

# UTTLESFORD DISTRICT COUNCIL

## PLANNING COMMITTEE

### SUPPLEMENTARY LIST OF REPRESENTATIONS

10<sup>th</sup> December 2014

#### **P.25 UTT/14/2591/DFO - Land East Of Braintree Road, Felsted**

##### **Comments from Sustainable Drainage Officer:**

Confirms that he is happy for drainage to be dealt with under condition 8 of the outline permission.

##### **Comments from Agent, Mr. Michael Smith JCN Design:**

The first condition creates a clash with condition 3 on the outline planning permission, leading to two different dates by which the development must begin. Furthermore, with the timing already set by the outline planning permission, the proposed condition isn't required. Conditions 2, 3 and 4 relate to archaeology and repeat conditions 5, 6 and 7 of the outline planning permission, meaning that they aren't needed – **Conditions 1-4 should be deleted**

#### **P.37 UTT/14/2655/FUL - Land South Of Chickney Road, Henham**

**Following dialogue with the Planning Agent for the site the following conditions have been proposed as replacements to those shown in the report.**

3. Prior to occupation of any dwelling, the provision of a primary access as shown in principle on Drawing No. Q660-007, formed at right angles to Chickney Road to include:

- a) minimum 5.8 metre carriageway width with 2 metre wide footway on the south western side
- b) visibility splays with minimum dimensions of 96 metres x 2.4 metres x 88 metres as measured from and alongside the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.

Reason: In the interests of highway safety and providing adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access and in accordance with policy GEN1 of the ULP 2005

4. Prior to occupation of any dwelling, the provision of a secondary access as shown in principle on Drawing No. Q660-007, formed at right angles to Chickney Road to include a 4.1 metre carriageway width with visibility splays with minimum dimensions of 96 metres x 2.4 metres x 88 metres as measured from and alongside the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.

REASON: In the interests of highway safety and providing adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access and in accordance with policy GEN1 of the ULP 2005

5. 1. No development (with the exception of demolition works to facilitate the site investigation) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site, and must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health, the water environment, property (existing or proposed), service lines and pipes, adjoining land and any other receptors identified as relevant.

2. If found to be necessary as a result of part 1, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.

3. The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report demonstrating that the remediation objectives have been achieved must be submitted to and approved by the Local Planning Authority.

4. In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of paragraph 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3.

#### **Revised wording to condition 7**

*The development shall be carried out in accordance with the construction safeguards set out at Section 6 in the Aspect Ecology Assessments dated August 2014 and*

October 2014. The mitigation and enhancement measures as set out in the Assessments shall be the subject of a Biodiversity Management Plan providing for:-

- a. Aims and objectives of biodiversity management for the development
  - b. Proposed management options and actions for achieving the aims and objectives for retention and enhancement of biodiversity in the development
  - c. Preparation of a work schedule to include on-going monitoring and remedial measures and an annual work plan capable of being rolled forward over a five-year period
- Details of the body or organisation responsible for implementation of the plan

The Biodiversity Action Plan shall be submitted to the LPA for agreement in writing within 6 months of the commencement of development and shall be implemented in accordance with the agreed work schedule of the Plan.

## **P.89 UTT/14/3102/FUL - Tudor Works, Debden Road Saffron Walden**

### **Representation letter raising the following point**

The site plan shows an incorrect boundary to Mount Pleasant Cottages, and should be approximately 600mm south of that shown, following the line shown on the plan.

## **P.101 UTT/14/2900/DFO - Hillside and Land to the Rear of Bury Water Lane, Newport**

### **Corrections to Report**

Paragraph 1.1 Should Read "*Outside Development Limits*"

Paragraph 6.4 & 8.1 Should refer to "*Newport Policy 2: Nursery Site, north of Bury Water Lane*"

Further Comments from Agent

Paragraph 7.2 – Parish Council comments – access was a reserved matter. The reserved matter of access is defined in Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

*"access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

It is therefore perfectly legitimate for the reserved matters to include alternative access points for the 5 dwellings. Essex County Council as highway authority has not objected to the proposal, and therefore the comments of the PC are noted but not justified.

Para. 7.2 h) – there seems to be a misapprehension by the PC and Cllr Parry (who referred the applications) that the 5 dwellings may only be built subject to the viability of the care facility. Regardless of what it may say in the draft policy in the emerging Local Plan (Newport 2), outline planning permission has been granted for the 5 market houses. Draft Policy Newport 2 is already out of date: although it refers to a viability appraisal, planning permission was granted without such a requirement. There is no planning condition attached to the outline planning consent that requires any viability assessment, or which links delivery of the 5 market houses to the delivery of the care village. The outline application report to the committee made clear that permission for the 5 houses was granted on the basis of the need for housing, not as enabling development for the care facilities.

