

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON
ROAD SAFFRON WALDEN at 2.00 pm on 8 MAY 2013**

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

Officers in attendance:- N Brown (Development Manager), M Cox
(Democratic Services Officer), N Ford (Senior Planning
Officer), M Jones (Planning Officer), K Mathieson (Senior
Planning Officer) C Theobald (Planning Officer), M Perry
(Assistant Chief Executive - Legal), A Taylor (Assistant
Director Planning and Building Control) M Tourvas
(Development Manager Team Leader –North)

PC61 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

An apology for absence was received from Councillor J Cheetham

PC62 MINUTES

The Minutes of the meeting held on 10 April 2013 were received,
confirmed and signed by the Chairman as a correct record.

PC63 BUSINESS ARISING

In relation to application 13/0177/OP Elsenham, it was reported that the
applicant had been granted a time extension and the legal agreement
had not yet been signed.

PC64 PLANNING APPLICATIONS

(a) Approvals

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

13/0458/FUL Hatfield Broad Oak – retrospective application for
retention of two hay stores – Land adjacent Forest Cottage, Wood Row
for Miss Katherine Munro.

*Councillor Davey declared a pecuniary interest and left the meeting for
the consideration of this item.*

13/0183/FUL Clavering – erection of a detached dwelling and garage – Belmont, Arkesden Road for Mr Seb Valance.

Stephanie Gill spoke against the application. Seb Valance spoke in support of the application.

13/0182/HHF Clavering – demolition of rear porch/utility room, erection of two storey side extension, loft conversion incorporation of new dormer windows and gables, detached garage, creation of new vehicular and pedestrian access – Belmont, Arkesden Road for Mr S Vallance.

Subject to an additional condition for the access to be constructed prior to the development of the extension.

13/0518/FUL Farnham – erection of a new agricultural grain store, farm office and workshop building (variation of Condition 2 imposed under planning permission UTT/0352/12/FUL for Mr D Harvey.

13/0712/HHF Manuden – demolition of existing workshop/store and erection of replacement garden building, erection of detached studio/home office/annexe – Broom Cottage, Mallows Green Road for Mr and Mrs Alldridge.

13/0768/FUL Takeley – erection of new dwelling and replacement garage – Land rear of Nos 1-4 Nursery Cottages, Dunmow Road for Mr K Leung.

Mr Leung spoke in support of the application

(b) Refusal

RESOLVED that the following applications be refused for the reasons set out in the officers report

13/0525/DFO Great Dunmow – details following outline application UTT/1147/12/OP for the erection of 73 No. dwellings with approval for appearance landscaping, layout and scale – Land North of Ongar Road for Redrow Homes (Eastern) Ltd.

REASON:

A significant proportion of the proposed dwellings would have inadequately sized gardens that fail to meet the standards set out in the Essex Design Guide contrary to the requirements of Policy GEN2 – Design of the Uttlesford Local Plan (adopted 2005).

Stephen Brown spoke in support of the application.

13/0327/OP Clavering – outline application for erection of 13 dwellings with all matters reserved – Land south of Oxleys Close, Stortford Road for Messers J, J & R Noble and Tee.

REASON:

The application site is located outside development limits in the countryside which is to be protected for its own sake. Planning permission will only be granted for development that protects or enhances the particular character of the part of the countryside in which it is set or there are special reasons why the development in the form proposed needs to be there. The application site should be protected from urbanising development to maintain the rural character of the area.

Furthermore, in the countryside, planning permission will only be granted for development that needs to take place there. It is recognised that the Council has a five year housing land supply shortfall. However, the application site fails the National Planning Policy Framework in relation to environmental harm. Therefore, there are no exceptions that would outweigh the presumption in favour of protection of the environmental value of the site and the protection of the countryside for its own sake contrary to the National Planning Policy Framework, as well as saved Policy S7 of the Uttlesford Local Plan adopted 2005.

