

1) UTT/2012/10/FUL & 2) UTT/2013/10/CA - SAFFRON WALDEN .....	2
UTT/2222/10/FUL - ELSENHAM.....	26
UTT/1984/10/FUL - LITTLEBURY.....	60
UTT/2310/10/FUL - FELSTED .....	68
UTT/0316/11/FUL - TAKELEY .....	88
UTT/0226/11/FUL - STANSTED .....	91
UTT/0337/11/FUL - TAKELEY .....	99
UTT/0338/11/FUL - TAKELEY .....	103
UTT/2408/10/FUL - CLAVERING.....	106
UTT/0235/11/FUL - GREAT DUNMOW .....	111
UTT/0208/11/FUL - LITTLE EASTON.....	117

## **1) UTT/2012/10/FUL & 2) UTT/2013/10/CA - SAFFRON WALDEN**

1) UTT/2012/10/FUL: Single storey extension to existing store, replacement decked car park and extension over existing service area, associated works including relocation of roof mounted plant, replacement staircase and lift block and landscaping including removal of trees on the southern boundary and works to trees on the western boundary and ancillary cafe

2) UTT/2013/10/CA: Demolition of decked car park to rear of the existing store including the associated vehicle ramp, lift and stair block adjacent to store entrance

Location: Waitrose Hill Street. GR/TL 539-384

Applicant: Waitrose Ltd

Agent: Barton Willmore LLP

Case Officer: Miss M Tourvas 01799 510510

Expiry Date: 31/01/2011

Classification: MAJOR

**NOTATION:** Within Development Limits, 13 & 23A Hill Street Grade II Listed Building, 5 Hill Street Grade II\* Listed Building, Conservation Area, Archaeological Site, Tree Preservation Orders & small part of site within Flood Risk Zone 3

**DESCRIPTION OF SITE:** The application site falls within the Saffron Walden Town Centre surrounded by a mixture of retail, commercial and residential uses, particularly along Hill Street and Fairycroft Road. Elm Grove is predominately residential, the immediate properties backing onto the site from Gold Street is a doctor's surgery, and an industrial building. Jubilee Gardens is located north-west of the site.

The site is on a split level with ground levels rising towards the south.

The main store itself dates back to the mid 1980s and is of a 'modern' design. It is built from red brick with a rendered façade fronting Hill Street. To the front of the store at first floor level are ancillary offices and staff facilities.

Pedestrian access is taken from both Hill Street and Elm Grove. Vehicular access into the site's car park is taken from Elm Grove. The car park is on a multi level with a surface car parking area and an upper floor decked area accessed from a ramp off Elm Grove. The car park serves both Town Centre visitors and Waitrose shoppers, known as Fairycroft Car Park. The car park falls under shared ownership amongst 12 bodies including between Waitrose and Uttlesford District Council.

The application site covers an area of 0.76 hectare and the food store has a gross external area of 2,847 square metres (present retail floor space being 2,645 square metres). There are currently 291 car parking spaces which include 32 spaces in the adjoining level surface car park outside the redline boundary).

**DESCRIPTION OF PROPOSAL:** There are two applications for determination, one for Full Planning Permission (UTT/2012/10/FUL) proposing the following;

- i. Internal alterations for the reconfiguration of the sales floor and construction of a single storey extension to the southern elevation of the existing Waitrose store to provide additional sales area and the provision of a dedicated customer café;
- ii. Extension of car park deck over the service area of the Waitrose store;
- iii. Replacement stair case and 3 new lifts;
- iv. Associated amendments to pedestrian access and landscaping;
- v. Relocation of plant above store, to include appropriate attenuation fencing;

- vi. Cutting back of trees on the western boundary and removal of trees on the southern boundary.

And the second application is for Conservation Area Consent (UTT/2013/10/CA) for the;

- i. Demolition of the existing car park deck and associated ramp access and excavation of the undercroft car park on its southern boundary of the site to enable the construction of two car park decks with associated access ramps;

The proposed scheme would an extension of 528 square metres of floor space underneath the upper car park. As part of the application it is proposed that the existing car park is remodelled. This would include 120sqm of roof terrace, plant and ramps.

There would be a net increase in car parking area by 2,039sqm as a result of the remodelling. This would be achieved through the demolition of the existing rear car deck including the associated vehicle ramp, lift and stair block adjacent to the store entrance. In its place the car deck will be replaced, the warehouse service area will be extended and associated works which would include the new and relocated roof mounted plant, replacement staircase and lift block. It is also proposed that there would be an ancillary café (107 square metres) and customer toilets within the store.

To facilitate these works it is proposed to remove trees on the southern boundary, which would be replaced with new landscaping and works to trees on the western boundary.

The overall height of the proposed structure would slightly increase from the existing. The proposed new service lifts with stairs although wider would be lower from 10.7m to 10.2m with a flat roof, and would be rendered. The rest of the car deck elevations would be treated with wooden cladding. Due to ground level change and proposed material treatment there would be an increase in flank height varying from 20-30cm. There would also be a new service stair well located on Elm Grove, 6m high x 5.3m wide, projecting from the elevation by 0.5m, which will also be rendered.

The works to the car park would see an increase in 1 car parking space, 7 motorcycle and disabled spaces and also 8 bicycle bays. The upper surface car deck is proposed to be extended and aligned with the main store's eastern elevation.

The highway and pedestrian access is proposed to be altered from Elm Grove.

The scheme would result in the increase of staff numbers from 95 to 105 full time equivalents.

There would be no increase in store hours. It currently operates at Monday –Thursday and Saturday 8.30am-8pm, Friday 8.30am-9pm, Sunday 10am-4pm and bank Holidays 9am-5pm.

**APPLICANT'S CASE:** Various reports have been submitted in support of the application, in the form of Design and Access Statement, Planning and Retail Statement, Landscape Statement/Arboriculture Report, Flood Risk Assessment, Ground Water Pollution, External Lighting Statement, Site Waste Management Plan, Noise Assessment, Archaeology Assessment, Air Quality Assessment, Transport Assessment with Travel Plan and Energy Efficiency Statement.

**RELEVANT PLANNING HISTORY:** UTT//0678/03/FUL - Change of use of part of warehouse to retail. Loss of 6 car parking spaces to accommodate additional plant and enclosure with fencing. – Granted 6/10/03

UTT/0691/92 – Detailed application for the erection of timber screen to existing car park –  
Granted 12/8/92

UTT/0374/85 – Food store development shop front and trolley park and covered area –  
Granted 28/5/85

UTT/0338/82 – Proposed supermarket, shops, office and car park – Granted 23/5/83

UTT/0895/78/CA – Retail store 2 deck car park and new rear store to 11 Hill Street –  
Granted 14/12/78

### **CONSULTATIONS:**

ECC Archaeology: No objections subject to an archaeological excavation condition.

ECC Highways: No objection subject to conditions relating to wheel washing facilities, bicycle facilities, temporary bus shuttle services and travel plan.

The application is for an increase in gross internal floor area of 528m<sup>2</sup>, which is likely to generate only a small increase in traffic. The Highway Authority would concur with the evidence provided in the Transport Assessment which states that only small increases of 12 (Friday AM peak), 43 (Friday PM peak), and 38 (Saturday Peak) vehicles are likely to result from a store expansion of 528 m<sup>2</sup>.

The reconstructed car park is proposed to provide a similar level of vehicle parking provision to the existing. There is a proposed increase to powered two wheeler parking and staff cycle parking

All new parking bays should be 2.9m by 5.5m according to the 2009 Parking Standards. However, even though part of the car park is proposed to be rebuilt, the site will be constrained and it will not be possible to provide 2.9m by 5.5m without compromising on the number of parking bays. Consequently, whilst the Highway Authority has concerns that insufficient sized parking bays could lead to vehicle damage and limited manoeuvrability, ultimately it is a trade off between size and quantity. The applicant has proposed to provide parking bays of 2.5m by 4.8m, these bays would be wider than the previous standard (2.4m) but would be no longer. It is considered for this individual case an exception to the standards should be allowed, given the location of the car park and its function as a town centre car park as well as for the superstore, however Uttlesford District Council is the Parking Authority and should consider this matter.

The application has considered the available capacity at Swan Meadow Car Park within Saffron Walden and has demonstrated that there is likely to be sufficient capacity for Swan Meadow to provide alternative parking whilst the Fairycroft Road car park is under construction. Waitrose have offered to provide a shuttle bus service between the store and the car park for those who would normally park in the Fairycroft Road Car Park.

The Highway Authority is aware of congestion and Air Quality issues at the junction of Thaxted Road, East Street and Radwinter Road. The Transport Assessment states that the predicted increase in vehicle movements associated with the store expansion is likely to have an impact of 0.2% (Friday AM Peak) and 0.7% (Friday PM peak and Saturday PM Peak) on the junction. This level only represents a minor increase and is not sufficient to justify mitigation towards the junction.

The Transport Assessment demonstrates that the likely additional traffic generated by the proposal will not cause a detrimental impact on the existing junctions in the vicinity of the site and that those junctions have sufficient available capacity.

Consideration has been given to the requirement of a Delivery Vehicle Traffic Management Plan, However this requirement is considered unnecessary as the site is already operational

and the Transport Assessment states that additional delivery vehicles are not anticipated, instead the same number of vehicles will deliver but with greater loads.

Veolia: Site is within a Ground Water Protection Zone corresponding to Debden Road pumping station. Construction works should be done in accordance with British Standards and Best Management Practices. Construction work could exacerbate any exiting pollution, if pollution is found during construction work then appropriate monitoring and remediation methods will need to be undertaken. Reference should be made to CIRIA Publication C5332 "Control of water pollution from construction - guidance for consultants and contractors."

Environment Agency: No objection. Site is partially located within Flood Zone 3. FRA submitted with application makes clear that there would be no increase in impermeable area and therefore no increase in surface water discharge to the existing system (para. 5.7 of FRA). With regards to the sequential approach as it is an extension to the existing store unlikely to consider an alternative site. PPS25 looks at a pragmatic approach when considering extensions to existing businesses. LPA should be satisfied.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Police Architectural Liaison Officer: Do not object against development. Car park currently achieves Safer parking award PARK MARK and expect the new build/refurbishment would improve the present set up and that the local authority would continue to achieve the award. We would expect that the development including the store to achieve Secure by Design certification by condition in accordance with Section 17 of the Crime and Disorder Act and Council policies.

Friends of the Earth: No comments received.

Fire Brigade: No comments received.

Environmental Health: Proposed alterations to the car park present an opportunity to improve the current situation with respect to delivery vehicle accessing the delivery bay. The proposal with the addition to the external path around the edge of the main car park and possibly a crossing point from Faircroft car park to the path could help minimise the likelihood of pedestrians being struck by reversing vehicles. Assumed exit marked MOE onto ramp is for emergency vehicles.

Conditions required controlling lighting and boundary noise levels, and requiring the submission of a detailed management plan re method of demolition and construction, noise and dust control methods, demolition and construction noise limits and hours of working.

There are no concerns regarding traffic pollution.

Drainage Engineer: None Received.

Building Control: Access is satisfactory.

Access Officer: No objection should ensure that blue badge holders have access.

Climate Change Manager: Energy efficiency measures for the development would be addressed through improvements required under Building Regulations.

Planning Policy: No policy objections in principal to the application and subject to details being acceptable the application should be approved.

Landscape: The sound attenuation properties of the existing vegetation would be minimal. To put this into context it is generally accepted that to provide a 5dB noise reduction 100' [33m] depth of dense conifer trees is required. 5dB is the level of noise reduction which people are normally able to register a noticeable change.

The provision of a yew hedge to replace the existing vegetation to be removed is considered appropriate. Yew will provide an evergreen screen through the year and can be maintained as a high hedge to soft the appearance of the building. Yew is relatively fast growing when established putting on a 300mm + growth per year.

The existing hedging and trees are not considered to have any significant wildlife habitat value.

Design Advice: The subject of the Conservation Area Consent is for the demolition of the decked car park to the rear of the existing store together with the associated vehicle ramp, lift and stair block adjacent to the store entrance. All the elements of the demolition are C20 structures which do not positively contribute to the character of the conservation area. The demolition is acceptable in principle subject to a condition relating to tree protection for those which are adjacent to the boundary to prevent accidental damage.

Saffron Walden Town Council: Due consideration to be given to temporary car parking being made available for the duration of the works. No objection made to the Conservation Area Consent subject to stringent measures being put in place to control dust and noise distribution to nearby dwellings.

### **STATEMENT OF COMMUNITY INVOLVEMENT (SCI):**

A public consultation was carried out within the store prior to the submission of the application. This had the involvement of local stakeholders and the local community. The feedback received was captured and analysed within the submitted SCI.

It has been confirmed that the public consultation had been carried out in accordance with the Council's adopted Statement of Community Involvement 2006. The SCI highlighted the various stakeholders that were consulted and their briefing sessions on the proposed development prior to the application's submission. The various publicity approaches of the exhibition were listed, which included letters, leaflets, and press notices. The exhibition was held over 2 days on the 10<sup>th</sup> and 11<sup>th</sup> of September 2010 within the store.

The summary of feedback analysis demonstrated 827 people attended over the 2 day exhibition, with 439 people choosing to submit comments. The comments highlighted that 420 were in favour of the proposed extension, 6 were not in favour and 13 remained undecided.

The SCI summarised the comments that were raised from the exhibition. The comments that were raised are reflected in the letters that were received during the consultation of this application.

**REPRESENTATIONS:** The surrounding neighbouring properties have been consulted of the planning application. The scheme was advertised on site and in the local press. As a result 90 responses have been received:

**19 letters of objections / general comment have been received** - Following points have been raised;

#### Competition

- Will detract from the town centre and market;
- Do not need more grocery retail space in the town centre;
- Will non-food goods be sold as at Waitrose in Cambridge?
- Support the Sainsbury's proposals, which would benefit everybody in the same way;
- Will not be a net benefit to the community. Will not promote competition, but will enhance it's pre-eminent position against the mini-market and post office whose viability is of major importance;
- May affect the viability of other town centre shops carrying a small range of convenience groceries;
- A café would not improve the retail mix as there are 4 in the vicinity;
- An extended Waitrose would be the lesser of the 3 evils.

### Design

- How much higher will the roofline be?

### Environmental

- Conservation area will be destroyed for the duration of construction;
- Views of the Church will be affected by plant rooms;
- Removal of trees, which act as a sound barrier;
- If permission is granted, the trees and bushes to the south of the car park should be replaced with others and not with a hedge;
- Object to the destruction of the trees which grow to the south of the existing car park, and to the habitat they support;
- Disruption and noise, which currently starts between 0430 -0600. Noise may compromise service delivery to patients at the Gold Street Surgery;
- Additional air pollution from extra traffic would not be welcome
- Increased frequency of deliveries;
- Existing store overlooks my garden and blocks daylight.

### Need

- Applicant has not demonstrated any need – provision of toilets is not unwelcome, but can hardly be said to be needful;
- Need for café;

### Planning issues

- Concerned at the speed the application is being determined.

### Sustainability

- Will be more space for exotic out-of-season goods imported by air.

### Traffic

- Will create traffic havoc in a sensitive area of town that is already bottlenecked – George Street, Hill Street and East Street specifically mentioned;
- Extra heavy trucks and cars not welcome;
- Danger to elderly people, especially when trying to cross the road;
- Pressure on our private car park will increase during construction;
- Location of existing store far from ideal;
- Need traffic calming in Fairycroft Road, plus aids for elderly people needing to cross Elm Grove. Problem of large lorries taking the sharp bend out of Fairycroft Road;
- Traffic burden on East Street – effect on the Victorian police station and terraced cottages;
- Would bring no extra car parking spaces, but would increase traffic;
- Loss of town centre parking spaces may make it difficult for patients to access the Gold Street Surgery;
- Town centre roads not designed for HGVs;
- Does not make commercial sense for Waitrose to claim they will not generate significant levels of additional traffic because they do not anticipate attracting significant numbers of new customers, but expect existing customers to stay slightly longer and spend more;
- Any economic recovery will exacerbate goods traffic to and from the store;
- If planning permission is granted, Waitrose should be obliged to provide a pedestrian crossing close to Cates Corner – likewise across Hill Street. Alternatively, Cates Corner could have “intelligent” traffic lights;

- Has a one way system been considered with entrance to the Waitrose car park from George or Gold Streets?
- Car park should be converted to “pay on foot before exit”.

In addition, a letter has been received from Indigo Planning Ltd (acting for Sainsbury's). The letter says there is considerable reason to interrogate whether the proposed Waitrose extension is a “blocking” proposal as per the Practical Guidance to PPS4. There is reason to insist on the submission of clear evidence that the Board of Waitrose has approved the development following an appropriate feasibility appraisal, and to require clarity on matters relating to sales floor space, café provision, car parking layout and the construction programme, namely;

- Is a café being proposed?
- What is the floor space increase (583 sqm or 602 sqm) ?
- Car parking layout is not an improvement;
- Need for clarity on servicing and delivery arrangements for Waitrose and neighbouring premises using the shared service yard during the construction programme. Demolition of the existing slab above the store, which would require the store to be condensed during these works;
- No more than 150 car parking spaces would be available in Swan Meadow during the core trading period on Saturdays, wholly inadequate to cater for the displaced demand from Fairycroft car park during the construction period.

*Note: subsequent responses from Waitrose and Barton Willmore (on behalf of Waitrose) state that:*

- *The proposed extension is viable, and has been approved by the Board;*
- *The scheme is part of Waitrose's overall programme for store investment and expansion. Timing is largely co-incident and not purely a response to competition;*
- *The floor space increase (net sales area) is 583 sqm, part of which will be a small customer café ancillary to the sales area and does not constitute development. The 19 sqm extra is an anomaly;*
- *The car parking layout improves access to the upper level, which is currently unpopular with customers, and eliminates the relatively steep fall across the lower level which causes problems pushing shopping trolleys. Disabled bays are located at basement level to provide access between the car park, sales area and the pedestrian route to Hill Street;*
- *There will be sufficient car parking elsewhere during the construction phase. A survey of Swan Meadow established that there will be sufficient spare capacity, particularly on a Friday. Waitrose will operate a shuttle bus throughout the construction period;*
- *Servicing arrangements for Waitrose and neighbouring premises will remain unaltered. During construction, building works will be carefully phased and closely managed to maintain delivery access;*
- *The existing store slab will be unaffected.*

**68 letters of support have been received** - Following points have been raised;

#### Competition

- Town well served by two strong food retailers
- Will not have a negative impact on the town. Will allow existing High Street shops to be used via joint trips
- Currently have to travel to Trumpington for the greater selection available there
- Failure to allow the extension would result in slow death or withdrawal from the town
- Will attract additional shoppers to the town centre



- Pleased to see they have no plans to sell non-food items from the extended store. Greater selection and wider variety of products will be sold
- Sainsbury's would be the worst possible of all options for town centre trade. Preferable to Tesco's extension as well
- The poor facilities in Royston town centre should serve as a salutary warning of the dangers of an out-of-town supermarket. Also Shepton Mallet
- Would not like to see an in-store café as this would compete with outlets elsewhere in the town centre
- Unfair to let Tesco expand but deny Waitrose. Should allow Waitrose to expand first

#### Customer issues

- Established business, contributing enormously to the level of commercial activity within the town;
- The extension will strengthen Waitrose's presence, attracting more people to the town centre;
- An increase in space and general improvements would assist the shopping experience;
- Free parking encourages shopping in the town at the same time as the weekly shop. If parking is to be paid for, it should be on exit to avoid "clock watching";
- Any future expansion into non-food business would be supported by the parent John Lewis Partnership;
- Enhanced disabled parking would be an improvement over current woefully inadequate arrangements;
- Has an unrivalled reputation as an employer and for customer care, especially on the needs of the elderly;
- Aisles too narrow at present.

#### Design

- Very sympathetic to the surroundings;
- Greater customer numbers well considered in terms of improved store parking;
- Additional floor space is massively less than that proposed for the other supermarkets;
- Innovative design leading to an enhanced shopping experience;
- Will avoid the existing spiral ramp and the hazards it brings to long cars and in icy weather;

#### Employment

- Extra jobs can only help the local economy.

#### Sustainability

- Will achieve wider choice without any significant impact on pollution and traffic;
- Could lead to a responsible, caring revitalization of the town;
- Will boost tourist trade in the town.

#### Traffic

- Can easily walk to the store;
- Good for people with reduced mobility, and for the elderly;
- Will create some additional traffic, but only on roads capable of handling it;
- No great increase in delivery vehicles is suggested;
- Should improve the one-way access to the store to avoid annoying residents through repeated journeys past their houses.

### **COMMENTS ON REPRESENTATIONS:**

- It is not proposed that the Waitrose store would diversify into non-food goods;
- Competition is not a relevant planning consideration;
- It is not uncommon within stores to be served by café and customer toilets;
- The proposed construction works are temporary and should planning permission be granted mitigation conditions would need to be imposed;
- There is no right to a view, the church does not benefit from strategic protected views; The relocated plant will not be any higher than the background structures looking towards the church;
- The degree of overlooking is not adversely greater than the current situation;
- There would not be a an overall loss of car parking spaces;
- Regarding viability, need, noise implications, operation hours, deliveries, air pollution, traffic please refer to main report;
- Unreasonable to condition who could start to implement consent first should planning permission be granted for Waitrose in relation to the recently granted Tesco's store;
- Method of car parking payment is outside the control of planning considerations;
- With regards to the speed of the determination of the application the application is a major with complex issues. Whilst the application is under consideration, requesting further information from both consultees and the applicants the level of time to determine the application is at the discretion of the Local Planning Authority particularly to ensure any concerns have been fully addressed.

### **PLANNING CONSIDERATIONS:**

- 1) **Principle of the proposed development and demolition works (Planning Policy Statement 1, Planning Policy Statement 4, Regional Spatial Strategy SS1, SS3 and E5, ULP Policies S1, RS2, and SW1);**
- 2) **Design and impact in terms of Archaeology, Conservation Area and adjacent listed Buildings (Planning Policy Statement 5, Regional Spatial Strategy SS3, ENV7 and ENG1, ULP Policies GEN1, GEN2, ENV1, ENV2, ENV4 and RS1; SPD Energy Efficiency & Renewable Energy)**
- 3) **Impact upon amenity (AQA, pollution, amenity - residential and visual) (Planning Policy Statement 23, Regional Spatial Strategy ENV7, ULP Policies ENV13, GEN4, ENV11, and GEN2)**
- 4) **Landscaping and Wildlife (PPS9, ULP Policies GEN7 and ENV3)**
- 5) **Highway Implications and Parking (Planning Policy Guidance 13 (as amended), Regional Spatial Strategy T1, and T14, ULP Policies GEN1, GEN8, ECC Parking Standards 2009)**
- 6) **Other Material Considerations - Flood Risk Assessment, Groundwater pollution and the Tesco's & Sainsbury's applications (Planning Policy Statement 25, ULP Policies GEN3, and ENV14)**

#### **1) Principle:**

1.1 The application site falls within the development limit and main town centre of Saffron Walden. Planning Policy Statement 1 (PPS1) emphasises that "*Good planning ensures that we get the right development, in the right place and at the right time. It makes a positive difference to people's lives and helps to deliver homes, jobs, and better opportunities for all, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are vital resources for everyone.*" This would be achieved through the principles of sustainable development aiming for "*social progress which recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; and, the maintenance of high and stable levels of economic growth and*

*employment.*” Planning Policy Statement 1 refers to making suitable land available, and aiming for high quality development.

1.2 PPS1 also recognises the need for sustainable economic development seeking to *“promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should:*

- (i) Recognise that economic development can deliver environmental and social benefits;*
- (ii) Recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse local impacts;*
- (iii) Ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper;*
- (iv) Provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly;*
- (v) Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth;*
- (vi) Actively promote and facilitate good quality development, which is sustainable and consistent with their plans; .....*
- (viii) Ensure that infrastructure and services are provided to support new and existing economic development and housing;...”*

1.3 Planning Policy Statement 4 - Planning for Sustainable Economic Growth (PPS4) and the associated practice guidance published in December 2009 sets out the most up to date policy context. It is the most relevant and material primary policy guidance notes relevant to this subject planning application. It highlights that the Government’s objective is for sustainable economic growth improving economic performance including in local and rural areas. It seeks to *“deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change”* and *“raise the quality of life and the environment in rural areas by promoting thriving, inclusive, and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all.”* It goes onto to state that local planning authorities should take account of both quantitative and qualitative need for additional floor space for different types of retail (and leisure developments). The applicant’s supporting information (Planning and Retail Statement) stated *“The proposal represents an important investment by Waitrose in their longstanding Town Centre store. The extension will provide additional sales area and associated qualitative improvements to enhance the store’s offer and environment for the benefit of customers and visitors to the Town Centre. These are intended to reinforce and enhance its role as the Town Centre’s convenience goods anchor store.”* This is reflected in Regional Strategy Policy E5 for Regional Structure of Town Centres; which aims to direct development to specific regional centres and major town centres. This does not include Saffron Walden. Local development documents are required to identify a network of more local town centres, district centres, neighbourhood centres and village centres. Paragraph 4.20 which supports this policy states:

*“Growth in retail provision will be needed in response to growth in population and expenditure per capita but changes such as the growth in ‘e-tailing’ mean there are uncertainties about how much additional floorspace and of what types will be needed. At the same time, the scale of additional provision needed may be significant in areas of major regeneration or housing growth.”*

1.4 PPS4 Policy EC10 relating to determining applications for economic development aims to secure sustainable economic development. It states that applications should be assessed against emission levels, accessibility, that the scheme allows for a high quality development improving the character and quality of the area and the way it functions.

1.5 The overriding objective of national policy is to focus new development within existing centres wherever possible. Local Planning Authorities (LPAs) should proactively plan to promote competitive town centre environments to provide consumer choice by, amongst other things, planning for a strong retail mix so that the range and the quality of the comparison and convenience retail offer meets the requirements of the local catchment area.

1.6 Policy guidance seeks that sites for main town centre uses should be identified through a sequential approach looking first at locations in existing centres then edge of centre and finally out of centre sites. Under Policy EC14 in PPS4;

- A sequential assessment is required for town centre uses that are not in an existing centre and not in accordance with an up to date development plan;
- An Impact Assessment is required for proposals over 2500 square metres which are not in an existing centre and not in accordance with an up to date development plan. Proposals under 2500 square meters will need to be assessed if they are likely to have a significant impact on other centres.
- Planning applications in an existing centre but not in accordance with the development plan will need to be assessed if they would substantially increase the attraction to the centre to an extent that it could have an impact on other centres.

1.7 The proposal does not fall within the above criteria as it is within the town centre of Saffron Walden, due to its nature, overall achieving purpose, and size it is not contrary to the development plan and therefore is unlikely to have a significant impact on other centres. Hence, it does not need to be subject of an impact or a sequential assessment and is in accordance with the overarching aims of national policy, namely PPS4.

1.8 RSS Policy SS1 for Achieving Sustainable Development, amongst other things, seeks to achieve a sustainable economy. This should be achieved, inter alia, by adopting a precautionary approach to climate change or minimising potential contributions to adverse change and incorporating measures which adapt as far as possible to unavoidable change. The policy seeks to maximise the potential for people to form more sustainable relationships between their homes and regularly used services and facilities. In addition, development should respect environmental limits by seeking net environmental gains wherever possible, or at least avoiding harm, or minimising, mitigating and/or compensating for that harm. The overarching requirements of this policy are reflected in national policies PPS1, PPS4 and PPG13 (transport).

1.9 The Uttlesford Local Plan was adopted in 2005 and its origins date back to 2000. It identifies Saffron Walden as being the most important shopping centre in the District but recognises that people look to higher order centres for durable goods needs. At the time the Local Plan was prepared Saffron Walden had a fragile retail health and strong local housing market. Policy SW1 – Town Centre aimed to protect existing retail and service uses within the town centre's core. Paragraph 15.5 identified the Fire Station site and the Fairycroft Road car park as potential development sites. The subject of this application accords with this policy.

1.10 Local Plan Policy S1 states that the following will be permitted within development limits;

- Major urban extensions, if in accordance with the local plan;
- Development within existing built up areas, if compatible with the character of the settlement and, in addition, for sites on the edge of the built up area, its countryside setting.

1.11 Local Plan Policy RS2 for Town and Local Centres states, amongst other things, that retail uses will be permitted within the centres of Saffron Walden where it would meet all of the following criteria;

- It maintains and enhances the role as retail and service centres;
- Does not harm their historic and architectural character;
- It contributes to the diversity of retail and other commercial activity;
- It does not result in significant loss of houses or flats in the centres;
- It does not prejudice the effective use of upper floors as living or business accommodation.

1.11 Whilst the Local Development Framework is at a very early stage a District wide retail study was undertaken by Hephher Dixon in 2005. This concluded that there would be a need for a further 1,400 square metres gross convenience floor space in the District by 2013.

1.12 Planning permission was granted for an extension the Tesco's store on the edge of Great Dunmow in 2008. This extension was for a gross floor area of 1,617 square metres of which 471 square metres (net) was for increased food capacity. This has not been implemented, however, even if it were there would still be some capacity for additional convenience floor space within the district. The Council has commissioned an update to the distinct wide study, as part of the work on the Core Strategy but this has not yet been completed.

1.13 The proposal would see an extension of an existing retail use within the town centre, involving an increase in the Gross Internal Floor space from 2,645 to 3,173 square metres. The current sale floor space would increase from 1,527 to 2,110 square metres (+ 583 m<sup>2</sup>) and the warehouse will be reduced from 643 to 610 square metres. The proposed extension would see the remodelling of warehousing in a more logical manner all together, whereby at present storage is scattered within the store and is inefficient.

1.14 The increase in selling area would allow for an increased range and offer of products in a more convenient layout; and the remodelling of the car park is stated would improve the accessibility and circulatory efficiency of the facility. The proposed store enlargement would also include a café and customer toilets. Whilst there were third party objections to this element this is not an uncommon feature within stores or in a town centre location. The car park would be expanded and remodelled to provide 292 spaces over 3 levels. The scheme would result in the employment of an additional 20 staff (10 full time equivalents). This would enhance the retail service already provided within the town centre.

1.15 No residential units or other commercial accommodation would be directly affected or lost by the proposed development. As the store is within the town centre there are no objections on policy grounds both at national, regional and local policy level to the additional retail floor space. The application site is sustainable and is the first sought after location when taking a 'sequential' approach. The proposed scheme would facilitate attracting people to the town centre and not away which would be a primary concern. It is a closest to home facility serving the catchment area of Saffron Walden. The proposed development in principle is in accordance with PPS1, PPS4, RSS Policies SS1, and E5, also Policies SW1, S1 and RS2 of the adopted Local Plan.

1.16 Other aspects in terms of design, highways implications etc would need to be further assessed below.

## **2) Design and impact in terms of Conservation Area and adjacent Listed Buildings:**

2.1 *Design, Conservation Area and Listed Buildings;*

RSS Policy SS3 (Towns other than Key Centres and Rural Areas) seeks to support urban and rural renaissance and improve the town's accessibility, especially by public transport. Highlighting that development should be sympathetic to local character and of an appropriate scale and nature in relation to local housing and employment needs. RSS Policy ENV7: Quality in the Built Environment aims to secure good quality development which, inter alia, promote sustainable construction; reduce pollution, including noise and light pollution; and to have regard to the needs of all sectors of the community.

2.2 This is reflected in Local Plan Policy GEN2 which emphasises that development will only be permitted if it meets all of the listed criteria in terms of scale, form, layout, appearance and materials of surrounding, safeguards important environmental features and their setting, reduces visual impact, reduces potential for crime and safeguards the amenity of neighbouring residential occupiers. Local Plan Policies ENV1 for Conservation Areas and ENV2 for Listed Buildings states that development will be permitted where it preserves or enhances the character and appearance of essential features of conservation areas and listed buildings. This is also emphasised within Planning Policy Statement 5 - *Planning for the Historic Environment*.

2.3 The Conservation Area Consent application would see the demolition of a 1980s structure which does not positively enhance or preserve the surrounding conservation area. The deck would be replaced with one which would have a contemporary treatment and appearance of timber cladding. The omission of a red brick treatment in favour of timber cladding would have an overall softening affect. The store's extension, including the warehouse element, would be contained under the undercroft car park area and therefore the visual impact of this would be limited.

2.4 The replacement car park deck would be of an overall similar height with slight variation in areas. The size, scale, and proportions of the proposed new car park would overall be consistent with the existing car park. The southern and western elevation would be similar to what is there at present bar the new proposed stairwell at Elm Grove, new lifts/stairwell and a marginal increase in height as a result of the timber cladding.

2.5 The proposed eastern elevation would in part extend further as a result of the proposed removal and relocation of the access ramp. The scheme would see the eastern elevation align whereas at present it 'dog legs' around the warehouse element. The northern elevation would predominately remain unchanged other than any glimpse views which could be had of the new lifts/stairwell.

2.6 The listed buildings located along Jubilee House Hill Street a Grade II\* listed building, Gold Street (Grade II listed buildings), are significantly set back that their setting will not be affected. In terms of no. 23A Sullivan House, Hill Street, which is also a Grade II listed building, it is considered that the current appearance of the car deck and hardstanding area is harsh. The proposed scheme would align the eastern elevation not exceeding the existing building line of the main store. The proposed timber cladding will be configured in both a vertical and horizontal layout, would again soften the store's structure and improve its overall appearance. Therefore there would be no harm upon the setting of this listed building, and its setting is considered would be improved.

2.7 No objection has been raised by the Conservation Officer regarding the demolition of the existing car deck structure subject to a condition relating to the protection of the existing trees adjacent to the boundary to prevent accidental damage.

2.8 The character and appearance of the conservation area or the setting of the listed building will not be adversely affected and would be improved, in accordance with PPS1 and PPS5, RSS Policies SS3 and ENV7, also Local Plan Policy GEN2, ENV1, and ENV2.

### 2.9 *Archaeology:*

Local Plan Policy ENV4 emphasises the importance of archaeological remains and their preservation, this is also reflected in PPS5. Development would need to outweigh the importance of the preservation of remains in situ. The application site is located within an area designated for its archaeological significance and there would be a likely chance of uncovering archaeological important remains. An archaeological desktop assessment has been submitted as part of the planning application which highlighted that remains dating to prehistoric, Romano British and Saxon/medieval periods may potentially exist. Due to the extensive works for the original building there would be limited potential on a major of the site, but with some potential to the south of the application site where artifacts could be located. ECC Archaeology raised no objections subject to an archaeological condition being imposed should planning permission be granted as a form of mitigation, in accordance with Local Plan Policy ENV4 and PPS5.

