

Transcript of Planning Committee meeting on 11 March 2015

CLlr C Before I open this up to members can I just ask a question with regard to the access, is there any wriggle room on that as we heard from the first speaker whether it's moved slightly away from the residents that are there now.

LT I could only imagine at most maybe a foot or two without actually going out there and measuring to see how much room there for it be moved further away from the adjoining neighbours, because you've obviously got a drive in front the proposed dwelling. I wouldn't have perceived too much without measuring.

CLlr C Can I ask then ask our legal officer if we wanted to put in a condition that the entrance is to be discussed between the Highway's committee and I'll use the expression again wriggle room to move slightly over maybe can we do that?

CO I would like to hear what the planners have to say about that as conditions have to be necessary to bring forward the plan

CLlr C Yeah cos it might be necessary to to ?? the plan

NB I think what's been said there is absolutely correct. I think in terms of what's been proposed in terms of the access it's got to be necessary, but in terms of the term wriggle room, we are only talking at most a couple of feet which is to be honest with you is a tolerance that we would normally deal with in terms of the actual scheme itself anyway. So if we ended up with the scheme being approved as it was with the access in that particular location and then once you got on the site there was a situation whereby it could be moved slightly away on site, and we heard from David Wilson homes, that is a couple of three feet away that is literally all we're talking to be honest.

JC A metre is quite a lot

LT Yeah I know it is but that is all that we're talking, I think that type of wriggle room could be tolerated within the scheme because as well don't forget the County Council need to be involved in the section 38 temporary adoption issues

JC I'm asking the question

LT Yeah so I don't think a condition is necessary to be honest I think the type of adjustment could be made at that level to be honest

CLlr C Councillor Menell

CLlr Me Thank you chairman, if you haven't got wriggle room there is not a lot of point in us being here and I'm very concerned about Dr Mott's letter. He's written in great detail and on the yellow pages, fourth paragraph from the bottom he points out as we seem to have always recognise that ECC do table top exercises without actually looking at the area properly and I think he's put forward some very valid points. I don't think Essex County Council have been at all helpful here, so I actually would like to suggest that we defer this application to a new access which he has suggested is looked at thoroughly

CLlr C Can we defer a deferral because I think that there is a certain amount of things we can defer

NB I think we need to get make a decision on this particular application to be quite honest, I think in terms of the precise access that Dr Mott requires he is quite reasonable in some of the things he's said there in terms that we could we maximise the distance away from the property, but we also need to be mindful of the developer situation in terms of what's in front of us. The county council cannot insist that the access be moved further away and from what is actually proposed I'd also question whether or not it's done at a desk top level. The transport stuff that's presented is by professionals acting for the agent and it is tested, and the officer dealing with those particular submissions is aware of the site and would have visited the site and so they would be aware of what's going on. The issue is Highways could not insist on the access being moved, so literally deferring it to try and find the appropriate part of the site, I think that can be sorted out if the application were approved. As once you get to Section 38 it's quite often the access is moved slightly because of various adoption issues. The developers are here and in terms of relationship issues there could be a possibility, I'm not saying there is definitely a possibility, but I don't think it needs to be deferred to sort this out, we really need to get a grasp and make a decision rather than deferring.

Cllr Ea (faint recording) wish to make comments on the application

Cllr Ch I think it I think it would be a good idea to continue the debate do you agree Councillor Menell

Cllr Me I'm happy for you to continue the debate, I don't think the answer I got of course was satisfactory to me. I do think Dr Mott's other suggestion hasn't been looked at by Highways.

Cllr Ch I think what the officer is saying Councillor Menell is that the highways look at what is put in front of them. They have an application and they have to decide whether this is acceptable or not. They are not in a position to come back and say I don't like this go away, well they can say I don't like this, but they don't say go away and put it there. Am I correct that is not in their remit, they have to comment on planning applications just as we have to comment on planning applications which are in front of us?

Cllr Me That is exactly what I have done Chairman.

