

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2pm on 21 OCTOBER 2015**

Present: Councillor V Ranger (Chairman)  
Councillors R Chambers, J Davey, P Fairhurst, R Freeman, J Lodge, J Loughlin, A Mills and H Ryles.

Officers in attendance: E Allana (Senior Planning Officer), N Brown (Development Manager), A Lee-Moore (Principal Environmental Health Officer), S Marshall (Planning Officer), L Mills (Planning Officer), C Oliva (Solicitor), A Rees (Democratic and Electoral Services Officer), M Shoemith (Development Management Team Leader) and C Theobald (Planning Officer).

**PC27 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Hicks.

*Councillor Mills declared a non-pecuniary interest in application UTT/15/0726/FUL as both the applicant and the agent were known to him.*

*Councillor Chambers declared non-pecuniary interests in applications UTT/15/2449/FUL and UTT/15/1561/NMA as he had known the applicants of both applications for a long time. He would leave the room for the consideration of both applications.*

*Councillor Freeman declared non-pecuniary interests in application UTT/15/2178/HHF as he lived nearby the house and was a member of Saffron Walden Town Council.*

**PC28 MATTERS ARISING**

**(i) UTT/15/2218/LB and UTT/15/2221/AV Saffron Walden**

The Development Manager said that the additional condition attached to both applications stating that the suspended chevron should not be illuminated was not appropriate. However, the applicant had agreed to install a non-illuminated chevron so no further action was necessary.

Councillor Ranger thanked Councillors Loughlin and Hicks for chairing the previous meeting in his absence. He also thanked Members and officers for the messages of support they had sent his wife following her recent illness.

**PC29 PLANNING APPLICATIONS**

**(a) Approvals**

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

**UTT/15/2526/FUL Great Canfield** – Proposed change of use of land for two additional pitches at existing gypsy caravan site – Tandans, Great Canfield Road, Takeley for Mr and Mrs Boswell

*James Kellerman and Councillor Mackley spoke against the application. Mr Perrin spoke in support of the application*

**UTT/15/2152/FUL Newport** – One proposed dwelling and garage – Land at Bishops Way, London Road, Newport, Essex for Mr and Mrs N P Bishop

*Neil Cook spoke in support of the application.*

**UTT/15/2045/FUL Stansted** – Retrospective change of use of part of the land from agricultural to equine and the erection of a stable block – Land at New Farm, Stansted Road, Elsenham for Mrs Medwell

*Peter Calver spoke against the application. Councillor Sell and Claire Smith spoke in support of the application. A statement was read out on behalf of Mrs Medwell in support of the application.*

**UTT/15/2178/HHF Saffron Walden** – Proposed two storey side extension and single storey rear extension – 81 Castle Street, Saffron Walden for Mr A Plume

*Andy Plume spoke in support of the application.*

**UTT/15/2449/FUL Littlebury** – Conversion and extension of existing barn to provide a one bedroomed annexe – Paddock rear of Walnut Tree Cottage, Littlebury Green Road, Littlebury for Mrs J Menell

*Councillor Chambers left the room for the consideration of this application.*

**UTT/15/1561/NMA Great Chesterford** – Non-material amendment to UTT/14/1709/FUL - Modifications to rear elevation, omit sash window in rear elevation and replace with two horizontal slot windows, omit chimney stack, replace lean-to-roof to side with parapet walls and lead roof, raise dormer windows to garage and introduce flint panels in garage brickwork – The Delles, Carmen Street, Great Chesterford for Mr and Mrs Redfern

*Councillor Chambers left the room for the consideration of this item.*

**(b) Approval with legal obligations**

**UTT/15/0726/FUL Felsted** – Residential development comprising 22 dwellings and associated garages, roads, parking, open space and part demolition of existing buildings – Former Ridleys Brewery, Mill Lane, Hartford End for Stockplace Hartford Ltd

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

1) The following additional conditions and no Member raising an objection within 7 days of the meeting on grounds relating to the viability report carried out by the Council's consultant.

- a) Prior to commencement of the development, a detailed Arboricultural Method Statement and Tree Protection Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area by retaining trees which are protected for their amenity value, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- b) Prior to occupation of Plot 1, details of a privacy screen to prevent overlooking of Plot 1 from the Plot 8 terrace must be submitted to and approved in writing by the Local Planning Authority. The privacy screen must be erected in accordance with the approved details prior to occupation of Plot 1.

