

UTT/13/0268/FUL (SAFFRON WALDEN)

PROPOSAL: Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land.

LOCATION: Site at Thaxted Road (former Civic Amenity And Granite Site), Thaxted Road, Saffron Walden

APPLICANT: Granite Property Development Saffron Walden Limited

AGENT: Rapleys LLP

GRID REFERENCE: (E)555159/(N) 237260

EXPIRY DATE: 10th May 2013

CASE OFFICER: Maria Tourvas

1. NOTATION

1.1 Part within Development Limits/Part within Employment Land, Part within Employment Land to be Safeguarded

2. DESCRIPTION OF SITE

- 2.1 The site is situated on the southern approach to Saffron Walden on the eastern side of the B184. The main part of the site is roughly rectangular in shape, incorporating the former Civic Amenity site, a former Highways Depot, an open field and the site formerly occupied by Granite. The frontage of the site is approximately 190m and the site has a depth of approximately 175m. The application site takes in a plot of land southeast of the main access into the site, adjacent to Acrokool. An access road to the new Community Recycling Centre (CRC), Highways Depot and Acrokool building also forms part of the application site. This new access road was constructed to serve the new CRC and Highways Depot and effectively determines the proposed levels within the site.
- 2.2 The site runs from south east to north west and the ground levels vary by several metres, falling away towards the northwest. Site levels to the front of the site fall from 88.57m AOD (above Ordnance Datum) at the main access point to 83.5m at the northern part of the frontage. The access levels within the site would be dictated by the existing access road and as such it is proposed that the levels within the application site would fall from 89.60m at the roundabout to 87.24m at the northern part of the site. From west to east the ground levels would range from 87.5m/88m at the frontage of the site to 88.25m at the eastern edge, falling to 87.05m adjacent to the CRC. The byway running along the northern edge of the site is approximately 5m lower than the proposed site levels. This difference in site and highway levels forms a landscape buffer zone screening the site. The plot to the southeast is at a higher ground level to the rest of the application site also framed by a bank of landscaping.
- 2.3 Within the application site, to the east, are the former buildings occupied by Granite. Adjacent to the access road is the former Civic Amenity Point (CAP) which is hard surfaced and to the north east of the CAP is an area formerly used as a Highways

Depot. This area is covered in hard material, predominantly old broken up road surfacing material. To the north east of this, and adjacent to the Granite building, is an area of open land that has been used to deposit spoil and large pipes, possibly from the construction of the new access road.

- 2.4 Along the highway boundary of the former CAP there is a fence together with vegetation, predominantly brambles, ivy and climbing weeds. The highway frontage to the former Granite site is open to the highway. The boundaries of the former Highways Depot are marked by a high chain link fence. The boundaries of the field to the rear have a chain link fence which is obscured by vegetation. Along the north-western boundary of the site is a public right of way

3. PROPOSAL

- 3.1 The application is for the demolition of existing buildings on site and the redevelopment of the site to comprise 3no. retail warehouse units and an associated garden centre (Class A1), a discount foodstore (Class A1), and a café (Class A3), including associated landscaping, servicing areas, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land.
- 3.2 The proposed scheme comprises of 93 car parking spaces for the retail warehouse units including 9 disabled parking bays and 10 cycle parking bays. The proposed discount food store would be served by 137 car parking spaces, with 8 disabled parking bays and 4 parent parking bays.
- 3.3 The main existing entrance from Thaxted Road would be used for the proposed development. The access road currently serving the CARC facility, highway depot and Acrokool is proposed to be moved as part of the application for highway safety reasons to prevent highway conflict with proposed access road that would serve the units.
- 3.4 The proposed units would be single storey and having a height of 9.3m. The units would have a floorspace area of 3,531 square metres for retail warehousing and 190 square metres for the proposed café. The units would be constructed from metal cladding panels with aluminium rain screens.
- 3.5 The proposed Discount food store unit would have a ranging height of 6.4 -8.6m. This would have a floorspace of 1,578 square metres. The unit would be similarly constructed to the other units.
- 3.6 This breaks down to the following;
- Retail Warehouse Unit 1 – 517 sq m GEA (net sales area 439sq.m);
 - Retail Warehouse Unit 2 – 2,020 sq m, with an outdoor garden centre extending to 1,114 sq m including a garden centre lobby of 108 sq m GEA and staff mezzanine of 186sq.m including (1,809sq.m net sales area);
 - Retail Warehouse Unit 3 – 700 sq m GEA (595sq.m net sales area);
 - Discount foodstore – 1,578 sq m GEA (1,125 sq m net sales area), and
 - Café (Class A3) – 190 sq m GEA with an external seating area.
- 3.7 It is stated that the proposed development would generate approximately 90 jobs.

