

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2.00 pm on 28 AUGUST 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, J Salmon and L Wells.

Officers in attendance: N Brown (Development Manager), M Cox (Democratic Services Officer), K Denmark (Development Manager Team Leader –South), C Mathieson (Senior Planning Officer), M Perry (Assistant Chief Executive - Legal), M Tourvas (Development Manager Team Leader –North), A Taylor (Assistant Director Planning and Building Control), C Theobald (Planning Officer) and S Wellard (Planning Officer).

PC17 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Councillors Cheetham and Salmon declared a pecuniary interest in application 13/1041/FUL Manuden as they knew one of the landowners.

PC18 MINUTES OF THE PREVIOUS MEETINGS

The Minutes of the meetings held on 31 July 2013 were received, confirmed and signed by the Chairman as a correct record.

PC19 PLANNING APPLICATIONS

(a) Approvals

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

13/1456/FUL Stansted – proposed extension to existing showroom to create tyre exhaust and repair facility and additional showroom with office over – 10 Cambridge Road for Geneva Motors.

Subject to the following amendments to conditions

- i) Condition 6 –“the main use as car sales shall at no time be separated or become the dominant use **without** written consent of the Local Planning Authority.
- ii) Condition 9 – the lighting scheme shall be submitted to and approved in writing by the local Planning Authority and **thereafter** implemented in accordance with approved details.

13/1678/FUL Thaxted – demolition of existing bungalow and erection of 6 houses – Artington, Orange Street for Mr S Brook.

Subject to an additional condition in relation to aircraft noise as follows:

Prior to the commencement of development hereby approved, a scheme detailing measures to achieve the reasonable design criteria of BS 8233 during the day and the good design criteria during the night, shall be submitted to and approved in writing with the local planning authority. Construction shall be carried out in accordance with the approved details. REASON: To safeguard the amenity of future occupiers of the site in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

13/1538/FUL Hatfield Broad Oak – application to remove condition C.6.9 on UTT/0766/09/FUL – the stables hereby permitted shall not be used for the purposes of a riding establishment within the meaning of the Riding Establishments Act 1964 or for any type of livery use – Land adj Forest Cottage, Wood Row for J S Garton & Son Ltd.

Subject to the addition of the following words to Condition 4 (reason) ‘in accordance with S7 of the UDC Local Plan adopted in 2005’.

13/1472/FUL Little Sampford - Variation of condition 2 (development to be carried out in accordance with the approved plans) and condition 8 (details of control room and inverter cabinet materials to be approved prior to commencement) on planning permission UTT/12/5601/FUL for a solar park in order to vary the heights, materials and positions of the inverter stations and control room and reduce the number of inverter stations - Land at Spriggs Farm, Thaxted Road for Spriggs Solar Limited.

Mr Walker spoke in support of the application.

13/1958/FUL Saffron Walden – installation of replacement liquid nitrogen tank – SGA Technologies, Shire Hill Industrial Estate, Shire Hill for Mr Christopher Brown, SGA Technologies.

It was clarified that the application had come before the Committee because of an officer interest.

13/1951/REN Newport – renewal of planning permission for the erection of a detached dwelling with associated works previously approved under UTT/1052/10/REN – Land between 161 and 163 Cherry Garden Lane for Frogmore Properties Ltd.

(b) Refusals

RESOLVED that the following applications be refused

13/1126/FUL Stansted – mixed use development comprising 14 dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building including associated garages, car parking and landscaping – rear of Cambridge Road for Land Charter Stansted Ltd.

Reason: The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. This is specifically manifested through the provision of undersized gardens, a failure to provide homes which meet Lifetime Homes Standards and a lack of onsite vehicle parking. The proposed is therefore contrary to Policies GEN2, and GEN8 of the Uttlesford Local Plan (adopted 2005), SPD Accessible Homes and Playspace (adopted November 2005) and the Essex Design Guide (adopted 2005).

Councillor Alan Dean, Catherine Dean (parish council) and Peter Jones spoke against the application. Henrick Darlington spoke in support of the application.

(c) Authority to Assistant Director Planning and Building Control

RESOLVED that the Assistant Director Planning and Building Control in consultation with the Chairman of the Committee be authorised to approve the following application, subject to the conditions set out in the report and a UNILATERAL UNDERTAKING agreeing to adhere to the terms contained within the S106 obligation attached to UTT/0240/12/OP dated September 2012

13/2083/FUL Little Canfield - Variation of condition 2 (Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 12 months from the date of this permission) of planning application UTT/0240/12/OP to extend the time limit to be made not later than 24 months from the date of the outline permission - Stansted Motel and No.2 Hamilton Road, Little Canfield for Dales Developments.

(d) Planning Agreements

13/1779/FUL Little Canfield – Demolition of North View and residential development of 46 dwellings (including affordable housing) and associated works which include access to Dunmow Road, new bridleway to the Fritch Way, playspace, strategic landscaping and parking provision. Revision of UTT/13/0526/FUL – Land at Northview and 3 the Warren, Dunmow Road for Knights Developments Ltd.

RESOLVED that conditional approval be granted for the above application

- 1 subject to the conditions set out in the report and the following additional conditions

- (i) No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted and in accordance with the general principles outlined in this letter, and in the Enhancement Plan (dated August 2013) and, without prejudice to the foregoing, shall include:

- (i) Aims and objectives of mitigation;
- (ii) Extent and location of proposed works;
- (iii) Location of the features to be managed;
- (iv) A description and evaluation of the features to be managed;
- (v) Sources of habitat materials;
- (vi) Timing of the works;
- (vii) Selection of specific techniques and practices for preparing the site and creating/establishing vegetation including the specific seed mix and native species that will be used for planting;
- (viii) Details of the location, height, design and luminance of all fixed lighting for both construction and occupation phases of the development to minimise impacts on foraging bats;
- (ix) Detailed descriptions of biodiversity enhancement measures that will be taken on-site;
- (x) Prescriptions for management actions, both short and long-term;
- (xi) Provisions for the long-term management of the area demonstrating the feasibility of delivery of biodiversity enhancement and long-term management, including details of funding for the management.

