

UTT/2549/11/FUL – (SAFFRON WALDEN)
(Referred to Committee by Cllr Eastham. Reason: Overdevelopment)

PROPOSAL: Demolition of public house and erection of four dwellings with access onto Mill Lane

LOCATION: Within Development Limits

APPLICANT: Greene King Retailing Limited

AGENT: Caldecotte Consultants

GRID REFERENCE: TL542-387

EXPIRY DATE: 4 April 2012

CASE OFFICER: Nicholas Ford

1.0 NOTATION

1.1 Within Development Limits.

2.0 DESCRIPTION OF SITE

2.1 The Axe Public House is located on the northern side and facing Ashdon Road (classified c road), Saffron Walden. It is a two storey painted brick building with a single storey range to the rear. Access is taken onto Ashdon Road adjacent Mill Lane (unclassified road), with pub garden and parking to its rear. There is a brick and flint wall adjoining the eastern boundary with Mill Lane.

2.2 No. 58 is a two storey end terrace dwelling to the west and beyond Mill Lane to the east is no. 62, a two storey dwelling. To the rear of the pub car park is a two storey dwelling named Lyndale. Opposite the public house are two storey dwellings and Shepherds Way, an unclassified road.

3.0 PROPOSAL

3.1 The application proposes the demolition of the public house and the erection of a terrace of 4 no. 3 bedroom, two storey dwellings fronting Ashdon Road. The ridge height would be about 8 metres and the eaves height would be about 5.2 metres. Materials proposed comprise brick elevations under a slate roof and timber sash windows.

3.2 Each dwelling would be provided with two off road parking spaces adjacent rear gardens and accessed from Mill Lane. A visitor bay is also indicated. Each dwelling would be provided with a private rear garden and a front garden. A footpath would be created adjacent Mill Lane.

4.0 APPLICANTS CASE

4.1 See Design and Access Statement and accompanying bat survey.

5.0 RELEVANT SITE HISTORY

5.1 None relevant.

6.0 POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S1 - Development Limits for the Main Urban Areas
- Policy GEN1 - Access
- Policy GEN2 - Design
- Policy GEN7 - Nature Conservation
- Policy H3 - New Houses within Development Limits
- Policy H10 - Housing Mix

7.0 TOWN COUNCIL COMMENTS

7.1 Object. Loss of amenity. Concerned with access to the parking area and traffic pulling onto Ashdon Road.

8.0 CONSULTATIONS

Highway Authority: No objection subject to conditions.

Water Authority: No comments received.

Veolia Water: Provides advice in relation to construction and groundwater.

Serco Oil: No comments.

Essex Wildlife rust: No comments received.

Essex Bat Group: No comments received.

Ecologist: Adequate survey effort has demonstrated that bats were not using the above location. Despite ecological surveys being undertaken which suggest that protected species are not using the application site, it is possible that protected species may be encountered once works commence. An informative should be given.

Drainage Engineer: Suggests a surface water drainage details condition.

Building Surveying: Access is satisfactory.

Environmental Health: Recommends a condition a construction method statement so as to avoid loss of amenity to residents during construction.

Conservation Officer: Verbal comments. The existing building is neither listed or in a Conservation Area. The public house is not a building that could be considered for listing and has detracting ranges of no merit. The wall referred to in representation could not be considered for listing and there are no controls that would require its retention.

9.0 REPRESENTATIONS

9.1 Notification period expired 27 June 2012.

41 received. Comments summarised:

- Wall should not be demolished
- Support new housing
- Design should include a corner house to Mill Lane
- Loss of light to side and rear elevation windows of 58 Ashdon Road
- Four houses too many for the site
- There should not be conifers on the boundary
- No bin storage
- Rebuilding the wall using existing flints would be good
- Footpath would encourage parking and be out of character
- Van drivers have difficulty entering Mill Lane, tight where access proposed
- Additional traffic on Mill Lane would be dangerous as it's narrow
- Dangerous access onto a cul-de-sac opposite garages
- Access should be onto Ashdon Road
- Footpath would encourage parking
- Increase in traffic congestion
- Additional noise and disturbance from traffic using the access

- Building work disruption
- Loss of valuable social amenity and community facilities
- Pub has been rundown to justify closure and development
- Pub should be retained for the community
- Trade is not suffering in the town
- There has been no effort to make the business successful
- No other pub serves the area
- Bats could be using trees

Copy of a petition signed by 112 people to Greene King Plc - Against the closure of a community pub that has played an important role in community life since the 19th Century. Through lack of investment by the brewery it has been run down to a frightful state, otherwise it will be a thriving hub for the community. Ladies no longer care to go there as it has been run down to the extent of becoming unhygienic. It is unkempt and uncared for. Nobody knows its opening hours anymore. This is 100% the brewery's fault.

Copy of a petition signed by 43 people objecting to demolition of the flint wall and its re-siting. Additional traffic would cause disruption on the lane and traffic access should be taken from Ashdon Road.

10.0 APPRAISAL

The issues to consider in the determination of the application are:

Whether the principle of redevelopment for housing is acceptable, whether new houses would be compatible with the character of the settlement, provide appropriate mix and would preserve the amenity of neighbouring properties (ULP Policies S1, H3, H10 and GEN2).

