

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2.00 pm on 23 JULY 2014**

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

Officers in attendance: N Brown (Development Manager), M Cox (Democratic Services Officer), M Perry (Solicitor), M Jones (Planning Officer), M Shoesmith (Development Manager Team Leader) K Mathieson (Senior Planning Officer) and A Taylor (Assistant Director Planning and Building Control).

Councillor Godwin left the meeting after the consideration of item 4.5
Councillor Mackman left the meeting after the consideration of Item 6.

PC15 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Cheetham, J Loughlin and L Wells.

Councillor Ranger declared a non-pecuniary interest in application UTT/14/1445/FUL Barnston as a member of Barnston Parish Council.

PC16 MINUTES OF THE PREVIOUS MEETINGS

The minutes of the meeting held on 26 June 2014 were received, confirmed and signed by the Chairman as a correct record subject to an amendment in relation to Councillor Menell's interest in that it was her grandchildren and not her children who attended the local school.

PC17 PLANNING APPLICATIONS

(a) Approvals

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

UTT/14/0356/DFO Saffron Walden – details following application UTT/1252/12/OP (outline application for the demolition of existing buildings and erection of 24 dwellings) – details of layout, appearance, scale and landscaping – Tudor Works, Debden Road for Croudace Homes Ltd.

UTT/1445/FUL Barnston erection of 2 workshop storage buildings to replace buildings 1 & 2 on extant scheme reference UTT/1667/07/FUL – Mawkinherds Farm, High Easter Road for Anglian Land Drainage.

UTT/1709/FUL Great Chesterford – erection of dwelling with triple detached garage (alternative scheme to that approved under planning permission UTT/1615/12/FUL) – site adjacent to The Delles, Carmen Street for Mr A Redfern.

The Assistant Director Planning and Building Control left the meeting for the consideration of this item.

(b) Refusals

RESOLVED that the following application be refused.

UTT/14/0585/FUL Takeley – erection of 4 terraced houses and 2 detached garages – land west of the White House, Dunmow Road and De Vere Homes Ltd

Reason: The development of this site would result in additional built form in the countryside which would be detrimental to the open and rural character of the surrounding countryside.

The proposed development does not need to take place there and is not appropriate to the rural area. There are no material considerations which would justify the development of this site outside of the Development Limits. The proposal is contrary to advice contained with the National Planning Policy Framework (2012) and to Policies S7 and S8 of the Uttlesford Local Plan (adopted 2005).

Parish Cllr Bagnall spoke against the application.

(c) Deferral

UTT/14/0122/FUL Little Canfield – Demolition and removal of existing buildings and structures. Redevelopment of site to form 15 dwellings, formation of vehicular access, hardstanding etc – Ersamine, Dunmow Road, Little Canfield for Banner Homes and Bush family.

Reason: for further information on the education contribution and the provision of school places.

Mr Bagnall spoke against the application. Neil Cottrell spoke in support of the application.

(c) Planning Agreements

UTT/14/0138/FUL Great Hallingbury – erection of 6 employment units within 3 buildings for B1,B2 and B8 use. Associated access, parking and turning facilities. Removal of spoil from site – land south of Dunmow Road, Great Hallingbury for Warbury Limited.

RESOLVED that conditional approval be granted for the above application subject to the conditions set out in the report and additional

condition to remove permitted development rights and a 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 (III) unless 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 agreement to secure the following:
 - (i) The translocation of reptiles to Stow Maries
 - (ii) Council's reasonable legal costs
 - (iii) Monitoring contribution
- (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 by 30 July 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:
 - (i) The lack of facility to secure the translocation of reptiles to Stow Maries

UTT/14/0749/OP Debden – outline application with all matters reserved for erection of 2 dwellings with associated access and garaging – Land south – west of Wisteria House Debden Green for Mr H Palmer.

RESOLVED that conditional approval be granted for the above ` application subject to the following conditions and a legal agreement to secure a contribution toward affordable housing

- 1) Approval of the details of the layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3) Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4) Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
- viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: 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).

6) The development hereby permitted shall be implemented in accordance with the mitigation recommendations made within the Extended Phase 1 Habitat Survey undertaken by t4 ecology Limited dated June 2014.

REASON: In the interest of the protection of the bio-biodiversity value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

Lucy Carpenter spoke in support of the application

UTT/14/1549/FUL Stansted – erection of 2 semi-detached and 1 detached dwelling with associated access, parking and landscaping – Yuva, 21 Cambridge ROAD FOR Mr Harun Khan.

RESOLVED that conditional approval be granted for the above application subject to the conditions set out in the report and

1. The following amendments to conditions

4. Before development commences details 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 thereafter be implemented in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan adopted 2005.

6. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details of which shall be to be submitted to and approved in writing by the Local Planning Authority, and thereafter the scheme shall be implemented in accordance with the approved details.