### 2.10 *Designing out Crime and Accessibility:*

Local Plan Policy GEN2 seeks that new schemes reduce the potential for crime. The current car park achieves a safer parking PARK MARK award. The proposed scheme would improve the car park layout. No objection has been raised by the Police Architectural Liaison Officer. Various existing and proposed security measures have been outlined within the Design and Access Statement. Additional measures are proposed to bring the security of the store up to 'standard'. However, should planning permission be granted a condition can be imposed regarding details of security measures to be submitted for further approval, in accordance with Local Plan Policy GEN2.

2.11 With regards to accessibility of the site and following the proposed development the scheme would need to comply with Part M of the Building Regulations and be Disabled Discrimination Act (2004) (DDA) compliant. Local Plan Policies GEN1 and RS1 relating to access seeks that development is accessible to all. The pedestrian access ramp from Hill Street would remain the same and a ramped pedestrian access would be provided from Elm Grove. New lifts are proposed to be provided which would increase from the current provision of 2 lifts to 3 lifts.

2.12 There would also be a provision of 22 accessible spaces (16 disabled spaces and 6 parent and child spaces), an increase from the current provision. The replacement car park would improve the accessibility and circulation. Tactile paving and dropped kerbs, also highlighted crossing areas would be incorporated within the proposed redevelopment of the car park area. Whilst the site is constrained the proposed new build would see an improvement from the current existing situation, therefore the proposed scheme is considered to accord with Local Plan Policies GEN1, GEN2 and RS1, also RSS Policy SS3.

### 2.13 *Energy Efficiency:*

It is outlined within the supporting information that Waitrose are committed as a business to reducing carbon footprint, recycling and reducing energy consumption. Accompanying the planning application the Design and Access Statement identifies that the development would incorporate energy efficiency measures and improvements to aim for a Building Research Establishment Environmental Assessment Method (BREEAM) rating of "Excellent". Should there be any unforeseen issues on the site it is stated that at the very least it is aimed to reach a 'Very Good' rating. This is in accordance with Local Plan Policy GEN2 and Supplementary Planning Document SPD Energy Efficiency & Renewable Energy and RSS Policy ENG1 (Carbon Dioxide Emissions and Energy Performance) which aims at ensuring development helps meet the national targets for reducing climate change emissions. In particular it has a requirement for new development of 1000sqm of non-residential floorspace should secure at least 10% of their energy from decentralised and renewable or

low-carbon sources. The scheme falls below the 1000sqm threshold however still proposes to meet the 10% requirement.

2.14 No objection has been raised by the Climate Change Officer as the energy efficiency of the building would also be assessed at Building Control stage. Should planning permission a condition would be imposed ensuring that this is achieved in line with local plan policy and the relevant SPD.

2.15 The submitted Waste Management Plan outlines the level of additional recycling of waste generated from the stores everyday operations and the recycling of materials resulting from the construction works. This is inline with the essence of both national and local plan policies.

### **3) Impact upon amenity:**

#### **3.1 *Air Quality:***

Local Plan Policy ENV13 seeks the protection against exposure to poor air pollution, whilst Policy GEN4 relating to Good Neighbourliness which seeks protection, amongst other things, exposure against pollutants such as smells and dust. Planning Policy Statement 23 - Planning and Pollution Control (PPS23) states that the air quality and the impact of development proposals is a material planning consideration but controls under planning and pollution control regimes should complement rather than duplicate each other. Paragraph 9 states that the planning system plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching mitigating conditions to allow developments which would otherwise not be environmentally acceptable to proceed, and preventing harmful development which cannot be made acceptable even through conditions. Annex 1 of PPS23 states that Local Authorities have pollution control responsibilities under Part IV of the Environment Act 1995 for reviewing and assessing ambient air quality and, where necessary, designating an Air Quality Management Area (AQMA). Where an AQMA is designated an action plan is required which should be integrated within the local transport plan. The implementation of an action plan will impact on development control decisions requiring the planning, transport and air quality control functions of local authorities to work closely together.

3.2 In Saffron Walden there are three AQMAs. AQMA 1 is centred on the junction of High Street and George Street. AQMA 2 is centred on the junction of High Street and Castle Street. AQMA 3 is centred on the junction of Thaxted Road with East Street and Radwinter Road. An Air Quality Action Plan was adopted by the Council in 2009. This refers to the Essex Local Transport Plan which has a number of general measures aimed at reducing the impact of road transport on air quality. These measures include School Travel Plans, Business Travel Plans, and improvements to public transport.

3.3 The application site lies outside the designated AQMAs, however it is relatively close to them. Therefore in accordance with PPS23 an Air Quality Assessment has been submitted as part of the planning application together with a Travel Plan (the travel plan in itself will be assessed separately below). The store already generates traffic movement to and from the site. In terms of assessing the proposed scheme it would be the resultant impact from the development that would need to be assessed.

3.4 Any poor air quality during construction works can be controlled and mitigated through the introduction of measures that could be dealt with through the imposition of conditions should planning permission be granted. Mitigation measures such as dust suppression and limiting activities depending on weather conditions have been outlined within the AQA, Section 6. As construction works are time limited (temporary) and controllable, this is not considered to be a material issue with sufficient weight.



3.5 For the purposes of the Air Quality Assessment (AQA) 29 existing residential properties have been identified as receptors. The Highway Authority is aware of congestion and Air Quality issues at the junction of Thaxted Road, East Street and Radwinter Road. The Transport Assessment states that the predicted increase in vehicle movements associated with the store expansion is likely to have an impact of 0.2% (Friday AM Peak) and 0.7% (Friday PM peak and Saturday PM Peak) on the junction. This level only represents a minor increase and is not sufficient to justify mitigation towards the junction. The AQA concludes that the proposed development would increase traffic volumes on local roads by a small amount and would not exceed the annual mean nitrogen dioxide, and consequently the predicted impact from the proposed development is considered to be negligible. This accords with RSS Policy ENV7, Local Plan Policy ENV13 and PPS23, in terms of pollution reduction and protection against exposure to poor air quality. No objection or concerns were raised by the Environmental Health regarding air quality.

### 3.6 *Noise and Disturbance:*

Local Plan Policies GEN4 and ENV11 relating to Good Neighbourliness and Noise Generator seeks to protect sensitive uses from noise, and disturbance. The proposed demolition could result in the creation of noise.

3.7 The application proposes that a new plant will be provided and relocated on the roof of the car deck along the eastern side. The nearest commercial property is located at 16m and the closest residential property is located at 42m from the proposed plant. The equipment has been tested on site during the course of a 21 hour period. It has been highlighted within the Noise Assessment that there would be a minimal increase in overall noise levels as a result of the proposed development by 3dB as a result of comings and goings, and the introduction of new plant. It has been argued that due to the limited increase in car parking spaces by 1 space would result in no change in the level of noise and disturbance from coming and goings. The figures received resulting from the test highlighted that they are capable of according with recommended noise levels within Planning Policy Guidance Note 24 (PPG24) (Planning and Noise) through noise attenuation. The proposed plant will be acoustically treated to prevent any noise nuisances to the neighbouring occupiers.

3.8 Disturbance from the construction activities would be time limited and this would be controlled through the use of an hour's restriction, should planning permission be granted.

3.9 Concerns have been raised by neighbouring residential occupiers regarding the reduction of attenuation as a result of the proposed loss of planting/trees along the southern boundary. The sound attenuation to properties from the existing vegetation would be minimal. 5dB is the level of noise reduction which people are normally able to register a noticeable change. It is generally accepted that to provide a 5dB noise reduction 100' [33m] depth of dense conifer trees is required. The existing vegetation is not this dense therefore there will not be a loss of sound attenuation resulting from the proposed tree work.

3.10 No objections have been raised by Environmental Health regarding the impact upon amenity however recommendations were made seeking the imposition of conditions requiring controlling lighting and boundary noise levels, and the submission of a detailed management plan re: method of demolition and construction, noise and dust control methods, demolition and construction noise limits and hours of working for further approval should planning permission be granted. However, a draft construction management plan has also been submitted in support of the application outlining the monitoring and control of amenity sensitive issues raised. These points have also been embedded within Section 8 of the Noise Assessment. This emphasises the use of noise machinery away from noise sensitive properties, use of screens etc. The Noise Assessment also highlights that any

increase in the provision of stock as a result of the proposed extension could be provided by way of increasing the size of delivery vehicles as opposed to an additional number of delivery vehicles.

3.11 It is therefore considered that the proposed development accords with Local Plan Policies GEN4 and ENV11, also PPG24.

3.12 *Amenity:*

An External Lighting Statement has been submitted as part of the application. Local Plan Policy GEN4 also seeks protection against light pollution and whilst Policy GEN2 seeks mitigation of environmental impact upon residential properties. The statement submitted confirms that the proposed new car park lighting scheme will accord with British Standards in terms of illumination levels, incorporating discharge source lamps and flat glass diffusers to ensure no upward illumination/light pollution. The lights are proposed to be on during trading hours and 40% on out of trading hours for safety and security purposes. Should planning permission be granted a condition would be imposed requiring details of lighting and lux levels to be submitted for further approval.

3.13 The proposed timber cladding treatment is stated to facilitate in diffusing light escape from vehicle headlights. This would be an improvement to the current situation on site, and in accordance with local plan policies.

3.14 With regard to the visual impact of the proposed development this is considered this would be limited due to the fact there would be a marginal increase in height as a result of the cladding treatment. The proposed lift shaft with stairwells would be set away from residential dwellings. Whilst the width would increase, the height would be reduced having a flat roof at a curved angle. This element would be set back from the main road (Hill Street). This together with the fact that it would be rendered would visually reduce any impact.

3.15 The proposed stairwell along Elm Grove would minimally project from the main car park elevation by 0.5m. It's height in relation to the neighbouring residential properties would result in minimal visual intrusion, particularly with its proposed rendered finish. There is a distance of approximately 11m between the southern elevation of the car park and the frontages of the residential properties along Elm Grove. The main windows of the Elm Grove properties opposite the southern elevation do not appear to be habitable rooms; however, the proposed timber cladding with its minimal increase in height would have a softer visual appearance from the current brick material, hence considered improving the level of visual amenity.

3.16 The proposed eastern extension of the proposed car deck due to its orientation in relation to the residential properties along this part of Elm Grove and its design would have minimal visual impact. The existing plant and screening would be moved away from the residential properties fronting Hill Street improving the residential occupier's visual outlook. There would be a reduction in the level of concrete and more of the activities would be enclosed within the proposed structure, such as the ramp access for the upper deck, trolley storage etc.

3.17 Due to the nature of the proposed development, height, and orientation it is considered that there would be minimal additional opportunity for overlooking.

3.18 With regards to the levels of comings and goings whilst it is considered that there would be some increased vehicle movement this would be limited by the proposed size of the store, the selling of specific branded food products and the store's sustainable town centre location.

3.19 Overall it is not considered the proposed development would adversely affect the visual and residential amenity of the surrounding residential occupiers or of the locality in accordance with Local Plan Policies ENV1, ENV2, GEN2, and GEN4, RSS Policy ENV7 and PPS1.

#### **4) Landscaping and Wildlife:**

4.1 Inline with Planning Policy Statement 9 for Biodiversity and Geological Conservation also the Wildlife Act 1981, Policy GEN7 Nature Conservation seeks the protection of wildlife whilst Policy ENV3 Open Spaces and Trees seek the retention of visually important trees.

##### *4.2 Wildlife:*

There is limited opportunity for biodiversity on the application site. The application site is located within a 500m recording of Great Crested Newt site, however due to its town centre location it is negligible that there would be any Great Crested Newts on site through the level of harsh surrounding urbanisation in the form of hard standing and busy roads etc. The existing hedging and trees along the southern elevation are not considered to have any significant wildlife habitat value, other than nesting birds.

##### *4.3 Landscaping:*

There are numerous trees along the shared boundaries, many of which are covered by Tree Preservation Orders, along the west and northern boundaries, and overall are protected by the designation of the Conservation Area, south of the application site. It is proposed that those trees where possible would need to be managed and cut back along the western boundary and along the southern boundary they would need to be removed in order to facilitate the replacement of the car parking deck. It is proposed that 3 Yew trees which are relatively small in size located near the existing ramp will be removed to facilitate the car deck extension,

4.4 The trees located along the southern boundary would be compromised as a result of ground level dropping to facilitate the new car deck. Trees located adjacent to the shared boundary with the Gold Street Surgery could have tree roots compromised as a result of foundation works.

4.5 Recommendations have been made within the submitted arboriculture report in the form of replacing some concrete strips with permeable surfaces, crown reduction, removal of ivy growing on trees. Tree protection methodology has been outlined within the arboriculture report. A compensatory landscaping scheme is proposed where appropriate. The Council's Landscape Officer has been consulted of the planning application and raised no objection to the proposed development and tree works.

4.6 The provision of a yew hedge to replace the existing vegetation to be removed is considered appropriate by the Landscape Officer. The Yew will provide an evergreen screen through the year and can be maintained as a high hedge to soft the appearance of the building. Yew is relatively fast growing when established at 300mm + growth per year.

4.7 The scheme is considered to accord with Local Plan Policies GEN7 and ENV3, as well as PPS9.

#### **5) Highways Implications & Parking:**

5.1 RSS Policy T1 relating to Regional Transport Strategy Objectives and Outcomes sets out the regional vision and objectives in relation to the Regional Transport Strategy. This includes improving access to jobs, services and leisure facilities. Whilst RSS Policy T14 seeks that parking controls should be used as part of packages for managing transport demand and influencing travel change, alongside measures to improve public transport accessibility, walking and cycling. Demand-constraining maximum parking standards should

be applied to new commercial development. This policy reflects the aims of PPG13 and this development complies with the Council's maximum parking standards.

Planning Policy Guidance Note 13 (PPG13) relating to Transport (updated 2011) states that local authorities are in the better position to determine their own parking provision requirements. It also seeks for safe, efficient, and integrated transport system. It emphasises accessibility to services and sustainability.

#### 5.2 *Parking Standards:*

Local plan Policy GEN8 requires schemes to accord with the adopted car parking provision requirements. The adopted Parking Standards 2009 seek a provision of an additional 38 car parking spaces (maximum), an additional 4 cycle parking bays (minimum), with an overall provision of at least 11 motorcycle parking bays (minimum), plus a total of 17 disabled spaces (minimum) are required on site at a level of 1 space per 14m<sup>2</sup>, bicycle provision of 1 per 400m<sup>2</sup>, powered two wheelers 1 space +1 per 30 car parking spaces, and disabled parking provision of 4 bay + 4% of total parking provision.

5.3 However, it has been stated within the supporting assessment that the proposed gross floor area of the store would be 3,173m<sup>2</sup> which would generate a total maximum requirement of 227 inline with policy; however as the Fairycroft car park serves also as a short stay shopper's car park for those visiting the Town Centre this complicates the provision requirements.

5.4 The current parking provision on site is 291 spaces (259 are provided on the decked car park with 32 spaces being provided at the adjoining surface parking area). The scheme whilst proposes an extension of 528 square metres, the proposed redevelopment and remodeling of the car parking would see an improved layout and increase of 1no. additional parking space. The overall parking spaces will be widened from 2.4m to 2.5 metres. Unfortunately, due to the constrained location of the site should the proposed parking spaces be increased to the recent adopted standards of (2.9m x 5.5m) then this would result in a significant overall loss of parking spaces well below the existing provision. Therefore, taking this into account and the store's town centre sustainable location this should be considered to be an exceptional case to relax the standards.

5.5 It is proposed that 16 of the parking spaces would be set aside for disabled parking and 6 would be for parent and child spaces. It is also proposed that there would be an increase of cycle parking spaces from 18 to 26 and motorcycle spaces from 5 to 12 spaces. The proposed level of cycle, motorcycle and disabled parking provision is in accordance with the adopted Parking Standards (2009) and Local Plan Policy GEN8, also RSS Policies T14, SS1 and SS3.

#### 5.6 *Travel Plan:*

A Travel Plan has been submitted in support of the planning application. This outlines the store's town centre location and that it is within a sustainable location. Section 11.3 of the Travel Plan outlines main recommendations, amongst other things, the promotion of alternative travel by foot and cycling also promoting car share, adopting a Travel Coordinator to oversee the implementation of the travel plan, undertaking surveys to understand issues. This emphasises the essence of PPG13 and will compensate the level of car parking on site which is proposed in line with the adopted Parking Standards (2009) and Local Plan Policy GEN8.

#### 5.7 *Vehicle Movement:*

A Transport Assessment has been submitted as part of the application which assessed the current vehicle movements to the site and the predicted movements that would result from the proposed development.

5.8 It is proposed that there would not be a requirement to increase the number and frequency of the delivery vehicles to the store as a result of the proposed development but increase each vehicles delivery load. Given the nature of the proposed extension it is not considered that the scheme would result in a significant increase in trip generation. The Highway Authority has considered the requirement of a Delivery Vehicle Traffic Management Plan, however it is considered unnecessary as the site is already operational and the Transport Assessment states that additional delivery vehicles are not anticipated, instead the same number of vehicles will deliver but with greater loads.

5.9 The submitted Waste Management Plan outlines a general increase of an additional 2 bins worth of each various wastes such as general waste, anaerobic, plastic and cardboard. It stated this would result in an increase of 4 waste collections per week.

5.10 The application is for an increase in gross internal floor area of 528m<sup>2</sup>, which is likely to generate only a small increase in traffic. The Highway Authority concurred with the evidence provided in the Transport Assessment which states that only small increases of 12 (Friday AM peak), 43 (Friday PM peak), and 38 (Saturday Peak) vehicles are likely to result from a store expansion of 528 m<sup>2</sup>. It has been highlighted that there would be more of a material impact on the Fairycroft/Elm Grove junction, however, capacity assessments undertaken have indicated that the junction operates well within its capacity level and therefore have identified that no mitigation measures would be required.

5.11 The Transport Assessment demonstrates that the likely additional traffic generated by the proposal would not cause a detrimental impact on the existing junctions in the vicinity of the site and that those junctions have sufficient available capacity.

5.12 *Measures During Construction Period:*

During the period of construction, which is estimated to be 5 months, it is proposed that the store will remain open. It is proposed that the car park will be completely closed to facilitate in the development of the site and for health and safety purposes. To ensure for continued service of parking provision and access to the town centre and the store, Waitrose has offered a free of charge temporary bus shuttle service proposed to be operated from Hill Street to the Swan Meadows Car Park, located off of Bridge Street within the town centre. It is proposed to operate 8.30am-6pm Monday to Saturday and 10am to 4pm Sundays, however these time would be subject to review by the operators.

5.13 The application has considered the available capacity at Swan Meadow Car Park within Saffron Walden and has demonstrated that there is likely to be sufficient capacity for Swan Meadow to provide alternative parking whilst the Fairycroft Road car park is under construction.

5.14 There are finer details that would need to be further agreed regarding the provision of the temporary bus service should planning permission be granted, in terms of operation, frequency, size and nature of buses, signage, nature of buses, also publicity.

5.15 The Highways Authority has raised no objection to the applications overall subject to conditions relating to wheel washing facilities, bicycle facilities, temporary bus shuttle services and travel plan should planning permission be granted. In order to ensure that the bus shuttle service is provided and to the proposed car park (Swan Meadow) together with associated Highway provisions a Unilateral Undertaking and a Section 278 would need to be entered into with the Highway Authority. Subject to the above the proposed scheme is considered acceptable under Highway grounds in accordance with local plan policies.

**6) Other Material Considerations:**

#### **6.1 Flood Risk Assessment:**

Policy GEN3 of the local plan relating to flood protection highlights that new buildings would not be permitted within the functional floodplain unless there is exceptional need, it would overcome flood risk, no increase of flooding through surface water run off and would not result in flooding elsewhere. This is highlighted within Planning Policy Statement 25 relating to Development and Flood Risk (2010) which also seeks a sequential approach to be adopted. A Flood Risk Assessment (FRA) has been submitted as part of the application. The application site falls within Flood Risk Zone 1 which indicates no to low risk of flooding as the site is located outside the River Slade. A partial element is located within Flood Risk Zone 3, which are the shops fronting Hill Street. This zone has a higher risk of flooding, however, no works are proposed at this part of the site which would affect flood risk levels.

6.2 The FRA outlined that the proposed development would not increase the risk of flooding to the area or elsewhere, there would be no increase in impermeable area or surface water runoff volumes and rates to that of the existing situation on site. New surface water drainage is proposed for the new car park element. As a result of the findings no flood risk/compensation measures have been proposed. The scheme is considered to accord with Local Plan Policy GEN3 and PPS25.

6.3 The Environment Agency has raised no objection on the basis of the submitted FRA and the fact that it is an extension of an existing store.

#### **6.4 Ground Water Pollution:**

The site also falls within a groundwater protection zone therefore in accordance with Local Plan Policy ENV14 relating to land contamination a statement has been submitted by the applicant. This states that the construction measures that would be undertaken would have regard for ground water pollution. Borehole tests at an 8m level below existing concrete slab level have shown that there was no ground water present. The existing building is supported on pad foundations and the proposed new structure will be similarly founded. No piles or deep excavations are proposed and therefore the potential for ground water pollution is negated. This accords with Local Plan Policy ENV14.

#### **6.5 Tesco's and Sainsbury's applications:**

The Development Control Committee on 9<sup>th</sup> December 2010 jointly considered planning applications for the extension of an existing Tesco's store located at Radwinter Road for a sum of 1080m<sup>2</sup> (UTT/1323/09/FUL) and for the construction of a new Sainsbury's store at Thaxted Road (gross internal floor area of 6,333m<sup>2</sup>/ 3,766m<sup>2</sup> net retail area) (UTT/1451/09/FUL). The Tesco's application was resolved to be granted subject to conditions and the Sainsbury's application was resolved to be refused on the impact that would result upon the turnover of the town centre Waitrose, the vitality and viability of the centre and the range and quality of the comparison and convenience offer in town.

### **7) Conclusion:**

7.1 The proposed development overall accords with local and national policies in terms of principle. The site is a close to the customer facility located within a policy preferred town centre location which is sustainable, resulting to less reliance on use of private transport and would not adversely affect the retail provision, vitality and /or viability of the town centre.

7.2 The proposed design is acceptable having various improvements from the existing situation. There would not be any adverse affect upon the setting of adjacent listed buildings, the character and appearance of the conservation area would be preserved or enhanced. There would be no adverse affects upon the local, visual and residential amenity of neighbouring occupiers.

7.3 No adverse affect is considered on air quality which can not be reasonably mitigated, or upon the risk of flooding.

7.4 The highway implications in terms of the level of comings and goings are considered would be relatively small. The car parking provision is considered to be acceptable within its sustainable town centre location. The proposed development overall is therefore considered acceptable and in accordance with national, regional and local plan policy.

### **RECOMMENDATIONS:**

#### **Planning Application UTT/2012/10/FUL:**

**Approval subject to the following conditions, that application be referred to GO-East and that the applicant enters into a unilateral undertaking covering the following;**

- Temp bus shuttle service - A contribution will be required in order to pay for advertisement of orders (anything left over will be returned) (approximately £2,000).
- A management plan will be required which will outline the details  
- Section 278 agreement is required to enable the works.

### **CONDITIONS:**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed
4. C.4.2. Implementation of landscaping
5. C.4.4. Retention/replacement of trees
6. C.4.6. Retention and protection of trees and shrubs for the duration of development
7. C.5.2. Details of materials to be submitted agreed and implemented
8. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented – building(s)
9. C.13.9. Hours of construction.
10. Before development commences the provision of wheel washing facilities and adequate turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area clear of the highway for those employed in developing the site. Details to be submitted to and agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.
11. C.8 29. Details of sustainable construction for new residential or commercial development.
12. C.20.4. Condition Restricting Construction Works to Specified Season to Protect Breeding Birds etc.
13. Lighting and Security Measures  
The development shall not commence until details of any proposed external lighting scheme and security measures to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.  
REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity, in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005 and PPS1.
14. C.90C Archaeology  
No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in

accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the local planning authority.

REASON: The Essex Historic Environment Record and Historic Town Report and the desk based assessment submitted with the application identify the proposed development as lying within the area of the medieval town of Saffron Walden (HER 408) on the line of the medieval town defence. The town enclosure ditch was dug around the beginning of the thirteenth century under the direction of Humphrey de Bohun. The defences have been identified further to the west at the rear of Castle Street.

The town at Saffron Walden developed around the Castle, which was founded in the eleventh century by the de Mandevilles. In the early to mid 13th-century a large area to the south of the castle bailey was enclosed with new streets being laid out and enclosed by a large town ditch. Part of this enclosure survives as the Repell ditches (HER 443). It is thought that this extension to the town may be associated with the grant of a new charter in 1236. It is likely that evidence of medieval occupation will be identified on this site.

A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the strip map and sample excavation of specific areas of the proposed development. In accordance with Policy ENV4 of the Uttlesford Local Plan adopted 2005, and PPS5.

15. C.8.30.Provision of Bin Storage.

16. C.8.27.A Drainage Details to be submitted agreed and implemented.

17. C.29.1 Flood Risk Management Measures.

18. Before development, the details of the location and design of 8 secure and covered bicycle parking facilities for staff and 18 secure bicycle parking spaces for customers shall be submitted to and approved in writing with the Local Planning Authority. The approved facilities shall be provided before occupation and retained at all times thereafter.

REASON: To ensure appropriate bicycle parking is provided in the interest of accessibility and sustainability, in accordance with Policies GEN1, RS1 and GEN8 of the Uttlesford Local Plan adopted 2005, ECC Parking Standards (2009) Policy SS1 and SS3 of the Regional Spatial Strategy (adopted May 2008) also PPS4 and PPG13.

19. Before operational occupation of the development, the submission of a Travel Plan. The Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority and be subject to ongoing monitoring and review in association with the Sustainable Travel Team at Essex County Council. Details to be submitted to and agreed in writing with the Local Planning Authority and implemented.

REASON: In the interests of accessibility and to promote the use of public transport, walking and cycling, in accordance with Policies GEN1, RS1 and GEN8 of the Uttlesford Local Plan adopted 2005, ECC Parking Standards (2009), Policy SS1 and SS3 of the Regional Spatial Strategy (adopted May 2008) also PPS4 and PPG13.

20. C90F Before development, details of the temporary shuttle bus service/facility to be provided to include frequency, times and drop off/pick up locations to be submitted to and approved in writing with the Local Planning Authority. The approved facilities shall be provided from commencement of development until the reopening to the public of the Car Park.

REASON: In the interests of accessibility, in accordance with Policies GEN1, RS1 and GEN8 of the Uttlesford Local Plan adopted 2005, ECC Parking Standards (2009), Policy SS1 and SS3 of the Regional Spatial Strategy (adopted May 2008) also PPS4 and PPG13.

21. C.8.12.Boundary Noise Levels

22. C.8.22.Control of Lighting (B)



- 23. C.8.34.Condition for compliance with BREEAM ‘Very Good’ (non-domestic buildings less than 1000sqm floor area)
- 24. C.8.31.Demolition Recycling of materials

**INFORMATIVE:**

- 1. Essex County Council require a fee of a £3000 for checking and monitoring the Travel Plan which should be received via an appropriate legal agreement.
- 2. The site is located within an Environment Agency defined Groundwater Source Protection Zone (SPZ). Construction works should be in accordance with the British Standards and Best Management Practices to significantly reduce groundwater pollution risk. If any pollution is found at the site then appropriate monitoring and remediation methods will need to be undertaken. Please refer to CIRA Publication C532 ‘Control of water pollution from construction - guidance for consultants and contractors’.

**CONSERVATION AREA CONSENT UTT/2013/10/CA:**

**Approval subject to the following conditions;**

- 1. C.2.2. Time Limit for Commencement of Development Conservation Areas.
- 2. C.3.1. To be implemented in accordance with approved plans.
- 3. Before the commencement of demolition a detail plan of work for demolition, also detailing measures to control noise and dust shall be submitted to and agreed by the local planning authority.  
REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2, GEN4 and ENV11 of the Uttlesford Local Plan adopted 2005 and PPG24.
- 4. Before the commencement of development a scheme outlining noise limits and their source during construction works shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the approved details.  
REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2, GEN4 and ENV11 of the Uttlesford Local Plan adopted 2005 and PPG24.

*Background papers: see application file.*

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## UTT/2222/10/FUL - ELSENHAM

Three interlinked buildings (11 storeys, 9 storeys and 7 storeys) containing 11,148 sqm of offices & 1,393.5 sqm of ancillary retail & restaurant floor space with underground parking, renewable energy infrastructure & landscaping. Creation of new access onto Hall Road & alterations to existing access (Green Street)

Location: Tri Sail Water Circle Elsenham Meadows. GR/TL 549-253

Applicant: Cheergrey Properties Ltd

Agent: Halcrow

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 07/04/2011

Classification: MAJOR

**NOTATION:** Outside Development Limits/Part site designated as Employment Land to be Safeguarded (Policy E2)/Part within Countryside Protection Zone.

**DESCRIPTION OF SITE:** The application site is located on the southern side of Hall Road, Elsenham. To the west of the site is a small complex of commercial buildings and to the south is the Water Circle building. Beyond the commercial elements in this locality there are residential properties including Old Dairy Farm fronting Hall Road and 1, 2 and 3 Gaunts End and The Orchards. To the north of Hall Road are De Salis Hotel and the complex of buildings that are or were formerly associated with Home Farm, including Home Farm Cottage, Home Farm Bungalow and Home Farm House. The front and side boundaries of the site have low level hedging and the area outside of the existing built form is predominantly open fields. There are two ponds in the field to the east of the building, on the eastern boundary and one adjacent to the highway boundary. The application site extends through the car park and access road serving the existing industrial buildings and into a field to the west. The committee visited the site in December 2008 at the time of the last application.

**DESCRIPTION OF PROPOSAL:** The application relates to the erection of three interlinked buildings being 11, 9 and 7 storeys in height. These are referred to by the applicant as Trisail West (TSW – 9 floors), Trisail Centre (TSC – 11 floors) and Trisail East (TSE – 7 floors). Each building would measure 35m by 18m and the heights would be 41.25m, 33.75m and 26.25m tall respectively. The towers would be set into the ground at a depth of 6.5m with a piazza around the building. The floor area of each floor in each tower would be around 464.5sqm and the total for the development would be 12,542sqm. The ground floor of TSW and TSE would incorporate a mix of uses included a food retail outlet, a café, pharmacy service, dentist, nursery, spa fitness area and a hair/beauty salon. The ground floor of TSC would be allocated as café, in-house dining, champagne bar and restaurant. The first floor (level 2) of each building would be reception space. The remainder of the floors would be office space with flexible letting options due to connecting tunnels and duplex and triplex floors. Level 2 would have direct access from the frontage drop-off point.

A car park to serve the development and the existing Water Circle building would be provided. This would be an underground car park with a green roof. The car park would have 3 floors but the split level design would result in 5 floors of parking. Level 1 would provide 136 spaces, 11 disabled spaces and 9 spaces for motorbikes; level 2 would provide 8 spaces; level 3 would provide 100 spaces; level 4 would provide 48 spaces, 9 disabled spaces, 50 cycle spaces and 9 spaces for motorbikes; level 5 would provide 100 spaces. The spaces would be a mix of sizes, 89 would comply with the adopted bay sizes of 5.5m x 2.9m and 103 would be 5m x 2.5m. 200 spaces would not meet the minimum size criteria and would measure 2.5m x 4.8m.

Access from the car park to the buildings would be via tunnels at level 1 which would lead you into the retail/café areas. Lifts are on each level, except level 2, of the car park as well as staircases.

To the front of the site, adjacent to the car park it is proposed to erect two 12m diameter 'sun chasers'. These are photovoltaic panels that rotate to maintain maximum exposure to the sun.

It is proposed to construct a new access to the site to enable Green Street to be closed off to vehicular traffic. The proposed new access would pass through the existing car park and access road to the industrial estate, pass through to a field to the west with the junction being formed opposite the entrance to the Elsenham Golf Course/Quarry. The existing car parking provision would be relocated within the estate. The recently constructed access to the industrial estate, to the west of Molton Brown, would also be closed off and some of the parking would be relocated to this area. A new parking area would be created on land to the west of the ABF (also known as Aero Inv) building. Additional parking would be provided to the front of Molton Brown, Hytek and to the front and rear of the ABF building. The relocated car parking spaces would be 5m x 2.5m. Due to trying to accommodate the required number of parking spaces there would be some deficiencies in terms of layout.

In order to provide screening to the site it is proposed to construct a number of earth bunds which would then be planted with trees. One bund would be located to the east of the proposed development, adjacent to the highway, with proposed to the north of the proposed buildings, again adjacent to the highway. A further bund is proposed adjacent to the highway to the east of the proposed new access road. Another bund is proposed to the west of the new access road and a further two bunds proposed to the south of the existing industrial estate and the proposed application site. No plans of the proposed bunds have been submitted at this stage but Paragraph 8.4.2. refers to landscape mitigation proposals and states that the earth mounding would be between 5m to 10m in height. This would have a mix of native tree and shrub planting to provide extra screening up to an eventual height of 15m to 20m.

**APPLICANT'S CASE:** The following documents have been submitted with the application:

An Environmental Statement incorporating the following reports:

- Design and Access statement
- Traffic and Transportation Assessments
- Ecology Assessment
- Landscape and Visual Assessments
- Sustainability Appraisal including:
  - Energy
  - Building Design Performance
  - Renewable Energy
  - Sustainable Materials in Construction
  - Micro-climate
  - Lighting
  - Land Use
  - Ecology
  - Flood Risk and Damage
  - Sustainable Waste Management
  - Water Resources
  - BREEAM report
- Air Quality Assessment

- Archaeology Assessment
- Water Resources
- Contaminated Land Assessment
- Noise Assessment

A non-technical summary of the Environmental Statement is available.

In addition the following reports have been submitted with the application:

- Planning Statement
- Bird Management Plan
- Travel Plan
- Economic Impact Assessment
- Retail Impact Assessment
- Inclusive Access Design Statement

**RELEVANT HISTORY:** UTT/1699/08/FUL: Three towers (11 storeys, 9 storeys and 7 storeys) containing 9290 square metres of offices and 3252 square metres of retail space and underground parking and landscaping. Refused 25 February 2009. (Decision notice is attached as appendix).

UTT/0094/06/FUL: Increase service road to Elsenham Industrial Estate. Approved 15 March 2006.

UTT/1437/05/FUL: Increased service road to Elsenham Industrial Estate. Refused 7 November 2005.