Cllr Ch Councillor Eastham

Cllr Ea Thank you madam Chairman, I concur with Cllr Menell. Dr Mott has got some very valid points and I think he ought to be listened to seriously. It's almost as though wriggle room what you're talking about is not just a foot, to my mind its a house width which could quite easily be done. The house on the right of the entrance there could be moved left of the entrance itself, so the problem could be resolved, no destruction would have to take place. I agree the county council has no say in this, but the developers are here and David Wilson Homes do listen I'm pretty sure about and the aggravation could be alleviated if they take note of Dr Mott's comments. I'd like clarification on the number of plots for bungalows please, David Wilson Homes they say that the proposal could include eight bungalows and we had a document, which I've missed two off, so six plus 2 ok

Cllr Ch Have you answered your own question Councillor Eastham

Cllr Ea I have answered my own question but I would like serious consideration to be given to the access

Cllr Ch OK fine

Cllr Ea It can be solved and it can be done with cooperation

Cllr Ch Thank you can I just go through the other people that have indicated that they'd like to speak Cllr Ranger

Cllr R Thank you yes, I've got a couple concerns, points to raise and some questions that I wasn't able to raise last time because we deferred. I'd like clarification on the date when the NHS request for financial contributions started in relation to when we granted the consent. Have the applicants had sight of the conditions, certainly that happened last time so did we get any feedback about their ability to be able to satisfy the lifetime homes issues. On the website for the drawings that have been submitted there is only one plan for highways alignment probably 110. There should be drawing 111 that covers the vast majority of the roads and footpaths in the development, so we don't know what bits we are being asked to approve. There is no plan in our system for refuse collection vehicles particularly in that area which is the tightest part of the site. Should we be looking for 20mph speed limits within the sites and whether we've got any pressure to bear on that other than alerting the parish council and local members and there doesn't seem to be a trigger for a programme for completion of the affordable homes.

Cllr C Right would one of the officers like to answer those questions

NB I can't actually give you a date when the NHS start asking for contributions but all I can say is that after the approval of this particular site this application was considered in 2012 with the NHS only started coming back to us in 2013/14. We don't actually in terms of the resolutions in front of the committee mention the actual specific triggers, but there are specific triggers that you need to provide. You can't provide a certain amount of market dwellings until a certain amount of affordable housing is provided and that is true all the way through the development. It need to be reasonable that that the developer can provide some market dwellings but we need to make sure that the affordable housing scheme is provided early on in the scheme.

The issues over refuse and stuff, highway would have seen the layout but the specifics of in terms of if it actually works, the refuse collection vehicles relating to pathworks, that will be picked up by the county council under the section 38 document stage, so I think what you're basically doing is approving a scheme that can be brought forward and adopted and county are satisfied with what can be provided on this site. We haven't got any specifics for the footpath because they wouldn't have been done.

Cllr R I'd like to come back on that because there is one incident , there is a spur on the main road leading in where the highway reduces, no footpath and a property half meter strip marked up a narrower width of road. If that is replicated in the rest of the development then there could be issues there which we're being asked to approve, that's all I'm saying, that's the accusation I'm making, that if two drawings have been submitted by an applicant we should be able to view those drawings before our own conclusions before we're satisfied with the proposals before us

Cllr C I mean I think what Cllr Ranger is saying is the drawing makes it very difficult to gauge.

LT I haven't got the second drawing available at this stage, I realise there were 2 drawings. In terms of the lifetime homes query there were a couple of concerns in terms of size positioning of certain windows which were more than accommodated by amendments if need be by condition.

Cllr Ch But on the points about the dust carts it's actually a very important point because if we're building an estate on this site we do need to know that the services can actually be able to service the area, and it does concern me that you are asking us to approve something. If we are minded to go down that road, and not have the information in front of us, we need a guarantee that the dust carts can get round otherwise we're going to have huge problems on estates of this size.

LT I was gonna say in terms of getting around the site itself, it has to comply with the emergency exits

Cllr R Yes we are aware of that but we have estates now where we have refuse vehicles that cannot get round, yet those estate were passed by county council as being suitable but on-street parking restricts the width and therefore the vehicles can't get round. There are plenty of examples of that and probably today when the refuse vehicles can't get through in some places. So you know when our phone rings, when there's a problem, all we're saying is give us a drawing and we can look at it and we can make our own judgement on whether we think that that layout is suitable in the circumstances.

NB But with respect, I don't think it's for this committee to determine the niceties, there are very important issues with what you're saying but as Lesley's just said they need to pass the necessary building regs that are required under section 38. There's a team of people over at the county council who are paid to actually check that issue out so even if the drawing was available its not for us to determine whether that would work or not. The advice that you're getting is to determine it and in terms of the implementation it should comply with building regulations, that's what will need to happen and I don't think you cannot guarantee in terms of walking out the door today. I think what the indication is that they would comply but that it's not for us within this room to determine.

