

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2.00 pm on 9 APRIL 2014**

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

Officers in attendance: N Brown (Development Manager), M Cox (Democratic  
Services Officer), C Oliva (Solicitor), K Denmark (Development  
Management Team Leader) A Howells (Support and Business  
Manager) and A Taylor (Assistant Director Planning and Building  
Control).

**PC70 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors E Hicks, J Loughlin and  
L Wells.

Councillor Eastham left after the consideration application UTT/14/0480/FUL  
Elsenham.

**PC71 MINUTES OF THE PREVIOUS MEETING**

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

**PC72 PLANNING APPLICATIONS**

**(a) Approvals**

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

**UTT/14/0052/HHF Debden** – proposed single storey garage extension –  
Mellings, High Street for Mrs C Burchall.

**(b) Planning Agreements**

**UTT/14/0174/FUL Great Chesteford** – demolition of commercial buildings and  
erection of 42 dwellings – New World Timber Frame/Graveldene Nurseries,  
London Road for New World Timber Frame Ltd.

RESOLVED that conditional approval be granted for the above  
application

- 1 subject to an amendment to condition 5 and an additional condition  
for the provision of a cycle link as follows

5. Prior to occupation of the development, the provision and implementation of an upgrade of the existing central island on London Road to the south of the site, to a pedestrian refuge.  
**Reason:** In the interests of highway safety (REWORDING)
6. Prior to occupation of the development, the provision and implementation of section 1.2 (opposite Granta Close to station approach) of the Great Chesterford to Little Chesterford Cycle Route (Phase 1) 2 metre wide shared footway/cycleway.  
**Reason:** In the interests of highway safety and accessibility.  
(ADDITIONAL CONDITION)

## 2 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) unless by 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) Community payment for education
  - (ii) Provision of 40% affordable housing
  - (iii) Contribution towards open space and play equipment
  - (iv) Monitoring Charge
  - (iv) 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 by 20 April 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:
  - (i) Lack of community payment for education
  - (ii) Lack of provision of 40% affordable housing
  - (iii) Lack of open space and play equipment

*Joanna Francis and Graham Fisher spoke in support of the application.*

**UTT/14/0480/FUL Elsenham** - Full application for demolition of all existing buildings and change of use of site from B2 light industrial to residential. Proposed erection of 5 dwellings and 2 cartsheds to replace existing commercial buildings, uses and external parking/storage. Provision of new vehicular access to one dwelling. Provision of new pedestrian access to site- Elsenham Sawmill, Fullers End, Tye Green Road, Elsenham  
For Mr James Collins.

RESOLVED that the above application be approved subject to the conditions and legal obligation agreed by the Assistant Director Planning and Building Control in consultation with the Chairman of the Committee as follows.

### Conditions

1. The development hereby permitted shall be begun before the expiration of 2 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 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 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. These details shall include:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. other vehicle and pedestrian access and circulation areas;
  - iv. hard surfacing materials;
  - v. minor artefacts and structures (e.g. signs and lighting);
  - vi. proposed and existing functional services above and below ground (e.g. drainage power,
  - vii. communications cables, pipelines etc. indicating lines, manholes, supports.);
  - viii. protection measures for existing trees and hedges to be retainedSoft 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.  
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
  
5. 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).
  
6. Prior to the commencement of the development hereby approved detailed drawings of the footpath link shall be submitted to and approved in writing by the local planning authority. The footpath shall have a slope of no more than 1:20. Subsequently the footpath link shall be constructed in accordance with the approved details.

REASON: To ensure the footpath link is suitable for use by all potential users including those with limited mobility in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7. Prior to the commencement of the development hereby approved details of the lighting to the footpath and underpass shall be submitted to and approved in writing by the local planning authority. The details shall include light spillage drawings and the details of the lighting bollards and any other lighting fixtures to be used. Subsequently the scheme shall be implemented in accordance with the approved details.  
REASON: To ensure the lighting will be adequate to serve the purpose of illuminating the footpath but to ensure that it would not be damaging to the character of the rural area, in accordance with Uttlesford Local Plan Policies S7, GEN2 and GEN5 (adopted 2005).
8. Prior to the occupation of any of the dwellings hereby permitted, the proposed private drive shall be constructed to a width of 5.5m for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the verge.  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
9. Prior to the occupation of Plot 1 the vehicular access to serve this plot shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3m, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
10. There shall be no obstruction above 0.6m in height within a 2.4m wide parallel band visibility splay required across the entire site frontage as measured from the edge of the carriageway. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.  
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
11. Any gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

12. Prior to the commencement of the development hereby permitted details of mitigation measures in terms of construction and design to achieve the levels recommended in BS 8233 of 30 dB LAeqT in bedrooms and for individual noise events to not normally exceed 45 dB LA max shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved scheme.

REASON: To ensure the residents of the development do not suffer from loss of residential amenity due to noise from the neighbouring railway line in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

13. Prior to the commencement of the development hereby permitted details of mitigation measures to achieve an outdoor noise level not exceeding 55 dB LAeq shall be submitted to and approved in writing by the local planning authority. Subsequently the scheme shall be implemented in accordance with the approved scheme.

REASON: To ensure the residents of the development do not suffer from loss of residential amenity due to noise from the neighbouring railway line in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

14. No development 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, archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the Essex Technical Guidance for the redevelopment of land affected by contamination.

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).

15. No development 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).

16. The remediation scheme shall be implemented in accordance with the approved timetable of works. Following 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 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).
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.  
An assessment must be undertaken in accordance with the requirements of condition 1, 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 13.  
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 14.  
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)
18. Subject to the findings of condition 12 no development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, including the duration, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the

effectiveness of the monitoring and maintenance carried out must be submitted to 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).

### **Legal obligation**

- I The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless 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) Financial contribution equivalent to the provision of 1 affordable housing unit (£125,000) for the provision of off-site affordable housing.
  - (ii) Prior to the first occupation the provision of the footpath link, a maintenance plan and, if appropriate, the payment of a maintenance fee (eg if it is considered appropriate for the Parish Council to take over responsibility for this
  - (iii) Pay council's reasonable costs.
- II In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below.
- III If the freehold owner shall fail to enter into such an agreement by 30 May 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 provision of affordable housing.
  - (ii) No provision of a footpath link

*Councillor Morson, John Lawrence, Duncan Purssell, Peter Welsh, Heather Barker, Sasha Homes, Petrina Lees and Jim Collins spoke in support of the application.*

PC73

### **APPEAL DECISIONS**

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

Members expressed concern at the decision to allow the appeal for the proposed erection of a dwelling at Home Pasture Stud, Wimbish.



The Committee was advised that the financial test for a dwelling in the countryside was not mentioned in the NPPF. All that was now required was to demonstrate that there was a functional need for the building. Counsel's advice had been obtained but it was recommended not to appeal the decision. It was however agreed to write to the Planning Inspectorate expressing the council's concerns about this issue.

The meeting ended at 3.30pm