UTT/1184/02/FUL: Erection of building to house water bottling plant and offices. Creation of 30 parking spaces and new access. Approved 23 December 2002.

UTT/0988/85: New access road with new entrance and exit. Approved 16 October 1985.

**CONSULTATIONS:** BAA Airports: Could conflict with aerodrome safeguarding criteria unless conditions are imposed. Conditions relate to landscaping which must reduce potential of bird strike hazards; limit on heights of trees; control of lighting. Crane note required.

Commission for Architecture & the Built Environment (CABE): Unable to review the scheme.

East of England Development Agency (EEDA): EEDA's principal role is to improve the region's economic performance. EEDA would broadly support the findings and conclusions of the Economic Impact Assessment and would encourage the application to be determined having full regard to the economic potential of this site and the economic benefits that the development of this site would bring. The assessment suggests that Harlow has a different economic focus and employment market and is therefore not currently competing for this type of business development. The Local Planning Authority will clearly need to consider the appropriate and sustainable location for business to support economic and business taking into account those uses which might be advantageous given the close accessibility to the airport.

East Herts District Council: Does not wish to make any comments.

Environment Agency: Flood risk – no objections subject to conditions. Site contamination – no objections subject to conditions. Site drainage – no objections subject to conditions. Foul sewage – Applicant must ensure that the existing effluent plant has sufficient capacity to deal with any increase in flow and loading which will occur as a result of this development. Pollution Management – guidance notes. Site Waste Management Plan – this is a requirement. Sustainable construction – recommend an appropriately worded condition

taking account of the sustainable building design discussed in Section 7 of the non-technical summary is appended to any permission granted. Water Resources – note to applicant. Ecology – no objection.

ECC – Archaeology: No objections subject to excavation condition.

ECC – Urban Designer: The context of the site is very rural with open views across the countryside. Hall Road is a country lane with a strong rural landscape character. The proposed buildings would be out of scale with the adjacent development, the proposed forms would not relate positively with the existing built and natural context and such a landmark development would not be appropriate in this location. Appreciate that the car parking has been revised and screened off by way of dense vegetation to Hall Road, but the existing open character of the locality would still be affected. Recommend refusal.

ECC – Design Advice: Would have a detrimental impact on the setting of nearby listed buildings. The application does not respect the setting of the nearby listed buildings and the scale, proportion, height, massing and use of materials proposed are all inappropriate in the local context and overwhelm the nearby low rise residential listed buildings and rural setting. Recommend refusal.

Essex County Council Highways: Recommend refusal due to failure to demonstrate the highway access arrangements and road layout is acceptable in terms of highway safety and capacity.

Essex Police: No objections and support this proposed use of this site that will bring employment and other services to the area. Applicant has kept the Essex Police Architectural Liaison office informed of all changes in the design states. Applicant is willing to achieve the Secured by Design Certification for the development.

Highways Agency: Initially raised concerns about impact on M11 and A120 trunk road and the private highway network at Stansted Airport. Directs that planning obligations be attached to any planning permission which may be granted. These relate to the submission of a vehicle monitoring scheme and a fund to monitor the scheme. The monitoring scheme shall relate to vehicle movements and if these are exceeded then appropriate mitigation measures will be required. These will include meetings with the Travel Plan Co-ordinator and the Highways Agency to discuss appropriate action and appropriate voluntary measures to reduce traffic flows. This could include signalisation of the junction.

Natural England: Welcomes the submission of an ecological survey. Based on the information provided a number of points may remain to be adequately addressed. Our concerns relate specifically to the likely impact on bats, great crested newts and badgers. Further surveys needed for bats, particularly activity surveys. Need to ensure mitigation proposals for great crested newts are fully integrated into the landscaping of the site. Further information required relating to badgers. In relation to the landscape character, it will be impossible to fully mitigate the visual impact of the full height of the three interlinked buildings. The views will be restricted to the tops of the buildings for the most sensitive visual receptors and that landscaping of the site will further reduce the visual impact of the proposed development. Need to be satisfied that landscaping will be sufficient to contain light spillage and that there will be no adverse effects on the Elsenham Woods SSSI as a result of light spillage affecting night flying invertebrates and bats.

Stansted Airport Limited (STAL): Initially raised concerns relating to impacts on the airport's road network. Now satisfied that proposed development will not materially impact on the performance of the airport road network including Coopers End Roundabout, or to the timing of the two remaining road improvements at Round Coppice Road/Priory Wood Roundabout

and A120 on-slip at Southgate required by the G1 planning permission. Need to ensure an appropriate package of travel initiatives through the Travel Plan.

NATS: No safeguarding objections.

Thames Water: No objection in relation to sewerage infrastructure. Storm waters must be attenuated or regulated into the receiving public network through on or off site storage.

Climate Change Manager: Apply conditions C.8.32 and C.8.33.

Building Surveying: No comments.

Drainage Engineer: Condition C.29.1. should be applied along with condition relating to surface drainage works.

Environmental Health: Conditions will be required to prevent nuisance and to protect against loss of amenity. During construction these should relate to air quality, noise and vibration and lighting. During the operational phase these should relate to lighting, foul water, noise and extract ventilation for catering units.

Planning and Housing Strategy: Further clarification needs to be sought on the economic information and its justification for development contrary to Policy S8. If it is found that the proposal would provide significant economic benefits to the District then one needs to decide whether this is the right location and whether the design is acceptable.

The site forms part of an existing small industrial estate yet it is remote from the Strategic Road Network and centres of population. The proximity of the site to the airport is put forward by the applicant is a significant factor in justifying the scheme. Although physically close to the airport it is some distance, partly along minor roads to access the airport. Until new sites are proposed in the Local Development Framework the only alternative sites would be in Saffron Walden or Great Dunmow. Policy does not allow non airport-related activities to be located on the airport otherwise this would be a more suitable location with its transport hub and modern architecture.

Policy GEN2 requires development to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. The applicant proposes an innovative design not characteristic of Uttlesford. The adjoining buildings on the industrial estate are of modern design but low rise. Other nearby buildings are more representative of the Uttlesford vernacular. Although having a design reflecting these buildings would perhaps be 'safer' it does not allow for original design.

Accessibility Officer and Uttlesford Area Access Group: Following a meeting between officers and the Uttlesford Area Access Group the following comments were received:

- 14 accessible car parking spaces are insufficient for a site of this size
- The size of the lift car appears to be insufficient if wheelchair users and parents with prams are to visit the site
- there is insufficient detail regarding the number and location of accessible toilets within the development and this needs to be clarified
- there is insufficient detail within the Design and Access Statement regarding 'inclusive design'. Eight lines does not indicate a commitment to make this an inclusive site.
- there is insufficient details regarding the levels on the parking and how access to the main building will be achieved.
- what plans are going to be put in place regarding means of escape for fire matters?

- there appears to be a vortex situation at the foot of the building, how will pedestrian movement be satisfied?
- where are the safe walking routes, there appears to be a large distance to travel from the parking area into the building and this is not clear
- highly reflective glass with a grey interior has not addressed colour contrast issues in the Design and Access statement, this needs to be clarified as to the intention of being 'inclusive design'

Overall, the Group felt that little consideration had been given to 'Inclusive Design' on this application and far more information was required prior to approval.

Landscape Advice: An important aspect which the Landscape & Visual Impact Assessment does not appear to address is the impact of the landscape mitigation proposals themselves. The extensive earth mounding in itself would introduce earth work features which are alien to the existing fabric and character of the surrounding rural landscape which is generally topographically flat. Whilst proposed planting on the bunds would to some extent reduce the visual impact of these features, the overall effect would remain out of character with the surrounding natural landform. The proposed bunding would be at odds with the qualities of the setting of the development the key characteristic of which is its openness. A convincing case has not been made by the applicant that the landscaping scheme and earth bunding will 'blend the buildings into the environment'.

**ELSENHAM PARISH COUNCIL COMMENTS:** Design still directly conflicts with policies and the design principles of the Essex Design Guide. The heights, together with the size and form of each of the three towers are completely out of scale with the existing commercial developments, the surrounding residential properties and do not fit naturally into the rural environment of the area. Site located on edge of a plateau of high land which will result in the structures being clearly visible from locations a significant distance from the towers. NO amount of natural screening will screen these structures or soften their appearance, or allow the towers to blend into the local rural surroundings. Will not comply with the strict control requirements associated with the Countryside Protection Zone surrounding Stansted Airport. Significant changes have been made to the proposed access. Nevertheless, the basic issue of an increase in traffic flows along Hall Road by users of the site and the fact that the site can only be reached through a local network of country lanes still remains. Hall Road is used by heavy lorries on a daily basis as the only permitted access route to the Elsenham Sand Quarry and Land Waste site. The Trisail access will be brought together with the quarry access and this concentration of heavy vehicles and cars combined with other traffic travelling through to Takeley and the airport could produce a pinch point which could lead to congestion and a local traffic hot-spot. The structures are in direct conflict with the area's rural environment and the historic buildings situated within it.

**BIRCHANGER PARISH COUNCIL COMMENTS:** Objects strongly. Completely out of scale and character with surrounding rural landscape. Stansted Airport is "an airport in the countryside". There is already a significant amount of unused office and retail space in the area so the need is greatly questioned. Road access in the immediate vicinity appears to have been considered but the impact on local traffic beyond has not. Hall Road is already known as a rat run and will not be able to cope with the resulting influx of traffic. Local road network is poor, with narrow roads and level crossings. It will not sustain the additional traffic and road safety will be compromised. Should be attracting employment opportunities where there is easier access to the A roads in order to off-set congestion. The high protrusion of buildings will encroach on the rural setting and will be visually impeding, resulting in an obtuse overdevelopment of the site. The presence of other towers does not make those proposed any more acceptable to the landscape. The radar tower is a necessity and is not in the immediate vicinity.

**STANSTED PARISH COUNCIL COMMENTS:** Object as the proposal is out of keeping in the rural environment and the scale of the development could set a dangerous precedent.

**TAKELEY PARISH COUNCIL COMMENTS:** Object. Design is totally inappropriate and out of character with the rural area. Height of the development means that it will be visible in Takeley. At night any illumination will be visible for miles. Access is difficult from Takeley via Molehill Green or other directions. The surrounding roads are unclassified and unsuitable for substantial additional volumes of traffic.

**PUBLICITY:** 33 properties have been notified and the application has been advertised in line with Government requirements for a Major application with site notices and a press advertisement. The application has also been advertised as it is accompanied by an Environmental Statement at as a Departure.

16 letters of objection have been received. Summary of comments.

Application is essentially the same as previous application and should be rejected. Concerned that access to our premises and parking areas and not adversely affected, either during construction or after construction has been completed. Our goods delivery entrance is on the north side of our building and current access from the main road is via Green Street. Most of our car parking spaces are located in front of the south side of our building in the area now designated for the new public highway.

There is nothing in relation to the practical issues affecting the existing estate occupiers arising from the proposals. How will HGVs access the rear service yards at Molton Brown and Hytek? Currently they use Green Street. How will articulated vehicles navigate safe access from the new roadway at the front to the rear of both buildings as the existing roadways are not constructed to serve such use from the front due to the tight corners. What will happen to the private access road being stopped up? Similarly the stretch of Green Street?

The new public highway will be taking out the majority of the car parking spaces we currently enjoy.

There is only general reference to street lighting in the proposals and no detailed information. Existing access and estate roads are unlit giving rise to the associated safety and security issues for staff and roadway users at night. This can only be exacerbated with the construction of the proposed new roadway and the huge increase in traffic.

New office towers will have some four hundred parking spaces but can accommodate around 600 staff plus the retail operations and visitors etc. The shortfall in parking spaces will cause major inconvenience to everyone.

If granted will it be subject to the new access road and all 'off site' works being completed prior to the commencement of the actual construction of the office towers and associated car parking?

Need safeguards to minimise noise and dust.

Should be refused as would affect the open and rural character of the area and lead to coalescence between the airport and other development in contravention of policies S8 and GEN2.

An argument cannot be made that over 11 thousand square metres of office space, nearly 1400 square metres of retail space in buildings of 11, 9 and 7 storeys high, in conjunction with 415 car parking spaces and significant new road layouts will ensure the open characteristics of the CPZ are not affected. No amount of landscaping can screen the development. The landscaping proposals will further encroach into the belt of countryside around the airport. The boundary between the industrial estate and the CPZ tightly hugs the outer limits of the industrial estate to prevent any 'spilling out' of the industrial uses, buildings and infrastructure into the surrounding countryside. Large new road network will be located in countryside undermining the aim of maintaining a belt of countryside around the airport and to prevent coalescence.



Proposed development would dwarf the existing estate creating an urbanising and incongruous form in the open countryside. Should the Council grant planning permission in this instance the CPZ designation and Policy S8 would be completely indefensible against any other development, large or small scale.

Heights would be monstrous in the landscape, dwarfing other proposals which the Council fought to oppose in the past. There is no demonstrable demand, would further intensify the industrialisation around the airport.

Generation of vehicle trips will be predominantly car based with commercial vehicles which will further blight the local villages. There is no sustainability associated with these proposals despite the repeated attempts to brainwash.

Existing commuters to London are likely to go by train. If employment is relocated to a site primarily accessible by car this will put more vehicle trips on the local road network and through villages and not less.

Claims the site is 0.5km from the Stansted hub. As the crow flies it is actually 2km and by road at least 5km, via Coopers End roundabout. Also claims there are numerous rights of way. This is untrue and seems to be entirely unresearched. There is just one right of way that might reasonably be used to access the site, the footpath from Tye Green. Hall Road was once a quiet country lane but is already an unpleasant place to walk, with 60mph speed limit and frequent heavy lorries.

Development only provides cycle facilities on site – there is no off-site provision.

Approach roads in either direction are characterised by 90 degree bends, where the road is narrow. Travelling towards Elsenham, all traffic would travel through the village with its on-street parking, level crossings, pedestrians etc. In the opposite direction traffic would have to encounter the Coopers End Roundabout which is already overused. There are no pavements on the road, and in places no grass verges, so no one would be able to walk to the premises. The restricted width of the road, and blind bends would render cycling hazardous. The 415 car parking spaces to be provided hint at the inaccessible location of the site, and indicate the number of employees and traffic movements that would occur. The huge influx of employees, deliveries and support services would completely alter the character of the area.

Transport Assessment does not adequately address the consequences for local road traffic pressure points. Little or no assessment has been made of the likely impact on the routes that lead to Hall Road. Airport workers and passengers are a major contributor to local road traffic. With the airport currently operating at only 50% of its approved capacity, airport roads and local roads are likely to become significantly more busy. In particular, BAA may restrict access to the airports roads from Coopers End roundabout.

The current road situation is bad, particularly when workers are trying to leave the existing site. There is even now times when we cannot drive along our lane without obstruction from commercial vehicles, this will only get worse.

Making a few cosmetic changes to the previous proposal and amending the immediate access to the site itself does not make it acceptable.

Site does not have immediate access to the high quality public transport links. Existing public transport is an hourly bus service with severely limited hours of operation.

Development will not contribute to a sustainable balance between housing and employment growth in Uttlesford. Future housing growth will not now be centred on Elsenham. Will create an imbalance between housing and employment leading to unacceptable commuting from other locations.

Buildings now located on land not in CPZ. However will still need to assess what effect the development will have on the openness and character of the CPZ it adjoins.

Will be visible when walking from Burton End through Tye Green and down to Fullers End. Existing Molton Brown building is visible from many viewpoints along this walk.

Proposals are contrary to PPS4: Planning for Sustainable Economic Growth.

Query the angle at which the photographs were taken. They provide an inaccurate assessment of visual impact.

Would result in loss of residential amenity through overbearing impact, loss of privacy, overlooking, in addition to noise nuisance and disturbance, through the generation of people and traffic related to such a large development.

This level of commercial provision is unnecessary when there is an adequate supply of employment land within the district, and countless empty offices that are sustainably located. Larger commercial centres such as Bishop's Stortford and Harlow would be hit by the development, further undermining them.

There is a need in this area for small office space for SME's and all developments of this type have proved to be very attractive to local businesses and have been occupied very quickly. This application should not be determined until the Uttlesford Employment Land Review is completed.

To allow this development would be the first step on a route that would ruin the local countryside and make it very quickly become the nightmare that surrounds Heathrow Airport. Concern as to where the water is going to go once the underground car park is put in. Currently every winter we have at least one lawn under water and 2 or more acres ankle deep in water.

Concerned about great crested newts that are on the site.

### 21 letters of support have been received

Will make the site more attractive and will encourage business as well as create much needed jobs.

We have seen office development cluster around major transport hubs succeed in attracting high quality occupiers who recognise a benefit of locating an office close by.

I lease the Water Café and the development would be a welcome boost to my trade when I am struggling to make ends meet in the current financial climate.

Can only be good news for the local area.

Elsenham Water fully supports the development and believe it will prove to be a great asset to the community in terms of jobs and retail facilities.

Very interesting to see some contemporary design with excellent communications near major road, rail and airport facilities.

We are acting as structural consultants for the proposal. Believe that this project reflects a visionary office development and will attract and develop significant economic benefits to the area. As a team we have made considerable efforts to ensure that the development is in keeping and compliments its rural environment. We are optimistic that an approval and progress on this project will reflect in new positions in our own company.

Applaud the thought regarding the road safety aspect as the exit of Green Street into Hall Road has always been hazardous with bad sight lines from the east and the introduction of a hotel opposite has made matters worse. Introduction of gated areas will make Gaunts End much safer for the residents.

De Salis Hotel is happy for this to go ahead as it will create more jobs for the area and help local communities.

Radisson Blu Hotel sees the project as quite interesting from a business point of view for the benefits which can contribute to the commercial development of the Stansted Airport area.

The building design is truly magnificent and could be compared to great works of art from Architects and Designers such as Richard Rogers and Philippe Starck, with equal attention given to the eye of the onlooker as well as the staff or visitor's environment within.

### **PLANNING CONSIDERATIONS: The main issues are:**

- 1. Principle of development including compatibility with the Countryside Protection Zone principles (RSS Policies SS1, SS4, E7; ULP Policies S8, E2; PPS4: Planning for Sustainable Economic Growth; PPS1: Delivering Sustainable Development; PPS7: Sustainable Development in Rural Areas)**

2. **Scale, layout, design and sustainable construction issues (RSS Policies ENG1, ENV7; ULP GEN2, GEN6, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy; PPS1: Delivering Sustainable Development; PPS4: Planning for Sustainable Economic Growth, PPS7: Sustainable Development in Rural Areas)**
  3. **Impact on setting of listed buildings (ULP Policy ENV2; PPS5: Planning for the Historic Environment)**
  4. **Transport/traffic/parking/access issues (RSS Policy T14; ULP Policies GEN1, GEN8, E3, RS1, GEN4; Adopted Parking Standards)**
  5. **Impact on flood risk to other areas (ULP Policy GEN3; PPS25: Development and Flood Risk)**
  6. **Impact on biodiversity (ULP Policies GEN7, ENV8, ENV9; PPS9: Biodiversity and Geological Conservation)**
  7. **Impacts of light pollution (ULP Policy GEN5)**
  8. **The potential impact of Stansted Airport on the proposed building, in particular aircraft noise (ULP Policy ENV10; PPG24: Planning and Noise)**
  9. **Assessment of the benefits of the proposal in so far as they are material to a planning decision.**
  10. **Any other material considerations.**
1. **Principle of development including compatibility with the Countryside Protection Zone principles (RSS Policies SS1, SS4, E2, E7; ULP Policies S8, E2; PPS4: Planning for Sustainable Economic Growth; PPS1: Delivering Sustainable Development; PPS7: Sustainable Development in Rural Areas)**
    - 1.1. RSS policies are of a more strategic nature than directly related to applications but do set the context of appropriate development within the region. Policy SS1 seeks to achieve sustainable patterns of development, taking into account the environmental, social and economic benefits of proposals. Policy SS4 supports urban and rural renaissance but requires development to be sympathetic to local character and of an appropriate scale and nature in relation to local housing and employment needs. Policy E1 sets the figures for employment growth and Uttlesford is linked to Epping Forest/Harlow and Maldon with a target figure for net growth in jobs of 56,000 for the period 2001-2021. Whilst this figure is not broken down into figures for each district, other policies direct employment opportunities to more sustainable locations, in particular Harlow and other nearby towns. Policy E2 requires, inter alia, employment opportunities at appropriate scales in key rural centres, maximise the use of public transport. Policy E7 directs employment not directly associated with Stansted Airport to Harlow and nearby towns.
    - 1.2. Uttlesford Local Plan Policy S8 relates to the Countryside Protection Zone (CPZ) which seeks to prevent coalescence between the airport and existing development. Only development appropriate for a rural area and which does not adversely affect the open characteristics of the zone will be permitted. Policy E2 seeks to safeguard existing employment land. This does not preclude the development of existing employment land for new employment purposes, but any such proposals must be considered in line with other development plan policies and national planning guidance.
    - 1.3. PPS1 sets out the principles for sustainable development. This includes the social, economic as well as environmental aims of sustainability. However, it also acknowledges that whilst development should seek to contribute towards sustainable economic development, it also needs to protect and enhance the

natural and historic environment, the quality and character of the countryside. One of the key principles is to ensure that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car, while recognising that this may be more difficult in rural areas. As such developments which would attract large numbers of people, such as the current development proposals, should be located in existing centres to promote their vitality and viability and more sustainable patterns of development. Design which is inappropriate in its context should not be accepted. Good quality design will ensure that development proposals will be integrated into the existing urban form and the natural and built environments.

- 1.4. PPS7 sets out the principles for sustainable development within rural areas, in particular the promotion of more sustainable patterns of development. Again, it states that employment should be located in or near to local service centres which would help to ensure that the development would be served by public transport. Support should be given to innovative, high quality contemporary designs that are sensitive to their immediate setting. Replacement buildings would be acceptable where it would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape.
- 1.5. The site is in close proximity to the airport and forms part of the Elsenham Industrial Estate and partially within open countryside. In order to protect the openness and character of the area a Countryside Protection Zone (CPZ) was designated, the principal purpose of which was to define an area “within which there is a most stringent restriction on development, and in particular that which would lead to a coalescence between the airport and existing development in the surrounding countryside or affect the open character of the area”. The designation was originally established in 1990 and included all of the land the subject of the current application. When the local plan was reviewed the area currently covered by built form within the industrial estate was removed from the Countryside Protection Zone and designated as “Employment land to be safeguarded”, as set out in Policy E2. The general thrust of these policies is to ensure the land is safeguarded from other uses rather than to permit extensive development for employment uses. In order for development proposals to comply with policy in this location it is envisaged that all built form, including ancillary features such as car parks, would be within the designated safeguarded land.
- 1.6. The consultation Core Strategy indicated that it is the Council’s intention to retain the CPZ designation and draft policy DC7 proposes a similar approach to restrict development to the current adopted Policy S8. The applicant has put forward a case that the CPZ designation is now outdated and conflicts with national policy in PPS7 which states that local landscape designations should only be used in exceptional circumstances and where there is clear justification that criteria-based policies cannot provide the required level of protection. They therefore argue that the policy should carry little or no weight when considering the development proposals.
- 1.7. The principle of the CPZ has been supported by the two previous local plan inspectors. The Inspector into the Uttlesford Local Plan did not consider that the main purpose of the policy was to assess development proposals against particular landscape character but was to protect the openness of vulnerable countryside from coalescence. Both Inspectors agreed with the Council’s

position of safeguarding the “airport in the countryside” concept by resisting urbanisation around the airport. It is the Council’s view that relying on specific design and rural protection policies would not give strong enough control on development pressures in this area. As such the Council is proposing to maintain the CPZ as a key element of countryside protection policy within the District in response to the particular local issues arising from the airport. Notwithstanding this, it is a requirement for local planning authorities to determine planning applications in line with current policies and at this time ULP Policy S8 is the adopted policy relating to this area.

- 1.8. The current proposals seek consent for the erection of three inter-linked buildings of 11, 9 and 7 storeys in height which will be partially sunk into the ground in order to keep the overall height as low as possible due to constraints relating to the proximity of the airport. An underground car park is proposed with landscaping adjoining the road frontage and the boundaries of the site which would include earth bunds and mature planting. It is also proposed to construct a new access road providing an access point to the west of the site opposite the entrance to the Elsenham Golf Course and Quarry.
- 1.9. The footprint of TSW and TSC would be located within the area covered by the Protected Employment Land designation. However the majority of TSE, the sun chasers, the landscaping bunds and the new access road would all be within the CPZ. The scale of the buildings within the Protected Employment Land would have a direct impact on the adjoining CPZ and this must also be considered. The proposals would result in an urbanising impact on the CPZ, directly in contravention of the aims of the policy. The scale of the development proposals, together with the associated landscaping features and new access route would result in coalescence between the airport and existing development, resulting in detrimental harm to the character of the area.
- 1.10. The proposals are therefore contrary to the aims of ULP Policies S8, E2. Furthermore it would be contrary to the sustainable development principles seeking to ensure that developments are of an appropriate scale and reflect their rural location as set out in PPS1 and PPS7. Further issues relating to sustainability will be discussed in sections 2 and 4.
- 1.11. PPS4: Planning for Sustainable Economic Growth is the most recent policy document to be produced, published in December 2009. Due to the age of the Local Plan the policies contained in this document are a relevant material planning consideration. The policies apply to rural areas as well as urban areas, subject to the requirements of policies EC6, EC7 and EC10. The principal aims of the policy are to delivery sustainable economic growth which reduces the need to travel and respond to climate change. Policy EC7 relates to tourist development and therefore not applicable to this proposal.
- 1.12. Policy EC6 requires local authorities to ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife. Economic development should be strictly controlled in open countryside away from existing settlements or outside areas allocated for development in development plans. As discussed above, the majority of the proposed development would take place within the rural area on land designated as CPZ and not on land allocated for development.

- 1.13. Policy EC1 sets out the policies for determining applications for economic development. Policy EC10.1 states that “local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”
- 1.14. Policy EC10.2 sets out the criteria for the assessment of development proposals. These are:
- a) Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.
  - b) The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
  - c) Whether the proposal secures a high quality and inclusive design which takes the opportunities for improving the character and quality of the area and the way it functions
  - d) The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
  - e) The impact on local employment.

These issues will be discussed in the following sections.

- 1.15. Policy EC11 relates to determining applications for economic development (other than main town centre uses) not in accordance with an up to date development plan. The criteria are:
- a) weigh market and other economic information alongside environmental and social information
  - b) take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
  - c) consider whether these proposals help to meet the wider objectives of the development plan.
- 1.16. The initial Planning Statement and the Economic Impact Assessment did not adequately deal with these issues. Further supporting information has subsequently been submitted which states that the proposal is “fully consistent with the stated criteria; there are no negative environmental or social implications, the economic benefits are substantial and there is a clear market demand for the type of development proposed”. Whilst evidence has been submitted that suggests that the proposals would result in 51 full time equivalent (FTE) jobs during the construction phase and some 639 gross FTE jobs during its operational phase. Allowing for deadweight, leakage, displacement and multiplier effects, the development is expected to create 198 net additional jobs at a local level and 324 net additional jobs at a regional level. In terms of the economy the Gross Value Added produced by Trisail has been calculated to be £6,478,362 for the local economy and £10,600,956 for the regional economy.
- 1.17. Notwithstanding this information, no assessment has been carried out of the current property market and availability of office space within Uttlesford or

Bishop's Stortford. Therefore it has not been adequately demonstrated that there is a "clear market demand" for the type of development proposed, as stated by the applicant.

- 1.18. The wider objectives of the development plan include the strategies as set out in the Regional Strategy policies SS1 and SS2 for achieving sustainable development. In order to achieve sustainable development it is considered in the RSS that development should be concentrated in various key locations, including Harlow, which is also a key area for regeneration. Information submitted with the application indicates that Harlow and Uttlesford are competing for different types of employment opportunities and as such the development proposal would not be best suited for Harlow. This approach has been accepted by EEDA who support the principle of the proposal increasing the economic profile of Uttlesford.
- 1.19. The economic and associated social benefits of the proposal must be weighed against the environmental damage of the development. A judgement must be made as to whether the economic and social benefits outweigh the environmental harm. As discussed in paragraphs 1.8 and 1.9 above, the proposal would result in significant detrimental impact on the character of the rural area and the CPZ. Other environmental impacts, such as the setting of listed buildings and biodiversity issues will be discussed in sections 3 and 6 below.
- 1.20. Policy EC12 specifically relates to the determination of planning applications for economic development in rural areas. None of the application site is located within development limits and therefore the whole of the site is classified as a rural area. This policy states that reuse of buildings will usually be preferable. None of the policies specifically relate to large scale development proposals although EC12d v) refers to the suitability of the building(s), and of different scales, for re-use recognising that replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion.
- 1.21. Within the area designated as protected employment land, which makes up part of this application site, is a small white rendered building, formerly used as offices. In comparison to the surrounding industrial buildings this building does appear to be out of character, better reflecting the character of the nearby listed buildings. In order to achieve a more cohesive distinction between the historic listed buildings and the modern industrial buildings it may be considered appropriate to replace this building with a structure of more modern design. However, this policy does not give explicit support for the replacement of a small scale building with the substantial structures proposed in this application. It is therefore considered that this proposal is contrary to the aims of PPS4 Policy EC12.
- 1.22. The proposals also incorporate an element of retail development and also restaurant/café uses within level 1 of the three buildings. These are town centre uses and as such Policy EC15 requires a sequential test to be carried out and that a flexible approach has been taken towards the development.
- 1.23. Policy EC16 requires an impact assessment to be carried out for town centre uses which are not in a centre. In particular the impact assessment should assess the impact on the vitality and viability of the local centre and whether

there would be any impact on existing, committed or planned public or private investment in a centre or centres.

- 1.24. Information submitted in the Retail Impact Assessment has considered a catchment area covering Stansted, Takeley, Broxted and Elsenham. This has a population, as taken from the Census 2001, of 11,300. Population growth is predicted to be 0.8% per annum and is therefore predicted to rise to 12,900 by 2018. Based on historic figures retail growth is predicted to rise by 4.7% per annum and expenditure in restaurant, cafes and bars is predicted to rise by 3.2% per annum. The original retail assessment predicted that by 2018 there would be a need for 17,766 square foot of retail floorspace and 9,885 square foot of restaurant floorspace.
- 1.25. The figures supplied in the Retail Impact Assessment were challenged on the basis that the growth rates were considered excessively high. The Retail Planner Briefing Note 8.1, published by Experian in August 2010 refers to patchy growth and high vacancy rates in retail premises. The forecast for economic growth, given the various current economic patterns, is predicted to be modest. Taking into account the significant constraints on economic activity over the next few years and the slower growth forecast for consumer spending in the longer term, Experian considers that it is appropriate to use growth rates of 2.2% for retail spending and 1.7% for leisure spending.
- 1.26. Revised figures, with a revised end-date of 2015 rather than 2018, were submitted predicting a need for 6,096 square foot of retail floorspace and 7,467.8 square foot of restaurant floorspace. However, this was still based on the predicted growth rates of 4.7% for retail and 3.2% for restaurant expenditure. Further revised figures have now been produced using the Experian predicted growth rates and this indicates a requirement for 199 sqm of retail space and 454 sqm of restaurant space by 2015. It would appear that the population growth rate has been increased although this has not been stated. Officers calculate that the population figure for 2015 of 12,647 has been used rather than 11,948 at a growth rate of 0.8%.
- 1.27. These figures are still contested and officers are of the opinion that a more realistic figure should be calculated using the Experian growth rates. Experian predicts population growth of 0.7% rather than 0.8% as predicted by the applicant. However, in this instance, given the local house building programme within the catchment area it is considered appropriate to use 0.8% growth rate for population.

	Supermarket	Restaurant	Total
2008 expenditure per person per week (as taken from RIA)	£23.3	£18.5.	£41.8
Total expenditure per week (x 11,300 population)	£263,290	£208,092.6	£472,192.6
Expenditure excluding leakage per week (-30%)	£184,303	£146,231.8	£330,524.8
Annual expenditure excluding leakage (x52)	£9,583,756	£7,604,055	£17,187,811



Total expenditure per week by 2015 (2008 x 2.2% or 1.7% pa)	£27.13	£20.81	£47.94
Estimate expenditure per week by 2015 (x new pop fig of 11,948)	£324,149.24	£248,637.88	£572,787.12
Estimate expenditure excluding leakage per week by 2015	£226,904.47	£174,046.52	£400,950.99
Annual expenditure excluding leakage by 2015	£11,799,032.44	£9,050,419.04	£20,849,451.48
Turnover per sq ft of floorspace (taken from RIA)	£852	£401	
Floorspace needed by 2015 (2015 exp – 2008 exp divided by 852 or 401)	2600	3607	6207

1.28. This table indicates that there would be a need by 2015 for 241.5 sqm of retail floorspace and 335 sqm of restaurant floorspace. The application proposes a combined total of 1393.5 sqm, some 815 sqm in excess of that required. It should also be noted that this aspect of the proposals has been calculated on a requirement for 2015. The revised Retail Impact Assessment figures also state that “the implementation of the scheme is not likely until 2016”. However, the Planning Statement indicates that the project, if granted consent, would be implemented immediately with a 12 month construction period meaning that the proposed development could be operational by 2012 or 2013. Therefore the predicted floorspace requirements do not relate to the proposed completion date and overstate the requirements.

1.29. The Retail Impact Assessment is therefore not considered to be robust and fails to adequately assess any potential impact on existing centres. In particular no assessment of the current trading patterns and turnover has been carried out and their economic health and vitality has not been assessed. Therefore the impact of the development on existing retail centres cannot be adequately assessed. The introduction of retail and restaurant/café uses on this site would primarily be ancillary facilities to serve the proposed development and the existing units at Elsenham Industrial Estate. Therefore, on their own they could result in no adverse harm to local centres, although this has not been demonstrated. However, the provision of retail floorspace in an area remote from village or town centres could potentially have an impact on the provision of additional retail facilities in a more sustainable location within the catchment area, for example Stansted, due to the overprovision of retail floorspace. PPS4 Policy EC15 requires development proposals for town centre uses not in a centre to be subject to a sequential test. No sequential test has been carried out and therefore the proposals are considered to be contrary to PPS4 Policies EC15 and EC16.