REASON: To protect the privacy of the occupants of Plot 1, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

2) And a legal obligation as follows

- (I) The applicant be informed that the Planning 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) financial contribution of £69,380 towards education provision
  - (ii) ongoing maintenance by a management company of:
    - sustainable drainage system
    - landscaping and open space
    - flood defence infrastructure
  - (iii) payment of the Council's costs of monitoring
  - (iv) payment of the Council's reasonable legal 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 21 November 2015 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 financial contribution towards education provision
- (ii) Lack of arrangement for the ongoing maintenance by a management company of:
  - sustainable drainage system
  - landscaping and open space
  - flood defence infrastructure

*Robert Pomery spoke in support of the application.*

Subsequent to the meeting, an objection was made by Councillor Lodge on grounds related to the viability assessment and the application is now deferred to the next meeting of the Committee.

### **(c) Refusals**

RESOLVED that the following applications be refused for the reasons stated in the officer's report

**UTT/15/2424/FUL Takeley** - Residential development comprising 7 dwellings and associated garaging and landscaping – Land North of Dunmow Road and East of Church Lane, Takeley for Taylor Wimpey East London

Reasons: Undeveloped land beyond development limits contrary to policy H1, development is not appropriate for a rural area contrary to policies S7 and S8.

*A statement was read out on behalf of Takeley Parish Council against the application. Stuart Willsher spoke in support of the application.*

### **(d) Deferment**

RESOLVED that the following application be deferred

**UTT/15/1666/FUL Stansted** – Mixed use development comprising 10 no. dwellings, ground floor retail unit with independent first floor office and 3 storey commercial building including associated garages, car parking and landscaping – 14 Cambridge Road, Stansted for Developments & London and Stansted Furnishing Co

Reason: To allow information about traffic flows to be provided

### **(e) District Council Development**

RESOLVED that pursuant to the Town and Country Planning (General) Regulations 1992, permission be granted/refused for the developments proposed subject to the conditions recorded in the Officer's report

**UTT/15/2738/NMA Saffron Walden** – Non Material Amendment to UTT/13/0263/DC - Insertion of 3 no. windows to end elevation of workshop – this application proposed the insertion of 6 no. windows to end elevation in different locations to those approved under previous application – Council Depot, Shire Hill, Saffron Walden for Uttlesford District Council

**LAND SOUTH OF ONGAR ROAD, GREAT DUNMOW UTT/14/0127/FUL**

The Development Manager presented his report. On 29 July 2015 the Committee had resolved to grant planning permission for the application subject to conditions and the completion of a Section 106 Obligation. A subsequent noise report had been submitted by Sharps Acoustics which questioned the rationale and conclusions in the report produced by Acoustic Air Limited.

In light of the issues raised by Sharps Acoustics, the Principal Environmental Health Officer revisited the report submitted by Acoustic Air Limited. She had noted that although the assessment submitted by Acoustic Air Limited was not based on current accepted practice, the assessment was not sufficiently flawed to justify a refusal on grounds of insufficient information. The Principal Environmental Health Officer had concluded that matters related to internal and external amenity could be addressed through the following condition.

Prior to commencement of development a detailed Road Traffic Noise Impact Assessment and noise attenuation / insulation scheme to protect residential amenity shall be submitted to and approved in writing by the Local Planning Authority. The noise attenuation/ insulation scheme shall ensure that dwelling rooms and external amenity areas meets the following internal / external guideline criteria as detailed within BS 8233:2014 and the World Health Organisation Guideline for Community Noise 1999.

Location	07:00 – 23:00	23:00 – 07:00
Living Room	35 dB LAeq (16hr)	-
Dining Room	40 dB LAeq (16hr)	-
Bedroom	35 dB LAeq (16hr)	35 LAeq (16hr) + 45 dB LAmx
Garden Areas	55 dB LAeq (16hr)	-

The scheme as approved shall be fully implemented prior to occupation and shall be retained thereafter and not altered without prior approval.