4. APPLICANT'S CASE

- 4.1 Various documents have been submitted as part of the main full planning application, which have been listed below;

- Planning Statement (February 2013, Rapleys);

- Design and Access Statement (January 2013, The Harris Partnership)
- Retail Assessment (January 2013, Rapleys);
- Transport Assessment (January 2013, Motion Transport Planning);
- Waste Management Plan;
- Utilities Statement (29 January 2013, Synergy);
- Air Quality Assessment (24 January 2013, WSP);
- Contamination Land Risk Assessment (Holloway Jennings Consulting Engineers);
- Flood Risk Assessment (23 November 2012, Holloway Jennings Consulting Engineers);
- Preliminary Ecological Appraisal (January 2013, ELMAW Consulting);

A Community Involvement exhibition on 29th November 2012 had been held prior to the submission of the application.

5. RELEVANT SITE HISTORY

- 5.1 The application site has a long planning history; the most relevant planning applications are listed below;
- 5.2 UTT/13/0269/AV - The erection of a totem pole sign - granted Advertisement Consent 4 April 2013.
- 5.3 Outline application (including layout, scale and access) for mixed use redevelopment to comprise: Class B1 offices, Class B1/B2/B8 Industrial, Storage and Distribution and Trade Park, Retail Warehouse Park and associated landscaping, access and internal roads and cycle/footways, including the provision of access to existing and proposed adjoining uses. Demolition of all existing buildings - Approved 19 December 2007(UTT/1788/07/OP).
- 5.4 There has been a recent application for the renewal of UTT/1788/07/OP this has been approved subject to conditions and a Section 106 Agreement relating to travel plan and highway works at the 24th August 2011 Planning Committee (UTT/2208/10/REN).
- 5.5 Other relevant planning applications relate to the adjacent sites for a Heritage Quest Centre proposed to store museum artefacts and resource base for study, located to the north-west of the application site (UTT/1709/05/DC) and the alternative site to the south-east of the application site (UTT/0098/10/DC).
- 5.6 UTT/1451/09/FUL was the first planning application that Sainsbury's submitted for a new retail food store with a café, teller machines and the creation of a car park and service yard. The store would have a gross internal area of 6322sqm, with 3766sqm net retail floorspace. A total of 382 car parking spaces are proposed including 19 disabled spaces and 15 parent and child spaces. In addition 74 cycle hoops are proposed giving 148 cycle spaces. This was refused on the grounds of "*The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre food store. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4.*"
- 5.7 Planning permission was granted for the "Erection of new petrol filling station and customer kiosk, new landscaping, access and associated works" (LPA reference

UTT/0788/11/FUL) at the Planning Committee on 16 October 2011. This is the same committee at which planning application UTT/0787/11/FUL was considered (after the appeal against non-determination was made).