**2. Scale, layout, design and sustainable construction issues (RSS Policies ENG1, ENV7; ULP GEN2, GEN6, ENV12, ENV15 & SPD: Energy Efficiency and**

**Renewable Energy; PPS1: Delivering Sustainable Development; PPS4: Planning for Sustainable Economic Growth, PPS7: Sustainable Development in Rural Areas)**

- 2.1. ULP Policy GEN2 requires development proposals to be compatible with the scale, form, layout, appearance and materials of surrounding buildings and to incorporate sustainable construction principles. In addition the proposals should not have a detrimental impact on the amenity of nearby properties as a result of loss of privacy, daylight, overbearing impact or overshadowing. PPS1 seeks to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. PPS7 seeks to achieve good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside. Planning authorities should take a positive approach to innovative, high-quality contemporary designs that are sensitive to their immediate setting and help to make country towns and villages better places for people to live and work. Policy EC10 contained in PPS4 encourages high quality and inclusive design which improves the character and quality of an area and the way it functions. The design of new commercial development should also address the challenges posed by climate change and the pressures on the natural and historic environment.
- 2.2. The site is located within an area with a predominantly rural feel despite being in very close proximity to Stansted Airport. Along Green Street are several residential properties, some listed buildings. There are further residential properties to the north, together with the DeSalis Hotel, which is set in substantial grounds with a rural character. To the west of the site are the commercial buildings making up the bulk of the Elsenham Industrial Estate and to the south is the modern glazed structure of the Water Circle. The general character of buildings in the area is low structures, mainly two storey, with the exception of the Molton Brown unit which has a modern roof design and is therefore more prominent. The style of development ranges from listed residential properties to more modern dwellings, utilitarian factory building and the modern glazed structure of Water Circle. A well-designed modern commercial development on the site would not appear out of character with the area and, given the visual prominence of the site could make a positive contribution to the rural landscape. However, the scale and bulk of the proposed development, whilst representing an opportunity to create an iconic development, would be appear visually intrusive within the landscape. Justification for the style of development has been made in the application as being towers within a landscape where towers are present, for example water towers, church spires and the control tower at the airport. In all respects such features are either historically common place and therefore expected to be present in the landscape, or much smaller in scale than the proposed development. The control tower, whilst taller than the proposed development, does not represent the same bulk of the three interconnected buildings which would be very visually dominant locally.
- 2.3. The fact that the proposed buildings would encroach into the CPZ is a clear indication that the scale of the proposals is unacceptable for this area. Notwithstanding this, even if kept within the designed employment safeguarding site the height and scale of the proposed interlinked buildings is also out of scale with surrounding buildings and would be more visually prominent than the majority of the buildings within the airport where in some cases some structures have an operational need to be tall. The scale and

design of this proposal does not respect the countryside setting and would represent a material harm to the character of the rural area.

2.4. A Landscape and Visual Character Assessment has been carried out attempting to illustrate the visual impact of the proposed development. This includes visual illustrations from various viewpoints and a demonstration as to how the development would be integrated into the rural area once the proposed earth bunds and landscaping have been put in place. The viewpoints are a mix of localised receptors and some more distant locations such as Takeley Four Ashes, Takeley Street, Birchanger, Burton End, Stansted, Henham and Thaxted. Some concern has been raised in respect of one of the localised viewpoints as being an inaccurate representation from a standing position thus resulting in the impact of the proposed development being underplayed. The view from Burton End has been taken in such a location that the proposed development would be behind existing trees, thus suggesting a minimal impact. However, a representation submitted clearly indicates that the existing Molton Brown building is clearly visible within the landscape from Burton End as is the application site. Therefore, it is unclear as to how representative the Landscape and Visual Character Assessment is overall.

2.5. An assessment of the Landscape Character Assessment, as set out in the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments, published in August 2006, has been carried out. This correctly identifies the site as lying within the area B10 – Broxted Farmland plateau. The general characteristics of the area are:

- gently undulating farmland
- large open landscape with tree cover appearing as blocks on the horizon or as scattered trees along field boundaries
- higher ground where plateau broadens and flattens is expansive and full of big sky views
- dispersed settlements and few villages of any size
- some sunken lanes
- moats, halls and historic farmsteads scattered over the area
- Stansted Airport and tower visible in long views from many locations within the character area and is a major influence on the south western part of the character area
- Commercial premises growing around the airport
- telecommunications masts occasionally visible

The area is described as having a moderate to high sensitivity to change. The assessment also notes that the site is in close proximity to Landscape Character Area A3 Stort River Valley which has a relatively high sensitivity to change.

2.6. Notwithstanding this baseline information, the Landscape Character Assessment then proceeds to discuss the potential impact on the area which for some reason now reduces the potential impact on the Broxted Farmland Character area as medium. A new character area of London Stansted Airport Character Area is introduced, but this is not included in the official Uttlesford Landscape Character Assessment. This too is said to have a medium sensitivity to change.

- 2.7. The proposed development has been assessed to have a minor/moderate adverse impact on the most sensitive visual receptors in the local area (up to 1km from the site) decreasing to negligible adverse impact on distant receptors (more than 2km from the site). It is claimed that local views will be largely restricted to the tops of the buildings for the most sensitive residential receptors along Hall Road by a combination of earth bunding of between 5m and 10m in height, with tree and shrub planting on the bunds and around the site perimeter. However, no assessment has been made of the impact of the scale of the proposed earth bunds on the landscape character area. These features would be clearly man-made and would have an impact on the character of the area, not reflecting the characteristics of the rural area as a whole or the Broxted Farmland plateau as a whole. Furthermore, no acknowledgement has been made of the fact that landscaping will take a significant amount of time to become established if planted on such high bunds, remote from the natural water table. No details have been included within the application as to how the planting would be managed to ensure the quicker establishment of the proposed mitigation planting.
- 2.8. The proposed development would require the provision of significant infrastructure in the form of a new estate road. This would result in the development encroaching further into the CPZ and resulting in an urbanising impact on the rural area. Again, this element of the proposals has not been assessed in terms of its impact on the Landscape Character Area. The fields immediately adjacent to the Elsenham Industrial Estate are very small character in their nature, particularly when compared to the larger scale agricultural fields within the general vicinity. The fields all have hedgerows along their boundaries, reinforcing their small-scale character and the distinctiveness of the rural area. The site of the proposed new access road would be across one of these small fields with hedgerows along the boundaries. The small scale nature of the landscape would result in a significant adverse impact as the proposed road together with the landscaping bunds would result in a significant land take in this field. Overall the proposed development would result in significant adverse harm to the character of the rural area and would be contrary to ULP Policies S8 and GEN2.
- 2.9. ULP Policy GEN2 seeks to ensure that development proposals are sustainable. ULP Policy ENV15 seeks to ensure that renewable energy proposals are supported where they do not adversely affect the character of sensitive landscapes. Guidance set out in the Urban Place Supplement, part of the Essex Design Guide, and adopted SPD: Energy Efficiency and Renewable Energy seeks to ensure that commercial developments will achieve BREEAM 'Very Good' and incorporate at least 10% of the developments energy requirements from renewable energy within the scheme.
- 2.10. The proposed building has been rated "Excellent" in a BREEAM report and therefore exceeds the requirement set out in the adopted SPD. In order to comply with the requirement to provide at least 10% renewables, it is proposed to install two 12m diameter sun-chaser photovoltaic arrays. These would be located to the front of the site adjacent to the highway, to the north of the building. It is proposed to construct landscaping bunds with significant planting to the south. The arrays are said to require only daylight rather than sunlight to produce power and should therefore be unaffected by being located within the shadow of the proposed buildings for significant periods of

time. However, the fact that the proposed arrays are designed to “chase” the sun and as a result would achieve up to 25% more output than fixed arrays suggests that this is not entirely correct. Only shadow information based on 21 March has been submitted indicating that the arrays would be in the shade for significant periods of time on that date. The advisory information suggests that if a site gets no sun on this date it would be permanently in the shade in winter. This would suggest that the proposed sun chasers would be permanently or substantially in the shade for long periods of time throughout the year. Limited details about the arrays have been submitted with the application and information submitted relates to an array of panels measuring 8.78m rather than the 12m stated in the application. The limited details suggest that the arrays would be taller than 12m in height when in the vertical position. However, given the potential of shadows from the buildings, the proximity of the landscape bunds and mature planting and the location of the proposed arrays it is not known how long they would operate at the various angles. If, as information in the Environmental Statement suggests, the arrays operate using daylight rather than sunlight then it is unclear as to why a static array could not be installed. Based on the limited information available it is considered that the arrays could therefore be very visually intrusive within the landscape and add to the feeling of coalescence within the CPZ.

- 2.11. Within the buildings it is proposed to use air source heat pumps as part of a mixed-mode ventilation system that includes natural ventilation. Again, limited information has been supplied about the proposed system. It is not clear where the vents/ducts would be or how the system would work to provide heat/cool air within the building. The glazed structure would potentially result in significant overheating issues and the deep plan of the buildings would mean that the centre of the floor area would be difficult to cool. The use of glass as a means of construction in an area that would result in the buildings being wholly exposed to passive heating is likely to be of major concern particularly given the potential impacts of global warming.
- 2.12. On the basis of the information it would appear that the applicant is seeking to achieve a sustainable form of development, taking into account the potential impacts of climate change. On the basis of the various statements it would appear that a BREEAM rating of “Excellent” could potentially be achieved. However, given the lack of clarity on certain aspects, such as the mixed-mode ventilation system and how the sun chasers operate, it is unclear as to whether this would in fact be the case. The proposal is therefore considered to be contrary to ULP Policies GEN2 and PPS4 Policy EC10.2. The visual impacts of the proposed sun chasers cannot be adequately assessed and this element of the proposals is likely to be contrary to ULP Policy ENV15.
- 2.13. Turning now to residential amenity, the proposed buildings would be located approximately 70m from the boundary of the nearest residential property. The Essex Design Guide sets out separation distances to protect the residential amenity of adjacent properties but these reflect the relationship between two residential properties. In this instance a significant amount of commercial floorspace is proposed in a glazed building which would offer direct views to nearby properties. The potential for loss of amenity to these properties, in particular Old Dairy Farm at the corner of Green Street and Hall Road, would be significant. The creation of the earth bunds and the proposed landscaping are unlikely to mitigate the full potential of overlooking from these buildings and the proposal is therefore contrary to ULP Policy GEN2.

- 2.14. The scale of the proposed buildings, appearing as dominant features within the landscape, would have a detrimental impact on the residential amenity of nearby properties due to their overbearing impact. Some properties to the north of the site might be affected by shadow, particularly in the winter months. The shadow analysis submitted with the application only covers the shadow patterns for 21 March which shows that properties would not be affected. However, shadows would be longer in the winter months and the information required to assess this potential impact is not available.
- 2.15. A further amenity issue that is of fundamental importance particularly for a scheme of this size is the protection of water resources (ULP Policy ENV12). The site is not located within a source water or ground water protection zone but it is located in close proximity to an aquifer used by Elsenham Water. The design concept has been carefully considered to ensure that there should be no adverse impact on the aquifer. However, the proposals do have the potential to increase the risk of contamination to water supplies. PPS23 takes a precautionary approach to contamination and as such it would be expected that a preliminary risk assessment to be submitted as part of the application. A Preliminary Contamination Assessment and Phase II Contamination Assessment Report have been submitted with this application. These have been considered by the Environment Agency who raises no objections in respect of potential contamination, subject to conditions being imposed.
- 2.16. Overall the proposals are considered to be contrary to ULP Policies GEN2, and PPS4 Policy EC10.2. The proposals could conflict with the requirements of ULP Policy ENV15 and the adopted SPD: Energy Efficiency and Renewable Energy but insufficient or conflicting information has been submitted with the application to enable a full assessment of the issues.

### **3. Impact on setting of listed buildings (ULP Policy ENV2; PPS5: Planning for the Historic Environment)**

- 3.1. As previously stated, the proposals would be located within close proximity to listed buildings. ULP Policy ENV2 and guidance set out in PPS5 requires local authorities to consider the potential impact of development proposals on the setting of listed buildings and to protect the setting of these buildings. Development proposals should be in keeping with the character and scale and surroundings.
- 3.2. The listed buildings were originally within a rural landscape setting and the Elsenham Industrial Estate has grown within their vicinity which has resulted in the deterioration in the setting of the listed buildings. However to date the scale of the buildings has been relative to the listed buildings and the modernist approach taken with the Water Circle building has not had a detrimental impact on the character or setting of the buildings. The most significant building on the industrial estate terms of scale is the Molton Brown building, which is the most remote from the listed buildings and therefore has a limited impact.
- 3.3. In this particular instance the scale and character of the proposals would not respect the rural setting of the listed buildings and would result in a significant detrimental impact. Essex County Council Historic Buildings Advisor particularly raises issues in relation to guidance set out in PPS5. This states that "the surroundings in which a heritage asset is experienced. Its extent is

not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” It is considered that the proposals would not respect the setting of nearby listed buildings and the scale, proportion, height, massing and use of materials proposed are all inappropriate in the local context and overwhelm the nearby low rise residential listed buildings and rural setting.

- 3.4. The proposed landscaping bunds would also impact on the setting of the listed buildings, in particular the Old Dairy. Whilst this is screened behind boundary hedging it is set within a rural context. The proposed landscaping bunds, up to 10m in height, would significantly erode the natural rural setting and introduce another competing feature within the landscape. The proposals are therefore contrary to policy ENV2 and PPS5.

#### **4. Transport/traffic/parking/access issues (RSS Policy T14; ULP Policies GEN1, GEN8, E3, RS1, GEN4; Adopted Parking Standards)**

- 4.1. The current access arrangement to the Elsenham Industrial Estate and the Water Circle and nearby residential properties is via Green Street or via the new access road, both accessed via Hall Road. Hall Road runs from Coopers End Roundabout at Stansted Airport to Elsenham and is a secondary distributor road, which is narrow and winding. It is already heavily used by people accessing the airport, using the golf course or hotel nearby and by heavy goods vehicles using the nearby Quarry or from E Corr business to the east. There is currently additional traffic using the unauthorised airport related parking business being carried out at present at Loppingdales. This is currently the subject of enforcement action.
- 4.2. The previous application failed to demonstrate that the existing access points could adequately accommodate the existing and proposed vehicular traffic. In order to overcome this reason for refusal the current application proposes a new access road which would result in a roundabout access point opposite the entrance to Elsenham Quarry and Elsenham Golf Course. The existing access point to Green Street would be closed off to vehicular traffic, as would the estate road constructed a few years ago.
- 4.3. The proposed new access road would alter the current access arrangements for delivery vehicles to Molton Brown and Hytek. Both companies state that access needs to be from east to west for operational reasons and due to the lack of turning and manoeuvring space to the rear of the buildings. However, the applicant states that this would not be possible and that there would be sufficient room for vehicles to access the service yards from the west to the east.
- 4.4. The relocation of the principal access point to a new junction away from residential properties would result in an improvement to the residential amenity, particularly to Old Dairy Farm. The conflict between vehicular movements and residential amenity was a reason for refusal in the previous scheme. The proposed relocation of the access point would overcome that reason for refusal and this benefit would need to be weighed up against other policy criteria.
- 4.5. The proposed new access point and roundabout have been the subject of lengthy negotiations prior to the submission of the application. Subsequently

negotiations have been ongoing to establish whether the proposals would be acceptable in terms of highway safety and capacity. To date the applicant has been unable to demonstrate that this would be the case and the Highway Authority has therefore issued a recommendation of refusal on this basis.

- 4.6. PPS4 Policy EC18.1 states that localised parking standards should be applied to economic development, unless the applicant has demonstrated that a higher level of provision is needed and shown the measures proposed to be taken to minimise the need for parking. Local parking standards set out in the Essex County Council document "Parking Standards: Design and Good Practice" have been adopted by Uttlesford District Council in January 2009. These set maximum parking standards for commercial development and also the bay sizes required for new development. The bay sizes are required to be 5.5m x 2.9m (6.5m x 3.9m for disabled spaces) with 6m gaps between rows. Where parallel parking is proposed bays must be at least 6m in length. A minimum bay size of 5.0m x 2.5m is also given, but discretion is to be used as to when this size of bay would be appropriate.
- 4.7. There are two elements of parking proposed in this scheme. The first relates to the proposed new development and the second relates to the replacement of the displaced car parking as a result of the new access road being constructed.
- 4.8. The proposed development would have 392 general parking spaces and 20 disabled spaces and this would serve the proposed new development and the existing Water Circle building. Only 89 spaces would be the required size of 5.5m x 2.9m, a further 103 would measure the minimum size (to be used in exceptional circumstances) and the remaining 200 would be 4.8m x 2.5m. The separation distance between the rows of car parking spaces would be 6m. Whilst this would meet the required standards for those bays that are of the correct size, where bay sizes are too short vehicles would overhang the separation distance and therefore would be likely to cause conflict with vehicle movements within the car park. The applicant argues that the use of the spaces can be controlled by ensuring those with bigger cars are allocated the bigger spaces and those with smaller cars are allocated the smaller spaces.
- 4.9. The applicant has submitted a drawing indicating that there are currently 198 parking spaces serving the existing industrial estate. However, it should be noted that 11 of these spaces are shown to be in the loading area to the ABF building. The applicant states that 190 replacement spaces would be provided. However, 3 spaces are of insufficient size to serve as parking bays and therefore only 187 spaces are provided.
- 4.10. The proposed new parking to replace the displaced parking would be located along the existing access road and to the west of the ABF building. Additional spaces would be provided to the front of Molton Brown and Hytek and further spaces would be provided to both the front and rear of the ABF building. The proposed bay sizes would be 5m x 2.5m and the applicant states that it would not be possible to provide bigger bays due to the amount of land that would be required and the constraints of the site.
- 4.11. In terms of the displaced parking, there would now be a shortfall of 11 spaces from the current provision. The 11 spaces shown in the loading bay are indicated as existing and proposed but with this building being operational it is



unlikely that these spaces would be usable. The size of bays would be the minimum recommended size and this would be an improvement over the size of the existing bays. In principle there is no objection to the size of the bays. However, there are concerns relating to the creation of the new parking areas. The use of the existing access road as a parking area would intensify the urbanisation of this area. At present it is a hard surfaced area with passing vehicles. The use of the area as a car park would result in detrimental harm to the character of the rural area due to the static nature of parking. The creation of the parking area to the west of the ABF building would result in the loss of an additional area of grassland. However, this would be on land allocated as safeguarded employment land and whilst it would have an impact on the adjacent CPZ it would not be sufficiently out of character for this to be detrimental.

- 4.12. The proposed development has a parking requirement of a maximum of 371 spaces for the B1(a) office floor space and the Council would accept a maximum of 70 spaces for the retail/restaurant uses as this should predominantly be ancillary to the B1(a) uses. This would result in a requirement of a maximum 441 spaces and there would be an additional requirement for 27 disabled parking spaces. As stated above only 392 spaces and 20 disabled spaces are proposed. This parking provision would only relate to the new development and does not take into account the displaced parking requirement for the Water Circle building. Currently the Water Circle building has 21 parking spaces. The proposal relates to a new development submitted some time after the new parking standards were adopted and therefore there would be a requirement for the proposals to meet the new parking bay sizes. This proposal falls short due to nearly 50% of the bays being smaller than the required size. Given the fact that this development is seeking to secure high quality employment uses it is likely that potential employees would have larger than average cars. Therefore a development proposing around 50% of the parking provision which fails to meet the minimum standards of bay sizes would be inappropriate. The proposals therefore fail to satisfy the criteria of ULP Policy GEN8.
- 4.13. PPS4 Policy EC10.2b) encourages development to be accessible by means other than the private car. The applicant states that the site is sustainable due to its location close to the public transport hub located at Stansted Airport. Whilst it is acknowledged that Stansted Airport is the major transport hub for the District, this is located some distance from the application site in terms of highway access. The site is located approximately 2.5km from Coopers End Roundabout, and additional distances are required to be travelled from the airport building to the roundabout. It is not possible to safely walk from Stansted Airport to the application site and therefore all means of access must be via motorised forms of transport.
- 4.14. The applicant states that there is a good bus service linking the site to the airport. This is a limited 1 bus an hour in each direction service and would provide limited means of an alternative means of transport. The applicant also states that taxi services or the proposed shuttle bus would provide alternative, more sustainable means of access between the airport and the site. Taxi journeys would result in 2 lots of vehicular movement to the site to drop off passengers and again when collecting passengers. This would not be more sustainable than the use of a private car. The shuttle bus could potentially collect more passengers and could provide some sustainability benefits. However, this does not overcome the issue that the site is in a

relatively remote rural location where sustainable forms of transport are not immediately available.

- 4.15. PPS4 Policy EC10.2c) and ULP Policies E3 and RS1 require developments to have a high quality and inclusive design, providing equal access to all. The proposed buildings have been designed to “front” towards the Water Circle building and the car parking area would be located to the “rear” of the buildings. A drop-off point would be provided to the front of the site and this would enable visitors to access the buildings at level 2, the main reception area. However, those accessing the buildings from the car park would be directed to level 1 and would be required to access the buildings via the retail or café/champagne bar areas. This would either be via a door on the side of the building or people would have to navigate their way round to the front of the buildings. The gap between the buildings would be approximately 3.5m at the narrowest point and with the height of the proposed buildings this would create an imposing and potentially threatening access point. A staircase would be located close to the side door access point which would enable people to access reception.
- 4.16. For those with limited mobility access would be more restricted. The sense of arrival for all would be confused being presented with the retail and restaurant areas rather than reception, although the applicant has put forward an argument that such an arrangement is commonplace in such prestigious developments. Notwithstanding this, the lifts would be located to the rear of the building and this may not be immediately obvious to those with mobility or sight problems, particularly to visitors to the site. Those who are required to use the lift would arrive at the reception area behind the reception desks, again creating a sense of confusion and a lack of sense of arrival at the destination.
- 4.17. People accessing the site and unfamiliar with the layout who take the lifts to the top level of the car park and thus arrive outside, will then be confused as to how to access the buildings. From the green roof on top of the car park it is difficult to access the front of the buildings. To the east adjacent to the front of the buildings would be the ramped access to the underground car park and no direct access to the front of the buildings. To the west people would need to negotiate their way around the buildings to the front of the site and then drop down to the first floor. The information contained in the drawings is not sufficiently clear to demonstrate how this would be achieved, although there would be a lift adjacent to Green Street. Those wishing to access the Water Circle building would need to negotiate their way around the Trisail development and then cross the main access road to the underground car park. Despite requests no information has been forthcoming to demonstrate the accessible links between the car parking area and the Water Circle building.
- 4.18. The Uttlesford Area Access Group has assessed the plans and been provided a copy of the Accessibility Statement that was produced following their concerns being passed to the applicant. However, the Group still has concerns based on accessibility and manoeuvring around the development. In addition concerns have been raised in respect of the provision of disabled toilets. The applicant states that disabled toilets would be provided in each of the areas annotated “toilets” but has not specified if this would include a separate disabled WC or if there would be a provision in both the Ladies and Men’s areas.

- 4.19. On the basis of the information submitted it is considered that the proposals fail to adequately provide access arrangements that would be accessible to all. The proposals are therefore contrary to PPS4 Policy EC10.2c) and ULP Policies RS1 and E3.

**5. Impact on flood risk to other areas (ULP Policy GEN3; PPS25: Development and Flood Risk)**

- 5.1. PPS25 and ULP Policy GEN3 seek to ensure that development proposals would not result in increased flood risk, either within the application site or to remote receptors. The application is located with Flood Zone 1, the low risk zone. However, proposals over 1ha can generate significant volumes of surface water. The application is accompanied by a Flood Risk Assessment and includes proposals for Sustainable Urban Drainage systems (SUDs). The Flood Risk Assessment has been assessed by the Environment Agency and it is satisfied with the details contained within the report, subject to conditions being imposed. The proposals therefore should not result in significant potential to increase flood risk and is in line with the relevant policies.

**6. Impact on biodiversity (ULP Policies GEN7, ENV8, ENV9; PPS9: Biodiversity and Geological Conservation)**

- 6.1. PPS9 states that the impact of development proposals on biodiversity is a material planning consideration. Circular 06/2005 states that the scale of the potential impacts must be established prior to the local planning authority granting consent for the proposals. ULP Policies GEN7, ENV8 and ENV9 seek to protect biodiversity, designated sites and landscape elements of importance for nature conservation respectively.
- 6.2. The application site is rural in nature and there are two ponds within site, numerous trees along the boundaries and also hedgerows. These all have the potential to provide suitable habitat for protected species, in particular great crested newts, bats and roosting birds.
- 6.3. The application has been submitted with an Ecological Survey which includes details of great crested newt surveys carried out in 2006 and 2009, a reptile survey undertaken in 2008, and bat surveys undertaken in 2009.
- 6.4. The reptile survey found no evidence of reptiles and noted that there were no known records of reptiles within 500m of the site and the nearest record was located 5km to the south west. A single juvenile smooth newt was found which has no relevant legal protection. The great crested newt survey showed low numbers of newts in the pond adjacent to the road but up to 41 newts were present in the pond located within the field adjacent to the eastern boundary. This is classified as a medium sized population. It was noted that the rank grassland adjacent to the ponds would provide suitable habitat for great crested newts in their terrestrial phase. The bat survey found no evidence of bats within the building to be demolished. Two evening emergency surveys were undertaken and no bats were seen to emerge from the building and no bat activity was recorded near it. The site was assessed as having suitable foraging habitat for bats, in particular the boundary hedges and grasslands. Several trees were found to have between moderate or high potential for bat roosts.

- 6.5. The ES identifies the potential impacts on protected species which could occur as a result of the development. This includes impacts on roosting birds in the hedgerows and trees which, due to the presence of many hedgerows and trees, is considered to be minor adverse. In relation to bats it is stated that no works are proposed to the trees surveyed on the site and again due to the presence of a large number of trees any potential impacts would be minor adverse. In relation to great crested newts there is the potential for newts to be killed or injured during the construction phase which would be a major adverse impact. The site also identified a potential badger sett but the development proposals are considered to be negligible.
- 6.6. Mitigation proposals are put forward in the ES including employing a qualified ecologist to undertake a watching brief if site clearance works are required in the bird nesting season. If badgers are present on the site these would need to be removed or reduced in number under licence from Natural England. If bats are encountered work will be halted and Natural England informed. External lighting will be kept to a low level due to the proximity of Stansted Airport which should minimise impacts on bats. Great crested newts will need to be trapped and removed from site prior to construction works starting. No mitigation is proposed for reptiles, although vigilance will be taken to ensure if any animals are present they can be removed from the site.
- 6.7. Natural England has reviewed the survey information and has raised concerns in relation to bats, great crested newts and badgers. In respect of badgers their concern is that sufficient surveys have not been undertaken to establish the presence or otherwise of badgers on the site. The officer has visited the site and noted extensive tracks throughout the proposed development area. However, none of these were worn down to bear earth and no evidence of latrines was found. Clear footprints and dung was found on site and it was clear that this was fox activity. The Uttlesford Badger Group was requested to visit the site to establish whether or not the officer had missed any signs of badger activity and this resulted in a negative response. Whilst the Ecological Survey refers to a badger latrine it is known that foxes will use holes in the ground, such as those dug by rabbits, as a latrine and this may be what was found by the ecologists. Based on the information supplied by the Uttlesford Badger Group it is considered highly unlikely that badgers are present on the site and as such the proposals should not have any impact on this species.
- 6.8. Turning to great crested newts, the proposed mitigation is limited to the erection of newt fencing and the removal of any newts found. However, it should be noted that this is not included in the proposed construction timetable for the development. The ecological survey identified that the existing grassland provides suitable habitat for great crested newts, particularly for their terrestrial phase. However, whilst some of the semi-improved grassland would be retained, the proposed landscaping plan indicates that extensive grass bunds will be constructed immediately adjacent to the roadside pond. These would also be constructed close to the field pond and a wild flower meadow would be created around the field pond. This would result in the removal of the existing natural habitat which could have a detrimental impact on the long-term viability of the species on this site. Great crested newts would not be able to access the land to the east as an alternative habitat as the Ecological Survey correctly identifies this as being agricultural land and therefore not providing suitable habitat potential.

- 6.9. The other area of concern raised by Natural England was in relation to bats. The building which is proposed to be demolished has been surveyed on two occasions and no evidence of use by bats has been found. Two emergence surveys were undertaken and these failed to record any bat activity adjacent to the building. It is noted that two emergence surveys is less than the recommended number (a minimum of three) and also that the timing of the surveys fell short of the recommended recording period.
- 6.10. The Ecological Survey identified the site as having good potential for bat foraging and also a number of trees potentially being suitable for bat roost provision. However, despite this no emergence surveys were carried out in respect of the trees or hedgerows. The proposed new access road would cut through existing hedgerows, potentially severing foraging routes. However, no bat surveys have been carried out in this area and there are trees within the hedgerows that have not been assessed for bat roost potential. Therefore the Ecological Survey fails to adequately assess the use of the site by bats and therefore the impact on protected species cannot be established.
- 6.11. Whilst not raised as a particular issue by Natural England it should be noted that the reptile survey was only undertaken on a small area of the application site. No assessment was made of the areas where the southern landscaping bunds are proposed, nor was the area of the proposed new access road surveyed. As the application has evolved a further area of potential habitat has been proposed for car parking. Therefore, the Ecological Survey fails to adequately identify and assess the potential impacts on reptiles.
- 6.12. In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.
- 6.13. Recent case law has recently considered the application of this duty and in the case of *Morge v Hampshire County Council* [2011] in his judgment the Supreme Court Lord Brown said "I cannot see why a planning permission (and indeed, a full planning permission save only as to conditions necessary to secure any required mitigation measures) should not ordinarily be granted save only in cases where the Planning Committee conclude that the proposed development would (a) be likely to offend article 12(1) and b) be unlikely to be licensed pursuant to derogation powers." Therefore there is a requirement for the local planning authority to consider if development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 6.14. The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

- The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- There must be “no satisfactory alternative”; and
- The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

6.15. It is not considered that the proposed development is required for preserving public health or public safety. Furthermore, it is not considered that there are any imperative reasons of overriding public interest which require the development to take place if it would potentially impact on protected species. It has not been demonstrated that there is no satisfactory alternative. The third criterion would usually require the knowledge of an ecologist to establish if the development proposals would not allow the maintenance of the population of the species concerned at a favourable conservation status in their natural range. However, in this particular instance it has been found that the ecological survey is deficient in that it has failed to adequately establish the presence or otherwise of various species, or the potential impacts on those species.

6.16. In relation to protected sites, the Ecological Survey states that the proposals should not result in any adverse harm to local SSSI’s or County Wildlife Sites. However, the proposals would have an impact on existing hedgerows, and potentially individual trees. The need for the development would not outweigh the need to retain these elements. The proposals are therefore found to be contrary to the advice set out in PPS9, Policies GEN7 and ENV9.

## **7. Impacts of light pollution (ULP Policy GEN5)**

7.1. A further potential impact from the proposal on residential amenity would be the impact from lighting, both externally and internally. Details about the proposed lighting to the car parking areas have been supplied with the application and the type of lighting measures proposed would minimise glare outside of the site. However, the scheme has developed since the original submission and no further details relating to lighting have been submitted. For example, it is unclear as to whether any lighting is proposed to the new car parking areas to serve the existing industrial units. Lighting would be required in order to minimise the potential of crime, or the fear of crime. However, lighting in these areas could also have an adverse impact on the CPZ and the character of the rural area. In relation to the proposed access road, initially lighting was shown to be present. Later proposals indicate no lighting and this appears to be the case with the latest submission. Whilst lighting to the proposed roundabout would be required for highway safety it would be in a rural area where presently there is no lighting. Therefore it will be necessary to weigh up the potential impact with the requirement to ensure highway safety is not compromised.

7.2. Lighting within the buildings has been assessed and details of Lux values within the building indicate that at the edges of the building would range between 85-502 Lux. However, no calculations of light spill from the building and the visual impact of such lighting have been included with the application. The Environmental Statement states that internal light could enter windows of

nearby properties facing the Trisail buildings and that this is considered to be a moderate adverse impact. The nature of the building and the requirement for lighting could potentially be detrimental to the amenity of neighbouring properties and have an adverse impact on the rural area. The proposals are therefore contrary to ULP Policy GEN5.

## **8. The potential impact of Stansted Airport on the proposed building, in particular aircraft noise (ULP Policy ENV10; PPG24: Planning and Noise)**

- 8.1. The application site is located in close proximity to Stansted Airport and planes take off or land to the south. PPG24 identifies developments such as offices as being noise sensitive. However, the application of stringent controls for residential development would not be appropriate for office developments. The predicted noise levels for the buildings are estimated to be around 40  $L_{Aeq}$  from aircraft and 37  $L_{Aeq}$  from road traffic. The BREEAM criterion for buildings is <40-50 and the predicted noise levels are considered to have a negligible impact on the potential occupiers.

## **9. Assessment of the benefits of the proposal in so far as they are material to a planning decision.**

- 9.1. As discussed in section 1.16 above, the proposals would result in significant economic benefits to the region. The development has the potential to create 51 full time equivalent (FTE) jobs during the construction phase and some 639 gross FTE jobs during its operational phase, plus 198 net additional jobs at a local level and 324 net additional jobs at a regional level. The estimated Gross Value Added produced by Trisail would be around £6.5m for the local economy and £10.6m for the regional economy. These benefits would be substantial in terms of both the Uttlesford District and the eastern region. However, these benefits need to be weighed up against other policy criteria as set out above. In addition, current government policy, as announced during the Budget on 23 March 2011, is also a material factor to be considered.
- 9.2. It is recognised and accepted that the country has been suffering from economic downturn due to the recession. There is a keen emphasis from both central government and local authorities to ensure that business opportunities can be secured to ensure continuing economic recovery. The current government stance is that the planning system is holding back UK growth and jobs due to being overly bureaucratic and it is seeking to radically overhaul the system. The emphasis will be in favour of sustainable development. Paragraph 2.12 of "The Plan for Growth" document published by the HM Treasury and Department for Business Innovation and Skills states "where local authorities do not have plans for development, or they are silent, out of date or indeterminate, this policy will mean that local authorities should start from the presumption that applications for development and job creation will be accepted." Further advice will be published in May 2011 together with details of how it proposes to integrate the presumption into national planning policy.
- 9.3. The Minister of State for Decentralisation, Greg Clark, issued a Ministerial Statement on 23 March 2011. This reemphasises various statements made in "The Plan for Growth" document. In addition it states:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession*
  - ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing*
  - iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)*
  - iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date*
  - v) ensure that they do not impose unnecessary burdens on development*
- In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.”*

- 9.4. This proposal would have the potential to bring substantial economic benefits to the Uttlesford district and the region. It should be noted that the principle of B1(a) office development on this site is not a reason for refusal. Indeed, the site could be considered well placed to secure future employment uses and encroachment into the CPZ would need to be weighed up against the potential benefits. However, in this particular instance it is officer’s opinion that the scale and bulk of the proposed inter-linked buildings would be detrimental to the character of the rural area as a whole and to the CPZ in general.
- 9.5. The application site is located in very close proximity to Stansted Airport, a factor that the applicant demonstrates as being a positive driver for the proposal. However, what needs to be taken into consideration is the relationship between this site and that of the airport. Stansted Airport has been developed as “an airport in the countryside” with the principle being set that buildings should be no higher than existing trees. The terminal building has been set into the ground to minimise the visual impact and extensive landscaping has been carried out within the airport boundary to ensure the countryside setting is retained. This proposal would be substantially higher than the buildings within the airport and due to the proximity there should be some correlation between the two areas. Should development proposals of this scale be allowed in close proximity to the airport boundary this could result in increased pressures to secure taller buildings within the airport, thus eroding the countryside setting.
- 9.6. Development proposals of an appropriate scale, within similar parameters to those being applied to development within the airport, may be more favourably considered subject to a clear demonstration that the proposals would be in line with other policy criteria and the reasons for refusal relating to biodiversity and highways issues can be overcome.