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005

2. The following additional conditions

11. 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) 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 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

12. Before the development hereby permitted commences, 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 to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005 and in accordance with Policies GEN1 and GENM2 of the Uttlesford Local Plan (adopted 2005).

3. A 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 (III) unless the freeholder 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) secure contribution towards affordable housing
 - (ii) pay Council's reasonable costs
 - (iii) pay monitoring 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 by 7 August 2014, the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
 - (i) lack of contribution towards affordable housing

PC18

APPLICATION UTT/13/2917/FUL ELSENHAM

Members were reminded that at the meeting on 12 February 2014, application UTT/13/2917/FUL for the redevelopment of the site adjacent to Hailes Wood, Elsenham for 32 dwellings had been approved subject to conditions and a Section 106 Obligation, which had now been sealed.

Since the resolution to approve, there had been various representations to the local authority from third parties related to the decision of Planning Committee and whether certain issues had been properly considered.

The first issue related to the meeting following the deferral and the redesign and alteration of Plot 22 and its relationship to the existing property 59 Hailes Wood. The affordable units were relocated to reduce a cluster of thirteen and two of the units were relocated adjacent to the garden of 59 Hailes Wood.

The second issue related to the impact of the amenity of the existing residents from the increased traffic flow from the proposed units through Hailes Wood.

These two issues had not been explicitly mentioned in the report and it could not therefore be demonstrated whether this point had been considered by members, although officers recollected that it had been discussed. In the light of ongoing comments it was considered appropriate to seek confirmation from members that they had taken these issues into account in making their decision.

Statements were read from Councillors Morson and Parr asking the committee to reconsider its decision on this application.

Robert Bailey spoke to the meeting. In his opinion the committee had not addressed the significant impact on number 59 and the redesign had not been discussed. There was loss of privacy to the rear of the property. He said that with the one point of access through Hailes Wood there would be a loss of amenity, particularly as the properties closely abutted the road. He said the development failed to meet the guidance set out in the Essex Design Guide and asked the committee to recognise the detrimental impact of the development.

The agent, Nicky Parsons, believed that the committee had considered the effect on the property and the access arrangements. She warned against revisiting the principle of the development as this had already been agreed.

Members of the committee said that all aspects of this application had been discussed in detail. Councillors remembered discussing plot 59 being affected at the first meeting and this being addressed when the item came back to the February meeting. The traffic implications had also been assessed. It was also pointed out that the site visit coach had dropped the members off at the turning head of Hailes Wood and members had walked the whole length of the site and so were fully aware of what was proposed.

RESOLVED that the planning permission be issued in accordance with the details previously agreed by the Planning Committee.

APPLICATION UTT/14/0480/FUL ELSENHAM

At the meeting on 9 April 2014 the committee had approved an application at the Elsenham sawmill site, Fullers End Tye, Green Road for redevelopment to provide 5 dwellings subject to conditions and a S106 obligation requiring a financial contribution for affordable housing and the provision of a footpath link.

Network rail had raised an objection because it would lead to an increased use of the crossing. Its aim in respect of this crossing was to reach agreement with all landowners to divert the right of way to the underpass.

The District Council had recommended that the application be refused on the grounds of sustainability as it would encourage the use of an unmanned railway crossing or a remote private access via an underpass under the railway line.

At the meeting the proposal had been supported by local residents, district and parish councillors, partly because of the public benefit gained by the footpath link to the underpass. There had been a lengthy debate and the application had been approved subject to a S106 obligation to be agreed with the Chairman.

The applicant had subsequently submitted a letter querying the need to provide a 'public right of way' and stating his intention to only provide pedestrian access for the occupiers of the development. However, it was explained that the council was not requiring the creation of public right of way, rather a permissive path which would be available for the residents of Tye Green to use.

The applicant, Mr Collins spoke to the meeting. He felt that the requirement to provide this path was disproportionate for the size of the development. There were only 5 houses on this site whereas a new development of 130 houses north of the sawmill site had no such requirement for an alternative means of crossing. The provision of this path would not result in the closure of the crossing as this matter was part of a negotiation between other land owners and network rail.

Mr Purcell addressed the committee and said that the main reason he supported the development was to clear up this unsightly site and the footpath link was a secondary issue.

Members said that the provision of the permissive path had been seen as a public benefit and this was key to the approval of the application. The committee was clear that the intention had been to provide a footpath that was available for use by the public and not just for the residents of the new development.

The Legal Officer said that Network Rail would need to legally divert the footpath to the underpass in order to close the crossing, but the establishment of permissive path would not prevent the right of way being diverted to that route at a later date.

RESOLVED that the application be approved subject to conditions and a S106 Legal Obligation as previously, with clarification that the footpath link would be a permissive path open for use by the public.

PC20 **APPEAL DECISIONS**

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

PC21 **PLANNING AGREEMENTS**

Members noted the schedule of outstanding section 106 agreements.

The meeting ended at 4.45 pm