- 5.8 With regards to UTT/0787/11/FUL this related to the “Erection of new food store (use class A1) including cafe, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping servicing and associate works”. This application was 20% smaller than the previous refused application UTT/1451/09/FUL. It was resolved that *“Had the application not been appeal under the grounds of non-determination it would be recommended for Refusal for the following reasons: The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre foodstore. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4.”*
- 5.9 With regards to other relevant planning applications in Saffron Walden it is appropriate to take into account the following;
- 5.10 Tesco’s Radwinter Road, Saffron Walden:
- 5.11 Planning permission was originally granted for the Tesco’s store 28 May 1991 on appeal (T/APP/C1570/A/90/167711/P5) following the Council’s decision to refuse the application on 22 August 1990 (reference UTT/0278/90 - outline planning permission). Conditions imposed on the appeal decision at the time did not restrict the range of goods that could be sold from the store. A detailed application for the 4200 sqm store was approved under UTT/1245/91 in 28 July 1992.
- 5.12 In 1998 planning permission was sought for an extension to the store, and alterations to parking/landscaping layout (reference UTT/0120/98). The extension was for an area of 1097 sqm of which 784 sqm was for retail floorspace. The application was refused by the Council on 1 March 2000. This was later dismissed at appeal on 27 September 2000 (appeal reference: APP/C1570/A/00/1039861).
- 5.13 The Council’s Planning Committee resolved to grant planning permission under reference UTT/1323/09/FUL for the “Extension to existing Class A1 retail store” at the meeting held on 9th December 2010, covering an area of 1274 sqm (338 sqm would be for convenience floorspace and 886 sqm would be for comparison floorspace). The resolution to grant consent was subject to a Section 106 Agreement seeking the following;
- £180,000 to be paid towards the investigation and implementation of improvement measures at the Air Quality Management Area location of Thaxted Road/Radwinter Road/East Street/Chaters Hill.
 - £3,000 to be paid for monitoring the Travel Plan
- 5.14 The application was reported back to the 27 July 2011 Planning Committee which agreed that there had been no material change in circumstances warranting a different decision and that the Section 106 Agreement should be sealed and that the decision be issued in accordance with Members resolution to approve the application subject to the same conditions and agreement resolved at the meeting on 9 December 2010.

- 5.15 The Section 106 Agreement has since been signed and the decision has been issued 4th August 2011.
- 5.16 Waitrose, Hill Street, Saffron Walden:
- 5.17 Planning permission was resolved to be granted under reference UTT/2012/10/FUL and Conservation Area Consent under reference UTT/2013/10/CA for the “Demolition of decked car park to rear of the existing store including the associated vehicle ramp, lift and stair block adjacent to store entrance, also for the erection of a 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 café” at the Planning Committee meeting held on 6th April 2011. The proposed extension involves the creation of 528 square metres of floor space underneath the upper car park, including 120sqm of roof terrace, plant and ramps, with a net increase in car parking area of 2,039sqm as a result of the remodelling.
- 5.18 The resolution to grant consent was subject to a Unilateral Undertaking for the sum of £3,000 which is required by Essex County Council for the checking and monitoring the Travel Plan.
- 5.19 The application was later reported back at the Planning Committee on the 1 June 2011 seeking authorisation from Members to amend the wording of certain conditions in order to clarify the requirements of the conditions, and to ensure the conditions are capable of compliance. This was authorised by the Planning Committee and the decision was issued 13 June 2011.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy SW1 - Town Centre
 - Policy SW5 - Thaxted Road Employment Site
 - Policy SW6 – Safeguarding of Existing Employment Area
 - Policy S1 – Development limits for the Main Urban Areas
 - Policy S7 - Countryside
 - Policy E2 – Safeguarding Employment Land
 - Policy RS1 - Access to Retailing and Services
 - Policy RS2– Town and Local Centres
 - Policy GEN1 – Access
 - Policy GEN2 – Design
 - Policy GEN3 – Flood Protection
 - Policy GEN7 - Nature Conservation
 - Policy GEN8 – Vehicle Parking Standards
 - Policy ENV3 - Open Spaces and Trees
 - Policy ENV12 –Protection of Water Resources
 - Policy ENV13 – Exposure to Poor Air Quality
 - Policy ENV14 – Contaminated Land
 - Policy ENV15- Renewable Energy
- Uttlesford Retail Capacity Study (January 2012)

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Town Council Object to application on the grounds that the application would mean a loss of amenities, be detrimental to the town centre and move people away from shopping the centre, that the incentive of free parking at this location was 'unfair' to those businesses in the centre of town and that it would exacerbate the traffic congestion in that area.

8. CONSULTATIONS

- 8.1 ECC Highways: No objections raised subject to transfer of previous S106 agreement Heads of Terms with regards to bus stops, street lighting, also a contribution towards junction works to Thaxted Road.
- 8.2 Environmental Health: The submitted air quality assessment concludes that the increases in nitrogen dioxide levels resulting from this development as compared to the previously approved development (UTT/1788/07/OP) would be imperceptible. Small increases over the 2012 baseline levels are predicted, including near the Thaxted Road/Radwinter Road junction where nitrogen dioxide levels are already approaching the 40µg/m³ limit. On this basis some mitigation may be appropriate.