## 10. Any other material considerations.

- 10.1. The proposed development would result in noise and vibration, particularly during the construction phase, which could result in a loss of residential amenity. Measures to minimise noise disturbance would include the construction of pre-fabricated panels off-site. The spoil resulting from excavation would be reused within the site to create the earth bunds, thus reducing lorry movements along Green Street and Hall Road. It is proposed to restrict construction activities to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs on Saturdays with no working on Sundays or Bank Holidays. Other measures such as ensuring appropriate silencers and acoustic equipment is used where necessary and stationary, noisy equipment being kept as far from noise sensitive locations as possible. Whilst the construction period would have some impacts on residential amenity, this would be short term and have no lasting impact.
- 10.2. Dust during construction would also be a potential hazard. In relation to dust it is proposed to implement standard best management practices. Soil contamination has not been identified on the site and therefore the potential for residents to be exposed to contamination should not occur.
- 10.3. An area of concern raised by both the officer and the Highways Authority is in relation to HGV unloading facilities. Level 4 of the underground car park shows a vehicle unloading bay and information has been submitted stating that this would be restricted to vehicles weighing no more than 7.5 tonnes. In order to access the unloading bay a vehicle would be required to partially drive around the entrance roundabout and then reverse into the car park. This could cause potential conflict with vehicular movements into and out of the car park.
- 10.4. Vehicles over 7.5 tonnes would be required to unload to the east of the Water Circle building. Deliveries to the Trisail buildings would then need to be transported across the access road to the car park and then by lift to the entrance on level 2. Again this could potentially lead to conflicts between deliveries and other vehicles using the site.
- 10.5. A further concern has been raised by the occupiers of two of the existing units on the Elsenham Industrial Estate. At present their delivery vehicles enter the rear service yards from Green Street and exit via the estate road. However, this option would be removed under the current proposals and vehicles would have to enter in the opposite direction. There is limited room to manoeuvre HGVs within the rear service yards and certain vehicles have to connect to a fixed point, particularly on the Molton Brown building. Whilst these concerns are not sufficient to warrant a refusal they demonstrate that further consideration needs to be given to these aspects.

**CONCLUSION:** The proposal has the potential to create economic growth for the Uttlesford district and the region and this significant positive aspect of the proposals must be weighed up against other policy criteria and statutory obligations imposed on local planning authorities. Whilst the proposed use of B1(a) office use is not objected to, the scale and bulk of the inter-linked buildings would be detrimental to the character of the rural area as a whole and the CPZ in particular. The proposed landscaping mitigation proposals would introduce alien features within the plateau landscape, also causing harm. Furthermore, the proposal has not adequately demonstrated that it would comply with policy set out in PPS4. The

proposals fail to meet the required parking standards and have failed to demonstrate that the proposed highway access arrangements and road layout would be acceptable in terms of highway safety and capacity. There are some concerns relating to the sustainability aspects of the proposals, in particular the ability to produce 20% of energy requirements from renewable energy sources, and ensuring accessibility for all. Furthermore, the application fails to adequately demonstrate that there would be no detriment to protected species. Local planning authorities have a statutory obligation to consider the impacts of development proposals on biodiversity and protected species and to ensure that there would be no significant harm, or any harm would be outweighed by suitable mitigation measures. Inadequate surveys or out of date surveys have been submitted with the application and it has not been possible to adequately assess the impacts on biodiversity or protected species.

#### **RECOMMENDATION: REFUSAL REASONS**

1. The proposals incorporate the provision of 1393.5sqm of retail and restaurant/café uses, classified as town centre uses, in an area remote from a centre. Policy EC15 of PPS4 requires a sequential test to be carried out and Policy EC16 requires an impact on town centre vitality and viability. The Retail Impact Assessment demonstrates that there would be no requirement for the proposed floorspace provision and no impact assessment or sequential test have been carried out. The proposals are therefore contrary to Policies EC15 and EC16 of PPS4.
2. The application site is located within a rural area and largely within or adjacent to land designated as Countryside Protection Zone (CPZ). Development in this area is restricted to development that is required to be there with a strict control on new development, particularly development which would promote coalescence between the airport and surrounding development and would adversely affect the open characteristics of the zone. The scale and bulk of the proposed inter-linked buildings would fail to respect the character of the rural area, particularly given the site lies within Landscape Character Assessment Area B10 – Broxton Farmland plateau, which has a moderate to high sensitivity to change. Furthermore, the proposed access road and car parking area on the existing access road, together with the buildings, would result in a form of development which would promote coalescence with the airport. The proposed landscaping bunds, aimed to mitigate the scale of the proposed buildings would in themselves result in harm to the rural area by the introduction of artificial landscape features out of character with the plateau area. The proposals are therefore contrary to ULP Policies S8 and GEN2. Furthermore it would be contrary to the sustainable development principles seeking to ensure that developments are of an appropriate scale and reflect their rural location as set out in PPS1, Policy EC10.2c) in PPS4 and PPS7.
3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall have special regard to the desirability of preserving a listed building or its setting. The proposal would be unacceptable because the scale and character of the proposals would not respect the rural setting of the listed buildings and would result in a significant detrimental impact, contrary to adopted Uttlesford Local Plan Policy ENV2 and PPS5.
4. The developer has not demonstrated to the satisfaction of the Highway Authority that the highway access arrangements and road layout to serve the new and existing development is acceptable in terms of highway safety and capacity. This proposal would therefore be contrary to the aims and objectives of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and as Uttlesford District Council Supplementary Guidance in March 2011, and to ULP Policy GEN1.

5. The proposal fails to demonstrate that the proposed parking provision would be adequate in terms of design and safety. The proposal includes 392 general parking spaces of which only 89 would meet the adopted standards and 103 would measure the minimum size acceptable. Two hundred parking spaces would fail to meet the minimum bay size standards which would result in vehicles overhanging the separation lane between rows of parking, which could result in limiting vehicle manoeuvrability. The proposals are therefore contrary to ULP Policy GEN8 and the adopted Parking Standards.
6. The proposals fail to demonstrate that the development would achieve a high quality and inclusive design, providing equal access to all. Access into and through level 1 and the main reception area on level 2, particularly from the car park would be unclear and would result in those requiring lift access arriving behind the reception desk(s). Furthermore, details relating to how disabled toilet facilities would be provided have not been made clear. In addition, access to the Water Circle building from the car park would be difficult for those with limited mobility. On the basis of the information submitted the proposals are therefore contrary to Policy EC10.2c) of PPS4 and ULP Policies RS1 and E3.
7. The application is accompanied by out-of-date and/or incomplete ecological surveys. The inadequate or outdated surveys do not allow a proper assessment of the potential impacts on protected species, as required by PPS9, Section 40(1) of the Natural Environment and Rural Communities Act, Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Furthermore, the local planning authority is unable to determine whether Article 12(1) of the 2010 Regulations would be offended and whether the proposals would comply with the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. The proposals are therefore contrary to ULP Policies GEN7 and ENV9 and PPS9.

*Background papers: see application file.*

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## UTT/1984/10/FUL - LITTLEBURY

Demolition of warehouses and offices, and erection of 14 No. dwellings with garages, parking, landscaping and new vehicular and pedestrian access

Location: The Sidings Peggys Walk. GR/TL 514-935

Applicant: Weston Homes Plc

Agent: Weston Homes Plc

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 16/02/2011

Classification: MAJOR

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** Peggy's Walk is an area of land at the end of a cul-de-sac adjoining the London to Cambridge railway. Originally part of goods sidings this land has been used for warehousing purposes. It adjoins a residential area and is opposite a development of houses which are approx 30 years old.

A triangular shape wider to the south and narrowing to the north it covers an area of approx 0.46 hectares. The western edge runs along the railway line; the eastern edge follows the curve of the road; the southern edge rises steeply from the eastern to western edge and there is a significant depth to the bund; similarly there is a bund along the western edge which tapers down from south to north.

Dwellings to the east of the site are set lower than the application site and are set back from the road.

The site is reasonably level apart from the bund. At the northern end there is a flint wall which is to be retained.

The site is split into two sections by two existing flint cottages.

**DESCRIPTION OF PROPOSAL:** The application relates to the demolition of warehouses and office space with the erection of 14 residential dwellings and ancillary works. The density of the development would be around 30 dwellings per hectare.

The dwellings consist of:

Plot number	No. of Bedrooms	Parking spaces + Garage	Useable Garden Size
1	4	1 Yes	108sqm
2	4	1 Yes	97sqm
3	3 (wheelchair)	1 integral	115sqm
4	4	1 integral	105sqm
5	2	2 No	91sqm
6	2	2 No	95sqm
7	2	2 No	76sqm
8	3	1 Yes	84sqm
9	3	1 Yes	165sqm
10	4	1 Yes	94sqm
11	4	1 Yes	133sqm
12	3	1 Yes	145sqm
13	3	1 Yes	115sqm
14	4	1 Yes	83sqm

i.e three 2 bed, five 3 bed and six 4 bed.

Plus 4 visitor parking spaces.

Two parking spaces would be provided for 23 and 25 Peggy's Walk - existing flint cottages.

Plots 5 and 6 are linked detached; 8 and 9 are semi detached as are 12 and 13.

Seven of the proposed dwellings have direct access from Peggy's Walk whilst seven would be accessed from a road leading from Peggy's Walk.

**APPLICANT'S CASE:** A Planning Statement and Design and Access Statement have been provided with the application and can be viewed on file and concludes:

The proposed redevelopment of the site into residential community that fulfils the needs of the Local Government and the people that reside in its locality.

**RELEVANT HISTORY:** Outline application for the erection of 15 dwellings – Conditionally approved 1997

**CONSULTATIONS:** Essex County Highways: No objection to development shown on drawing WH130/10/P/10.1 Rev A subject to conditions.

Water Authority: Suggested conditions if the Council minded to approve

Veolia Water: Within Groundwater Protection Zone and construction works and operation should be done in accordance with the relevant British Standards and Best Management Practises.

National Grid: No comment received - due 20 December 2010

Bat Group: No comment received - due 20 December 2010

Oil: No comment received 01 December 2010

Essex Wildlife Trust: No comments received - due 20 December 2010

Essex Learning Services: Request a developer contribution prior to commencement.

Environmental Services: Following further information with regard noise assessment - The assessment has shown that average noise levels within the dwellings would be acceptable with the use of a whole house ventilation system so that windows need not be opened for ventilation. (The full response can be viewed on the file).

Building Control: No comments received - reply due 20 December 2010

Lifetime Homes: Layout for Plot 3 to become the Wheelchair Accessible House is acceptable.

Following receipt of revised plans - the approved Lifetime Homes drawings will need to match the Building Regulation drawings.

Landscaping: No comments received - due 20 December 2010.

**PARISH COUNCIL COMMENTS:** Original proposal - Access from Littlebury Green Road is narrow with bad sight lines and possible damage to flint wall

Affordable housing - concern that more housing could be provided to ensure some affordable housing is provided.

Lack of parking for existing flint cottages.

**REPRESENTATIONS:** The application has been advertised and 16 representations have been received. Period expired Monday 7 March 2011.

1. Road and access too narrow

2. Site access too narrow and will be intensified; Parking provision - parking on road creating obstruction; Access to Littlebury Green Road - Lack of visibility will increase problems; Access to B1383 from Littlebury Green Road - Increased use of junction is dangerous; Closeness to the road - houses should be set back from Peggy's Walk; Height of proposed dwellings - Overlooking of the existing neighbouring properties because site levels; Inconsistency of street scene - the existing flint cottages will be dwarfed by the proposed dwellings; Consistency of planning approach - two storey extension on house opposite was previously refused.

3. Too many houses and therefore too many cars and smaller number of houses would be more appropriate.

4. Density too intense; increased traffic will heighten perils; damage to flint walls on junction.
5. Access - Too narrow and no passing places/footpath; No parking proposed for the existing flint cottages which will create on road parking; Style of dwellings not in keeping.
6. Increased traffic and road too narrow; no footpath; pressure on local primary school.
7. Density too high; increase of traffic creating obstructions.
8. Increase of traffic and potential of damage to wall at junction
9. No parking facilities for the two existing flint cottages
10. Housing imposing; close to road; no footpath; overlooking issues; tight site access; increase in traffic causing problems
11. Dangerous and poor access to the site; Appeal decision mentions access
12. Original objection has not been addressed. Increase in traffic potential harm to pedestrians
13. Insufficient parking; Increase in traffic potential harm to pedestrians; no turning/passing points; potential for loss/reduced services because of parking issues;
14. Access problems; road not wide enough; no provision of footpath; street lighting insufficient; no parking provided for the Flint cottages; lack of school facilities; site maintenance whilst work is ongoing
15. Concerned re additional traffic and the dangerous junction.
16. Not providing affordable housing and impact of additional traffic

**COMMENTS ON REPRESENTATIONS:** Parking for the two existing flint cottages have been provided to the sides of the existing cottages. All other comments see planning considerations.

**PLANNING CONSIDERATIONS:**

The main issues are:

- 1) Principle of development – (Littlebury Parish Plan; ULP Policy S3)
- 2) Design and layout – (ULP Policies GEN1; GEN2; ENV15 & H10; SPD – Accessible Homes and Playspace; SPD – Renewable Energy; Essex Design Guide and PPS1)
- 3) Impact upon amenity and locality – (ULP Policies ENV14; ENV11 & GEN4 and PPG24)
- 4) Highways (ULP Policy GEN8; PPG13 & ECC Parking Standards)
- 5) Affordable Housing (ULP Policy H9)
- 6) Other material planning considerations (Circular 6/2005; ULP Policies ENV12 & GEN3;

1. Principle of development

1.1 The Littlebury Village Plan has been looked at as part of assessing the subject scheme. The proposal lies within development limits and therefore the development should be assessed against ULP Policy S3 which relates to development being permitted within the

boundaries where development is compatible with the settlement's character and countryside setting.

The Littlebury Village Plan action for Housing says 'any future residential development should include starter, family and retirement homes, and be limited to brown field sites, as long as such proposals are consistent with sustainable communities and that any change of use is not detrimental to the well being of the parish and local community.'

The Parish Council does not object to the proposal but has concerns about detailed matters. The site is a brownfield site and within development limits and therefore the principle of the development is acceptable.

## 2. Design & Layout

2.1. The proposed scale, size, siting and orientation of the proposed dwellings is considered to be in keeping with its surrounding based on a mixture of scale and design of existing residential dwellings. There would be at least 12 metres between the nearest existing dwelling to a proposed dwelling - the southern boundary - and 18metres between the properties on the eastern boundary and the existing dwellings. Therefore minimal residential and visual impact on the adjacent dwellings is likely.

2.2. Revised drawings have been submitted which show that the proposed dwellings would accord with Lifetime Homes standards. The Accessible Homes and Playspace SPG also states that the Council require at least one dwelling built to wheelchair accessible standards in new developments of between 10 and 20 units; Plot 3 has been designed to comply with this requirement. Garden sizes are adequate for the size of dwellings proposed. There are various site levels on the adjoining site and opposite site and therefore the two storey dwellings would be comparable with adjacent properties.

2.3. Due to the levels of the site when compared to the site to the south consideration has to be given to any potential overlooking issues. Plots 3 and 4 would back directly on to the side of the existing dwelling of 17 Peggy's Walk; the proposed dwellings have three windows to the rear first floor elevation which may create overlooking issues into the ground floor side elevation of the existing dwelling; however the Essex Design Guide indicates a requirement of 25metres gap between direct window to window. The proposed is approx 22metres and the window of the proposed is an en-suite opaque window – the existing is a dining room on a flank elevation. The additional two windows to the proposed first floor are to bedrooms and would be at an angle.

Having given consideration to the policies the proposed opaque window is unlikely to give concern to overlooking issues to the existing residents. Homes designed to Sustainable Homes Level 3 which is the Council's standard.

2.4. The application did not include a water strategy/flood risk assessment and therefore the applicant needs to consult with Anglia Water and the Environment Agency. The water authority requests a condition to be attached requiring a drainage strategy covering the issue(s) to be agreed.

## 3. Impact on Amenity & locality

3.1. Due to the proposed nature of the scheme being residential and the number of proposed units and layout no adverse impacts in terms of noise and disturbance are considered upon the surrounding residential dwellings in accordance with Policy GEN4 - Good Neighbourliness and ENV11 - Noise Generators.

3.2. However the site is adjacent to the main London to Cambridge railway line and the revised Noise Assessment submitted with the application identifies the site as being in Noise Exposure Category C. Planning Policy Guidance 24 recommends that planning permission for residential development should not normally be granted on a category C site.

3.3. The developer has proposed high specification glazing, a barrier and the distance from the track which would reduce the noise to an acceptable level. However the developer has been unable to confirm the effectiveness of the proposed windows and therefore if the Council is minded to approve a suitably worded condition should be imposed.

#### 4. Highway matters

4.1. Highways does not raise an objection to the application subject to conditions. The proposal is for seven dwellings to have direct access from Peggy's Walk with an additional seven dwellings gaining access from a single all purpose access.

Parking of two spaces for each existing flint cottage have been provided; four visitor parking spaces and minimum two spaces per dwelling including garaging. All spaces provided meet the requirements of the adopted Parking Standards September 2009.

Concern has been raised with regard the increase of vehicles accessing the site and the danger to pedestrians. Highways has not raised any concern over this issue. The site has regularly been accessed by vehicles delivering to and collecting from the commercial site and the change in the size and volume of vehicles is likely to be beneficial.

4.2. A footpath along Peggy's Walk would fall outside the redline area of the site and as a footpath has not been requested by Highways as a requirement this would not be a requirement of a permission.

#### 5. Affordable housing

5.1. The explanatory text to Policy H10 states that up to '40% affordable housing will be sought on sites of 0.5hectares or of 15 dwellings or more'. The proposal is for 14 dwellings on a site of 0.46hectares.

5.2. Officers considered that there appeared to be potential to increase the number of dwellings on the site further by at least one to increase the numbers of dwellings on the site to the threshold where affordable housing is required. However, the applicant has submitted scenarios where more than 15 dwellings have been shown on the site. This shows that the garden sizes would not meet the required standards; parking issues would arise and - Scenario 1 & 2 - would introduce car dominated street scene as well as small gardens. Scenario 3 - removes the flint wall at the northern end of the site; two visitor parking spaces would be lost and the garden sizes would be undersized. On balance this scheme for 14 dwellings appears to be the right number.

5.3. The dwelling size and mix must be considered. Policy H10 of the Local Plan requires that for all developments of 0.1 hectares and above or three or more dwellings are required to include a significant proportion of market housing comprising small 2 and 3 bed homes. The proposal is for 6 x 4 bed; 5 x 3 bed and 3 x 2 bed dwellings i.e. eight two and three bed units which would comply with ULP Policy H10 - Housing Mix.

#### 6 Other material considerations

6.1. Education contribution - Essex County Council have requested a developer contribution prior to commencement. It should be noted that if the application was to be refused the lack of education provision would need to be noted as a reason for refusal.

6.2. Bio-diversity – The nature of the site is such that there is currently very little green space; the proposal will introduce areas where bio diversity can be encouraged.

6.3. Habitat - The buildings if unused may have the potential to attract some protected wildlife and therefore if minded to approve a condition is required to ensure that the buildings are checked if not demolished within one year of any permission granted.



**CONCLUSIONS:** The proposed scheme is considered acceptable and in accordance with national and local plan policies subject to conditions.

**RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO S106 -  
EDUCATION CONTRIBUTIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development.
6. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described in the Design and Access Statement submitted with the application. 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
7. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
8. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented buildings.
9. C.8.15. Restriction of hours of operation.
10. C.8.29. Details of sustainable construction for new residential or commercial development.
11. C.10.21. No occupation until roads constructed and surfaced.
12. C.11.9. Disabled parking provision.
13. Prior to commencement of the development hereby permitted details of siting of bat boxes shall be submitted to and approved in writing. Subsequently, the approved details shall not be changed without the prior written consent of the local planning.  
REASON: In the interest of the protection of the wildlife value of the site.
14. A further survey should be carried out if the demolition on site has not been completed by 31 October 2011. The findings and conclusions of the survey shall be submitted to the local planning authority for approval in writing within one month of the completion of the survey. The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority.  
REASON: To provide protection to legally protected or rare species
15. No development shall commence until a surface water strategy/floodrisk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.  
REASON: To prevent environmental and amenity problems arising from flooding.
16. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.  
REASON: To prevent the risk of ground water pollution.
17. Prior to commencement of the development details showing the means to prevent discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.  
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.
18. There should be no doors or other entrances onto the mews/mews court within the first 8 metres. No windows or doors should open outwards or overflow of downpipes etc. project of the net adoptable area of the court or over other areas where the public have unrestrained access.

REASON: To ensure roads/footways are constructed to an acceptable standard in the interests of highway safety.

19. Prior to commencement of any development, the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site. Details to be submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety and efficiency.
20. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any other purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided
21. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel information and Marketing Scheme for sustainable transport approved by Essex County Council.  
REASON: In the interests of promoting sustainable development and transport in accordance with policy F.32 in the Essex Road Passenger Transport Strategy 2006/11.
22. The bedroom windows and building envelope of plots 7, 8 and 14 shall be designed and constructed so as to provide a weighted sound reduction index of not less than 42dB. The windows of the remaining plots shall be designed and constructed so as to provide a weighted sound reduction index of not less than 36dB. A wall or dense close boarded fence at least 2m high shall be provided along the boundary of the railway, as close as possible to the railway. A whole house ventilation system with acoustic vents shall be installed in each unit. Details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site.  
REASON: To protect the amenities of the occupiers of the development.
23. Unless otherwise agreed by the Local Planning Authority, development other than demolition of the existing structures and the breakup of the concrete slab, or that required to be carried out as part of an approved scheme remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.  
1. Site Characterisation. An intrusive site investigation and risk assessment, in addition to the assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings 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,- archeological sites and ancient monuments;(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'.  
2. Submission of Remediation Scheme  
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 must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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.

3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

4. Reporting of Unexpected Contamination. 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. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 3.

REASON (common to all parts): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14 of the adopted Uttlesford Local Plan.

- 24. C.8.21. Control of odour and other effluvia - 4 construction sites.
- 25. C.8.32. Ground contamination.
- 26. C.28.1. Implementation of accessibility scheme.

*Background papers: see application file.*

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## UTT/2310/10/FUL - FELSTED

Redevelopment and conversion of former brewery complex to provide mixed use development of 36 No. apartments and 7 No. townhouses. Change of use from B2 (brewery) to B1a (office space) and car parking

Location: Hartford End Brewery Mill Lane. GR/TL 687-174

Applicant: Hartford End Developments Ltd

Agent: W G D P

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 15/06/2011

Classification: MAJOR

**NOTATION:** Outside Development Limits/Partially within Flood Zones 2 and 3/Tree Preservation Order.

**DESCRIPTION OF SITE:** The application site is located south of Felsted with the River Chelmer running east-west through it. To the north of the river are the buildings associated with the former Ridley's Brewery and to the south is open land and a treatment plant associated with the former brewery. The river forms the boundary between the administrative areas covered by Uttlesford District Council and Chelmsford Borough Council.

The buildings are a mix of 19<sup>th</sup> century buildings adjacent to the river with 20<sup>th</sup> century additions. Fronting the highway is a modern office building and between the main brewery buildings and a row of four cottages is a large concrete portal frame warehouse building. There are other smaller buildings within the site including a former hospitality building.

The site lies in a valley with land rising to the north and south with open fields surrounding the site. There are two protected trees within the site, one to the rear of the cottages and one on the banks of the stream feeding into the River Chelmer. The committee visited the site at the time of a previous application (October 2009).

**DESCRIPTION OF PROPOSAL:** The proposal relates to the demolition of a large warehouse and various small ancillary buildings within the brewery complex and the conversion, extension and refurbishment of the existing principal brewery buildings to create 36 apartments (2 x 1 bedroom units and 34 x 2 bedroom units, including 4 with a live/work element included). The majority of the units would have access to a small area of private amenity space. Units G2-G5 and G7-G8 and G12-15 would have access to private amenity space adjacent to the central courtyard, which would not be entirely private. Units G2-G4 do have some private amenity space facing towards the river bank. For these units the central courtyard space has not been calculated.

Unit	Private Amenity Space	Unit	Private Amenity Space
G1	Nil	F4	Nil *
G2	9.75 sqm	F5	Nil *
G3	10.5 sqm	F6	Nil *
G4	11.25 sqm	F7	9.2 sqm
G5	22.5 sqm	F8	Nil
G6	Nil	F9	9 sqm
G7	11.5 sqm	F10	4.3 sqm
G8	4.6 sqm	F11	Nil
G9	Nil	F12	Nil
G10	36 sqm	F13	13.5 sqm
G11	Nil	S1	38.5 sqm

G12	5.2 sqm	S2	15 sqm
G13	9 sqm	S3	15 sqm
G14	Nil	S4	16.7 sqm
G15	9 sqm	S5	Nil
F1	Nil *	S6	5.2 sqm
F2	Nil *	S7	8.3 sqm
F3	Nil *	S8	8.6 sqm

\* Units F1-F6 do not have access to private amenity space but these units would have access to a roof garden providing approximately 125 sqm of amenity space.

It is proposed to erect 7 three storey town houses, 4 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom. Each unit would have a rear garden averaging around 55sqm each. All the properties would be set around a communal courtyard with water features and soft landscaping.

The modern detached former office building, the adjoining Clock House building and the weatherboarded barn adjacent to the northern access are to be retained and converted to B1(a) office use.

The proposal includes the provision of 119 parking spaces, including 25 in the basement of the former brewery building.

#### **APPLICANT'S CASE:**

The following documents have been submitted with the planning application:

**Design and Access Statement:** This describes the site and surroundings and the proposal and its evolution from the previously approved scheme.

**Planning Statement:** This sets out the policy context of the proposal. Summary: Hartford End Brewery closed in January 2006, since then it has been vacant. The applicant obtained outline planning permission on the site for a Wellbeing Village last year. This consent has been impossible to fund on a viable commercial basis, despite a concerted effort by the applicant, who dearly wanted to create a Wellbeing Village for the elderly. However, the outline planning permission that has been recently granted, establishes a number of important considerations. These are:

- It establishes a larger scale and massing envelope for the conversion and development of the site than now proposed
- It establishes the acceptability of a quasi-residential use on the site
- It demonstrates that there are technical solutions to the risk of flooding, and
- It demonstrates that the Council recognise that a new use for the buildings is essential for their long term survival.

The latest proposals use a scaled down version of that approved and thus the scale and mass is less, which is beneficial to the complex's setting in the countryside. The proposals are for a mix of uses and it is hoped that they will generate and establish a new living and working community on the site. The original plans to elevate flooding can be implemented and whilst the uses are not the same as previously approved, they can be established without significant harm to those living nearby or to the countryside in general and retain the heritage of the site.

Ecological Survey: Bat activity was judged as being very low. The presence of a Pipistrelle can be mitigated with bat roosting boxes. The building will need further investigation and a formal mitigation strategy. No evidence of the presence of water voles, otters, badgers or reptiles were found. In order to retain foraging bats on and over the water and bank-side vegetation, it is recommended that there is no artificial illumination of the river or the northern boundary on the developed site. It is also suggested a range of bird nesting boxes are installed in order to add to the biodiversity potential of the site.

Ground Contamination Report: The risk assessment concludes that there remains a future risk to site occupiers for the presence of hydrocarbons in the ground at one location. Hydrocarbon contamination within the ground at an additional 2 locations may present a risk to underground services, construction workers and controlled waters. Elevated concentrations of metals and organic substances within the groundwater may present a potential risk to the River Chelmer. The risk assessment was carried out with regards to ground gas and it was concluded that there should be no risk to the identified receptors from carbon dioxide and methane at one location. In terms of mitigation the report recommends removal of some made ground to mitigate the risk from the presence of hydrocarbon contamination. A number of above ground storage tanks should also be removed by specialist contractor.

Flood Risk Assessment: Some of the buildings within the floodplain are intended to be removed, thus providing additional floodplain storage, reinstatement of the floodplain and betterment as advocated within PPS25. The application is accompanied by a FRA which includes details of a sustainable drainage strategy and flood compensation scheme. The FRA demonstrates that the occupants of the scheme will be safe in the event of a flood event. As parts of the site lie within flood zone 3, a sequential and exception test was carried out in relation to the previous approval to see whether there are sites available for this development in low flood risk areas. The report confirms that there are no better sites presently available or suitable. Furthermore, the application site involves the conversion of a significant former brewery, which has the positive effect on the landscape. The conversion of the complex presents a unique opportunity, one which cannot be repeated in the district and as such no other site has similar characteristics.

Transport Assessment (TA): The TA looks at the traffic generation of the proposed scheme, the suitability of the access arrangements, highway safety and public transport. The assessment reveals that there will be a slight increase in traffic generation during the peak hours over that associated with the use of the site as a brewery. However, the slight increase is mitigated by general improvements to the safety of the access/egress points, improvements to road markings and is offset by new bus stops directly outside of the site. Whilst there may be a small rise in movements in the peak, the increase is minimal and will not lead to congestion.

**RELEVANT HISTORY:** UTT/0645/09/OP: Outline planning permission for redevelopment and conversion of former brewery site to a Wellbeing Village consisting of 34 care home rooms, 50 assisted living apartments, 3 guest bedrooms and warden's flat (use Class C2) with restaurant, shopping and recreational facilities, landscaping and parking – Approved 23 October 2009.

**CONSULTATIONS:** Natural England: Proposal may have the potential to affect protected species. Recommend that surveys are undertaken to determine whether or not existing buildings within the application site are used by bats as roosting sites and should include any suitable trees within or close to the development footprint.

Essex County Council (Education): Development will result in 7.2 additional primary school places being required. A developer contribution prior to commencement of £70,150 will be required.

Essex County Council Highways: Believe predicted traffic flows will not have a detrimental impact on the local road network and will be adequately served by the existing priority junction. Financial contribution towards securing a 40mph speed limit. Raises concerns relating to the provision of the southbound bus stop and will not require this to be implemented. A financial contribution towards a Bus Clearway restriction will be required. No objections subject to conditions.

Archaeology: Historic Building Survey condition required.

Environment Agency: Flood Risk and Sequential Test – No objection on sequential test grounds. The Exception Test should be applied and part c) requires a site specific FRA to demonstrate that development will be safe, without increased flood risk elsewhere, and where possible, reduce flood risk overall. The FRA has been considered and we have no objection subject to conditions. Contaminated Land – No objection subject to conditions. Ecological considerations – Applicant should be aware that there is a likelihood that the River Chelmer does contain populations of native white clawed crayfish and any proposed development should be sensitive to this. Conditions required.

Anglian Water: No objection subject to conditions.

Environmental Services: The recommendations of the revised statement to the preliminary AMEC report on ground investigation should be followed.

Planning and Housing Strategy: Annual Essex Wildlife Trust surveys found evidence of otters adjacent to the site. Mitigation measures should be included in the conditions should planning permission be granted. Flood risk – this application is for residential and employment development for which there is sufficient land available in flood zone 1. This is a relatively large development in an isolated location with no day to day services on site or within walking distance. It is a form of development the Council would normally associate with a site in one of the market towns or larger key villages. Permission has been granted for a Wellbeing village, but by its very nature that use is more self contained. The proposal does however utilise a vacant and derelict site which will continue to deteriorate if not put to another use.

Therefore the council needs to weigh up the benefits of reusing a vacant and derelict site against the impact of introducing a large residential complex in a remote rural location. If the proposal is considered to be of a high quality design which will enhance the character of the surrounding countryside then I can see merit in granting permission. However if there are concerns about the quality of the design then permission should be refused.

Building Surveying: Main building may need a fire mains. Access to dwellings looks onerous for fire service vehicles, the access road heading north from the side road needs to provide adequate turning facilities, unless this side road is a no-through road.

Climate Change Manager: Conditions C.8.29 and C.8.32 required for residential development. The conversion to B1 office development will be required to achieve a BREEAM rating and requires condition C.8.33.

Accessibility: The scheme achieves compliance with the Accessible Homes Supplementary Planning Guidance.

Drainage Engineer: Surface water drainage condition required.

Chelmsford Borough Council: No objections subject to no objections being raised by the Highway Authority; appropriate conditions and/or obligations being added as recommended by the Highway Authority, Environment Agency or Natural England. Proposed development relies on flood compensation storage works on the Chelmsford side of the River Chelmer. This will need a formal application submitted to Chelmsford Borough Council.

**PARISH COUNCIL COMMENTS:** Supports the proposed architectural treatment, which retains key features of a much appreciated historic local building. Council also welcomes the proposed bus layby; proposal to use the northern entrance as the principal access and egress; the limitation of the central access to fuel delivery vehicles; the reserving of Mill Lane for access to the original neighbouring residences only. The Applicant's traffic surveys and projections reinforce the view held by the Council and by Hartford End residents that a 40mph speed limit through this hamlet is highly desirable. The safety of the proposed main entrance to the site would be further improved, and speeds reduced, by the construction of a mini-roundabout or right-turn lane at this entrance. The PC urges a S106 contribution towards these highway improvements be made a condition of approval. The PC also requests that the following constraints on construction traffic be made conditions of approval:

- Construction traffic must not park in Chelmsford Road
- Heavy vehicles approaching the site must approach and leave via the roads to the south of the site and not through Felsted Village centre
- Any damage to nearby road surfaces, hedges and verges caused by construction traffic must be made good.

**REPRESENTATIONS:** This application has been advertised and 4 representations have been received. Advertisement expired 7 February 2011.

