

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2.00 pm on 19 OCTOBER 2011**

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

Officers in attendance:- M Cox (Democratic Services Officer), C Oliva (Solicitor – Litigation and Planning), R Harborough (Director of Public Services) M Jones (Planning Officer) M Ovenden (Head of Development Control) C Theobald (Planning Officer) and M Tourvas (Principal Planning Officer).

**PC31 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor D Perry.

Councillor Eastham declared a prejudicial interest in application 1164/11/FUL Stansted as he was related to the agent.

Councillor Salmon declared a prejudicial interest in application 1721/11/FUL Stansted.

Members declared the following personal interests:-

Councillor Eden in applications 0787/11/FUL, 0788/11/FUL, 1629/11/FUL, 1630/11/LB and 1599/11/CLE Saffron Walden as a member of Saffron Walden Town Council.

Councillor Loughlin in application 1721/11/FUL Stansted as she knew the neighbour.

Councillor Godwin in application 1473/11/FUL Elsenham as a member of Birchanger Parish Council.

Councillor Davey in application 1255/11/OP and 1563/11/FUL Great Dunmow as a member of Great Dunmow Town Council.

Councillor Menell in application 1677/11/FUL as a member of English Heritage.

**PC32 MINUTES**

The Minutes of the meeting held on 21 September 2011 were received, confirmed and signed by the Chairman as a correct record.

**PC33 PLANNING APPLICATIONS**

**(a) Approvals**

RESOLVED that planning permission be granted for the following developments, subject to the conditions, if any, recorded in the officer's report.

**0788/11/FUL Saffron Walden** – Erection of new petrol filling station and customer kiosk, new landscaping, access and associated works – site at Thaxted Road (former civic amenity site and Granite site) for Sainsbury's Supermarkets Ltd.

**1677/11/FUL Felsted** – Extension to Church – Church of the Holy Cross, Station Road for Mrs Card, Felsted PCC.

Subject to the following conditions

**STD1 STANDARD FULL PLANNING PERMISSION CONDITION**

The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**STD5 ACCORDANCE WITH APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with Policies S7, LC3, LC2, GEN2, ENV1, ENV2, GEN7, GEN8, GEN1, ENV3 of the Uttlesford Local Plan (adopted 2005).

**ARCHAEOLOGY - SITES OF ARCHAEOLOGICAL INTEREST**

ARC3 No development shall take place within the area indicated until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

**TREES:**

LA12 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (a) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.
- (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the

approved plans and particulars, without the prior written approval of the local planning authority.

- (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition ( ), at such time as may be specified in writing by the local planning authority,.
- (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- (e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- (f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- (g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

#### MATERIALS

Before development commences samples of 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. The development shall be implemented using the approved materials.

Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

#### LB - DESIGN

No elements of the historic fabric of the Church to be removed without inspection and consent. Roof to the new range to be hand made plain clay tiles or natural slate to LA for approval.

REASON: in the interests of the historical importance of the building in accordance with Policy ENV2 of the Uttlesford Local Plan (adopted 20050 and PPS5 : Planning for the Historic Environment.

All indicated brickwork to be hand made soft clay bricks to LA approval, bonding to be approved.

REASON: in the interests of the historical importance of the building in accordance with Policy ENV2 of the Uttlesford Local Plan (adopted 20050 and PPS5 : Planning for the Historic Environment.

Large scale drawings showing typical details of the fenestration, glazed link and its roof and timber shatters to be approved.

REASON: in the interests of the historical importance of the building in accordance with Policy ENV2 of the Uttlesford Local Plan (adopted 20050 and PPS5 : Planning for the Historic Environment.

Large scale detail of the typical area of abutment of the link with the historic fabric of the church to be approved.

REASON: in the interests of the historical importance of the building in accordance with Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and PPS5 : Planning for the Historic Environment.

#### TIMES OF CONSTRUCTION

No construction works shall take place before 0800 Mondays to Fridays and 0900 on Saturday. No construction works shall take place after 1800 Mondays to Fridays or after 1300 on Saturdays not at any time on a Sunday or Bank Holiday.

REASON: In the interests of residential amenity.

#### SOUND INSULATION

No sound amplification equipment, which is audible outside the premises, shall be installed in the premises without the prior written consent of the Local Planning Authority.

REASON: To protect the amenities of nearby residential properties.

#### OPENING TIMES

The hall hereby granted permission shall not open for use except within the hours of 0800 to 2300 each day unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the residential amenities of nearby residential properties.

#### BIODIVERSITY

BIO2 The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).

*Councillor Favell, Anne Woods, Graham Harvey (parish council) and Colin Taylor spoke in support of the application.*

**1629/11/FUL Saffron Walden** – Change of use from A2 to dwelling – 53 High Street for Mr and Mrs Walker.

*Lucy Carpenter on behalf of an objector spoke against the application. Brien Walker spoke in support of the application.*

**1630/11/LB Saffron Walden** – Conversion from A2 to C3 dwelling – 53 High Street for Mr and Mrs Walker.

**1599/11/CLE Saffron Walden** – Certificate of lawfulness for existing use as a separate dwelling house – 5A Birdbush Avenue for Mr C O'Malley.