The mitigation measures proposed to deal with dust and PM10 during the construction phase should be implemented.

Ground contamination has been found on this site. The submitted ground contamination summary discusses reuse of the stockpiles on the site. In addition to the stockpiles, contamination associated with the quarry infill and made ground need to be considered.

Phase 1 and 2 site investigations have previously been submitted in support of previous applications for this site, but have not yet been agreed by the planning authority. Recommend contamination conditions and for a construction method statement to be submitted for approval before the commencement of development.

The agents have confirmed that the impact of the Friends School site has been included in the model. Their conclusion is that the proposed development would have hardly any more impact than the previously approved application. This would still represent a small increase in pollution over the 2012 baseline levels.

- 8.3 NATS: No safeguarding objections
- 8.4 Natural England: Refer to Standing Advice.
- 8.5 Environment Agency: No objection subject to flood risk condition.
- 8.6 Affinity Water: Site is located within a defined groundwater protection zone. Construction work should be undertaken in accordance with British Standards.
- 8.7 Anglia Water – No objection.
- 8.8 Thames Water – No objection.
- 8.9 ECC Ecology – Objection initially raised regarding the submission of further information regarding the following;

The PEA should include the following additional information:

- 4.1.16 Brownfield sites are often important for invertebrates and so should an analysis of invertebrates should be included within the PEA.
- Biological records should be obtained from additional sources, as the National Biodiversity Network is not designed for this purpose. Local biological records for non-bird taxa can be obtained from the Essex Field Club: <http://www.essexfieldclub.org.uk/portal/p/Datasearch> and from Essex Wildlife Trust.

In addition, further surveys – and appropriate mitigation – are required:

- Reptiles may be using this site (which is legally protected);
- The site may support a number of bird species of Principal Importance (see paragraph 4.2.4).
- The site may support hedgehogs which are a species of Principal Importance (see paragraph 4.2.6).

I refer you to section 5 Conclusions and Recommendations, which should be followed. Additional surveys are required prior to the granting of planning permission in order to develop appropriate levels of mitigation. These surveys should be provided as part of the planning application with the outline of the mitigation strategy.

Furthermore, the Master Plan currently provides little opportunity for mitigation for impacts to loss of habitat or species or for biodiversity enhancement. This will either need to be incorporated into the plan or, if not possible, as off-site compensation, using the mitigation hierarchy set out in paragraph 118 of the NPPF.

Need to secure enhancement measures if not possible to consider off site mitigation measures.

9. REPRESENTATIONS

- 9.1 The neighbouring properties have been consulted of the planning application and the scheme has been advertised in the local press and on site. 51 objections and 6 letters of support have been received raising the following comments;

Gunters Farmhouse – concern increase in traffic levels, light and noise concerns, increase in number of garden centres in area, the need for competition for Tesco's;

Brick Kiln Farm – objection on ecology grounds lack of information and impact of light;

Rowney Corner Farmhouse – Aldi will bring the tone of the upmarket town;

The Close 2 High Street – Object to supermarket store, some grounds as the previous application for Sainsbury's was rejected by Inspector's decision and all those reasons apply to this supermarket application - i.e. competition to the town centre food outlets, a significant increase in the already illegal levels of pollution at junctions in the town and the increased traffic generally. Pets store would affect that that is already in town. Consideration should be had to the recent shop closures and vacant shops in town;

Tiptofts Cole End Lane – Object to Aldi on the grounds of competition with the town, air pollution and unsustainable increase in traffic. Why was there not more consultations on the previous retail park approval;

Howlett Cottage – Object to out of town retail park. This would only add to the competition for town centre retailers by major retail groups with its additional traffic & pollution (already over the legal limit). The scheme is better sited at the site opposite Tesco;

15 Audley Road – Concerned about the increase in traffic at the Thaxted Road/Radwinter Road junction and Peaslands Road/Thaxted Road junction. Junction improvements would need to be made;

15 London Road – Objection, impact on town centre and traffic congestion. Consideration should be given to accumulative impact of other schemes that have consent and that are still to be constructed, in terms of highway impact. There is no economic case for proposed development;

15 Mount Pleasant Road – Object, increase in traffic. No need for another out of town retail development;

28 Rylstone Way – Noise and disturbance and traffic impact;

Clavering address - Impact upon town centre;

3 Market Row - Object to the sale of pet food the town is already served by an existing shop in town. Impact upon town centre.