Great Waltham Parish Council: Not against redevelopment of former brewery site. No mains drainage in this area and part of the site lies within the flood plain and the basement with pool, gym and parking spaces and possibly parts of the ground floor accommodation could become flooded. Support Felsted Parish Council and local residents regarding the concern expressed regarding the generation of traffic from the proposed development onto the B1417 at a point at the lowest part of the valley where traffic is travelling at high speeds. It is suggested that as part of a planning contribution for infrastructure that a speed restriction be imposed on the lower part of the B1417 through the Chelmer Valley. A pedestrian crossing, footway and bus stop with shelter are proposed within Great Waltham parish. The Parish Council considers that the site proposed for the shelter is a hazardous area as there is an adverse road camber on a bend at this point which could result in accidents. The Travel Plan refers to a school which does not exist – there is a local primary school which is shown on that plan. There is a letter from Essex County Council which indicates that the development falls within the admissions area for Felsted School. The Parish Council comments that Ford End Primary School is nearer to the development and this will be taken up separately with Essex County Council.

A letter has been sent to Essex County Council referring to the fact that Ford End Primary School has a falling roll and admissions should be referred to that school.

A Bird: Can remember the Brewery in full production and the associated traffic chaos that frequently occurred. In that period there has been considerable development in Felsted and of course the new estate at Little Dunmow, leading to a significant increase in traffic passing through Hartford End. Indeed at certain times of the day I find it can take several minutes to access the highway. Whilst not against the idea of change of use I am against the prospect of any further increase in traffic that this proposal will inevitably create.



M Crouch: Object on grounds of increased traffic volumes and road safety. The new scheme removes the quiet nature of occupation to now include regular residents and businesses which will increase traffic and place unreasonable road safety issues on those who use the B1417 particularly local residents and pedestrians. Should proper traffic calming be put in place then we would support the development.

S Ridley: Am concerned with the number of cars this development will generate. The road is very busy at present and it is very difficult to see cars coming from the Chelmsford direction as they come over the bridge.

**COMMENTS ON REPRESENTATIONS:** Essex County Council has responded to Great Waltham Parish Council regarding the provision of school places. Catchment areas are drawn following natural features, in this case the river and therefore whilst Ford End Primary school may be closer to the site as the crow flies the development would fall within the catchment area of Felsted Primary School. Whilst a change in catchment could be considered in the future it would be unusual for a boundary to be redrawn to cross district council areas without a clear reason for doing so. In this case an important consideration would be the availability of safe walking routes to schools and the impact any change would have on the County's school transport costs.

**PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are whether

- 1) the proposed development is appropriate for this location (ULP Policies S7, E5, H6, GEN3, PPS25)
- 2) the scale, mix and design of the proposals is appropriate for this location (ULP Policies H10, GEN2, E3 & SPD: Accessible Homes and Playspace and SPD: Energy Efficiency and Renewable Energy);
- 3) the access and parking arrangements are suitable for the development (ULP Policies GEN1 and GEN8);
- 4) the proposals would have any adverse impact on protected species and important landscape features, including protected trees (ULP Policies GEN7, ENV3 and ENV8 and PPS9)
- 5) the provision of affordable housing (ULP Policy H9)
- 6) Other material planning considerations.

- 1) the proposed development is appropriate for this location (ULP Policies S7, E5, H6, GEN3, PPS25)

- 1.1. The application site is outside the development limit and forms a rural area where there is a general presumption against development except that which needs to take place there. The site is a brownfield site, consisting of a former brewery and various associated buildings. The proposal seeks to convert and extend the principal brewery buildings and replace some of the existing footprint of buildings with new build comprising flats and town houses. The site is partially located within Flood Zones 2 and 3 due to its proximity to the River Chelmer, which forms the boundary with Chelmsford Borough Council. Development within Flood Zones 2 and 3 should only take place there if it can be demonstrated that there are no other suitable sites available for development located within Flood Zone 1. Part of the site also falls within Flood Zone 1 and this needs to be taken into consideration when assessing the sections that fall within Flood Zones 2 and 3.
- 1.2. The existing buildings total around 5350 sqm and comprise the main two to four storey brewery building, which is of brick construction, with later additions. There is a flat roof cold store at the rear of the brewery building and a large concrete portal

framed warehouse, both of which are proposed to be demolished. There is a modern yellow brick office building to the frontage with the B1417, a building known as The Clock House and a single storey weatherboarded building located on the northern boundary. None of the buildings have been found to be suitable for listing due to the main features of the brewery being removed by Greene King when they were in its ownership.

- 1.3. The proposal relates, in part, to the conversion of the modern office building which was ancillary to the brewery use on the site, the Clock House and the weatherboarded building to Class B1(a) office use. The conversion of these buildings would be in accordance with ULP Policy E5 as the buildings appear to be of permanent and substantial construction and capable of conversion without major reconstruction or significant extension. Whilst the proposals would have an impact on the countryside in terms of vehicular movements and parking, this needs to be compared to the potential impact of the reinstatement of the authorised use of the site as a brewery. In light of this, it is considered that the proposed commercial use of the site would protect the character of the countryside. The proposals would have the potential to impact on biodiversity and this will be discussed in greater detail in section 4. The proposals would result in some impact on the local road network. Again this needs to be balanced against the traffic generation of the previous use.
- 1.4. The proposed development has been considered against the lawful use of the site as a brewery, and as approved for a Wellbeing Village. Essex County Council Highways Department considers that the predicted traffic flows will not have a detrimental impact on the local road network and will be adequately served by the existing priority junction.
- 1.5. The significant part of the proposal relates to the conversion of the existing brewery buildings to residential purposes. The nature of the building internally with its large voids and differing floor levels means that this element of the proposals would be largely a façade retention exercise and as such ULP Policy H6 does not strictly apply to the proposals. It is proposed to demolish the existing flat roof cold store and the warehouse and construct a substantial extension to the brewery buildings facing towards the River Chelmer. The conversion works and extension would provide a development containing 36 flats (2 x 1 bed and 34 x 2 bed). In addition it is proposed to construct a terrace of 7 town houses providing a mix of accommodation (4 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom). The proposed town houses would be located to the rear (west) of the yellow brick office building.
- 1.6. The proposed scale of new build and development overall needs to be compared to that previously granted consent under the extant outline approved (reference UTT/0645/09/OP). The footprint of the principal buildings is approximately 2872sqm, with various other ancillary structures and features, some of which have been removed. The previously approved scheme would have resulted in around 2871sqm of footprint set around two courtyards. The current proposals would result in around 2128sqm of footprint (1706sqm of residential and 422sqm of commercial).
- 1.7. The scale of the road frontage development would be similar to that previously approved, except for the fact that the modern office building would retain its existing character and the Clockhouse would be retained. The elevation fronting the river would be approximately 2.4m longer than previously approved and the scale of 3 storey development would be increased. The increase in building form of the proposed development would significantly increase the visual impact of the development when viewed across the river and from the Chelmsford Borough Council area, particularly when compared with the existing scale of development.

The increase in built form compared to the previously approved scheme would result in an increase in visual impact but this would need to be weighed up against the impact of the development overall. In a similar vein, the proposed development would increase the amount of bulk and built form of development along the north western elevation. There would be an increase in three storey development which would be visible when approaching the site from the direction of Felsted village. However, this elevation would now be 42.5m in length with an element of the south east elevation being visible set back from this elevation. The previous approved elevation was 51.6m, with the end 16.5m section furthest from the highway protruding towards the valley side.

- 1.8. The most significant change to the scale of built form would be to the south west elevation. The length of third floor development to the rear of the main frontage buildings would be cut back from 45m to 32m. The length of this elevation overall would be scaled back from 77.4m to 37.1m with a visual break of approximately 8m to the side elevation of the town houses. In this elevation the built form would therefore extend for approximately 54m, with various aspects set back from the main element of the elevation.
- 1.9. Whilst certain elements of the proposals have increased in height and therefore would appear more within the valley landscape, the amount of footprint overall would be significantly reduced. A balance therefore needs to be found between the harm caused by the extensive footprint compared to that of the increased height of the proposed development. On balance it is considered that the proposal should not result in significant harm to the character of the valley and the design features are such that the proposals would retain the general character of the principal buildings.
- 1.10. The site is partially located within Flood Zones 3 and 2, with the remainder of the site being located within Flood Zone 1. Development sited within the flood plain must be subjected to the sequential and exception tests, as set out in PPS25. Due to the isolated nature of the site and its position partially within a flood zone residential development would not be appropriate and would fail the sequential test. A sequential test undertaken by the applicant in relation to the previous proposal for Class C2 residential institution use demonstrated that there were not available for development. The Council has accepted this sequential test approach as being appropriate for this proposal despite the proposed use falling within a different Use Class. PPS25 sets out the developments that would be appropriate in various flood zones and those where an exception test must be applied.
- 1.11. Uses such as residential developments (Use Class C3) are classified as “more vulnerable” and only are appropriate where it can be demonstrated that the exception test has been passed. The exception test has 3 criteria;
  - Development provides wider sustainability benefits that outweigh the flood risk
  - Site should be on developable previously-developed land
  - The Flood Risk Assessment (FRA) must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

This site is a previously developed site and would enable the re-use of existing locally important buildings, albeit with some sustainability issues due to the remote position of the building. However, these issues must be weighed up and a balance found and in this particular instance it is officer’s opinion that the reuse of the buildings outweighs the sustainability issues. On this basis it was considered that the

proposals met the first two criteria of the exception test and the Environment Agency took this information into consideration along with the details in the FRA and raises no objections to the proposals subject to conditions being imposed.

**2) the scale, mix and design of the proposals is appropriate for this location (ULP Policies H10, GEN2, E3 & SPD: Accessible Homes and Playspace and SPD: Energy Efficiency and Renewable Energy);**

- 2.1. The scale of the proposals has been discussed in paragraphs 1.6-1.8 above. Whilst the scale of the proposals has been increased in terms of height, the overall footprint of development has been scaled back. This results in a different impact on the character of the countryside and overall it is considered that the revised proposals should not result in overall harm to the character of the rural area and the river valley.
- 2.2. The proposed development would be predominantly 2 bedroom apartments (34 units) with 2 x 1 bedroom apartments and a range of town houses providing 3, 4 and 5 bedroom units. Whilst the mix is not evenly distributed between the dwelling sizes this is restricted in part due to the façade retention exercise of the existing building. This imposes limits on the amount of accommodation which can be easily accommodated. On balance it is therefore considered that the proposals would represent a mix which would comply with the requirements of ULP Policy H10.
- 2.3. The design of the proposed development reflects the general character of the principal former brewery buildings, in particular the gables to the smaller buildings to the road and river frontages and the industrial style of building with a residential emphasis. The design of the residential development would be appropriate for this site.
- 2.4. The proposed commercial units would result in limited alterations to the existing Clockhouse and former office buildings. The existing range adjacent to the northern boundary of the site would require a new roof and works to the existing plinth, particularly adjacent to the highway. This building would have more alterations carried out to provide adequate glazing to enable the building to be used for commercial purposes. The proposed alterations would not result in significant harm to the character of the buildings or result in detrimental harm to the character of the rural area and the river valley.
- 2.5. It is proposed that a large number of units would have access to some form of private amenity space. Some of the units on the ground floor would obviously have limited privacy due to their private space being adjacent to the communal courtyard. Due to the compact nature of the site amenity space at upper levels could lead to the potential of overlooking. Glazed screens are proposed between the units in order to provide some privacy. In a couple of units the private amenity space would be adjacent to a stairwell and, in order to maintain privacy, it is considered important that the stairwell windows in these cases are obscure glazed.
- 2.6. The separation distances of the units across the communal courtyard would range from 19m to 26m. These should be sufficient to ensure that no adverse loss of amenity would occur to occupiers of the units due to overlooking. The proposed new-build apartments would be located within 5.5m from the side elevation to the cottages located to the rear. This element of the proposal would be two storeys with a flat roof providing a roof garden. Two first floor windows are proposed to the side elevation, one serving a bedroom and one providing a secondary window to the lounge/kitchen. The proposed bedroom window would be adjacent to the side elevation of the cottage and should not result in significant loss of amenity. However,

the proposed window to the lounge/kitchen would directly overlook the rear garden to the adjoining cottage and therefore this should be obscure glazed and fixed shut in order to protect the residential amenity of the neighbouring property. The proposed roof garden would have a parapet wall of 1.8m wall which should ensure the protection of the residential amenity of the adjacent cottage.

- 2.7. The combination of commercial development and residential development in close proximity could result in a potential conflict, particularly in relation to residential amenity. The commercial use is proposed to be Class B1(a) offices which should not adversely affect residential amenity. Conditions on hours of use can ensure that amenity is protected in the evenings and weekends.
- 2.8. ULP Policy E3 requires all new development which would result in the provision of jobs to have the highest standards of accessibility to all. It is acknowledged that this site has limited accessibility in terms of sustainable forms of transport and this needs to be weighed up against securing a new use for the buildings. The scheme incorporates the provision of bus stops within or adjacent to the site. This has the potential to increase the option of the use of public transport. However, there are issues relating to the suitability of the provision of the bus stops and this will be discussed below. The buildings would all have level access or ramped access to ensure accessibility for those with limited mobility. The proposals therefore comply with the requirements of the policy.
- 2.9. Adopted SPD: Accessible Homes and Playspace makes it a requirement for new residential development to meet the Lifetime Homes criteria. In addition in schemes of 20 or more units at least 5% of the units should be built to wheelchair accessible standards. The development is partially a conversion/façade retention and partial new build. This does present some design challenges, particularly when trying to achieve the standards set out in the Lifetime Homes criteria. The majority of the three storey development within the conversion/façade retention element of the scheme would have lift access although other elements of the Lifetime Homes criteria may not be achievable, for example the glazing levels. The new build elements would be two storey or duplex flats and no lift provision would be made. The proposed town houses would be constructed to comply with the Lifetime Homes criteria. In addition two wheelchair accessible units are proposed at ground floor level in units G1 and G2. The proposals are considered to be satisfactory to meet the requirements of the SPD.
- 2.10. SPD: Energy Efficiency and Renewable Energy sets out a requirement for new residential development to achieve Code Level 3 of the Code for Sustainable Homes, and also a requirement for developments of 5 or more units to provide at least 10% of the predicted energy requirements for the development from on-site renewables or low carbon energy sources. Achieving Code Level 3 in developments involving conversion/façade retention is difficult or would require work which would be disproportionate to the overall development. Therefore, it is recommended that these units should be dealt with under Building Regulations. However, new build units G1-G4 and F1-F6 and the proposed town houses can be constructed to meet Code Level 3 and a condition should be imposed to require this. In addition a condition will be required to ensure the provision of at least 10% of the predicted energy requirements from on-site renewables or low carbon energy sources. Originally the scheme was to incorporate a woodchip plant, but alternative energy sources are now being investigated.
- 2.11. There is also a requirement for new commercial developments to achieve a BREEAM rating of "Very Good". However, this is not possible to achieve when the

development relates to conversion of existing buildings. Therefore in this instance the requirement will not be made the subject of a condition.

**3) the access and parking arrangements are suitable for the development (ULP Policies GEN1 and GEN8);**

- 3.1. The site currently has three access points, one adjacent to the northern boundary of the site, one in the middle of the site located between a group of trees and a stores building and one adjacent to the river (Mill Lane) which also provides access to the cottages and other dwellings not associated with the development site. The proposed development of this site would result in the closure of the central access and a bus stop is proposed to be placed there. Mill Lane would be retained for the existing cottages and Hartford End House and as a bridleway. All vehicular movements would be via the northern access point.
- 3.2. The proposed development has been considered in the context of the lawful use of the site as a brewery, and as approved for a Wellbeing Village. Essex County Council Highways Department considers that the predicted traffic flows will not have a detrimental impact on the local road network and will be adequately served by the existing priority junction. However, in order to improve safety at this junction a 40mph limit is preferable, particularly given the scale of the proposed development and the likely increase in traffic through the existing access when compared to the lawful use of the site. A financial contribution would be required in order to fund the advertisement of the proposed Speed Limit Reduction.
- 3.3. The proposed development would require a mix of minimum parking standards for the residential development and maximum standards for the commercial element of the proposals. The residential requirement would be to 2.25 spaces per unit for the 43 units which would result in the need for 97 spaces. The commercial elements of the proposals would require 1 space for every 30sqm of office space. The amount of commercial floorspace contained within the proposals would be 650sqm and this would require the provision of up to 22 spaces. A total of 112 spaces and 7 disabled spaces are proposed, including 25 within a basement car park. The proposed parking bays would comply with the standards set out in the adopted Parking Standards. The car parking layout would extend into the more rural area of the site, but the acceptability of parking in this area was established with the previous consent.
- 3.4. The application has been submitted with two proposed Travel Plans, one for the residential element of the proposals and the other for the offices. The residential Travel Plan refers to the provision of a more accessible bus stop to serve this site which would be used by bus route 16. This offers a limited service, four times daily, to Wethersfield in a northbound direction and Chelmsford in the southbound direction. Services and employment opportunities are accessible within 8km of the site, with the nearest general store, post office and restaurants being located in Felsted village, approximately 3.2km to the north. The Travel Plan will encourage residents to use alternative means of travel, such as cycling. Further initiatives would be to encourage residents to car share. The office Travel Plan proposes similar initiatives.
- 3.5. In relation to the provision of the proposed bus stops, Essex County Council Highways Authority has concerns as to the safety of the south bound bus stop. These concerns relate to the limited forward visibility for traffic approaching it and therefore it has taken the decision not to require its implementation. A north bound bus layby can be provided and opposite this location is a timing point for buses. An

informal arrangement exists along the B1417 for buses to stop on request and it is felt that south bound buses hailed opposite the proposed layby would be a better way forward than providing a potentially unsafe formal bus stop. The layby will need to be covered by a bus clearway order to prevent vehicles other than buses from parking in it. As a consequence, a financial contribution of £2000 towards the advertisement of a Bus Clearway restriction for the layby will be required.

**4) the proposals would have any adverse impact on protected species and important landscape features, including protected trees (ULP Policies GEN7, ENV3 and ENV8 and PPS9)**

- 4.1. ULP Policy GEN7 relates to the need to consider the impacts on protected species and their habitats. PPS9 makes it a statutory duty for planning authorities to consider the impacts of development on protected species as a material planning consideration. Paragraph 99 of Circular 06/2005 states:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”*

- 4.2. An ecological survey has been submitted with the planning application. The survey found no evidence of water voles, otters, badgers or reptiles. However, four roosting Common Pipistrelles were found in the building located adjacent to the northern boundary of the site. Droppings were also found in this building which indicates a small pre-hibernation roost has been established since the previous consent was granted. It is proposed to incorporate Pipistrelle roosting boxes in the weather-boarded walls of an adjacent building, and to install a Pipistrelle breeding box on the west-facing wall of the same building (The Clockhouse). This mitigation should ensure that no significant harm to the population of Common Pipistrelles would result from this development.
- 4.3. Whilst not part of the application site, it is known that an important roost for bats is present in the mill, approximately 300m to the west of the former brewery. To allow bats from this and other roosts to disperse and forage across the site, it is proposed that there will be no artificial illumination of the River Chelmer on the developed site. The absence of illumination could also improve the potential of the river for colonisation by water voles and allow the undisturbed movement of otters through the site.
- 4.4. The survey did not find any evidence of otters at the site but does refer to recent records from Little Waltham and Chelmsford, both involving the River Chelmer. It acknowledges that otters may move through the area. A survey undertaken by the Essex Wildlife Trust has indicated that there have been positive indications of the presence of otters adjacent to the site. The most recent survey was undertaken in 2009 where fresh spraint was found on a rock in a ford. The grid reference given for this sighting is approximately 800m to the west of the application site and therefore evidence that otters are using this section of the river. Mitigation which would be required in order to protect otters would be careful timing of carrying out the works in order to reduce or remove the impacts of the proposed scheme. The construction of the car park would be the closest point to the river bank and it is recommended that protection measures are put in place in order to provide a buffer zone. This should

minimise any potential impacts on otters during the construction phase and can be secured by condition.

- 4.5. In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 4.6. The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
  - There must be “no satisfactory alternative”; and
  - The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.
- 4.7. In this particular instance the potential impact on protected species is likely to be minimal and appropriate mitigation measures are proposed in relation to bats. Further conditions can be imposed to ensure there would be no detriment to white clawed crayfish or otters. Therefore in this instance it is unlikely that Article 12(1) would be offended.
- 4.8. Two trees within the site, a Turkey oak and a Horse Chestnut tree are protected by a Tree Preservation Order. No works are proposed to the Horse Chestnut and it is proposed to crown lift the Turkey Oak.
- 4.9. The trees within the site have been surveyed and it is proposed to remove three trees, a cricket bat willow located within the area covered by Chelmsford Borough Council, an Ash tree to the rear of the existing cottages and a Poplar tree adjacent to the cottages. In addition a group of Elm adjacent to the northern entrance to the site are proposed to be removed together with a Common Lime located adjacent to the southern access road/bridleway. These are required to be removed in order to improve the sightlines. All the other trees are to remain and would be protected by fencing during construction works. The proposals would not adversely impact on existing open spaces or trees and would be in line with adopted policies.

## **5) the provision of affordable housing (ULP Policy H9)**

- 5.1 The development of this site would require the provision of 40% affordable units, which would equate to 17 units. No affordable housing provision has been put forward and



at pre-application stage it was agreed that given the location an off-site financial contribution could be appropriate to help provide affordable housing closer to amenities. An economic appraisal and viability report have been submitted with the application suggesting that the proposed scheme would be border-line financially viable and therefore there would be no scope to make an off-site contribution. Officers have consulted the Homes and Communities Agency on the viability report, who strongly felt that a contribution should be made.

5.2 The viability report has been assessed by officers and it is felt that there is the possibility of funding for affordable housing and that any permission should have a requirement for a monetary off-site contribution towards affordable housing to be made. Initial discussions relating to the sum of money required have taken place, where officers and the developer were unable to agree a satisfactory figure. To provide further information, the developer has agreed to pay for an independent viability assessment on the proposed development on behalf of the Council. The Homes and Communities Agency has recommended that GVA Grimley be used. Once this assessment has been completed, Officers will enter into further negotiations with the developer.

## **6) Other material planning considerations.**

6.1. The application site was the subject of a contamination survey which identified various elements of contamination within the site. A proposed mitigation strategy has been put forward which deals with the various contamination issues. The Environmental Health officer and the Environment Agency are satisfied with the proposals subject to conditions.

**CONCLUSION:** The proposed development would be located within an unsustainable rural location and partially within flood zones 2 and 3 where residential development is not normally considered acceptable. The policy presumption in this case is normally to prevent development that does not need to take place in the rural area in order to protect the character of the area. However, this site contains locally important buildings and they have now been vacant for several years. Planning permission has previously been granted for the use of the site as a Wellbeing Village but the applicant has been unable to secure funding for the scheme. The current proposals would secure a long-term use for the buildings and the proposed development would be less intensive in terms of footprint than the previously approved scheme. Statutory consultees raise no objections to the proposals subject to conditions and therefore it is recommended that the application be approved.

## **RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS AND S106 AGREEMENT**

### Heads of Terms for S106 Agreement

A financial contribution of £70,150 for education provision

A financial contribution of £5000 towards the advertisement of a Speed Limit Reduction to 40mph along B1417.

A financial contribution of £2000 towards the advertisement of a Bus Clearway Restriction.

A financial contribution towards off-site provision of affordable housing (sum to be agreed)

### Conditions

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Landscaping scheme to be submitted and agreed.
4. C.4.2. Implementation of landscaping.

5. C.4.9. Use of native species.
6. C.4.6. Retention and protection of trees and shrubs for the duration of development.
7. C.5.1. Samples of materials to be submitted, agreed and implemented.
8. C.90A: Before the works hereby permitted is commenced details of all windows (including level of recess, profiles of glazing bars etc), doors, boarding and openings including the material and external finish, shall be approved in writing by the Local planning authority. Thereafter, the works shall be carried out in accordance with the approved details. The development shall be carried out in accordance with the approved details and thereafter retained in that form.  
REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.
9. C.90B: Prior to the commencement of development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - 1) A preliminary risk assessment which has identified:
    - All previous uses
    - Potential contaminants associated with those uses
    - A conceptual model of the site indicating sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination at the site
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.  
REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.
10. C.90C: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.
11. C.90D: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment reference number 1044/RE/10-10/01 and the following mitigation measures detailed within the Flood Risk Assessment:
  1. Surface water run-off generated on site shall be discharged at a maximum rate of 5l/s with a minimum of 179.7m<sup>3</sup> of storage being provided within a dry

retention basin to accommodate the 1 in 100 year storm, inclusive of climate change.

2. Compensatory flood storage shall be provided on site to a 1 to 100 year standard, providing a minimum of 2498m<sup>3</sup> of storage.
3. Prior to any use or occupation of the development, the basement area shall be tanked to prevent the ingress of water and a ridge shall be constructed across the entrance point to the basement area at a minimum level of 38.496m AOD.
4. The building shall be designed to withstand the hydrostatic and hydrodynamic pressures acting upon the building during a 1 in 100 year event, inclusive of climate change.
5. Finished ground floor levels shall be set no lower than 39.25m AOD.

REASON: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
3. To reduce the risk of flooding to the basement area.
4. To ensure the structural integrity of the building thereby reducing the risk of flooding.
5. To reduce the risk of flooding to the proposed development and future occupants.

12. C.90E: Before the commencement of development details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. Subsequently the drainage shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with principles set out in Annex F of PPS25 (or any other subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- 1) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- 2) include a timetable for its implementation; and
- 3) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land.

13. C.90F: No development shall commence until a foul and surface water strategy has been submitted to and approved in writing by the local planning authority. No residential units shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.

REASON: To prevent environmental and amenity problems arising from flooding.

14. C.8.29: Condition for compliance with Code Level 3 (five or more dwellings) The development as designed, specified and built, in-so-far as it relates to units G1-4, F1-6 and H1-7, shall achieve a 'Code for Sustainable Homes' rating of 'Level 3'. The applicant will provide the planning authority with a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

- REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.
15. C.8.32: Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area)
16. C.28.1. Implementation of accessibility scheme
17. C.90G: No development, conversion, or preliminary groundworks, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.  
REASON: To enable the inspection of the site by qualified persons for the investigation and to enable the extant brewery as it stands to be 'preserved by record' through the implementation of a programme of historic building survey.
18. C.90I: Prior to the commencement of development hereby permitted details of measures to protect the banks of and the water course of the River Chelmer during construction works shall be submitted to and approved in writing by the local planning authority. Subsequently the details shall be implemented as approved.  
REASON: To prevent damage to the banks and the quality of the water course of the River Chelmer in order to protect any potential suitable habitat for otters.
19. C.90J: Prior to the commencement of development a plan for the protection and/or mitigation of damage to white clawed crayfish, both during construction works and once the development is complete and including management responsibilities, shall be submitted to and approved in writing by the local planning authority. The white clawed crayfish protection plan shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:
- 1) detailed drawings of the location and construction of the proposed development (including timing of works, methods and materials to be used);
  - 2) details of how the white clawed crayfish is to be protected during construction works;
  - 3) a scheme for the long-term management and protection of the white clawed crayfish population and its habitat;
  - 4) details of mitigation and/or compensation for the loss of habitat used by the white clawed crayfish
- REASON: This condition is necessary to protect the white clawed crayfish within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 1 and Planning Policy Statement 9. The white clawed crayfish is identified under The UK Biodiversity Action Plan 1994 (UK BAP) identifies species and habitats of 'principal' importance for the conservation of biological diversity nationally. These are listed for England under s41 of the Natural Environment and Rural Communities Act 2006.
20. C.20.4. Condition Restricting Construction Works to Specified Season to Protect Breeding Birds etc.  
No demolition or site clearance works or removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority  
REASON: To protect roosting birds which use the site.
21. C.20.1. Acceptable survey mitigation/management plan – Implementation of scheme
22. C.20.8. Update the survey before commencement of development.
23. C.90K: All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling shall be run internally and not

visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the building or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior, all rainwater goods shall be black, eaves to all roofs shall be open with expose rafter feet rather than boxed, all windows and doors in masonry walls shall be inset at least 100mm and shall be fitted with sub-cills unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005 and the Essex Design Guide 2005.

24. C.90L: Before any of the development hereby permitted is first occupied provision shall be made for combined radio, TV aerial and satellite facilities to serve the development and no individual external radio, TV aerial or satellite dish or aerial shall be fixed on any individual residential property or flat or other unit of living accommodation or on any wall or structure relative thereto without the prior express grant of planning permission.  
REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.
25. C.90M: Prior to the commencement of development hereby permitted details shall be submitted to and approved in writing by the local planning authority relating to the provision of suitable access arrangements, including visibility splays, to the application site in connection with the land forming/construction operations, to include, if necessary, wheel cleaning facilities, traffic management, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site. Subsequently the details shall be implemented as approved.  
REASON: In the interests of highway safety.
26. C.90N: Prior to the commencement of the development hereby permitted a "before condition" survey of the B1417 Hartford End in the vicinity of the site shall be submitted to the local planning authority. The survey shall be undertaken by the developer/contractor with the Highway Authority present. Details of how and when the survey is to be undertaken to be submitted to and agreed in writing with the Local Planning Authority.  
REASON: To avoid permanent damage to the highway in the interests of highway safety.
27. C.90O: Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan, which should be adhered to during the construction phase of development shall be submitted to and approved in writing with the Local Planning Authority. Subsequently the scheme as approved shall be implemented.  
REASON: In the interests of highway safety and efficiency.
28. C.90P: Prior to the first residential occupation of the development hereby permitted an "after condition" survey of the B1417 Hartford End in the vicinity of the site shall be undertaken by the developer/contractor with the Highway Authority present, to identify any damage which has occurred to the existing road and/or verge as a result of construction traffic. Any identified damage shall be made good to the satisfaction of the Highway Authority. Details of how and when the survey is to be undertaken to be submitted to and agreed in writing with the Local Planning Authority and implemented.  
REASON: To avoid permanent damage to the highway in the interests of highway safety.

29. C.90Q: Prior to the first commercial or residential occupation of the development hereby permitted the developer shall ensure the provision of the vehicular accesses as shown in principle in drawing number REDW-2953-110 Rev B dated Feb 2011 to adoptable standards, to include visibility splays of 160m by 2.4m by 90m at the northern access, to be kept clear of any obstruction at all times, and the closure of the central access. Details of the accesses and the measures to ensure the closure of the central access shall be submitted to and agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
30. C.90R: Prior to the first commercial or residential occupation of the development hereby permitted a package of measures including the provision of new footway links to the northbound bus stop, a northbound bus layby to include shelter, raised kerbs, flag and pole, highway signage, carriageway markings and the removal or cutting back of vegetation within the vicinity of the site shall be submitted to and agreed in writing with the Local Planning Authority. Subsequently the measures shall be implemented as approved.  
REASON: In the interests of highway safety
31. C.90S: The proposed development shall not be occupied, either residential or commercial, until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.  
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.
32. C.90 T: The proposed development shall not be occupied, either residential or commercial, until such time as the powered two wheeler/cycle parking facilities as shown on the approved plan are to provided. These facilities shall be retained at all times.  
REASON: In the interest of highway safety, efficiency and accessibility.
33. C.90U: Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport. The scheme shall be submitted to and approved in writing by Essex County Council.  
REASON: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11.
34. C.90V: The public's rights and ease of passage over public bridleway no. 111, Felsted shall be maintained free and unobstructed at all times.  
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy DM11 Public Rights of Way contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
35. C.19.1(a). Avoidance of overlooking  
The following windows shall be fixed shut and obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.
- The side elevation window to unit F1 serving the sitting room
  - The ensuite bathroom to unit S3
  - The stairwell window outside unit S8

- The stairwell window outside unit G15 at duplex level 2
- The corridor window outside unit 13

REASON: To avoid overlooking in the interests of residential amenity.

36. C.19.1.(b) Avoidance of overlooking

No further windows, rooflights or other form of opening shall be inserted into any elevation or roof slope of the development without the prior written consent of the local planning authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity.

37. C.13.9. Hours of construction

38. C.8.31. Demolition and recycling of materials

39. C.6.14. Restriction on rebuilding.

40. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.

41. C.90W: 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), the commercial buildings shall only be used for purposes falling within Class B1(a) office use and for no other purpose within Class B1, nor any permitted change to B8.

REASON: In the interests of protecting residential amenity of the adjoining properties.

*Background papers: see application file.*

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## **UTT/0316/11/FUL - TAKELEY**

*(Referred at request of Cllr Cheetham)*

Variation of condition C.90A of application UTT/1524/10/FUL

Location: Plots 4 & 5 Lot 1 (Phase 7 & 8) Priors Green Dunmow Road. GR/TL 568-217

Applicant: David Wilson Homes

Agent: David Wilson Homes

Case Officer: *Blake Hogarth-Angus 01799 510465*

Expiry Date: 15/04/2011

Classification: OTHER

**NOTATION:** Within development limits.

**DESCRIPTION OF SITE:** The subject site is located on the entrance to the Priors Green Estate, on the corner of Roding Drive and Dunmow Road, Takeley. The site itself consists of a marketing suite created from a new dwelling with a detached ancillary garage and has a shared access off Roding Drive which is also used by three other dwellings that front onto Dunmow Road. Six visitor parking bays are provided on the southern and northern boundaries of the lot with low white picket fencing demarcating the perimeter

**DESCRIPTION OF PROPOSAL:** This proposal seeks to modify a condition placed on the original approval dated 1 November 2010 (UTT/1524/10/FUL). This approval granted permission for a temporary marketing suite to be established for a period of three years. Condition C.90A restricted the operating hours to 9am-5:30pm Monday-Friday (inclusive) and between 10am-4pm on Saturdays, Sundays, Bank or Public Holidays. The applicant wants this condition altered to read 'The development hereby approved shall only be open to the general public or in use for the purpose hereby permitted between the hours of 0900hrs and 1800hrs Mondays to Fridays (inclusive) and between the hours of 1000hrs and 1800hrs on Saturdays, Sundays, Bank or Public Holidays unless agreed in writing by the local planning authority'. If approved the sales office would be able to open half an hour later in the week and two hours later on Sundays etc.

**APPLICANT'S CASE:** The proposed changes represent a low level of activity which will not cause a detrimental impact to the neighbours amenity. All parking is to be contained on site.