Cllr Ch I hear what you're saying but one of the problems is that the buck always comes back to us and it's always the same, you gave permission why didn't you check this out ,so I think what we're saying is we would like that sort of information with us so we can be in a informed decision at the end of the day, and I think it is a very fair point that Councillor Ranger has brought up. If we've got that information we can say right, it's not going to be a problem there and continue, or there are mitigations put in so that you can do their job. I know we are only one department of the council but it would be lovely if we all worked together sometime

Cllr Ma Chairman is it not true to say

Cllr Ch I've got you down but there are other people who wish to speak

Cllr Ea Just coming back on that particular point if I may, very briefly

Cllr Ch Very briefly cos

CllrEa It is not true to say that this council, this committee is the final arbitrator in the final decision and that advice received from various quarters is taken into consideration, and if we don't get that advice we can't make a final decision.

Cllr Ch I think actually the appeal decisions is the final arbitrator or the courts but I hear what you're saying

LT The final decision maker in terms of the planning decision

CllrEa Yeah

NB There is a section 38 discussion that has to happen and there's a building control discussion that has to happen, built around guidelines in terms of what is put in front of us. But we are not approving the actual drain distances and stuff like that, which are critical issues that those kind of things in terms of the way it works. But if members are absolutely concerned about it and you know I'm not a fan of conditions an option is to put a specific condition to comply with layout but as you say that's not something I would always advocate it's a bit belt and braces but there is an option if members are that concerned

JC Right Ok fine Cllr Mackman

Cllr Ma Thank you chair, I was quite prepared to second Cllr Menell's offer of deferment and with the further questions that Cllr Ranger has raised, I think that the question of deferment definitely has to be considered.

Cllr Ch Right ok, right well you know the rules of the game because you have seconded, Councillor Menell you made a request, are you making that request again

Cllr Me Yes I am happy to do that and to add Cllr Ranger's concerns to mine

Cllr Ch Right then we have to go

Cllr R Chairman I am not seeking a deferment on my grounds

Cllr Ch Well we will have to go to a vote with regards to deferral because I have to cut the conversation and I have to go for a vote on deferral, yes you seconded, right all those in favour of deferral please show (one two) - those against please show -(one two three four five six seven) - right members I think we'll need to get down to the nitty and gritty and we need to make a decision on this Councillor Perry you are next.

Cllr Pe Thank you madam chairman. I have serious concerns for this especially the design, this committee has always stood for no parking courts because it creates ghettos, because people park in the roads and nothing can get through as has already been said. I also have concerns the access and equalities officer has raised and have these been addressed, and the access is crazy

Cllr Ch Sorry was that just a statement or what

Cllr Pe No I asked a question on the concerns raised on (lifetime homes? Recording not clear) have been addressed and been resolved

Cllr Ch Ok

NB The lifetime homes condition, I think Lindsey mentioned this earlier in terms of dealing with development. I'm not demeaning it's an absolutely critical part and is quite clearly written, but quite often to accommodate lifetime homes, it is issues such as the internal design of housing provision, situations where windows would be, where access would be, all that can seriously be considered within the layout. There is no issues regarding layout, hence why we've actually gone as far as condition 12 - a drawing demonstrating how lifetime homes should be provided and obviously that provides the necessary guidance which the council's Equality and Access officer is consulted on to make sure she is wholly satisfied. So I think you know, what's in front of you today probably doesn't go down to that much detail but it is an important issue.

JC Cllr Mackman

Cllr Ma Thank you, I think this is a very disappointing application. I'm very unhappy about the fact that officers went through grid and of the 155 houses, 63 had the bare minimum amenity space. There's a couple of houses that don't have sufficient parking places and then there's the four flats that just got dumped. The design of this is estate, for want of a better word, it's just poor. If Cllr Godwin were here she'd be saying why parking courts, I thought the idea was to set ourselves against these.

Cllr H Those grounds have been addressed by the developers and in my view they seemed to have made a fairly good fist at addressing those concerns which were expressed at the first meeting and in my view the application now is in a satisfactory state for progression and I propose that this development be approved

Cllr Ch Alright do I have seconder please for that for approval? Ok, I'll second it just to get it on the table. Can I ask if we are minded to go down this route that one of the conditions is to check that the roads are adequate for the- I think we called it the section 38.

NB So what we can do, sorry what we can do is a similar condition to condition 12 but only regarding access for refuse collectors etc - to provide a drawing to demonstrate compliance.

Cllr Ch And I will go back to when I started, how can I put my wriggle room into a condition because I think that is actually a very important part of this, to get the access right.