Simon Winter –Object to retail park, traffic and pollution;

15 Borough Lane – Object on grounds of competition with town centre. Impact on town centre. Increase in traffic and air pollution;

51 Newport Road – Object impact upon independent traders, increase in traffic and pollution levels;

19 Mount Pleasant Road – Object, impact on town centre. Increase in traffic and air pollution;

53 The Spike – Object, Impact upon town centre and footfall. Traffic and pollution;

14 De Vigier Avenue – no difference in this and the Sainsbury's application. Impact upon town centre and footfall. Traffic and pollution;

14 Cole End Lane – Object, impact on town centre;

64 De Vigier Avenue –Object; impact on town centre;

Aldridge's Farm – Object, due to the nature of the application it should be made personal if not it should be assessed the same as any other operator, no evidence that discounter store is needed, no evidence for the additional convenience capacity in the area stated, no evidence regarding level of clawback in zone 1, retail floorspace is larger than that specified within the capacity study, no mention of the new tesco's store and how that affects the floorspace requirement, there is no demand, impact upon town centre is understated, unlikely that there would be linked trips a result of the proposal, employment or displacement of employment has not been raised. Loss of footfall would affect the viability of other businesses and the likely effect on small convenience stores not in the town centre must also be considered.

93 Radwinter Road – Object impact on town centre;

1 Church Path – Object, air pollution, scheme is contrary to Draft LDF and NPPF as it is not sustainable and impact upon town centre;

4 Thaxted Road – Object, increase in traffic and pollution levels;

24 Eastby Close – Object, impact on town centre, unsustainable, air pollution and traffic; noise and light pollution;

95 Thaxted Road – No need for development, traffic;

36 West Road – Objection, impact upon town centre, traffic and pollution

2 X 36 Borough Lane – Objection, detrimental economic impact to the Saffron Walden town centre, Unsustainable as significantly increases number of car journeys, no road improvements proposed as part of development, air pollution;

31 Old Mill Road - Objection, detrimental economic impact to the Saffron Walden town centre, Unsustainable as significantly increases number of car journeys, no road improvements proposed as part of development, air pollution;

Cambridge Science Park – There is no unmet need, town already has sufficient stores, pose a threat to the character of the town, Impact upon town centre, confirmed by previous appeal decision, unsustainable, traffic, air pollution;

Queen Mary University address – previously rejected, detrimental economic impact upon town centre, traffic and air pollution generation;

2 Adams Court -Impact upon town centre;

36A Castle Street – Object, scheme does not overcome previous objections, impact upon town centre, traffic and air pollution;

45 West Rd Saffron – impact upon town centre, need to protect town centre;

2 X4 Mount Pleasant Road - Objection, detrimental economic impact to the Saffron Walden town centre, unsustainable as significantly increases number of car journeys, no road improvements proposed as part of development, air pollution;

13 Mount Pleasant Road - Objection, detrimental economic impact to the Saffron Walden town centre, unsustainable as significantly increases number of car journeys, no road improvements proposed as part of development, air pollution;

10 Mount Pleasant Road – Object to supermarket. Appeal decision not addressed, impact on town centre, traffic and air pollution;

2 X Kents Farm – Object traffic, air pollution, impact upon town centre;

49 Newport Road – Object unsustainable, impact upon town centre, increase in traffic and air pollution;

76 Debden Road – Objection, traffic;

20 Church Street – Object, as a retailer know how fragile the town centre is, there are a lot of empty shops, out of town competition, impact on independent retailers;

13 Peaslands Road – Objection, traffic, highway safety, pollution;

6 Springhill Road – Object, increase traffic and increase in air pollution;

19 West Road – Objection, impact upon town centre, existing vacant shops, competition, traffic and congestion combined with other future developments, highway safety, increase in pollution levels exceeding maximum legal limits, existing infrastructure cannot cope;

