

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2.00 pm on 10 DECEMBER 2014**

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

Officers in attendance: E Allanah (Senior Planning Officer), M Cox (Democratic Services Officer), N Brown (Development Manager) S Heath (Planning Officer), M Jones (Planning Officer) C Oliva (Solicitor), L Smith- Evans (Planning Officer), A Taylor (Assistant Director Planning and Building Control) and C Theobald (Planning Officer).

PC48 WELCOME

The Chairman welcomed Councillor Lemon, who was attending his first meeting having replaced Councillor Godwin on the Committee.

PC49 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence received.

Councillors Cheetham declared a pecuniary interest in application UTT/14/2739/FUL Great Dunmow as she knew the owner of the land. She also declared a non-pecuniary interest in application UTT/14/2387/FUL as a member of the Trinity church role.

Councillor Salmon declared a non-pecuniary interest in application UTT/14/2133/DFO Stansted as a member of Stansted Parish Council.

Councillor Cant declared a non-pecuniary interest in application UTT/14/2739/FUL Great Dunmow as a member of Stebbing Parish Council.

PC50 MINUTES OF THE PREVIOUS MEETINGS

The minutes of the meeting held on 12 November 2014 were received, confirmed and signed by the Chairman as a correct record.

PC51 BUSINESS ARISING

i) Minute PC 44 (a) Application UTT/2412/HHF Felsted

Councillor Ranger questioned whether the published condition reflected what had been agreed at the meeting. The condition stated that the obscured glazed window in the gable end would be replaced with weather boarding but he thought it had been agreed that the pane on only one side would be replaced.

The Assistant Director Planning and Building Control said this would be investigated and an email response sent to all councillors.

PC52

PLANNING APPLICATIONS

(a) Approvals

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

UTT/14/2133/DFO Stansted – Details following outline application
UTT/13/1959/OP – details of landscaping, scale and appearance – Elms Farm, Church Road for Knights Development and Gemmill Bros Ltd.

Subject to an amendment to condition 2- to remove the provision of the gate feature.

James Brown spoke in support of the application.

UTT/14/2591/DFO Felsted – Details following outline application
UTT/13/0989/OP for the erection of 25 dwellings, play area and related infrastructure with approval for appearance, landscaping, layout and scale – land east of Braintree Road for Mr Michael Smith.

To include an informative note that temporary fencing should be provided during the growing period of the hedge.

Michael Smith spoke in support of the application.

UTT/14/2739/FUL Great Dunmow – installation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras for the life of the solar farm – Tooleys Farm, Brookend Road, Stebbing for Lightsource Renewable Energy Ltd.

The Chairman left the meeting for the consideration of this item

Mr Kirby and Colin Ryan spoke in support of the application.

UTT/14/2900/DFO Newport – Details following outline application
UTT/13/1817/OP – details of access, appearance, Landscaping, layout and scale for the erection of two storey detached residential dwelling (plot 1 the open housing market) – Hillside and land to rear of Bury Water Lane for Mr and Mrs Bampton and Barba.

Subject to

- i) the deletion of conditions 1, 2, 3 & 5
- ii) An additional condition for the provision of Construction Management Plan.

Peter Arscott spoke against the application. Bill Bampton spoke in support of the application

UTT/14/2901/DFO Newport – Details following outline application
UTT/13/1817/OP – details of access, appearance, Landscaping, layout and scale for the erection of two storey detached residential dwelling (plot 2 the open housing market) – Hillside and land to rear of Bury Water Lane for Mr and Mrs Bampton and Barba.

Subject to

- i) The deletion of conditions 1, 2, 3 & 5
- ii) An additional condition for the provision of Construction Management Plan.

Peter Arscott spoke against the application. Bill Bampton spoke in support of the application

UTT/14/2902/DFO Newport – Details following outline application
UTT/13/1817/OP – details of access, appearance, Landscaping, layout and scale for the erection of two storey detached residential dwelling (plot 3 the open housing market) – Hillside and land to rear of Bury Water Lane for Mr and Mrs Bampton and Barba.

Subject to

- i) The deletion of conditions 1, 2, 3 & 5
- ii) An additional condition for the provision of Construction Management Plan.

UTT/14/2903/DFO Newport – Details following outline application
UTT/13/1817/OP – details of access, appearance, Landscaping, layout and scale for the erection of two storey detached residential dwelling (plot 4 the open housing market) – Hillside and land to rear of Bury Water Lane for Mr and Mrs Bampton and Barba.

Subject to

- i) The deletion of conditions 1, 2, 3 & 5
- ii) An additional condition for the provision of Construction Management Plan.

UTT/14/2904/DFO Newport – Details following outline application
UTT/13/1817/OP – details of access, appearance, Landscaping, layout and scale for the erection of two storey detached residential dwelling (plot 5 the open housing market) – Hillside and land to rear of Bury Water Lane for Mr and Mrs Bampton and Barba.

Subject to

- i) The deletion of conditions 1, 2, 3 & 5
- ii) An additional condition for the provision of Construction Management Plan.

UTT/14/2862/FUL Saffron Walden – erection of 3 dwellings, garages, new access road and associated works – revision to planning permission
UTT/13/3206/FUL – 44 Landscape View for Carr Lillywhite Ltd.

*Nick Cain, Gill Shaffer and Amanda Thomas spoke against the application.
Philip Kratz spoke in support of the application.*

UTT/14/3228/HHF Saffron Walden – proposed demolition of existing garage and erection of two storey extension and garage store- 3 Linton Close for Mr and Mrs Leach

(b) Approvals with legal obligations

UTT/14/2655/FUL Henham – Erection of 21 dwellings with associated garages, parking and landscaping with two vehicular accesses to highway – Land south of Chickney Road for Crest Nicholson Eastern.