**RELEVANT HISTORY:!** UTT/1524/10/FUL- Temporary approval granted for the marketing suite for a period of three years (expiring 1 November 2013). Hours of operation 0900hrs-1730 hrs Mondays to Fridays (inclusive) and between 1000hrs-1600hrs Saturdays, Sundays, Bank or Public Holidays

**CONSULTATIONS:** None

**PARISH COUNCIL COMMENTS:** Takeley Parish Council: Strong objects,

- The opening hours of this site have exceeded those conditioned in the planning approval since the office re-opened. These extended opening hours (as per application) have been widely publicized and operated without any regard for the conditions set in November 2010.
- The C090A condition (set in Nov 2010) was 'to protect the amenities of the occupiers of adjoining properties'. What has changed in 4 months?
- Local residents have made several complaints about this operation since re-opening (extended hours, obstructive parking, and light pollution).



- Point 6 of the planning condition state: 'it is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken' - TPC expects UDC to refuse this application and to enforce these conditions vigorously.
- Local residents are experiencing a lack of peaceful existence.

**REPRESENTATIONS:** Three. - 2 Roding Drive, Little Canfield- objects due to non compliance with previous condition of approval and the effect on residential amenity.

11 Roding Drive, Little Canfield- objects based on traffic concerns and inconvenience.

10 Wintershutt Road - object due to additional traffic later than prescribed hours; set a precedent for further amendments.

**COMMENTS ON REPRESENTATIONS:** Whilst the Council understand residents concerns, one would be hard pressed to argue that the direct impact of the additional hours should result in a refusal. Particularly as the hours proposed are considered to be typical business hours and therefore not deemed to be an unreasonable request. Furthermore, it is difficult to isolate the perceived traffic issues coming from the sales office from the general inconvenience of living in an estate under construction.

**PLANNING CONSIDERATIONS including Design & Access statement:**

**The main issues are**

**1) Whether granting permission for additional hours will have a demonstrable detrimental impact on residential amenity (ULP Policies GEN2 & GEN4)**

1.1 The principle of the development has been established through the temporary approval of the marketing suite granted on 1 November 2010 (UTT/1524/10/FUL). The only determination to now be made is to evaluate if the additional hours (i.e. - half an hour on weekdays and two hours extra at weekends) would cause a harmful impact to residential amenity. ULP Policy GEN2 –Design sets out a range of criteria to assess the effects of a development against. Some are non applicable as the use already exists, however the most pertinent point is clause (i), which states that development must “*not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.*” The activities of a showhome suite are not themselves noisy. It is the toing and from which may create disturbance.

1.2 Based upon the information supplied by the agent for both the previous approval and this application the sales office would attract an average of 52 visitors per week, an average of approximately 7 per day. If the office is open until 6pm each weekday evening this represents less than one visitor per hour and just over one visitor per hour at weekends. Being an average figure this will fluctuate with lower and higher numbers but it indicates that the proposal as a whole can not be deemed to be overbearing on surrounding neighbours. Visitors would arrived by car rather than by larger vehicles and as such the traffic generated would not be significant in the overall traffic going to and from the estate. The hours proposed during the week are usual business hours with the expectation that a proportion of residents would themselves be at work or returning from employment. The weekend hours are typical of a site of this nature and are not considered an excessive request. Six parking bays are provided on site in accordance with the *Essex County Council Parking Standards: Design & Good Practice* guidelines and should be more than sufficient to cater for all the parking needs required by this use.

The views of those making representations including the parish council are noted. It will have been a source of irritation that the applicant has consistently breached the permitted

opening hours. However Government policy is clear that enforcement action is not justified simply because a permission has been breached, but because that breach is unacceptable in planning terms.

At the time of the last application officers' sought to restrict the hours of operations to address neighbour concern. However to justify refusing this application it would be necessary to identify harm that would result from the extra hours and that the harm was unacceptable in planning terms.

1.3 Some of the grievances arise from the movement of other traffic for example construction traffic, rather than from the sales office. Unfortunately these concerns are not a material consideration in relation to this proposal. In evaluating the effect of the additional hours on the immediate location it is difficult to claim that these extra hours in isolation would be cause for enforcement action or the refusal of this application.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.13.1. Limited permission.
2. C.3.1. To be implemented in accordance with approved plans.
3. The development hereby approved shall only be open to the general public or in use for the purpose hereby permitted between the hours of 0900hrs and 1800hrs Mondays to Fridays (inclusive) and between the hours of 1000hrs and 1800hrs on Saturdays, Sundays, Bank of Public Holidays unless agreed in writing by the local planning authority.

REASON: To protect the amenities of the occupiers of adjoining properties

*Background papers: see application file.*

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## **UTT/0226/11/FUL - STANSTED**

*(Officers's interest)*

Proposed erection of 5 No.residential dwellings  
Location: 66A Cambridge Road Stansted GR/TL 511-253  
Applicant: Foxley Builders Limited  
Agent: Mark Mann  
Case Officer: Mr C Theobald 01799 510464  
Expiry Date: 04/04/2011  
Classification: Minor

**NOTATION:** Within Development Limits / Adjacent Listed Building / Groundwater Protection Zone 1.

**DESCRIPTION OF SITE:** The application site consists of an enclosed area of commercial land comprising 0.16 hectares situated in a backland location to the rear of Nos.66 to 72 Cambridge Road. The northern boundary of the site flanks onto No.61 St John's Road, whilst its eastern rear boundary backs onto Nos.31 to 37 St John's Crescent, which are located at lower street level. The interior of the site is uniformly level and contains a group of single storey pre-fabricated buildings sited against the northern and eastern boundaries with parking areas, whilst vehicular access is gained via an established narrow entrance situated between Nos.66 and 68 Cambridge Road. The site is screened along its southern boundary by tree growth and along its rear boundary by a continuous line of closeboarded fencing on top of a retaining wall. The site was previously occupied by Agar Scientific Ltd and is currently unoccupied following this company's relocation. The Committee visited the site on 17 November 2010 the time of the last application.

**DESCRIPTION OF PROPOSAL:** This revised application seeks planning permission for the residential redevelopment of this site comprising the erection five dwellings with associated private amenity areas, garaging and parking. The scheme would comprise a terraced block of 3 (No.) two storey two bedroomed units ranging between 77sqm and 82 sqm with ridge heights of 7.3 metres and a pair of two storey three bedroomed dwelling units set at right angles each comprising 97 sqm floor area with ridge heights of 7.3 metres also. The dwellings would be externally clad in smooth render and stained oak weatherboarding under natural slate roofs. The proposed development would be served by the existing vehicular access from Cambridge Road without modification with the exception of new surface treatment. The application follows the refusal of planning permission in November 2010 on design grounds for a single terraced block of 5 (No.) dwellings with garaging on the site, and represents an attempt to overcome that reason for refusal.

**APPLICANT'S CASE including Design & Access statement:** A detailed D & A statement is available in full on file. Summary extract from statement conclusions: *"The revised scheme for the redevelopment of this site within development limits would result in the re-use of this brownfield site which is currently vacant and underutilised. In addition, the existing lawful industrial use of the site has caused problems in the past. The character of the area is largely residential and the removal of this "non-conforming use" would obviously help improve the amenity of the area. The proposed density reflects the character of the area and provides a form which respects the amenity of surrounding dwellings whilst enhancing the environmental qualities of the site. We believe that the revised scheme fully addresses the outstanding issues in respect to design and appearance which led to the refusal of the earlier scheme. This resubmitted application is the result of extensive discussions with officers to ensure that the submitted scheme was acceptable. It is considered that the proposed redevelopment of this industrial site conforms to government*

*guidance and development plan policies and would provide clear benefits to the district in providing residential accommodation. We therefore anticipate that the Council will support our development proposal."*

Contamination Assessment Report: No visible evidence of contamination. Conceptual Site Model analysis has identified potential sources of site contamination, although none of these are considered as representing a high risk to future users of the site.

Transport Consultant Report (Intermodal Transportation): The number of residential units and the means of vehicular access proposed for the revised scheme is consistent with the previous application. It is therefore considered that the revised scheme should be regarded as being acceptable in the context of potential impact on the local road network. In terms of the scheme's internal layout, we would advise that whilst some manoeuvres would be relatively tight, a large car would be able to access all of the spaces shown. The spaces meet the preferred dimensions within the new parking standards. A fire tender would be able to acceptably turn within the site.

Bat Survey: No evidence of bats found on the site.

Arboricultural Implication Assessment: Nine of the existing boundary trees would have to be removed through the proposal where they are mainly obscured by neighbouring trees or are obscured by boundary fencing.

**RELEVANT HISTORY**: Planning permission was refused on 24 November 2010 under application UTT/1394/10/FUL for the residential redevelopment of this commercial site comprising a terraced block of five dwellings with associated amenity areas, garaging and parking with shared private access from Cambridge Road the proposed development would have been overly bulky and imposing at this backland location which would be incompatible with the character of the locality. A previous application for the demolition of the existing commercial buildings and for the erection of four detached dwellings was withdrawn in 2009.

**CONSULTATIONS**: Essex County Council Highways: No objections subject to highway conditions and provision and implementation of a Travel Information and Marketing Scheme for sustainable transport.

Environment Agency: No objections to the proposed development subject to the imposition of conditions relating to land contamination insofar as it relates to groundwater supply in view of the site's location within a groundwater protection zone.

Thames Water: No objections to sewerage infrastructure. With regard to surface water drainage, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water will be required to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system;.

Veolia Water: No Comments;

Specialist Advice on Listed Buildings and Conservation: The revised scheme as presented represents a design improvement on the previously refused scheme in as much as the solid single mass of the previous building group has been broken up through the introduction of two less prominent blocks thereby providing more space around the buildings. The design of the buildings is acceptable and the revised scheme would not have a detrimental impact upon the setting of No.66 Cambridge Road a listed building.

Building Control: No specific comments. A sprinkler system could be introduced for the scheme to overcome any B5 fire access objections, although the existing entrance would appear wide enough to enable a fire tender to gain emergency access according to the submitted details.

Access Officer: Request an accessibility drawing prior to commencement if approved;

Climate Change Manager: Apply the two standard sustainability conditions for 5 or more dwellings if approved;

Landscape Officer: The submitted drawings and tree survey schedule show that a False Acacia (T8) at 9 metres and an Ash (T2) at 8 metres are the most prominent trees within this site, although neither are the subject of a TPO or meet the public amenity test to justify one. The Acacia would be required to be removed by the proposal, although can only be partially seen from the public highway. No objections are therefore raised to its removal or to the tree protection measures as described within the submitted technical report. A landscaping condition should be imposed on any planning approval.

UDC Drainage Engineer: The application states that roof water would be discharged to soakaways, which is the preferred option. Surface water from vehicle access/hardstandings should be discharged via trapped gullies to the local surface water drainage system owing to groundwater protection issues.

**PARISH COUNCIL COMMENTS:** No objections, although query whether visitor parking is adequate - do not wish to see any parking spilling out onto Cambridge Road.

**REPRESENTATIONS:** 4 received. Notification period expires 4 March 2011.

Advertisement expires 17 March 2011. Site Notice expired 9 March 2011.

66 Cambridge Road, Stansted: Support the principle of change of use from light industrial to residential at this site. However, the ground for refusal for previous proposals has not been addressed. There would be significant and unnecessary loss of amenity, privacy and overlooking. The proposal represents inappropriate two storey design, massing and density in the context of backland development. The poor aesthetic design is lead by site constraints rather than by quality. The development would have a detrimental effect on the setting of a listed building. The existing access is narrow and would cause problems for refuse collection and fire appliances. The domestic enjoyment and privacy of our property would be reduced by the removal of tree growth. The proposed speed bumps would cause vibration to the listed building. The conflict of interest between a Council employee to our knowledge has not been declared, and the decision must be 'called in' to planning committee. The design brief for the development is greatly affected by the technical recommendations formed within the transport study and the design & access statement. The current development proposal does not alleviate the significant loss of amenity to the existing properties. The access to the site must be properly surveyed to allow the Council to make an informed decision on the restrictions to traffic movement, parking levels, safe design & manoeuvrability.

68 Cambridge Road, Stansted: Along with some new objections, almost all of our objections are standing from our previous submission as few have been addressed or acknowledged in the subsequent planning application. Many of the documents have not been updated since the previously declined submission. The proposed designs are not overly sympathetic to the neighbouring period properties. The proposed volume of 5 houses in such a small backland site results in very tight turning circles for vehicles (a concern, as our garden wall is a boundary and may get hit). There is an issue with the height of the proposed properties and the proposed houses are 2 stories, with full size roofs, and will consequently be overbearing on the surrounding properties. The proposal to remove 2 large trees negatively changes the view from the back of our house. Our preference is that these mature and established trees would stay. In addition we believe that the 2 trees closest to our property are now proposed to be felled. There is a concern here for subsequent structural impact on our property given the close proximity of these trees to our garden wall and house.

70 Cambridge Road, Stansted: No objections to the principle of this site being developed, although I believe that the site is being over developed; five terraced dwellings do not reflect any other property in the immediate location. My property will be overlooked by the two storey aspect of the development, which has been increased from single storey since the first application. In the past a bungalow has been built on this site, which surely has set a precedent that only single storey structures are suitable at this location. The concept and

positioning of a communal dustbin enclosure at the rear of my property is ludicrous. The enclosure must accommodate a minimum of fifteen wheelie bins; how long will this function before bags of rubbish start getting dumped around the enclosure resulting in smells and vermin problems. Dustbins should be incorporated at individual dwellings to assure ownership and cleanliness. Parking spaces allowed in the development are totally inadequate for the number of dwellings proposed. No provision has been made for visitor's car parking. Since the first planning application at this address, Tesco have been allowed to open a store with no thought given to parking by staff or customers, any over spill from this development has nowhere to park in the Cambridge road as there are no available spaces anymore. If the proposed dwellings fail to sell on the open market, then a rental situation could arise with houses of multiple occupancies exasperating the previously mentioned grievances.

61 St Johns Road: Remain concerned that 5 dwellings is overdevelopment of this site. Also concerned there will be overshadowing on my property even with the revised application. Wish to have firm assurances that the existing boundary wall between my property and the development site remains undisturbed and in situ as it is close to my bungalow.

**COMMENTS ON REPRESENTATIONS:** See main body of report below. It should be noted that this application is being presented to committee in view of the declared interest in the application site by a Council employee and therefore addresses the comment made by a local resident in that respect. An updated design and access statement has been submitted with this revised application.

#### **PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are

- 1) **Whether the proposed development at this location would be acceptable in principle (PPS1, PPS3, ULP Policies S1, H1, H4 and SM2);**
- 2) **Design & amenity (ULP Policy GEN2 / SPD "Accessible Homes and Playspace" and "Energy Efficiency and Renewable Energy");**
- 3) **Groundwater protection (PPS23 and ULP Policies ENV12, ENV14);**
- 4) **Whether access, parking and refuse collection arrangements would be satisfactory (ULP Policies GEN1 and GEN8);**
- 5) **Whether the proposal would respect the setting of the adjacent listed building (ULP Policy ENV2 and PPS5);**
- 6) **Other considerations - protected species, trees,**

#### 1. Principle

1.1 The application site the subject of this application is located on a backland brownfield site within development limits and is not designated as safeguarded employment land within the local plan. Government policy guidance states that new housing within sustainable locations will be encouraged, whilst ULP Policies S1, H1 and H4 state that residential development within development limits of the existing main urban areas will be permitted if it is located on previously developed land and makes efficient use of it, is compatible with the character of the settlement, and that existing infrastructure has the capacity to absorb further development or there is potential for its capacity to be increased as necessary. The size of the site is under the threshold to require a ratio of affordable housing (0.5 ha or more for Stansted). As was considered with the previously refused application, it is considered that there are no objections in principle to the redevelopment of this site for residential use given its sustainable location and the potential conflict with the existing commercial use. The density of the proposal is 31 dwellings per hectare which until last year was approximately the minimum recommended density for new housing developments. Furthermore as the last application was refused only on design issues - bulky, imposing and out of character with the locality - the refusal accepted the principle of redeveloping the sit for housing.

## 2. Design & Amenity

2.1 The revised scheme has been modified from the previously refused proposal as a result of pre-application discussions with officers in that the five proposed units of residential accommodation would be provided within two separate smaller blocks positioned at right angles to each other on the site rather than as a single block of units running end to end from north to south as was the case with the applicant's previous application and which was considered unacceptable by the Council in design terms under ULP Policy GEN2. The effect of this design and layout change would be that the solid mass of building form on the site would be broken down and provide space around the buildings within the site, which in turn would provide an improved relationship in spatial terms between the proposed units and surrounding properties. The proposed dwellings would have a more simplified appearance than the previously refused scheme, which was considered overly elaborate in terms of design detail, and would incorporate natural slate roofs, smooth rendered and weatherboarded wall finishes. The proposed private amenity areas for each unit would be compliant with Essex Design standards.

2.2 Concerns have been expressed by four local residents concerning the impact of the development on residential amenity. In terms of privacy, there would be no first floor habitable room windows facing the courtyard area/Cambridge Road - only to bathroom, landing and stairs and these windows would be obscure glazed. The separation distance between the proposed dwellings and those in St Johns Crescent and St Johns Road and the positioning of Units 1 and 2 at 90 degrees to St John's Crescent should ensure that there would not be any material loss of privacy or loss of light to these properties. Whilst the end unit of Units 3-5 facing No.61 St Johns Road is now two storeys as opposed to single storey in the previous scheme, the block has been moved inwards and a drawing has been submitted by the applicant to demonstrate that there would not to be any detrimental effect in terms of loss of residential amenity to this property. The revised scheme overall is considered to have less overbearing effect than the previous proposal. No amenity objections are therefore raised under ULP Policy GEN2.

## 3 Groundwater Protection

3.1 The Environment Agency has not raised any objections to the proposal with regard to land contamination risk on the strict proviso that the development complies with detailed conditions as set out in their consultation response. The agency adds that the proposed development of this site would pose an unacceptable risk to the environment without these conditions and would otherwise wish to object to the application.

## 4. Access

4.1 Vehicular access into the site would be from the existing access from Cambridge Road. The access has a width of 5 metres at the back of the public footway, although tapers to 3.2 metres at its narrowest point between Nos. 66 and 68 Cambridge Road before widening out again (this distance has been confirmed on site). The minimum width distance for a shared private access drive is 2.4 metres and the access would meet the minimum distance requirements. Visibility out of the site along Cambridge Road is good and Essex County Council has raised no objections on highway grounds subject to conditions. A minimum width of 3.1 metres is required for fire tender access and the applicant has shown that this can be achieved. Additionally, all but Unit 5 could be reached by a fire hose from the road (maximum distance is 45 metres) and Building Control has advised that fire sprinklers could be used as a design safeguard feature for the units. As a result, no fire access objections have been made to the proposal. The proposal is therefore compliant with ULP Policy GEN1. It has been suggested and agreed at a site meeting that a bollard could be placed at the entrance of the site to improve the alignment of refuse vehicles to avoid damage being sustained to Nos.66 and 68 Cambridge Road. This could be the subject of a planning condition.

4.2. The development would have a total of 10 parking spaces with 2 visitor spaces which would meet current parking standards. It is considered that this level of parking would not necessitate on-street parking on Cambridge Road. The proposal is therefore considered to be compliant with ULP Policy GEN8.

4.3. A proposed enclosed communal bin area would be located at the front of the site at distance of 25 metres from the road behind the existing rear wall to No.68 Cambridge Road. This would therefore be in a satisfactory position for the collection of refuse, although it is accepted that it would not be in the ideal position regarding the amenities of No.66. However, it would not be possible for the bin store to be located further into the site if this were to be used as a bin collection point as well as a bin store.

#### 5. Setting of Listed Building

5.1. The proposed development of the site would affect the broader setting of the listed building No.66 Cambridge Road, and the application has been advertised in view of this. Physical boundaries and curtilages do not always determine the setting of a listed building, which can often be set wider in many circumstances, particularly where adjacent land has had historical association with that building. However, the site is not situated within a conservation area. It therefore falls to be considered as to whether the proposal would have an adverse impact upon this listed building. The Council has been informed in this respect that the application site had an historical association with No.66. The nearest dwelling (Unit 1) on the proposed development would be located 21.5 metres away from this listed dwelling. The Council's conservation officer has been consulted on the application and has advised that in her judgement the proposed development would not have a detrimental effect on the setting of No. 66 Cambridge Road, notwithstanding the objections received from the owners of this property.

#### 6 Other considerations

6.1. No bats have been identified at the site according to a bat survey report prepared for the applicant. Several trees exist around the southern perimeter of the site, although only one or two specimens have any particular amenity value and none are preserved. No objections have been received from the Council's Landscape Officer concerning the removal of some of the trees or to the tree protection measures for those to be retained within the submitted arboriculturalist's report subject to conditions.

**CONCLUSIONS:** This revised scheme has been negotiated. It is considered that the design objections raised by the Council against the previously refused 2010 scheme for this site have been overcome through this application submission and that the proposal would not have a materially adverse impact on the reasonable occupation and enjoyment of adjacent residential properties. Whilst the comments of residents are noted, these are not considered sufficiently justified to warrant refusal of the application. It is therefore the recommendation of your officers that the application be approved.

#### **RECOMMENDATION: CONDITIONAL APPROVAL**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.5.1. Samples of materials to be submitted agreed and implemented.
6. C.6.7. Excluding conversion of garages.
7. C.6.3. Excluding extensions and freestanding buildings without further permission.
8. C.8.29. Condition for compliance with code level 3 (five or more dwellings).
9. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area).



10. C.8.30. Provision of bin storage.
11. C.13.9. Hours of construction.
12. C.19.1. Avoidance of overlooking - 1.
13. C.28.2. Accessibility - further submission.
14. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified: \* all previous uses\* potential contaminants associated with those uses\* a conceptual model of the site indicating sources, pathways and receptors\* potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect the quality of groundwater and surface waters. The Preliminary Contamination Assessment Report has identified potential sources of pollution that could have caused contamination and/or could cause future contamination to the groundwater. We agree with the report that further investigation is required. In addition to those contaminants identified in the report, the site investigation must include metal compounds, due to the suspected age of the Underground Fuel Storage Tank and previous use as builder's yard. Buildings remain on site and any site investigation and risk assessment undertaken 'prior to commencement of development' will not be able to access the entire site. Point 3 should include a detailed plan for investigating those areas that are inaccessible before the buildings are demolished and site cleared, and a strategy for if any further contamination is identified during construction works.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To protect groundwater quality. This condition requires re-assessing the risk of pollution to groundwater from any contamination identified during the post-demolition site investigation works and through construction activities.

16. Prior to occupation of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON: To protect groundwater quality by ensuring any remedial works for contamination required by the previous two conditions is undertaken and demonstrated to have been successful.

17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.  
REASON: To protect groundwater quality. If infiltration SUDs are proposed, please note that only clean roof drainage can infiltrate on this site because it lies within a Groundwater Inner Source Protection Zone (SPZ1). Additionally, infiltration must only occur in areas of the site that have been demonstrated sufficiently clean that the discharge will not wash contaminants out of the soil and cause pollution of the groundwater.
18. Surface water from vehicle access/hardstandings should be discharged via trapped gullies to the local surface water drainage system.  
REASON: In view of the site's location within a groundwater protection zone
19. Prior to commencement of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.  
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.
20. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.  
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.
21. Prior to the occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport approved by Essex County Council.  
REASON: In the interests of promoting sustainable development and transport in accordance with Policy F.32 in the Essex Road Passenger Transport Strategy 2006/11.
22. Specific design and siting details of a bollard to be sited at the entrance to the development site shall be previously agreed in writing by the Local Planning Authority and thereafter installed as approved and not removed without the prior permission of the Local planning Authority  
REASON: To reduce the risk of damage being sustained to adjacent properties by refuse collection and emergency vehicles
23. All removal/protection works affecting existing trees on the site in connection with the approved development shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan prepared by Writtle Park Ltd dated 11 August 2010.  
REASON: In the interests of visual amenity.
24. C.17.1. Design amendments. Measures to mitigate rearward overlooking from southern block.

*Background papers: see application file.*

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## **UTT/0337/11/FUL - TAKELEY**

Erection of 2 no. dwellings and carport - amended house design to that approved under application UTT/0515/10/DFO

Location: Plot 116 to 117 PG23 Priors Green PG23 Priors Green Land North of Dunmow Road. GR/TL 571-211

Applicant: Barratt Eastern Counties

Agent: Barratt Eastern Counties

Case Officer: Joe Mitson 01799 510363

Expiry Date: 18/04/2011

Classification: MINOR

**NOTATION:** Within Takeley (Priors Green) Local Policy 3 and Priors Green Masterplan.

**DESCRIPTION OF SITE:** The site comprises a parcel of land to the north of Dunmow Road. Work has commenced on the site.

**DESCRIPTION OF PROPOSAL:** The proposal comprises alterations to dwellings and associated works approved under UTT/0515/10/DFO. The application site covers part of the larger site, plots 116 and 117, and relates to the erection of two dwellings and carports.

**APPLICANT'S CASE including Design & Access statement:** The site is contained within one of the phases of the major residential development at Priors Green along the southern edge abutting Dunmow Road. The site has a number of approvals and the affordable housing element of the phase has been completed ensuring that the original approvals have technically commenced. The Planning Committee recently resolved to approve amendments to plots 110-112, 118, 119 and 125 to 135 under ref. UTT/2150/10/FUL.

Plots 116-117 have the same width and depth as approved and have been changed from 4 bed to 3 bed properties, the ridge heights have increased from 10.3 metres to 10.5 metres and an additional dormer window has been added to the front of each property. The rear conservatories have been deleted.

An Environmental Policy Statement, Implementation of Water, Energy and Resource Efficiency Statement, Lifetime Homes Statement and Tree Protection and Landscaping Statements have been submitted.

**RELEVANT HISTORY:** The site has a long planning related history and has a number of planning approvals (UTT/1042/02/OP, UTT/1956/07/DFO, UTT/0423/09/DFO and UTT/0515/10/DFO). The most recent history comprises UTT/2150/10/FUL which granted permission for changes to a number of plots; this was approved by Members subject to a s. 106 agreement. UTT/0338/11/FUL and UTT/0339/11/FUL are also reported on this agenda.

**CONSULTATIONS:** Thames Water: had no objections.  
Environment Agency: consulted and a response awaited.  
Veolia Water consulted and a response awaited.  
UDC Drainage Engineer consulted and a response awaited.  
Building Control consulted and a response awaited.  
ECC Highways: had no objections.  
ECC Archaeology consulted and a response awaited.  
UDC Environmental Health consulted and a response awaited.  
UDC Building Control consulted and a response awaited.  
UDC Projects Officer consulted and a response awaited.

UDC Climate Change Manager consulted and a response awaited.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council consulted and a response awaited.

Little Canfield Parish Council consulted and a response awaited.

**REPRESENTATIONS:** The notification expired 5<sup>th</sup> April 2011. One letter objecting on the grounds that the buildings are nearing completion and appear to be built as three storey dwellings, not adhering to the approved scheme, supposed to have been a different housetype with no living accommodation on the first floor, will now be overlooked. The existing trees and hedges were removed from the site, will be faced with a sea of tv aerials.

**COMMENTS ON REPRESENTATIONS:** See below.

**PLANNING CONSIDERATIONS including Design & Access statement:**

- 1) **Principle of residential development (ULP Policies LP3, S2, H3 & H10, PPS1 & 3);**
- 2) **Visual impact (ULP Policy GEN2);**
- 3) **The impact on residential amenity (ULP Policy GEN2);**
- 4) **Access and parking (ULP Policies GEN1 and GEN8);**
- 5) **Energy efficiency, accessible homes (ULP Policies GEN2, SPD Accessible Homes & Playspace & SPD Energy Efficiency & Renewable Energy).**

#### 1. Principle

1.1. The site has the benefit of approvals for residential development. This application seeks revisions to the scheme approved under UTT/0515/10/DFO. Therefore the principle of residential development has been established on the site.

#### 2. Visual impact

2.1. The number of units and general layout remain as approved; the main changes relate to revised house types, elevation changes and slight alterations to the dimensions of buildings. The approved housetypes for these plots were two and a half storey town houses incorporating a dormer window to the front roofslope for each, two rooflights to the rear and accommodation over three floors.

2.2. In a comparison between the approved and application drawings the difference in height appears negligible. Each unit would have two dormer windows rather than one and the difference would be relatively minor in terms of design. The plots do however occupy a prominent location within the site abutting the southern boundary with Dunmow Road. As a result the buildings have an impact on the street scene. Blind windows have been incorporated in the gable elevation facing the highway in order to break up the brickwork which is an improvement on the approved scheme and the rear elevation has also been enhanced. It is considered, on balance, that the changes to the approved scheme would be visually acceptable.

#### 3. Impact on residential amenity

3.1. The layout is as approved and the house types remain similar. Although living rooms would replace the approved bedrooms on the first floor, and there would be an additional dormer window in the front elevation, it is considered that, notwithstanding the objection, the impact on the residential amenities of occupiers of neighbouring properties would not be undue. The dwellings are in relatively close proximity to dwellings to the west; however, this relationship has been accepted under previous approvals. To the east the dwellings look

onto garages and carports to the rear. On balance it is considered that the relationships between the proposed and existing dwellings would remain satisfactory.

#### 4. Access & parking

4.1. The proposal retains the approved access and parking layout and no objection has been raised by the Highway Authority.

#### 5. Energy efficiency and accessibility

5.1. Policy GEN2 seeks to ensure that development helps to minimise water and energy consumption. Supplementary Planning Guidance “Energy Efficiency & Renewable Energy” seeks to reduce energy use. The development could be subject of a condition to ensure compliance.

5.2. Supplementary Planning Guidance Accessible Homes and Playspace requires new dwellings to be designed to lifetime homes standard. A condition could be imposed to ensure compliance.

**CONCLUSIONS:** The scheme proposes changes to the approved scheme which are visually acceptable and would be satisfactory in terms of residential amenity and highway safety.

#### **RECOMMENDATION: APPROVE SUBJECT TO A S.106 LEGAL AGREEMENT AND THE FOLLOWING CONDITIONS:**

1. C.3.1. To be implemented in accordance with approved plans.
2. C.4.1. Scheme of landscaping to be submitted and agreed.
3. C.4.2. Implementation of landscaping.
4. C.5.2. Details of materials to be submitted agreed and implemented.
5. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
6. C.7.1. Slab levels.
7. C.8.29. Condition for compliance with code level 3 (five or more dwellings).
8. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000 sqm floor area).
9. C.13.9. Disabled parking provision.
10. C.28.2. Accessibility - further submission.
11. Notwithstanding the details submitted and prior to the commencement of development details of the solar panels 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 and thereafter retained in that form unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity.
12. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker

and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land.

*Background papers: see application file.*

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## UTT/0338/11/FUL - TAKELEY

Erection of 5 no. dwellings and garages. Amended house type to that approved under UTT/0515/10/DFO

Location: Plots 120 to 124 PG23 Priors Green Land North of Dunmow Road. GR/TL 571-211

Applicant: Barratt Eastern Counties

Agent: Barratt Eastern Counties

Case Officer: Joe Mitson 01799 510363

Expiry Date: 18/04/2011

Classification: MINOR

**NOTATION:** Within Takeley (Priors Green) Local Policy 3 and Priors Green Masterplan.

**DESCRIPTION OF SITE:** The site comprises a parcel of land to the north of Dunmow Road. Work has commenced on the site.

**DESCRIPTION OF PROPOSAL:** The proposal comprises alterations to dwellings and associated works approved under UTT/0515/10/DFO. The application site covers part of the larger site, plots 120 to 124, and relates to the erection of 5 dwellings and garages.

**APPLICANT'S CASE including Design & Access statement:** The site is contained within one of the phases of the major residential development at Priors Green along the southern edge abutting Dunmow Road. The site has a number of approvals and the affordable housing element of the phase has been completed ensuring that the original approvals have technically commenced. The Planning Committee recently resolved to approve amendments to plots 110-112, 118, 119 and 125 to 135 under ref. UTT/2150/10/FUL.

Plots 120 to 124 have the same width and depth as approved and have been changed from 4 bed to 3 bed properties, the ridge heights would increased from 10.3 metres to 10.5 metres and an additional dormer window would be added to the front of each property. The rear conservatories have been deleted.

An Environmental Policy Statement, Implementation of Water, Energy and Resource Efficiency Statement, Lifetime Homes Statement and Tree Protection and Landscaping Statements have been submitted.

**RELEVANT HISTORY:** The site has a long planning related history and has a number of planning approvals (UTT/1042/02/OP, UTT/1956/07/DFO, UTT/0423/09/DFO and UTT/0515/10/DFO). The most recent history comprises UTT/2150/10/FUL which granted permission for changes to a number of plots; this was approved recently by Members subject to a s. 106 legal agreement. UTT/0337/11/FUL and UTT/0339/11/FUL are also reported on this agenda.

**CONSULTATIONS:** Thames Water: had no objections.

Environment Agency: consulted and comments are awaited.

Veolia Water: consulted and comments are awaited.

UDC Drainage Engineer: consulted and comments are awaited.

Building Control consulted and comments are awaited.

ECC Highways: had no objections.

ECC Archaeology: consulted and comments are awaited.

UDC Environmental Health: consulted and comments are awaited.

UDC Building Control consulted and comments are awaited.

UDC Projects Officer: consulted and comments are awaited.

UDC Climate Change Manager: consulted and comments are awaited.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council consulted and comments are awaited.

Little Canfield Parish Council consulted and comments are awaited.

**REPRESENTATIONS:** The notification expired 5<sup>th</sup> April 2011. One letter objecting on the grounds that the buildings are being built as three storey dwellings, supposed to have been a different housetype with no living accommodation on the first floor, will now be overlooked. The existing trees and hedges were removed from the site, will be faced with a sea of tv aerials.

**COMMENTS ON REPRESENTATIONS:** See below.

**PLANNING CONSIDERATIONS including Design & Access statement:**

- 6) Principle of residential development (ULP Policies LP3, S2, H3 & H10, PPS1 & 3);
- 7) Visual impact (ULP Policy GEN2);
- 8) The impact on residential amenity (ULP Policy GEN2);
- 9) Access and parking (ULP Policies GEN1 and GEN8);
- 10) Energy efficiency, accessible homes (ULP Policies GEN2, SPD Accessible Homes & Playspace & SPD Energy Efficiency & Renewable Energy).

1) The site has the benefit of approvals for residential development. This application seeks revisions to the scheme approved under UTT/0515/10/DFO. Therefore the principle of residential development has been established on the site.