Cllr P Referring to conditions - they only do up to 10

Cllr Ch Page 12 - development lifetime houses - are you looking at the right one - sorry Doug, page 12 found it?

NB I'll just clarify, the matter was deferred for additional information provided by the applicant. As far as the Chairman's wriggle room issue, I think it is a matter of detail in the proposals to be honest but in terms of the drastic changes in the access to which Councillor Eastham was alluding to earlier, well I think it's more fundamental, it's more than just moving it a bit, it's moving it across. I'm not demeaning what it is, moving over a house is not in front of you in terms of what you want, because you know, it is an appropriate access supported by the highway authority who would have visited the site and would have assessed what is in front of them as well. So it's a difference of what you call wriggle room of moving things two or

three meters or two or three feet and that's normally what usually happens when development work starts happening on the site.

Cllr Ea Chairman nothing has been built yet, the thing's still in the design stage it's a question of putting another line on its that's all

Cllr Ch What I'm asking, if we can actually have a condition to say that the actual position of the access to be discussed with the developer and ourselves is that allowed because.

NB It is allowed.

Cllr Ch My wriggle room may be bigger than your wriggle room.

NB Just that members need to be mindful about what could come out of that in terms of

Cllr Ch Yeah well, we can request that that it comes back to us as a committee so that we can make a decision on it

NB Well

Cllr Ch I think we can

NB Well you can but it's your decision, but I think members need to be mindful that if you put that type of condition on that can have consequences in terms of ????? so members just need to be aware of what they are doing. So we have an access in front of you that is acceptable, it is not a simple as Cllr Eastham saying shifting an access across but it is

Cllr Ea Well sorry Nigel it's not acceptable to me, it's not acceptable to other people, it's not acceptable

NB The answer to the chairman's question in terms of wriggle room, is terms of moving things a few feet could be accommodated in the normal state of affairs. To put a condition on to actually say the access needs to be submitted, then well that's up to members whether they want to put that in, so you can put that in.

Cllr Ch As a seconder, I would ask Cllr Hicks if he would agree to that that we have discussions with regard to the exact position of the access

Cllr H Chairman I have no objection to that it seems very sensible way forward

Cllr Ch Would you mind repeating which is the wording I used last don't worry

NB You can start off by saying ,not withstanding, because again what you're basically doing is not approving that form of access, that's the first issue, and so therefore you need to consider whether or not the standing means of access (?? *not clear on recording*)
If members are mindful to do this they should mention the words - not withstanding

Cllr H Chairman could the word reconsidered be used in relation to the access

- Cllr C Notwithstanding - what Mr Brown is trying to say is we're not looking at having it over the other side of Elsenham. We're looking at this location but actually whether it is there, there or there is for discussion ok is that alright ok Councillor Menell you wanted ?
- Cllr M your assurance that that this will come back to us
- NB I think what would happened is that the first permission (not clear)
- Cllr Ch Not by email
- NB I'm not encouraging members to call in a discharged permitted application
- Cllr Ch No
- NB But its a fundamental part of the decision making process here, so I think that members you've got the right to call it in, in the normal process.
- Cllr Ch I think that what I'm asking for, that once the discussions have taken place that all the members of the committee are informed of the change
- NB No I don't think you can say that, I think what we're going to be saying that if the other condition (??? not clear) is submitted it would need to be considered in the normal way as any other submission at the time, so we wouldn't necessarily be telling members about it- I would anticipate the parish council raising it with the local member.
- Cllr Ch **Alright as long as we get noted, ok I think we've got to the stage where we've got an approval on the table subject to one extra condition 12 and one extra condition 13 and 14 so do you understand what you're voting on - all those in favour please show (one two three four five) those against (one two three four five six) right that is failed - therefore I have to have a recommendation with good reasons for refusal Councillor Mackman**
- Cllr Ma I'm hoping that colleagues will assist me on this one - can we use garden size I believe we've used that previously
- Cllr Ch You can't use garden sizes because they all conform except for two - oh ok none
- NB None they all comply and I must add that what Cllr Mackman said about they all achieved the minimum, there is one hundred percent compliance on garden sizes on this site.
- Cllr Ma Car parking
- Cllr Ea What about policies generally under GEN 1 and GEN2. We have talked about the size of the road, the parking situation the possible inability of the (internal roads?)
- Cllr Ch Can I remind you that taking on Essex County Council Highways department is always quite a serious thing to do Cllr Perry
- Cllr P I would disagree with you there Chairman because if you look at what one we have just won it's completely the same thing, where the actual Inspector has agreed with the council against county highways.