However, this is irrelevant, as no development can commence on any part of the site without extensive off-site highway works being undertaken, and this applies to the care village as much as to the 5 houses.

Dealing with the reserved matters for the 5 houses separately from the care facilities is not a matter of 'decoupling' as suggested by the PC, as the 5 units will still be bound by the terms of the S106 and the conditions attached to UTT/13/1871/OP. The brief line at the end of para. 10.14 does not highlight the importance of this factor.

Para 9.1 – the issues raised by residents relate to matters of principle rather than detail, and are not therefore for consideration in reserved matters applications.

### **Conditions**

#### **Delete Conditions, 1, 2, 3 & 5**

## **P.113 UTT/14/2901/DFO - Hillside and Land to the Rear of Bury Water Lane, Newport**

### **Corrections to Report**

Paragraph 1.1 Should Read "*Outside Development Limits*"

Paragraph 6.4 & 8.1 Should refer to "*Newport Policy 2: Nursery Site, north of Bury Water Lane*"

#### **Further Comments from Agent**

Paragraph 7.2 – Parish Council comments – access was a reserved matter. The reserved matter of access is defined in Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

*"access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

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However, this is irrelevant, as no development can commence on any part of the site without extensive off-site highway works being undertaken, and this applies to the care village as much as to the 5 houses.

Dealing with the reserved matters for the 5 houses separately from the care facilities is not a matter of 'decoupling' as suggested by the PC, as the 5 units will still be bound by the terms of the S106 and the conditions attached to UTT/13/1871/OP. The brief line at the end of para. 10.14 does not highlight the importance of this factor.

Para 9.1 – the issues raised by residents relate to matters of principle rather than detail, and are not therefore for consideration in reserved matters applications.

### **Conditions**

#### **Delete Conditions, 1, 2 & 5**

## **P.125 UTT/14/2902/DFO - Hillside and Land to the Rear of Bury Water Lane, Newport**

### **Corrections to Report**

Paragraph 1.1 Should Read “*Outside Development Limits*”

Paragraph 6.4 & 8.1 Should refer to “*Newport Policy 2: Nursery Site, north of Bury Water Lane*”

#### **Further Comments from Agent**

Paragraph 7.2 – Parish Council comments – access was a reserved matter. The reserved matter of access is defined in Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

*“access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

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Para 9.1 – the issues raised by residents relate to matters of principle rather than detail, and are not therefore for consideration in reserved matters applications.

### **Conditions**

#### **Delete Conditions, 1, 2, 3 & 5**

## **P.137 UTT/14/2903/DFO - Hillside and Land to the Rear of Bury Water Lane, Newport**

### **Corrections to Report**

Paragraph 1.1 Should Read "*Outside Development Limits*"

Paragraph 6.4 & 8.1 Should refer to "*Newport Policy 2: Nursery Site, north of Bury Water Lane*"

#### Further Comments from Agent

Paragraph 7.2 – Parish Council comments – access was a reserved matter. The reserved matter of access is defined in Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

*"access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

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Para 9.1 – the issues raised by residents relate to matters of principle rather than detail, and are not therefore for consideration in reserved matters applications.

#### Conditions

#### Delete Conditions, 1, 2, 3 & 5

## **P.149 UTT/14/2904/DFO - Hillside and Land to the Rear of Bury Water Lane, Newport**

### **Corrections to Report**

Paragraph 1.1 Should Read "*Outside Development Limits*"

Paragraph 6.4 & 8.1 Should refer to "*Newport Policy 2: Nursery Site, north of Bury Water Lane*"

#### Further Comments from Agent

Paragraph 7.2 – Parish Council comments – access was a reserved matter. The reserved matter of access is defined in Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

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### **Conditions**

#### **Delete Conditions, 1, 2, 3 & 5**

## **P.161 UTT/14/2862/FUL - 44 Landscape View, Saffron Walden**

### **Amended Committee Report**

1. This amended committee report reflects the updated Planning Practice Guidance announced by the Government on 28 November 2014 in respect of affordable housing contributions (and other tariff based contributions) insofar as they relate to the above planning application due to be considered by the Council’s Planning Committee at its 10 December 2014 Meeting.
2. The altered guidance states amongst other introduced measures that financial contributions towards affordable housing should no longer be sought for residential schemes involving 5 or less dwelling units. The proposed development the subject of this revised application would comprise 3 dwelling units (no change from UTT/13/3206/FUL) and no financial contributions can therefore be requested by the Council for this revised scheme under the new guidance which is now in force.

3. As such, Members should note the officer report for application UTT/14/2862/FUL as currently presented which recommends approval for the proposed revisions to the originally approved housing scheme at this site subject to a S106 legal obligation requiring the freehold owner to secure a financial contribution towards affordable housing. Given the above procedural changes, the revised scheme can no longer be subject to this legal requirement. The list of planning conditions attached to the end of the report recommendation remains intact as a result of these changes.