotiations on an agreement but it was still considered sensible to amend the resolution to guard against possible future non cooperation.

RESOLVED to change the recommendation for approval for the two linked applications as follows

From "Recommendation: UTT/0400/09/OP and UTT/0407/09/OP approval with conditions and S106 Legal Agreement"

To "Recommendation: UTT/0400/09/OP and UTT/0407/09/OP approval with conditions and S106 Obligation"

PC58

PLANNING AGREEMENTS

The Committee received the schedule of outstanding S106 agreements.

PC59

APPEAL DECISIONS

The Committee noted details of the appeal decisions that had been received since the last meeting.

PC60

URGENT ITEM – UTT/1032/11/FUL: 2 DWELLINGS ON PHASE G FORESTHALL PARK STANSTED

The Chairman agreed to the consideration of this item on the grounds of urgency as a decision was required before the next meeting of the Committee.

The resolution to grant this application was made on 24 August 2011 As the obligations under section 106 agreement was for Community payments and Highway contributions it was agreed that a unilateral undertaking would be acceptable. The undertaking had been prepared and sent to ECC legal for approval in January but there had been a delay in receiving a reply.

The original resolution required there to be a legal agreement, this meant that UDC could not accept the Unilateral undertaking without the agreement of ECC. In order to speed up the process it was suggested that the resolution be changed to 'an obligation under 106' which would allow UDC to accept the Unilateral undertaking provided that all the contributions required by ECC to make the development acceptable were secured.

RESOLVED to change the wording of the recommendation for approval of the application as follows:-

From "Recommendation: UTT/0400/09/OP and UTT/0407/09/OP approval with conditions and S106 Legal Agreement"

To "Recommendation: UTT/0400/09/OP and UTT/0407/09/OP approval with conditions and S106 Obligation"

The meeting ended at 5.40 pm