

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON
ROAD SAFFRON WALDEN at 2.00 pm on 13 FEBRUARY 2013**

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

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

PC46 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

An apology for absence was received from Councillor Salmon

PC47 MINUTES

The Minutes of the meeting held on 16 January 2013 were received,
confirmed and signed by the Chairman as a correct record.

PC48 PLANNING APPLICATIONS

(a) Approvals

RESOLVED that the following applications be approved subject
to the conditions set out in the officer's report.

12/5970/DFO Thaxted – details following outline application
UTT/1562/11/OP for erection of 55 dwellings with approval matters
reserved (access, appearance of layout and scale) – Land off Wedow
Road for Croudace Ltd.

William Brazier (Parish Council) spoke against the application

12/5144/FUL Wicken Bonhunt – erection of new dwelling with car port
– the Brick House for Mr and Mrs William Heard.

Subject to

- i) An amendment to condition 12 – measures to protect badgers.
- ii) Deletion of condition 13.

*Councillor Oliver, Clive Patients and Fabien Bullen spoke against the
application. David Liddicoat spoke in support of the application.*

12/6087/OP Hatfield Heath – outline planning permission for erection of new dwelling and garage, alteration to vehicular and pedestrian access with all matters reserved – Land rear of Bywell, Chelmsford Road for Mr John Layer.

12/6172/REN Little Canfield – renewal of planning application UTT/1264/09/OP for the erection of 4 dwellings and cartlodges with some matters reserved – former Canfield Service Station, New Cambridge House, Dunmow Road for DJR cars.

12/5545/FUL Ugley – retrospective application for entrance wall, piers and gates – Harewood Snakes Lane for Mr Stephen Cramer;

Mick Shutes spoke in support of the application.

(b) Deferment

12/5809/FUL Great Canfield – use of land by local traveler family for the stationing of two static caravans and two trailer caravans (2 pitches) including the construction of hardstanding and provision of associated landscaping – Land north of Bullocks Lane for Mr B Humphreys.

Reason: In order to consider a late representation from ECC Mineral and Waste Planning.

(c) District Council Development

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

13/0092/FUL Stansted – erection of CCTV pole – recreation Ground for Uttlesford District Council.

13/0085/FUL Stansted – erection of CCTV pole – Lower Street Car Park for Uttlesford District Council.

Councillor Loughlin declared that she had voted at the parish Council meeting where these applications had been discussed. She therefore left the meeting for the consideration of these items.

PC49

PLANNING AGREEMENTS

The Council's solicitor presented the report on Section 106 agreements and updated progress with outstanding schemes.

PC50

APPEAL DECISIONS

Members noted the appeal decisions which had been received since the last meeting.

The Assistant Director Planning and Building Control reported the costs that had been settled in respect of two recent appeals. Members asked for future committee reports to state whether the cases had been officer or member recommendations.

Councillor Perry understood that there had been a recent change to the regulations in relation to outline planning applications and asked that the details be circulated to members of the Committee

PC51

UTT/12/5513/OP LAND SOUTH OF STANLEY ROAD AND FOUR ACRES AND WEST OF B184 WALDEN ROAD GREATER CHESTERFORD

Councillor Eastham declared a pecuniary interest as an employee of Bidwells and left the meeting for the consideration of this item.

The resolution to grant application UTT/12/5513/OP had been made on 17 December 2012. Since then negotiations in respect of the section 106 agreement had proceeded but it had not been possible to secure its completion due to concerns raised by the applicant about two of the planning conditions and the obligation in respect of the school site.

Changes were requested to the conditions as follows:-

Condition 2 - be amended to require an application for approval of reserved matters within 2 years (rather than 1 year) and the development to be implemented within 2 years of the approved reserved matters.

Condition 9 (relating to the height of the buildings of the properties bordering the Elms) be omitted and substituted with an informative note recording the Committee's concerns. It was argued that a condition was unnecessary at outline stage, and if an inappropriate design came forward it could be refused at the reserved matters stage.

In relation the Section 106 agreement the Development Manager advised of the following issues:-

- The Section 106 would need to provide for vehicular access to and from Meadow Road by way of an easement over the water course.
- Great Chesterford Parish Council was not a party to the agreement. Although it was the intention at the present time that

Great Chesterford Parish Council would accept the transfer of the school site this should not be presumed.

- Whoever accepted the land would have to comply with the covenants already placed on the land which required that the eastern boundary of the land be fenced with a stock proof fence. There were potential costs estimated at £5,500 to prepare and seed the school site and £500 annually to mow it twice a year or the land could be ploughed twice a year, until it was developed for educational purposes.
- The agreement and the draft transfer stated that the school site must be used as a school site or for community use and cannot be sold for profit.
- The draft transfer provided by the owners' solicitor required the return of land after 15 years if it had not been used for a primary school by then (contrary to the Committees decision at the last meeting). It also provided that the owners might refuse to accept the transfer of the site by UDC/PC which could mean that even if the school was not provided it could remain as an area of land to be maintained.