Cllr Ch Reasons now - because you have turned down approval Councillor Mackman

Cllr Ma I think I would go along with what Councillor Eastham just said and go with Gen 1 and Gen 2 and Gen 8

Cllr Ch Do you have a seconder for that - Cllr Perry - would you like to make any comment

NB I think we ought to be very careful here. The car parking standards is in compliance so therefore there is enough car parking spaces on that particular site, members need to be very very careful

Cllr Ma (not on the microphone)

NB We'll answer that question in a second. I just think Members need to - I'll just repeat what Councillor Cheetham is saying - that is a serious thing to action when we have Essex County Council supporting the application, There is a difference between 150 odd houses and a single dwelling in Stansted in terms (too quiet??)

Cllr Ma In other words your advice basically to say that we are on dodgy grounds on Gen 1 and Gen 8 but we can certainly go with Gen 2

NB Well It's your call, you can refuse it for whatever you want to refuse it for, but Gen 2 - I haven't heard anything regarding the design issues - which have not been involved in this decision at all, so I mean, if that's the only issue if you want to refuse it on - Gen 2 - you're quite entitled to do so but it's your call that's my advice.

JC Right Cllr Mackman again all those that voted against need to think what they want to do

Cllr Ma The thing is that I appreciate it's all outline planning permission but it is outside development limits and therefore it's not something that has to be there. So there is six of us that agree that at the it shouldn't be there, I certainly think we can use Gen 2

Cllr Ch You cannot, this development has outline planning permission, therefore development can go on this site. What you have to come up with, if you do not like the drawings that are in front of you is the reasons to refuse this now. Now you have a number of options but the garden sizes all conform, the highways have approved the entrance but in the approval proposal we tried to put on a condition to change that, and the car park meets the standard correct except the four bedroom houses - can you just come back on that

CllrM Can I just

Cllr Ch Just a moment

?? It is a four bedroom house two parking spaces and there's a second one

?? ????? Talking off tape

Cllr Ch Right the agent is telling us that the four bedroom property has three, so lets carefully go through this because we don't want to be making mistakes. The top one has four, these are (three, three, three, three) yeah if you go through this here

- Cllr M Sixty five
- Cllr Ch Sixty five only has two written down and 127 I think we'll check that that is not a typo yeah and in the meantime I'll ask Cllr Salmon to speak
- Cllr M Thank you madam chairman Gen 1 and Gen 2 - access and design - well the road falls into both of these categories so ??????
- JC Right well Cllr Mackman there is a typo error with regard to this parking - it is three and they're just checking another one – a typo alright - so the car parking spaces are all ok.
- Cllr Ch So the question has been asked - Gen 1 and Gen 2 deal with access and design we're not happy with the access therefore can that be used
- NB You can refuse it on access grounds, but you need to be mindful of the fact that county council have no objections to this proposal and you are seriously causing, I can tell you you are exposing us to serious cost implications regarding an access refusal when the county council find it ok
- Cllr Ea Sorry Chairman County Council have no objection which doesn't mean to say they think it's a good access, they say the proposal is acceptable but they don't say it's a good one
- Cllr Ch They don't give an opinion Councillor Eastham
- Cllr Ea So if it is moved to the other side of that house it might get acceptable, that's all they ask
- Cllr Ea You rely on the house being pulled down, he's a bit worried so he should be and we ought to listen to him and tell county council that a nine metre movement could cure the problem
- NB Condition 14 covered the issue regarding the access in that location. Well that's not on the table now, The proposal, seconded for approval included in condition 14 was to determine the precise position of that access with an indicated that we wanted it moved that you wanted it moved.
- Cllr Ch Right Cllr Mackman I'm getting I don't know whether to defer this thing until later or what but I think we need to move because we have other applications
- Cllr Ma I think basically because the majority of us voted not to approve this, therefore we're now trying to find reasons to refuse it. I proposed the refusal and seconded by Cllr Perry, I think that the reasons we can give and I am quite confident to support are Gen 1 and Gen 2 . I think Cllr Perry agrees with me.
- Cllr P I do
- Cllr Ch Right on those we will go to the vote Gen 1 and Gen 2 all those in favour of refusal grounds being Gen 1 and Gen 2 please show (one two three four five six) those against (one two three four five)
- Cllr ch Right it has been refused with reasons given as Gen 1 and Gen2 we will now move swiftly onto the next application, which is UTT/143655 and we are going to take a short break.