2) The number of units and general layout remain as approved; the main changes relate to revised house types, elevation changes and slight alterations to the dimensions of buildings. The approved housetypes for these plots were two and a half storey town houses each incorporating a dormer window to the front roofslope, two rooflights to the rear and accommodation over three floors. Although the ridge height of the two buildings would increase marginally and each unit would have two dormer windows the difference would be relatively minor. Furthermore, there are spaces around the buildings to ensure they would not appear dominant within the street scene and the buildings are set well within the site to ensure there would be only a minimal visual impact from Dunmow Road. On balance, it is considered that the changes to the approved scheme would be visually acceptable.

3) The layout is as approved and the house types remain similar. Although living rooms would replace the approved bedrooms on the first floor, and there would be an additional dormer window in the front elevation, it is considered that, notwithstanding the objection, the impact on the residential amenities of occupiers of neighbouring properties would not be undue. The dwellings are separated from dwellings to the north by the highway and look onto garages to the rear. On balance it is considered that the relationships between the proposed and existing dwellings would remain satisfactory.

4) The proposal retains the approved access and parking layout and no objection has been raised by the Highway Authority.

5) Policy GEN2 seeks to ensure that development helps to minimise water and energy consumption. Supplementary Planning Guidance "Energy Efficiency & Renewable Energy" seeks to reduce energy use. The development could be subject of a condition to ensure



compliance. Supplementary Planning Guidance Accessible Homes and Playspace requires new dwellings to be designed to lifetime homes standard. A condition could be imposed to ensure compliance.

**CONCLUSIONS:** The scheme proposes changes to the approved scheme which are visually acceptable and would be satisfactory in terms of residential amenity and highway safety.

**RECOMMENDATION: APPROVE SUBJECT TO A S.106 LEGAL AGREEMENT AND THE FOLLOWING CONDITIONS:**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed. (Along B1256)
4. C.4.2. Implementation of landscaping.
5. C.5.2. Details of materials to be submitted agreed and implemented.
6. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
7. C.7.1. Slab levels.
8. C.8.29. Condition for compliance with code level 3 (five or more dwellings).
9. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area).
10. C.13.9. Hours of construction.
11. C.28.2. Accessibility - further submission.
12. Notwithstanding the details submitted and prior to the commencement of development details of the solar panels 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 and thereafter retained in that form unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity.
13. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.  
REASON: To control the risk of flooding to the development and adjoining land.

*Background papers: see application file.*

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## **UTT/2408/10/FUL - CLAVERING**

*(Referred to Committee by Cllr Abrahams. Reason: Better for village than current situation)*

Proposed conversion and extension of former Methodist Church to form dwelling. Erection of detached garage. Change of use of agricultural land to garden land

Location: Former Primitive Methodist Church Hill Green. GR/TL 481-323

Applicant: Mr C Stringer

Agent: John Ready Architects

Case Officer: Miss K Benjafield 01799 510494

Expiry Date: 01/03/2011

Classification: Minor

**NOTATION:** Outside Development Limits / Within Conservation Area.

**DESCRIPTION OF SITE:** The site is located adjacent to the south-eastern boundary of the cricket ground at Hill Green and comprises a former Methodist chapel. The building is accessed via a lane and then a single width track past two existing dwellings.

There is an area of hardstanding to the front and side of the building. To the side of the building, adjacent to the northwest boundary, is a group of outbuildings and sheds were previously used in association with the former nursery use of the building.

To the side and rear of the site is agricultural land.

**DESCRIPTION OF PROPOSAL:** This application relates to the extension and conversion of the existing former Methodist church to form one x 4 bedroom dwelling. A detached garage and the change of use of agricultural land to the rear to garden are also proposed.

It is proposed that the existing extensions to the side of the building would be removed and this would facilitate the parking spaces and vehicular access to the garage adjacent to the eastern site boundary. Two extensions are proposed to the building, one to the western side and one to the rear. The extension to the rear would cover an area of 28m<sup>2</sup> and would have a maximum ridge height of 7.3m; the ridge of the existing building has a maximum height of 7.7m.

The side extension would be in the form of a single storey structure linked to the building by a single storey flat roof element. The ridge to the extension would have a height of 5.5m and the flat roof section would have a maximum height of 2.7m. The extension and link would cover a combined area of 43m<sup>2</sup>.

The proposed garage would have internal dimensions of 7m x 3m and would have a maximum ridge height of 4m. The garage would be positioned to the rear of the existing building and the proposed rear extension.

The area of agricultural land which would be changed to garden, including land to facilitate the construction of extensions to the existing building, would amount to 900m<sup>2</sup>. A further area of 810m<sup>2</sup> to the south of the proposed garden area is outlined on the submitted plans in blue, indicating that it is owned or controlled by the applicant, and although it does not form part of this application, it is identified on the plans as "area planted for wildlife habitat".

**APPLICANT'S CASE including Design & Access statement:** A design and access statement has been submitted with the application as well as a supporting statement.

Following discussions regarding the scheme a protected species survey and a feasibility study have been submitted to support the application.

**RELEVANT HISTORY:** One application for conversion to a dwelling was refused in 2000. A second application for a scheme similar to that now under consideration was conditionally approved in 2000; this was not implemented and has now lapsed. In 2010 an application was submitted for extension and conversion to form one dwelling but was withdrawn by the applicant prior to a decision being made.

**CONSULTATIONS:** Conservation Officer: No objections.

Building Control: To be reported.

Project Officer: To be reported.

**PARISH COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** This application has been advertised and 5 representations have been received. Period expired 2 February & 20 March (for additional information).

1. Clavering Local History Recorder:

No objection subject to the sensitive conversion of the building while retaining historic aspects of the exterior and its appearance of being an old chapel.

2. Resident of Newport:

Supports the application for a sympathetic conversions of an unused property into a family home which would be beneficial for the Conservation Area, the village and future generation of Clavering residents.

3. Resident of Reading, Berkshire:

Supports the application. Whilst understanding the reservations of objectors, the positives vastly outweigh any negatives in this case.

4. Resident of Clavering:

Objects to the application. Methodist churches are distinctive because of their simplicity. The proposed extension to the side would spoil this distinctive appearance and will look ugly from the green.

5. Occupier of Neighbouring property:

Raises concerns regarding: overbearing, overshadowing, overlooking, loss of light and loss of privacy as a result of the conversion and the proposed garage and extension. The proposed extensions are not equivalent to the structures being removed and would impact on the neighbouring property and the Conservation Area. The building could be converted for alternative uses which would have less of an impact on the amenity of the neighbouring property.

The change of use of the agricultural land to the rear would materially change the appearance from the surrounding fields and footpaths.

Request conditions are imposed on any approval for landscaping and privacy reasons.

The proposals are contrary to ULP Policies ENV2, H6 and ENV6.

We do not believe that the applicants have support from the Parish Council and local residents. There were problems when the building was used as a nursery but other uses might well have support.

A more modest residential scheme without extensions might be preferred.

**COMMENTS ON REPRESENTATIONS:** See planning considerations.

**PLANNING CONSIDERATIONS:**

The main issues are whether the proposal would comply with policies regarding:

- 1) The principle of conversion of this Rural Building (ULP Policies S7, H6, PPS7);
- 2) Design & amenity of neighbouring properties (ULP Policy GEN2 & [SPD](#) "Accessible Homes and Playspace");

- 3) **Access (ULP Policy GEN1);**
- 4) **Vehicle Parking Standards (ULP Policy GEN8);**
- 5) **Change of use of Agricultural Land to Garden (ULP Policy ENV6);**
- 6) **Conservation Area (ULP Policy ENV1);**
- 7) **Nature Conservation (ULP Policy GEN7);**
- 8) **Other material planning considerations.**

1.1 Principle of conversion of this Rural Building (ULP Policy S7, H6, PPS7)

The site is located outside Development Limits where development is strictly controlled to protect the character of the countryside. PPS7 indicates that within the countryside, the re-use of appropriately located and suitably constructed buildings for economic development purposes will usually be preferable over residential conversions and states that local planning authorities should set out the policy criteria for the conversion of rural buildings. ULP Policy H6 sets out the criteria whereby the conversion of rural buildings to residential use will be considered. The Council has also produced written advice with regard to this policy which advises that to assess demand for non residential uses the building should be marketed at a realistic price through an appropriate estate agent for a period of 6 months prior to an application for residential use being submitted.

1.2 In relation to this proposal and the stated criteria:

a) A statement was originally submitted with the application which set out why it was felt that it was not necessary to market the property in line with the Council's advice. Following discussions with the applicant's representatives where advice was given that this information was not sufficient to demonstrate that there is no significant demand for economic uses a feasibility study was submitted to set out the applicant's case that alternative uses would not be appropriate in this building and would not gain planning permission.

1.3 This study made a number of assumptions regarding the possible alternative uses for the building and only looks at the site and building exactly as it currently is or in the form proposed as part of this application. As a result, the potential for the re-use of the building would be severely limited when in reality there is no reason why for a different use alterations could not be made to the site and/or the building to suit the tenant/owner. The figures quoted for the extensions and alterations have also been used as justification as to why alternative uses would not be financially viable. However other uses could be accommodated on the site without the need for the proposed works shown on the plans and would therefore could be financially viable. An example of alternative uses could be a B1 (office) use which is use that is compatible with residential areas and properties without the need for significant extensions or alternations to be required to the building.

1.4 The council has received a number of appeals where inspectors have dismissed appeals because inadequate evidence has been submitted to demonstrate that applicants have property assessed the potential demand for non residential uses. Recently in February 2011, an Inspector dismissed an appeal to change an annex building to a dwelling on the basis that the appellant had failed to demonstrate with substantive evidence that all appropriate alternative uses would be harmful to the living conditions of adjoining occupiers. Neither had it been demonstrated that was no significant demand for other appropriate uses. In light of this appeal decision and the insufficient and limited information provided in the original statement and the subsequent feasibility study, the applicant has failed to demonstrate that there is no significant demand for alternative economic uses as required by PPS7 and criteria a) of ULP Policy H6.

b) The building was in use until approximately 5 years ago. It is a brick structure and the applicant has indicated that it has recently been renovated and extended. The protected species survey also confirms that the building has had recent internal work. The building is structurally sound in accordance with criteria b).

c) The former chapel is a historic building and is identified within the Clavering Conservation Area Appraisal for the contribution it makes to the Conservation Area and the surrounding area as "a building of particular visual quality".

d) The conversion works would result in the main building retaining its existing appearance and the extensions would respect the scale, form and detailing of the chapel building.

e) A private garden area would be provided to the rear of the building and would be in keeping with the scale of the gardens to the neighbouring properties. In this respect the garden would be appropriate and with appropriate boundary treatment would not be viewed as a detrimental feature within the countryside.

1.5 The extensions proposed to the building reflect those which were approved as part of the 2000 approval for residential conversion. The requirement of this condition in relation to extensions to rural buildings is not materially different from the requirements of the condition which was in place at that time and therefore it is considered that the extensions are acceptable in this instance.

2) Design and Amenity (ULP Policy GEN2 & SPD Accessible Homes and Playspace)

2.1 The proposed extensions would be compatible with the scale, form, appearance and materials of the existing building. The neighbouring properties around the site comprise a range of styles and materials and some of these are some distance from the site. Therefore, in this instance it is more appropriate to consider the extensions against the existing building rather than the surrounding buildings. The extensions would have features which mimic those of the existing building and roof pitches and proportions of a traditional nature. This would also result in the proposals having an appropriate design and appearance within the Conservation Area.

2.2 The extensions would be located away from the boundary of the site with the adjacent residential property. This would ensure that they would not have a detrimental impact to the occupiers of that property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. The garage building would also be set sufficiently far from the neighbouring property to prevent any material loss of amenity to the occupiers of that dwelling.

The compatibility of the proposal with regard to Lifetime Homes Standards contained within the adopted SPD - "Accessible Homes and Playspace" will be reported verbally.

3) Access (ULP Policy GEN1)

3.1. The access to the main road from the site is acceptable and is capable of carrying any traffic generated by the development. There are services within the village that it is possible to travel to without the need for a car and there are bus services through the village enabling transport to surrounding towns and villages.

4) Vehicle Parking Standards (ULP Policy GEN8)

4.1 The proposal indicates that a single garage would be provided within the site and this would have internal dimension that meet the current parking standards. Parking spaces would also be provided in front of the garage, along the side of the dwelling with turning area to the front of the chapel building. The parking provision would be in accordance with the requirements of ULP Policy GEN8.

5) Change of use of Agricultural Land to Garden (ULP Policies ENV6 & S7, PPS7)

5.1 The area of land proposed to be changed to residential garden for the proposed dwelling would comprise a relatively large area of land. However the building has very little land currently associated with it and if it were to be converted for residential use there would be a need for an area of garden. The proposed garden, in association with the land to the

rear outlined in blue, would also be commensurate with the size and scale of the neighbouring garden areas. With appropriate native planting to form landscaping along the site boundary, in this instance, it is considered that the change of use of this land would not have a detrimental impact on the character and appearance of the surrounding countryside.

6) Conservation Area (ULP Policy ENV1, PPS5, Clavering Conservation Area Appraisal)

6.1 The Council's Conservation Officer has no objection to the proposed extensions and conversion of the building in relation to proposals impact on the Conservation Area. This is a new Conservation Area which was designated following the Conservation Area Appraisal and the proposed extensions would respect the traditional form and detailing of the existing building. As a result there would be no detrimental impact on the character, appearance or openness of the Conservation Area.

7) Nature Conservation (ULP Policy GEN7, PPS9)

7.1 A protected species survey of the building and the site has been carried out by a licensed surveyor. The subsequent report indicates that there are no protected species within the building or the site. Therefore the proposal would not have a detrimental impact on any protected species and complies with the requirements of ULP Policy GEN7 and PPS9.

8) Other Material Considerations

8.1 There are no other material considerations which would warrant a decision contrary to the requirements of the Development Plan policies.

**CONCLUSIONS:** The proposal complies with the requirements of all relevant local and national policies with the exception of criteria a) of ULP Policy H6 and PPS7. Inspectors have consistently reinforced the importance of proper marketing and it would be inconstant not to require this action of the applicant. The proposal is therefore unacceptable as the application has failed to demonstrate that there is no significant demand for economic uses and is contrary to the requirements of criteria a) of ULP Policy H6 and PPS7.

**RECOMMENDATION: REFUSAL REASONS**

Planning Policy Statement No.7 indicates that within the countryside, the re-use of appropriately located and suitably constructed buildings for economic development purposes will usually be preferable over residential conversions. ULP Policy H6 reiterates this stance and requires a demonstration that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses. The application fails to demonstrate that there is no significant demand for economic uses and therefore is contrary to the requirements of PPS7 and ULP Policy S7.

*Background papers: see application file.*

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## **UTT/0235/11/FUL - GREAT DUNMOW**

*(Called in by Cllr Smith. Reason: Loss of an important gap in the Conservation Area.)*

Erection of dwelling

Location: Land adj Down House North Street. GR/TL 627-223

Applicant: Mr & Mrs I Reijs

Agent: Mr D Tuttlebury

Case Officer: Madeleine Jones 01799 510606

Expiry Date: 05/04/2011

Classification: MINOR

**NOTATION:** Within Development Limits. Conservation Area. Affects the setting of a listed building.

**DESCRIPTION OF SITE:** Number 43 (known as Down House) and 45 North Street are substantial semi detached part brick and part render dwellings on the western side of North Street close to The Downs. They have three floors of accommodation with a basement. To the rear land rises to The Downs and Rosemary Lane which is a road that links North Street with Stortford Road. Off this is a track that provides access to rear parking for dwellings that face North Street.

The application site is part of the garden to 43 North Street on its southern side. There is a detached garage in the south west corner with close boarded fence to the western boundary, a tall conifer hedge and low close boarded fence bound the footpath with North Street and a there is fence bounding 41 North Street which is a rendered 2 ½ storey dwelling to the south. It as a substantial two storey gable to its rear elevation. On the opposite side of North Street are 52a, 54 and 54a North Street which are Grade II listed dwellings.

**DESCRIPTION OF PROPOSAL:** The application proposes the erection of a detached three storey four bedroom dwelling facing North Street. This would be around 9.3 metres to its ridge and 5.3 metres to eaves. It would have a footprint of about 52 sqm. A rear garden in excess of 100 sqm is indicated for the new dwelling and the existing dwelling would remain with a garden in excess of 96 sqm.

Materials proposed comprise a brick plinth, render to elevations, timber or upvc windows and a natural slate or plain clay tile roof.

Access is indicated from a crossover onto North Street adjacent 41 North Street. Two off road parking spaces 5.5 x 3.9 metres are indicated on the southern side of the dwelling. A turning area is indicated between the front elevation of the dwelling and the highway. The garage in the south west corner would remain in the ownership of 45 North Street.

**APPLICANT'S CASE:** See Design and Access Statement.

**RELEVANT HISTORY:** UTT/0441/10/FUL erection of new dwelling withdrawn.  
UTT/2036/10/FUL Erection of dwelling withdrawn.

**CONSULTATIONS:** Highway Authority: No objection subject to conditions.

Access Officer: The plans submitted comply with the SPG on Lifetime Homes.

Building Control: No adverse comments.

Water Authorities: No reply received. Expiry date 7th March 2011.

UDC Conservation Officer: The Conservation Officer has been involved in discussions to amend the design of the dwelling following a previous withdrawn scheme and revisions to

this application. The new dwelling in terms of design would not detract from the character of the conservation area or the setting of the listed buildings nearby. She suggests approval subject to conditions.

Amendments have been made to the proposal to improve its appearance, for example drip moulding to windows, simple hood porch, re-arrange bins to less prominent position and addition of chimney stack.

Drainage Engineer: The application states that surface water disposal will be to soak away (via water butts). The drawings indicate that all roof and vehicle access/hard standing run-off will be directed to a single soak away. The applicant should be satisfied that the proposed soak away will be adequate after undertaking soakage tests on the ground at that location.

**TOWN COUNCIL COMMENTS:** (summary): Members strongly object to this application. They considered that the application contravened the spirit of PPS3 Clause 36 "priority for development should be previously developed land where the definition of previously developed land, as defined under Annex 2 of the PPS3 excludes land in built up areas such as private residential gardens" In further support of their argument Annex 2 of PPS3 (as amended in June 2010) also makes the point that there is no presumption that the land is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

In addition to the above Members consider that the proposed development is gross overdevelopment in what is a very attractive part of the town.

This is an inappropriate design and form in a Conservation Area.

The top floor should be of standard design to compliment the Conservation Area and adjacent properties.

**REPRESENTATIONS:** This application has been advertised and eight representation letters have been received. Expiry date 17th March 2011.

The Dunmow Society: Private residential gardens were not intended to be included under the guidelines for previously developed land (PPS3/36). It therefore is an overdevelopment in a conservation area and unless this type of development is restricted much of the attractive nature of our town will be ruined.

Herne Hill Farm, Halesworth - Owner of listed dwellings opposite. I object to this development for the reasons given relating to previous plans. There are no appreciable differences. He does not agree with the comments in the design and access statement. Previous comments were: Object as it would affect the character of the Conservation Area and be out of keeping with the appearance of the listed buildings. Development is not appropriate. Down House does not match other properties in the street and is significantly taller. It stands alone and development is not justified because it appears to be less imposing than Down House. The design and materials seem out of character with other properties in the street. UPVC windows would be inappropriate. Visual impact would not be mitigated by the conifer hedge. It is not clear whether the car parking would be useable. The property could add to parking pressure.

41 North Street: Strongly object to the proposed development and the infill of a garden adjacent to a conservation area. This will be an imposing building and the only new build in an historic road of period houses and it will negatively impact on the area. Screening of existing conifers is impossible to enforce and anyone purchasing the property could remove them. It will also negatively impact on our personal quality of life as the building will tower over our garden, its drive run alongside our lawned area and has windows overlooking our garden. The safety of the access is also an issue at restricted times cars can park along North Street and the drive will be directly opposite existing driveways. The back slip road where the gate is situated is not suitable for wheelchair users.



This proposed development must be viewed as detrimental to this historical area and this infill should be considered as a whole which is definitely more than the sum of its parts.

North House, 54 North Street, S Riggs and N Riggs: As a resident of North Street I would like to strongly object to the application submitted. The dwelling proposed will have a direct impact on the surrounding properties affecting privacy, light and the conservation area and views from both North Street and Rosemary Lane. The proposed access to the property will add congestion to what is already a busy area. The proposed 'front conifer hedging' cannot possibly 'screen' the proposed development and will I am sure be removed anyway to reveal the three storey dwelling, that matches only one other house in the street. I feel it is certainly not in keeping with a conservation area. Please seriously consider the impact on the surrounding areas. The design is for a building far bigger than others in the street apart from down House itself. It will overlook two Grade II Listed buildings opposite. There is no significant change from previous applications that were also rejected.

L & C Reeve: We reiterate our view that the erection of a new dwelling on this site would be overdevelopment and would be detrimental to the street scene in a conservation area where all existing adjacent dwellings are period properties. Down House is a substantial family size property with a moderate area of garden. Whilst it is accepted that the proposed development meets the minimum statutory requirements for garden provision, the fact is that Down House's garden area would be reduced to approximately one third of its existing size which would seem disproportionately small. To allow such a development in an existing garden, which was not previously developed land, would clearly seem to disregard the spirit of the CLG Chief Planning Officer's letter of 15th June 2010 to Local Planning Authorities. As you know, this letter confirmed that the Government had implemented the commitment made in the coalition Agreement to decentralise the planning system by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and garden grabbing. It seems to us that this is a very obvious example of 'garden grabbing' and as such should not be allowed to proceed. If the development were to proceed, the garden area of Down House would be substantially reduced and the existing shed would be demolished. As a result, we fear that greater use, for storage purposes, would then be made of the area beneath the raised decking (approx 3 to 4 feet high plus additional superstructure) which directly overlooks the south facing basement window to our kitchen/dining area. We voiced our concerns about the potential loss of natural light to our property when the decking was in the process of being erected. However, we were given reassurances that this would be minimal. In reality there has been quite a significant impact because the area beneath the decking is partially screened and already being used for some storage. If this were to be used to a greater extent the situation would be further exacerbated.

**COMMENTS ON REPRESENTATIONS:** Matters of principle and detail are considered below in relation to the development plan and Conservation Officer advice.

**PLANNING CONSIDERATIONS including Design & Access statement:**  
The main issues are

**1) Whether the dwelling would be compatible with the character of the settlement, the scale, form, layout and appearance of surrounding buildings and would preserve the character and appearance of the Conservation Area and the setting of listed buildings; provides adequate access and parking (ULP Policies S1, H3, GEN1, GEN2, ENV1, ENV2 , SPD,s Accessible Homes and Playspace and Energy Efficiency and Renewable Energy and Great Dunmow Conservation Area appraisal and Great Dunmow Town Design Statement (2009));**

**2) Whether there would be any harm to the amenity of neighbouring properties by virtue of overlooking, overshadowing or overbearing impact (ULP Policy GEN2).**

## 1. Principle, the Conservation Area and Detailed Design

1.1 The land subject of this application is within development limits and in accordance with Policy S1, development in Great Dunmow that is compatible with the settlement will be permitted. Previous applications for a dwelling on this site were withdrawn due to design concerns voiced by officers rather than objections to the principle. Policy H3 allows for infilling in settlements where it would make efficient use of land and, similarly, be compatible with character. Representations received have referred to 'garden grabbing' as a reason development should not be acceptable. When amending PPS3 Housing in June 2010 the Government removed private residential gardens from the definition of previously developed land in order to remove some of the pressure on decision makers to approve the development of gardens when other planning considerations indicated that proposals were unacceptable. It did not preclude the development of gardens or override local policy considerations and it remains for local authorities to determine location and type of development. The land is within the development limits of Great Dunmow and the Conservation Area. Development within the development limit is acceptable in principle and development in Conservation Areas is acceptable so long as it preserves or enhances its character and appearance.

1.2 The Great Dunmow Conservation Area Appraisal approved in 2007 gives detailed advice on important trees and open spaces (paragraph 1.103) It makes reference to a large plot on the western side of the Downs at its junction with the Causeway and North Street making an important environmental contribution of open space and also the northern tip of the Downs and the open garden of Brook House nearby and the trees these areas contain, together with the trees in Down house, combine to provide an environmental buffer preventing coalescence between The Downs and North Street with the Causeway. The protected trees within Down House are all to remain and the gap between Down House and number 41 North Street is not identified as an important gap to be maintained. The Downs and Doctor's Pond separates the built up areas.

1.3 Much of the conifer hedging to the front of the property is to be retained and this would help to protect the character of the conservation area It is not a positive feature in the area and its long term retention cannot be relied upon. The proposed building respects the existing building line, the height and materials of adjacent properties. The conservation area in the vicinity is typified by a closely knit, pavement hugging, terrace cottages and larger dwellings, a number of which are listed. The new dwelling would be of traditional, narrow span plan, steeply pitched roof and two storey form with rooms in the attic. Its rendered wall, traditional fenestration and clay tiled roof would echo the historic character of the area.

1.4 The site forms a gap between dwellings other than the existing double garage which would remain. It is the view of officers that this gap is not an attractive or positive feature in the Conservation Area, it is dominated by the conifer hedge and provides limited views of adjacent listed buildings officers suggest that there should be no objection in principle to its development.

1.5 The Conservation Officer has been involved in discussions to amend the design of the dwelling following previous withdrawn schemes and has provided drawings indicative of what would be acceptable in this location. She is satisfied that the scale and appearance of the dwelling (subject to minor alterations to the front elevation) would preserve the character of the Conservation Area and the setting of adjacent listed buildings subject to conditions. Amendments have been made to the proposal to improve its appearance such as drip moulding to windows, simple hood to porch, re-arrange bins to less prominent position and chimney stack addition.

1.6 Down House is ten metres high and 45 North Street is twelve metres high. The proposed dwelling would be 9.3 metres plus chimney. Adequate off road parking spaces would be provided for the new dwelling (two) with a turning head in accordance with the Parking Standards adopted in January 2010. (The width of the parking spaces have been increased by 1m to allow for improved manoeuvrability and entry/exit of people to/from the vehicle because the parking area is adjacent to a fence.) Down House and No 45 would be provided with a garage and off road parking for these dwellings also occurs along the private drive. Parking for Down House would remain as existing provision. The amenity space surrounding the dwellings would be appropriate 100 sq m provided for the new dwelling and the same amount retained for the existing dwelling (this complies with the minimum size as recommended by the Essex Design Guide for three or more bedroom houses)

## 2. Effect on neighbouring properties

2.1 There are no windows to first and second floor side elevations save two dormer windows which can be obscure glazed by condition (one serving an en-suite bathroom and the other a staircase). The rear windows face The Downs and are not near neighbouring properties. Front elevation windows are some 6.5 metres rear ward of the highway and the property opposite no. 54 would be an additional 12 metres beyond again on the opposite side of the highway. This is considered sufficient distance to restrict significant harm from inter-visibility or loss of daylight.

2.2 To the side elevation of Down House are living room windows to the ground floor with a bedroom window above. Whilst no. 43 is the donor property there should not be significant shadowing of it or to no. 41 to the south.

**CONCLUSIONS:** Subject to conditions the erection of a dwelling in this location accords with planning policies, would preserve the character of the Conservation Area and the setting of adjacent listed buildings.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. The roof of the dwelling hereby permitted shall be clad with hand made clay plain tiles in accordance with a sample that shall have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved sample.  
REASON: In the interests of preserving the character and appearance of the Conservation Area.
6. Prior to commencement of the development a 1.5metre x 1.5metre pedestrian visibility splay as measured from and along the highway boundary, shall be provided on the northern side of the vehicular access. Such visibility splay shall be retained free of any obstruction in perpetuity. This visibility splay must not form part of the vehicular surface of the access.  
REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interests of highway safety.
7. C.5.9. Painted wood.
8. All rainwater goods shall be cast metal and painted black unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of preserving the character and appearance of the Conservation Area.
9. C.5.11. Smooth rendered walls.

10. C.5.7. Window/rooflight details.
11. Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times  
 REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.
12. C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission.
13. The dwelling shall be constructed with the cross-sections and levels indicated on drawing No 1916/3A.
14. C.8.35. Condition for compliance with code level 3 (less than five dwellings).
15. C.28.1. Implementation of accessibility scheme.
16. C.11.6. Prior provision of residential communal parking.
17. C.19.1. Avoidance of overlooking.
18. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel information and Marketing Scheme for sustainable transport approved by Essex County Council.  
 REASON: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11.
19. C.17.1. Revised plan required. (to achieve)

*Background papers: see application file.*

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## **UTT/0208/11/FUL - LITTLE EASTON**

*(Councillor Mrs C Dean is one of the Trustees of the Gardens of Easton Lodge Preservation Trust)*

Erection of prefabricated building for serving refreshments and retrospective application for the positioning of two toilet units for a period of five years

Location: Part of Gardens of Easton Lodge Park Lane. GR/TL 595-240

Applicant: Trustees of the Gardens of Easton Lodge

Agent: Mr James Boutwood

Case Officer: Madeleine Jones 01799 510606

Expiry Date: 12/04/2011

Classification: MINOR

**NOTATION:** Outside Development Limits. Historic Garden & Important Woodland.

**DESCRIPTION OF SITE:** The site is part of the 23 acre historic gardens of Easton Lodge. These gardens have been subdivided into two separate ownerships. The gardens are open to the public on a monthly basis. The location of the proposed building is at the south east end of a level lawn (which separates the Yew Walk and the Italian Garden). There are several very mature trees including a cedar tree that was planted by the Prince of Wales around 1886 at the south east end of this lawn area. To the north end of the existing car park area (which is predominantly grass with a muddy track) are two plastic/fibre glass portaloos. This area is adjacent to the public entrance to the gardens.

**DESCRIPTION OF PROPOSAL:** The proposal is in two parts:

1. For retrospective planning permission for two portaloos one for unisex use, of dimensions 1.1m wide, 1.1m deep and 2.18m high and one for the use of the disabled 1.5m wide, 1.5m deep and 2.180 metres high. These toilets are dark green with translucent moulded roof panels.
2. For a temporary building of dimensions 5m wide, 4m deep (5m to include a canopy) and 2.5m high. The building would have timber walls and a felt, slightly pitched roof. There are windows to the front and one side elevation. This building would be used for the sale of refreshments and for volunteers who work on the site.  
The application is for a temporary period of five years only.

**APPLICANT'S CASE including Design & Access Statement:** (Summary)

Until the end of last year the owners of Warwick House allowed their kitchen to be used for the preparation of refreshments. However, the house was sold in 2010 and although willing to allow their part of the garden to be open on a monthly basis are understandably not prepared to allow their kitchen to be used for on site catering. The trust which is responsible for opening the entire garden is therefore for the time being having to provide a simple temporary building from which refreshments can be sold. This follows advice given by the Essex Tourist Authority that if the garden openings are to be a success it is essential to provide some form of catering within the gardens. The Trust has also found that it is extremely expensive to hire portaloos each time the gardens are open.

The application is for a temporary period of five years. If the garden openings continue to be as successful as they were in 2010 the trustees plan to investigate the possibility of providing more permanent facilities. Unfortunately there are no buildings in either of the gardens which could be converted either for toilets or the provision of refreshments.

The temporary building is to be constructed in timber and faced in boarding stained black as this is the most inconspicuous colour for use in gardens or the countryside. The building is to be supported on a shallow proprietary foundation slab. There will be no foundation trenches or piles.

The site has been chosen so that the building will not be conspicuous and will have easy access to and from the entrance to the gardens from the existing car park. The toilets are to be placed within the car park as this has been found from experience to be the most satisfactory location.

**RELEVANT HISTORY:** UTT/0726/95/FUL – Change of use to allow public access to historic gardens and creation of parking areas. Approved 1995.

UTT/1615/98/FUL- creation of car and coach park approved 1999

UTT/1292/02/FUL – permanent public access to historic gardens – Friday-Sunday, bank and public holiday's noon – 6pm from Easter until 31<sup>st</sup> October and all days in February and March noon-30 minutes after sunset approved 2002.

**CONSULTATIONS:** English Heritage: No comments. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Landscaping Officer: No objection.

Specialist Conservation Advice: To be reported.

**PARISH COUNCIL COMMENTS:** No objections.

**REPRESENTATIONS:** No representation has been received. Period expired 21<sup>st</sup> March 2011.

**PLANNING CONSIDERATIONS including Design & Access statement:**

**The main issues are**

**1) Whether the development is appropriate in this location and impact on amenity and nature conservation (ULP Policies, S7, ENV9, GEN2, GEN7, GEN4, RS1);**

1.1 The piece of land is located outside Development Limits in what the Development Plan defines as countryside. Policy S7 of the Adopted Local plan states that the countryside, will be protected for its own sake and planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. It states that there will be strict control on new building and that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

1.2 The development is modest in scale and would not materially affect the character of the site or the setting of the distant listed buildings. Furthermore the facilities are for a temporary period and their effect is reversible.

1.3 In addition there are special reasons why the development in the form proposed needs to be there.

The gardens are being restored by a preservation trust whose aims are

- To conserve and restore these gardens for the benefit of the public
- To protect the wildlife in and surrounding the gardens
- To promote greater community understanding and enjoyment of the site

1.4 The gardens are open to the public on a monthly basis and the Essex Tourist Authority has advised that if the garden openings are to be a success it is essential to provide some form of catering within the gardens. The Trust also found that it is extremely to hire portaloos.

At present the refreshments are sold from a mobile caravan.

1.5 The proposed building would help to support the aims of the trust which also support current ULP policies. As the building would not have any foundation trenches nor piles it would not have any detrimental impact on the historic woodland. Visually the building, given its location and scale and design its appearance will be largely obscured from the wider environment and is appropriate to a rural area and as such is compliant with policy GEN2 and S7 of the ULP.

The buildings are self contained and not connected to services and are to be positioned where the mobile unit is at present and where hired portaloos would be positioned, as such would have minimal impact on nature conservation and the historic gardens.

1.6 Given the location of the refreshment building and the portaloos, it is not considered that the proposal would have a materially adverse effect to the reasonable occupation and enjoyment of local residents. Another material consideration is the possibility of an increase in traffic to the gardens due to the better facilities; however it is felt that this would not be any greater than that generated by the mobile unit currently selling refreshments at the site which is Permitted Development.

**CONCLUSIONS:** The proposal complies with current planning policies and would preserve the historic gardens.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.3.1. To be implemented in accordance with approved plans.
2. The buildings use hereby permitted shall be discontinued on or before 12th April 2016.  
REASON: The application is for a temporary period only.
3. C.9.1. No outdoor storage.
4. C.13.7. Hours of use.

*Background papers: see application file.*

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