The Council's Solicitor said that UDC understood the risks and was satisfied with what was proposed.

Councillor Ranger read a statement on behalf of the local member, Councillor Redfern.

She stated that she was disappointed that the amendments had been put forward, particularly as the parish council had been helpful and supportive with the development. She agreed with the amendment to condition 2. However, condition 9 had been attached for good reason - to minimise the impact on neighbouring properties and to address the need for single storey houses in the village. In relation to the Section 106 agreement she would prefer a longer period for the transfer of the land, of say 25 years. She also asked that the words 'non- fee paying' be removed in relation to the proposed pre-school.

Phil Black, representing residents of the Elms, explained that the houses that backed onto the site were all bungalows with windows that faced the site. Taller buildings would result in overlooking and a loss of privacy. This was of great concern to the residents, who felt that if the condition was removed they would be left with planning blight until the reserved matters stage.

Joanna Francis spoke on behalf of the Parish Council. She said that the Parish Council intended to accept the land if it came forward but was concerned about the possible financial implications. In relation to condition 9 there was no obligation on the developer to comply with the informative note. The height restriction condition was therefore required to protect the residents of the Elms. It would be stressful for these

residents until the reserved matters application came forward when they might well have to rehearse the same arguments.

Adam Halford, the agent for Bidwells, explained that the present consent could not be delivered. The amendments were required to secure the appropriate future use of the land. In relation to condition 9 he said that the future developer would need to come back with an appropriate design at the reserved matters stage and there was no extra protection afforded by putting on the condition at this juncture. With regard to the school site he considered that 15 years was ample time period in which to provide this facility.

The Committee discussed the suggested changes. In relation to condition 2, members could see the logic behind extending the timescale and had no objection to this proposal. In relation to the removal of condition 9, there was concern at the two years of insecurity that this would bring to the residents of the Elms. It was noted that the village had been constructive in the application process and had only insisted on the one condition to control the roof heights along the Elms Boundary. It was felt that this restriction should remain.

The Development Manager explained that the request to remove the height condition was about deliverability, and the ability to market the site to a potential developer. The informative should give a clear steer to the applicant and planning officers about what the Committee was expecting in the reserved matters application. He said that the condition could be subject to an appeal, and if so the Inspector would look at the whole scheme and it was possible that other positive elements could be lost. However, if the committee was minded to retain the restriction on height he suggested putting forward a less prescriptive condition.

The Committee accepted the content of the proposed S106 agreement including the deletion of the words 'none fee paying' in relation to the pre school and agreed that 15 years was a reasonable time period to provide a facility on the school site and the provision of an easement over the water course to enable access to the school site from Meadow Road.

Councillor Perry moved the following proposal which was duly seconded

- 1 Condition 2 – to be amended to require an application for approval of reserved matters within two years of the date of outline planning permission, and the development to be implemented within two years of the approval of reserved matters.
- 2 Condition 9 – to be retained as per the resolution at the Committee on 17 December 2012.

- 3 The Section 106 agreement in respect of the provision of a School Site to include an obligation on the part of the council to use its best endeavours to ensure that it is used as the site for a pre school and/or primary school for children living in the locality of Great Chesterford within fifteen years from the date of the transfer of the land. The words 'none fee paying' to be removed in relation to the pre school. The transfer of the land to the council to include provision for it to be conveyed back to the owners if it is not used for a pre-school and/or primary school within 15 years.
- 4 The section 106 provide for vehicular access to land from Meadow Road by way of an easement over the water course.

Councillor Godwin, seconded by Councillor Cant, moved an amendment to recommendation 2 (above) as follow:-

- 2 Condition 9 - The properties directly behind the Elms should be single storey dwellings with no accommodation in the roof space and permitted development rights to be removed.

On being put to the vote the amendment was carried. The substantive motion was put to the vote and it was

RESOLVED that

- 1 Condition 2 to be amended to require an application for approval of reserved matters within two years of the date of outline planning permission, and the development to be implemented within two years of the approval of reserved matters.
- 2 'Condition 9 - The properties directly behind the Elms should be single storey dwellings with no accommodation in the roof space and permitted development rights be removed'
- 3 The Section 106 agreement in respect of the provision of a School Site to include an obligation on the part of the council to use its best endeavours to ensure that it is used as the site for a pre school and/or primary school for children living in the locality of Great Chesterford within fifteen years from the date of the transfer of the land. The words 'none fee paying' to be removed in relation to the pre school. The transfer of the land to the council to include provision for it to be conveyed back to the owners if it is not used for a pre-school and/or primary school within 15 years.
- 4 The section 106 provide for vehicular access to land from Meadow Road by way of an easement over the water course.

The meeting ended at 5.20pm.