#### Informatives

If the applicant is unable to achieve the internal levels listed with windows partially open, an appropriate acoustically treated ventilation system must be proposed to ensure that the occupiers can achieve good ventilation rates without the need to open windows. For the purposes of this condition, good ventilation shall be equivalent to purge ventilation at 4 air changes per hour. Façade sound insulation calculations must be presented and based on the calculation give in Annex G2.1 of BS 8233:2014

According to the acoustic report, it is expected that noise levels of 55dB LAeq can be achieved through the use of screening from the buildings and fencing. The applicant is advised that it will be necessary to demonstrate that the occupants of each property will be protected from levels in excess of 55dB LAeq (16hr). Measures to ensure compliance

with this standard typically include acoustics barriers and fencing. Any barriers/fencing to protect amenity areas shall be robust and be of sufficient mass, density and construction so as to adequately protect the future occupiers of the site. It is expected that the barriers will come with a min 15 year guarantee.

The Chairman then invited Mr Lloyd, Mrs Lloyd and then Dr Price to speak.

Mr Lloyd said the assessment carried out by Acoustic Air Ltd used a poor methodology and as a result found the level of noise to be lower than that found by Sharps Acoustics. Allowing the development to continue would cause the cause the degradation of the average quality of Uttlesford's housing stock. There was currently a lack of green space in the district and the green space offered as part of the development was not sufficient. The development also did not give due regard to the Uttlesford Cycle Strategy.

Mrs Lloyd began by stating she felt the planning department had failed. In the future more consultation was needed with residents and the views of residents needed to carry more weight in the decision making process. The development set a dangerous precedent which would lead to more schemes being approved on buffer land.

As Councillor Ranger invited Dr Price to speak, he asked her to ensure the points she made were relevant to the matter being discussed.

Dr Price said the information provided by the Planning Department had been inaccurate throughout the process of determining the application. At the meeting on 29 July 2015, the Development Manager had claimed the site was part of the current Local Plan and counted towards the five year land supply even though it didn't.

Councillor Ranger reminded Dr Price that the Committee were not re-determining the other aspects of the application. The Committee were deciding whether the noise assessment supplied by the applicants was sufficiently flawed to render it grounds for refusal. He asked the Development Manager to clarify the situation surrounding the site.

The Development Manager said he did not claim the site was part of the current Local Plan, but was one of the suggested sites on the draft local plan which had been withdrawn. The site did have outline planning permission and therefore was part of the five year land supply. With any application due regard had to be given to the National Planning Policy Framework (NPPF) as well as the current Local Plan.

The Solicitor advised the Chairman to allow Dr Price to speak about the item as she wished. It was up to Members to decide whether the points made by Dr Price were relevant.

Dr Price spoke again. In addition to the points she initially raised, Dr Price added that Great Dunmow's development boundaries should not be changed. The initial application for the site had been rejected and that environmental reports had been flawed.

Councillor Loughlin said one of the key reasons she had voted in favour of the application previously was the provision for 40% affordable housing. The amended condition as recommended in the report was sensible. She proposed the amended condition as outlined in the report. This was seconded by Councillor Chambers.

In response to a question by Councillor Freeman, the Development Manager said that in most cases sites were not monitored for noise levels due to the cost of continued enforcement. However it could be considered appropriate with more contentious developments to monitor them to ensure the conditions were not breached.

The Principal Environmental Health Officer concurred with the Development Manager. In response to a point by Councillor Lodge, she said although it was preferable that noise assessment were over a 24 hour period, the flaws in the assessment were relatively minor and did not constitute the application being refused on the grounds of insufficient information.

Councillor Lodge motioned that the matter was deferred until a new full noise report was submitted. Upon being put to the vote, three voted in favour, with five against and one abstention. The motion for deferral was lost.

Councillor Fairhurst said he believed the first obligation of Members was to residents and to attempt to address the concerns they raised, even if the decision which was eventually made was not the will of the public.

Councillor Mills noted that both noise reports were identical in most respects. It was important to trust the judgement of professional acoustics experts when determining applications.

A recorded vote was requested and the voting was as follows.

For: Councillors Chambers, Davey, Freeman, Loughlin, Mills, Ranger and Ryles

Against: Councillors Fairhurst and Lodge

RESOLVED that condition 8 of the application's conditions was amended to reflect the recommended condition in the report.

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## **APPEAL DECISIONS**

The list of appeal decisions was noted.

The meeting ended at 4.35pm.