10.1 The application site is within the development limits of Saffron Walden where new housing is generally accepted in principle. Concern has been expressed by representation related to the loss of the public house and its community facilities. However, there are no planning policies that resist the loss of public houses within development limits and its loss cannot be opposed. Members may be aware that the Queen Elizabeth Public House has been converted into four houses following grant of planning permission in 2008. Furthermore, the Sun Public House on Gold Street has recently been granted planning permission for conversion to flats. Consideration of those schemes accepted that there are no policies that require the retention of a public house.

10.2 The existing building is neither listed or in a Conservation Area. The Conservation Officer considers that the public house is not a building that could be considered for listing and has detracting ranges of no merit. She also considers that the wall referred to in representation could not be considered for listing and there are no controls that would require its retention. A new wall would be constructed adjacent a new footpath to enclose new gardens and this would preserve the character of this area.

10.3 The proposed terrace of dwellings are considered to respond well to the character of this location. The terrace respects the building line of adjacent properties and would not be as tall as neighbouring properties to the west, nos. 56 and 58. The dwellings would be provided with well balanced symmetry and visual interest provided by porches, bay windows and chimney stacks.

10.4 Each dwelling would have a private rear garden and a modest low walled front courtyard similar to other properties in the area. These are considered acceptable and permitted development rights can be removed to ensure adequate amenity space is retained for occupiers. Bins could be satisfactorily stored within these gardens.

10.5 Three bedroom dwellings would provide an appropriate mix of smaller dwellings in accordance with Policy H10 which seeks to provide mixed and balanced communities.

Whether access and parking arrangements would be preserve highway safety (ULP Policies GEN1 and GEN8)

10.6 Access is proposed from the rear of the site onto Mill Lane which is considered acceptable to the Highway Authority with regard to highway safety. Each dwelling would be provided with two off road parking spaces to the rear of each dwelling which meets the parking standard, with adequate turning in order to be able to exit satisfactorily onto Mill Lane. The new footpath would be of benefit for pedestrians of Mill Lane who would not need to share the lane with traffic over this section. The Highway Authority has not taken the view that this could lead to indiscriminate parking or obstruction.

Whether there would be harm to the amenity of neighbouring properties as a result of overlooking, overbearing or overshadowing impact; noise or disturbance (ULP Policies GEN2 and GEN4)

10.7 Habitable windows are proposed to front and rear elevations and not to side elevations. Consequently, there is no objection with regard overlooking.

10.8 There is currently a single storey range with parapet adjacent no. 58 Ashdon Road on the boundary about a metre from the side elevation of no. 58. The end terrace new dwelling would be about 2.5 metres from the side elevation of no. 58 Ashdon Road. Given the space between properties and subservient height of the dwellings it is considered that the dwellings would not be oppressive of scale so as to be overbearing on neighbours nor significantly overshadow given this space and the lower ridge height of the proposed dwellings.

10.9 With regard to noise and disturbance, Environmental Health recommends a condition requiring a construction method statement so as to avoid loss of amenity to residents during construction.

Whether the proposal would preserve protected species (NPPF and ULP Policy GEN7)

10.10 Bat surveys have been undertaken by an ecologist to determined presence or absence of such species within the building. The emergence surveys undertaken found that no bats were utilising the building to be demolished. The ecologist is satisfied adequate survey effort has demonstrated that bats are not using the building.

10.11 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) 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.

10.12 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".

10.13 It is considered from the above that the first two tests of NERC have been met with regard to the proposal as submitted and that the proposal is unlikely to impact on the third test given the nature and scope of the proposal.

11.0 CONCLUSION

11.1 The following is a summary of the main reasons for the recommendation:

11.2 There are no policy restrictions that would require the retention of the public house. Its demolition and erection of dwellings would accord with planning policies subject to conditions.

RECOMMENDATION – CONDITIONAL APPROVAL

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

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

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

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

4. Notwithstanding the submitted details, before the commencement of development details of surface water drainage works, including full construction details of paved areas, 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 then 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:

- i. 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;
- ii. include a timetable for its implementation; and
- iii. 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 in accordance with Policy GEN3 of the Uttlesford Local Plan adopted 2005.

5. Before occupation of any dwelling hereby permitted the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and vehicle

parking bays marked out and made available for use. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

7. Before development commences 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 in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

8. There should be no obstruction above 0.6m in height within the area of a 1.0m parallel band visibility required across the entire site frontage as measured from the back edge of the footway.

REASON: To provide adequate inter-visibility and to maintain the existing visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

9. The existing access shall be permanently closed incorporating the reinstatement to full height of the highway footway/kerbing immediately the proposed new access is brought into use in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

10. Before development commences the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

11. Before development commences a comprehensive construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement. The statement shall provide for the following matters:

- i. areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles and visitors, including construction traffic identified clear of the highway

- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the control of noise from construction including the hours of working
- v. wheel washing facilities
- vi. measures to control the emission of dust and other air pollution during construction
- vii. a site waste management plan for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed in the interest of highway safety and to preserve the amenity of nearby residents during the construction phase in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan adopted 2005.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

13. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the dwellings hereby permitted and any changes in level proposed, together with the proposed floor levels within dwellings shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

14. Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the first floor side elevations or roof slopes of the dwellings hereby permitted without the prior written consent of the local planning authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

15. Before development commences details of new walls shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall include brick/flint type, bonding and mortar mix, coping type and details of materials from demolished wall to be re-used on the new walls. The wall shall be constructed in accordance with the approved details.

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



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