*Councillor Oliver and Stephanie Gill spoke against the application.
Clare Hutchinson spoke in support of the application.*

13/0772/FUL Great Dunmow – erection of detached dwelling – 21 Clapton Hall Lane for Mr David Taylor.

(c) Planning agreements

13/0268/FUL Saffron Walden - Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land site at Thaxted Road (former Civic Amenity and Granite Site) Thaxted Road for Granite Property Development Saffron Walden Limited.

RESOLVED that conditional approval be granted for the above application.

The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 10th May 2013 of being invited to do so the freehold owner enters into a binding agreement 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 agreement to secure the following:

- (i) Submission of travel plan
- (ii) Payment of monies relating to travel plan monitoring
- (iii) Contribution towards highway junction works
- (v) Pay Councils reasonable costs

(II) In the event of such an agreement 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 agreement, the Assistant Director of Planning and Building Control shall be authorised to refuse permission for the following reasons:

- (i) Submission of travel plan
- (ii) Payment of monies relating to travel plan monitoring
- (iii) Contribution towards highway works

Conditions:

1. 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.
2. Prior to the erection of any phase of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development of that phase hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
3. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved, unless otherwise agreed in writing by

the Local Planning Authority. These details shall include [for example]:-

i. means of enclosure;

ii. hard surfacing materials;

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. The development as designed, specified and built shall achieve BREEAM rating of 'very good'. The applicant will provide the planning authority with a BREEAM design-stage assessment of the rating of each phase of the proposed development, carried out by an accredited assessor, before work commences on-site on that phase. The developer will provide a BREEAM post-construction assessment of the rating of the as-built development within four weeks following the completion of each phase, also carried out by an accredited assessor, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the promotion of sustainable forms of development and construction Policy GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).
5. The landscaping scheme shall consist of suitable species for the locality with a preference for native species in accordance with the reasonable requirements of the local planning authority. Details of species, sizes, planting centres, number and percentage mix shall be submitted to and be approved in writing by the local planning authority before commencement of development, the approved details shall be implemented in the first planting and seeding season following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in

the Local Plan, Policy GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations, including installation of mezzanine floors, roofing, open yards or sub-division shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the local planning authority.
REASON: Extensions would result in the loss of parking spaces and servicing areas, resulting in a detrimental impact on the layout of the site and to control the use of the units without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance Policy GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.
REASON: To ensure the development is in accordance with the character of its surroundings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
8. Units 1-3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming other non-food bulky goods but not including fashion wear items or fashion foot wear.
REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.
9. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in level proposed, together with the proposed floor levels between the buildings,

shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise the visual impact of the development in the street scene, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. Other than during the construction of the development no processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the buildings hereby permitted.
REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).
11. Other than during the construction of the development, with the exception of the garden centre, there shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the written consent of the local planning authority.
REASON: To prevent harm to the character and amenity of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
12. Prior to development commencing details of the new cycle/pedestrian link as shown on drawing 12313-110 Revision B including layout, levels, gradients, surfacing and drainage shall be submitted to and approved in writing by the Local Planning Authority. The cycle/pedestrian links shall be implemented as approved prior to the first use of the buildings.
REASON: In the interests of accessibility, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
13. A turning head shall be provided adjacent to the Council's Museum Resource Centre access on drawing 12313-110 Revision B prior to the first use of Unit 1 and the discount store hereby approved.
REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
14. The turning head at the junction with the access road and Unit 3 on drawing 12313-110 Revision B shall be provided prior to the first use of Units 2 and 3 and the café unit.
REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
15. Details regarding the closing off of the existing access to the south east of the main access road shall be submitted to and

agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the approved plans.

REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

16. Prior to development commencing, detail of the estate roads and footpaths (including layout, levels, gradients, surfacing, and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of road safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
17. Prior to the commencement of development details of the number, location and design of facilities for the parking of powered two wheelers and bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided before occupation of any building hereby approved and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of highway efficiency and accessibility, in accordance with Policies GEN1, and GEN8 of the Uttlesford Local Plan (adopted 2005) and the ECC Parking Standards (January 2009).
18. The café unit hereby permitted shall be used for Class A3 restaurant and café use and for no other purposes within the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
REASON: To control the use of the café unit from being used as Class A1 retail without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the NPPF.
19. No external floodlighting or other illumination shall be installed on any phase until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights (specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare and the time when such lights would be illuminated. The development shall be carried out in accordance with the approved details.

REASON: In the interests of local amenity and highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

20. No development of any phase 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. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model' Procedures for the Management of Land Contamination, CLR 11'
- REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

21. No development of any phase shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

22. 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 (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority.
- REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

23. 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 condition 20, 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 in accordance with the requirements of condition 21. 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 condition 22.
REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).
24. No development of any phase shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period of that phase.
REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).
25. No development shall take place until a surface water drainage strategy for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm inclusive of an appropriate climate change allowance will not cause flooding to the development or increase flood risk elsewhere. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, both on and off site, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

26. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order) the foodstore premises shall be used for a Limited Assortment Discounter retail store and for no other purpose within Class A1. The Limited Assortment Discounter store hereby approved is defined as a store which carries a limited range of grocery products and base their retail offer on selling these products at very competitive prices. This means that the number of product lines (stock-keeping units) available within the store at any one time should not exceed two thousand lines.

REASON: To ensure that use as approved reflects the identified retail requirements and to prevent unacceptable impact upon the vitality and viability of the town centre in accordance with NPPF.

27. The mezzanine floorspace of 186 sq m in Unit 2 shall be used for ancillary purposes only and not for the sale of retail goods within Class A1 of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order).

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

28. All flood risk management measures identified in the approved Flood Risk Assessment shall be incorporated into each phase of the development prior to the occupation or first use of that phase of the development hereby permitted.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

29. The net sales floorspace of the foodstore shall not exceed 1,125 sq m, and the sale of convenience goods shall not exceed 90% of the net floorspace and the sale of comparison goods shall not exceed 20% of the net floorspace.

REASON: The restricted 20% in comparison goods is to allow for flexibility in the selling of seasonal goods and arrangement of floorspace and to ensure that use as approved reflects the identified retail requirements and to prevent unacceptable impact upon the vitality and viability of the town centre in accordance with NPPF.

30. No development shall take place until invertebrate surveys are undertaken at an appropriate time of year (between mid April and September) and submitted to and approved in writing by

the Local Planning Authority. Should important or rare invertebrates be found within the survey, no development shall take place until a detailed mitigation plan for the invertebrates identified has been submitted to and approved in writing by the Uttlesford Planning Authority. The development hereby permitted shall thereafter be carried out in accordance with the approved details.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

31. No development shall take place until a detailed mitigation plan for reptiles, birds and hedgehogs identified including their breeding sites and resting places has been submitted to and approved in writing by the Uttlesford Planning Authority. Should the relevant species be found within the survey, no development shall place until a detailed mitigation plan for the identified species has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be carried out in accordance with the approved details

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

32. Should the development hereby approved not have been commenced within three years of the date of this planning permission, a further biodiversity survey of the site shall be carried out to update the information previously submitted with the application Preliminary Ecological Appraisal dated January 2013 together with an amended mitigation and/or compensation strategy to mitigate/compensate the impact of the development upon the identified rare or protected species. The new biodiversity survey and mitigation/compensation strategy shall be submitted to and be approved in writing by the Uttlesford Planning Authority prior to the commencement of the development hereby permitted and thereafter the development shall be implemented in accordance with the approved biodiversity survey and mitigation/compensation strategy.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

*Councillor Watson and Alan Storah spoke against the application.
Tony Tapley spoke in support of the application.*

PC65

PLANNING AGREEMENTS

Members noted the outstanding Section 106 Agreements.

The meeting ended at 5.00pm.