RESOLVED that conditional approval be granted for the above application subject to the conditions set out in the report 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) 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) Provision of 40% of affordable housing
 - (ii) Wheelchair Accessibility Contribution.
 - (iii) Education Contribution towards primary education and school transport
 - (iv) Open Space contribution for the construction of a LAP in Henham and 20 years maintenance.
 - (v) Pay the Council's reasonable costs.
 - (vi) Pay monitoring charge.
- (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 17 December 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:
 - (i) Lack provision in respect of affordable housing
 - (ii) Wheelchair Accessibility Contribution.
 - (ii) Education Contribution towards primary education and school transport
 - (iii) Open space contribution for the construction of a LAP in Henham, legal costs, monitoring fee and 20 years maintenance.

Andy Butcher (agent) spoke in support of the application.

UTT/14/2387/FUL Takeley – 10 new dwellings plus associated access, parking and landscaping, including alterations to the existing bus stop to the south of the site – Land west of the Chalet, Dunmow Road for Mr Nigel Agg.

RESOLVED that conditional approval be granted for the above application subject to the conditions set out in the report 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) 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) Contribution towards affordable housing on site
- (ii) Education Contributions
- (iii) Provision and ongoing maintenance of landscaping
- (iv) Adjustments to bus stop
- (v) Pay the Council's reasonable costs
- (vi) Pay monitoring charge

(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 17th December 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons

- (i) Lack of contribution to affordable housing
- (ii) Lack of education contribution
- (iii) Lack of provision and ongoing maintenance of landscaping
- (iv) Lack of adjustments to bus stop

*Geoff Vinyard and Carol Pratt (Parish Council) spoke against the application.
Stuart Wilshire spoke in support of the application.*

UTT/14/3102/FUL Saffron Walden - Amendment to scheme approved under UTT/14/0356/DFO (demolition of existing buildings and erection of 24 no. dwellings) - to move plot 15 south and adjoin its single garage to plot 14 making twin garage. To rotate the carport for plots 17 and 19 and locate it on the western boundary and increase in size to accommodate parking from plots 16 & 18. To remove the single garage between plots 17 & 18 and relocate the parking of plots 18 to the relocated carport, and revised locations of plots 1-3 approximately 1.1m southwards towards site access – Tudor Works, Debden Road for Coudace Homes Ltd.

Subject to attaching the 106 obligation which was approved under application UTT/1252/12/OP and which required a contribution of £100,000 towards affordable housing in the district.

PC53 UTT/14/3094/TPO St EDMUNDS LANE GREAT DUNMOW

The Committee considered a request for works to a willow tree at St Edmunds Lane, Great Dunmow, which was protected by a Tree Preservation Order. The works were considered to be acceptable and would not detract from the tree's amenity value.

RESOLVED that consent be granted for the proposed works.

PC54 TREE PRESERVATION ORDER 04/14 THAXTED CHURCHYARD

The committee considered the objections received by the occupier of a neighbouring property and Thaxted Parish Council to the making of a Tree Preservation Order on three lime trees in Thaxted Churchyard.

In answer to the points raised by the objectors, it was considered that the trees made an outstanding visual amenity contribution to the conservation area. It was also noted that although no work to the trees was considered necessary at this time, if the TPO was confirmed consent to carry out work would be determined in the normal manner.

RESOLVED that Tree Preservation Order No. 4/14 be confirmed with the description of the location of the trees on the 1st schedule of the order amended to 'South west corner of the churchyard, St. John The Baptist St. Mary and St. Laurence Church, Thaxted' and the title of the order amended to 'The churchyard, St. John The Baptist St. Mary and St. Laurence Church, Thaxted' and the order map amended to show the group of trees within a broken black line on the map.

PC55 APPEAL DECISIONS

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

PC56 AFFORDABLE HOUSING CONTRIBUTIONS

The Chairman agreed to the consideration of this item on the grounds of urgency

The Committee was informed that the Government had updated its Planning Practice Guidance which altered the guidance on when affordable housing could be requested. This would override any other council guidance, which meant that some alterations would need to be made to resolutions where a

planning application had been granted subject to financial contribution toward affordable housing.

The relevant changes were as follows

- Contributions should not be sought from developments of 10-units or less, and which had a maximum combined gross floorspace of no more than 1000sqm.
- In designated rural areas (all parishes except Gt Dunmow, Saffron Walden, Thaxted) a lower threshold of 5-units or less could be applied, but no affordable housing contributions should then be sought from these developments.
- In a rural area where the lower threshold was applied, affordable financial contributions could be sought from developments of between 6 and 10-units in the form of cash payments which were commuted until after the completion of units within the development.

The Council's development contributions document had been revised to reflect these changes. There was no change required to the Council's policy for developments of over 10 houses.

It terms of retrospective action, it was proposed that in situations where legal obligations had been completed and planning permissions issued but not implemented, the Council would encourage applications to vary/discharge the requirements of these obligations. Where monies had been paid, or units provided under the previous policy, no action would be taken as these development pre-dated the change of published practice.

It was noted that where there had been a delegated decision to grant planning permission, subject to affordable housing contributions, which were no longer applicable, these resolutions would be changed. In cases where this was a Committee decision, the Planning Committee was required to amend the resolution.

The Committee commented that this was a retrograde step for the provision of affordable housing in the district.

RESOLVED to approve the following application subject to the same planning conditions as previously , but without a section 106 Legal Obligation

The meeting ended at 5.40 pm.