**1816/11/FUL Felsted** – Change of use of land from agricultural use to equestrian and recreational use – Land at Causeway End, Chelmsford Road for Mr G Moss.

**1335/11/CLP Ugley** – Certificate of Lawfulness for proposed erection of 5 dwellings pursuant to planning permission granted for 6 bungalows on 22 September 1936 – Land at Cambridge Road Ugley for Mr and Mrs Beevis

**1721/11/FUL Stansted** – Construction of an outbuilding to the south west corner of the site, move the north entrance access west and alter in/out drive to form area of lawn – 27 Brewery Lane for Mr J Rich.

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

**1563/11/FUL Great Dunmow** – Revised application for inclusion of conservatory to that approved under UTT/0498/FUL for erection of first floor extension to rear and single storey garage - 1 High Stile for Mr A Thomason.

**1164/11/FUL Stansted** – change of use of outbuilding to residential dwelling – Garden House Barn, Pond Lane, Stansted for City and Country Residential Ltd

Subject to the following conditions

- i) time limit
- ii) In accordance with approved plans
- iii) Withdrawal of permitted development rights
- iv) Submission of details of boundary treatment (not Laurel) and, implementation of approved boundary treatment.
- v) Submission/implementation of energy efficiency measures.

*Councillor Eastham left the meeting for the consideration of this item.*

## **(b) Refusals**

**0787/11/FUL Saffron Walden** –Erection of new foodstore (use class A1) including café, automatic teller machines, surface level car parking, new access roundabout and highway works, landscaping, servicing and associate works – site at Thaxted Road (former civic amenity site and Granite site) for Sainsbury's Supermarkets Ltd.

RESOLVED that had the application not been appealed under the grounds of non-determination the Committee would have recommended refusal for the following reason.

The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre foodstore. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4.

*Nicky Agar and Robert Oxley spoke in support of the application. Paul Gadd spoke against the application.*

**1255/11/OP Great Dunmow** – Outline application for the erection of up to 100 dwellings (including affordable housing) with all matters reserved except access (to include roundabout modifications) – Land to the south of Ongar Road and to the west of Clapton Hall Lane for Taylor Wimpey UK Ltd.

Reasons:

1. The site lies outside the development limit where in accordance with Uttlesford Local Plan Policy S7 the countryside is to be protected for its own sake, the countryside will be protected from development unless it needs to be there or is appropriate to a rural area. The proposal would involve the erection of market housing which is not an appropriate form of development in the countryside, does not need to be there and would not protect the character of the countryside. The level of the development proposed would be harmful to the character of the area. It therefore fails to comply with Policy S7 of the Uttlesford Local Plan.
2. The application includes no mechanism for providing that up to 40% of the dwellings to be developed would be affordable housing. The development therefore fails to comply with Policy H9 of the Uttlesford Local Plan.
3. There are insufficient primary school places in Great Dunmow to accommodate this level of development and the application provides no mechanism for addressing or mitigating the shortfall in the provision in the locality. Furthermore it includes no mechanism for addressing capacity and safety issues relating to local roads or for providing information and encouragement to use public transport. It therefore fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Developers' Guide to Infrastructure Contributions (Adopted as County Supplementary Guidance).
4. The proposal would give rise to unacceptable level of road safety and traffic generation which would compromise the safety and convenience of users of the highway. It therefore fails to comply with Policy GEN1.

*Barry Goodey and Clive Smith (Great Dunmow Town Council) spoke against the application. David Lander spoke in support of the application.*

### **(c) Planning Agreements**

**1473/11/FUL Elsenham** – demolition of existing office and car park. Construction of three interlinked buildings containing 6,978 sqm of offices and 1,394 sqm floorspace of ancillary mixed retail, café/restaurant and health/spa facilities with underground parking, landscaping and ancillary works, creation of new access onto Hall Road and alteration to existing access.

- RESOLVED that the Assistant Director Planning and Building Control be authorised to approve the above application, subject to
- 1) An amendment to condition 12 to require details of a lighting scheme to be submitted.
  - 2) Completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following

- i) Travel Plan to be submitted and approved together with monitoring fee.
- ii) Car Park Management scheme to be implemented and revised.
- iii) Funding additional cost of diverting 7/7A bus route along Hall Road into the site.
- iv) Facilities for vehicle monitoring and remedial action if required).
- v) Pay Council's reasonable costs.

*Lucy Carpenter (on behalf of the objectors) spoke against the application.  
Michael Parsons and Michael Johnson spoke in support of the application.*

**1413/11/FUL Great Dunmow** – Retrospective application for retention of conversion of double garage to habitable accommodation – Heather Lodge, Ongar Road for Mr F Potgieter.

RESOLVED that the Assistant Director Planning and Building Control be authorised to approve the above application, subject to completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following

- i) the converted annexe shall be tied to the main dwelling known as Heather Lodge, Ongar Road. Great Dunmow, Essex CM6 1JB and shall not be sold off separately from the main dwelling.
- ii) Pay Council's reasonable costs.

PC34 **PLANNING AGREEMENTS**

The Committee received the schedule of outstanding Section 106 agreements.

PC35 **APPEAL DECISIONS**

The Committee noted details of the appeal decisions that had been received since the last meeting.

The meeting ended at 5.40 pm