The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Adopted Uttlesford Local Plan Policies GEN7 and ENV8.

- (ii) 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 extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission) or freestanding buildings erected on any part of Plots 4, 5, 6, 22, 23, 24, 25 without the prior written permission of the local planning authority.

REASON: The gardens for these plots are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in their size which would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 4th October 2013 of being invited to do so the freehold owner 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 obligation to secure the following:
 - (i) Community payment for education
 - (ii) Provision of 40% affordable housing
 - (iii) Provision and transfer of open space and play equipment
 - (iv) Contribution towards maintenance of open space for 20 years
 - (v) Provision and transfer of bridle way
 - (vi) Pay Councils reasonable costs

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

- (III) 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 community payment for education
 - (ii) No provision of 40% affordable housing
 - (iii) No provision and transfer of open space and play equipment
 - (iv) No contribution towards maintenance of open space for 20 years
 - (v) No provision and transfer of bridle way

- 3 An informative note regarding retaining the Walnut tree near to the LEAP.

13/1518/FUL Takeley – demolition of existing dwelling and outbuildings and erection of 13 dwellings – Chadhurst, Dunmow Road for Go Holdings Ltd

RESOLVED that conditional approval be granted for the above application

- 1 subject to the conditions set out in the report and the deletion of condition 2

- 2 and a legal obligation as follows
 - (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless by 12 September 2013 the owner 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 obligation to secure the following:

- (i) Financial contribution towards primary and secondary education provision
 - (ii) Pay the Council's reasonable costs
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) Lack of education provision

13/1862/FUL Hatfield Heath – variation of condition 7 (requirement for a European Protected Species Mitigation License) on planning permission UTT/12/5349/FUL (erection of 14 dwellings and allotments) in order to review the requirements for a EPSM License and carry out alternative mitigations work – Land at Broomfields for Mr Ivan Butcher.

RESOLVED that conditional approval be granted for the above application subject to the conditions set out in the report and the carry forward of the legal obligation as follows

- (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless by 13 October 2013 the freehold owner 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 obligation to secure the following:
- (i) The provision and retention in perpetuity of all 14 units as affordable dwellings, administered by a Registered Social Landlord.
 - (ii) provision of allotments
 - (iii) pay the Council's reasonable costs
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) No affordable housing
 - (ii) No provision of allotments

UTT/13/1776/FUL Manuden - Variation of condition 2 of planning permission UTT/0692/12/FUL (Community/Sports Hall, car parking and 14no. dwellings) for revisions to plot 3 (3 Langlands) and the addition of three underground storage tanks adjacent to the village hall - Land at the Street, Manuden for Bishops Stortford, Hertfordshire for West Whittle Properties Ltd

RESOLVED that conditional approval be granted for the above application subject to the conditions set out in the report and the carry-forward of the Legal Obligation as follows:-

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph II unless by 27 September 2013 the freehold owner 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 obligation to secure the following:
 - (i) Provision of the 4 affordable housing;
 - (ii) Restriction to prevent market homes without provision of community elements;
 - (iii) Post completion financial assessment and identification of excess funding and its retention for reinvestment in the development (or similar);
 - (iv) Payment towards early years and childcare provision as stated within Essex Developers' Contribution Guidance 2010 after the first £100,000 of profit goes to the New Charity set up to manage the village/sport hall and pitches. Payment contribution towards education to be agreed particularly if the total end profit is below £160,307;
 - (v) Pay Councils reasonable costs
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
 - (i) No provision of the 4 affordable housing;
 - (ii) No restriction to prevent market homes without provision of community elements;
 - (iii) No post completion financial assessment and identification of excess funding and its retention for reinvestment in the development (or similar);
 - (iv) No payment towards early years and childcare provision as stated within Essex Developers' Contribution Guidance 2010 after the first £100,000 of profit goes to the New Charity set up to manage the village/sport hall and pitches. Payment

contribution towards education to be agreed particularly if the total end profit is below £160,307.

Councillors Cheetham and Salmon left the meeting for the consideration of this item.

PC20 **TREE PRESERVATION ORDER 04/13 22 WEST ROAD SAFFRON WALDEN**

The Committee considered an objection to the making of a tree preservation order in the ground of 22 West Road Saffron Walden. The objection was from the adjoining neighbour due to the problems associated with the pine cones dropping from the tree. The Landscape Officer accepted that this might be an annoyance but clarified that was not an actionable nuisance. The TPO was made on the grounds of amenity. It was a prominent feature in the street scene and enhanced the conservation area. Members commented that reasonable work could still be carried out to contain the tree, which should resolve the problems experienced by the neighbour.

RESOLVED that Tree preservation order 04/13 be confirmed without amendment.

PC21 **PLANNING AGREEMENTS**

The Committee noted the outstanding section 106 Agreements. There had been progress in some areas and an updated schedule would be forwarded to Committee members.

PC22 **APPEAL DECISIONS**

The Committee noted the appeal decisions that had been received since the last meeting. Members were pleased to note that the dismissal of the appeal against planning applications UTT/0365/09/OP and UTT/0190/09/FUL at Oakwood Park, Flitch Green. However, this meant that the community facilities had still not been provided and the Council would need to consider the action that could be taken to address this.

The meeting ended at 4.40pm