24A Borough Lane – Objection, impact upon town centre, traffic;

4 Byrd's Farm Cottages – Object, impact on town, no additional need;

90 Debden Road – Object, do not need two commercial centres, not sustainable;

SAVE WALDEN TOWN CENTRE: **Refer to APPENDIX B**

1 Granary Row – No objection, want increase in choice. Disagree with SWTC comments.

Byrnes Cottage – Support, need for more retail units

14 Thorncroft – Support application;

Garrett Farmhouse – Support application;

23 Ashdon Road – Support, important to allow aldi into the expanding town; need for competition and choice and reduce cost of weekly shopping bills;

52, Peaslands Road - Support live on a budget and need choice, do not have transport to travel further afield, advantage to have a supermarket this side of town, linked trips with other activities, it would bring jobs, do not think that it would impact on town, need competition, it would attract extra people to town, scheme may reduce traffic to town.

10. APPRAISAL

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

- (A) Principle of development (Local Plan Policy S1) and the Effect on the vitality and viability of Saffron Walden and the cumulative impact of other planned proposals in the District (National Planning Framework);
- (B) Scale, layout, design and sustainable construction issues (Local Plan Policies GEN2, ENV12, ENV15& SPD: Energy Efficiency and Renewable Energy);
- (C) Parking and access issues including accessibility for those with limited mobility (Local Plan Policies GEN1, GEN8, RS1, National Planning Framework);
- (D) Transport and traffic including impact on AQMAs (Local Plan Policies GEN1, ENV13);
- (E) Contaminated land issues (Local Plan Policy ENV14);
- (F) Flood risk issues (Local Plan Policy GEN3);
- (G) Impact on biodiversity (Local Plan Policy GEN7);
- (H) Other material considerations

- 10.1 A Planning Statement has been submitted as part of the application for the proposed development which summarises the scheme, and draws a comparison to other historical applications.
- 10.2 The application site, other than an area between the main site and Thaxted Road has been previously developed and is predominately classified as 'brownfield' land which in principle would be acceptable to re-develop, in accordance with local plan Policy S1. The proposal involves the reuse of the former Granite site, Highways depot and Civic

Amenity Site and is currently an area which forms an unattractive entrance to the town. This is mainly due to the abandoned buildings and the spoil piles from the construction of the new access road to the new Civic Amenity and Recycling Centre (CARC) and Highways Salt Depot.

- 10.3 The designation of the application site however is for employment and retail (warehousing) development as proposed conflicts against Local Plan Policies E2, SW5 and SW6. This however, has not been raised as an issue when determining the previous recent planning applications identified in Section 5. It has been argued that such uses are capable creating new employment opportunities. This approach has been reflected in national planning policies such as the former Planning Policy Statement 4 for Planning for Sustainable Economic Growth and the current National Planning Policy Framework which seeks for sustainable development and encourages economic development.
- 10.4 The emerging draft local plan has the application site identified under draft Policy Saffron Walden Policy 1 as a maintained provision for employment and retail warehousing development, also breaking the site down into two separate policy allocations, with the land north of Thaxted Road becoming a separate allocation for employment and retail warehousing.
- 10.5 A Retail Capacity Study has been undertaken and published in January 2012, by Savills on behalf of the Council, forms part of the evidence base for the emerging Local Plan, which is currently being prepared by the Council. It identified leakages to other areas, a shortfall in retail warehousing and a need for discounter food stores in the District. It had identified the application site as a possible location.
- 10.6 A sequential assessment is required for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. At the time of assessing the previous applications a sequential test of sites was carried out and submitted as part of the scheme. Development sites identified in the Hephher Dixon Retail Study (2005) were considered and these were the White Horse Public House and car park, The Fire Station site, Emson Lane and the Fairycroft Road car park site. In addition, the following vacant sites were considered: the former Woolworths building, buildings to the rear of Lime Tree Court, former Hewitsons solicitors and dentist, High Street, vacant site bound by Church Street, High Street and King Street (Lime Tree Court) and the former Eaden Lilley department store. The conclusions in relation to these sites were either that the site was not available for development or would not be large enough to accommodate the proposed development. A review of the sequential test in line with the requirements of the former PPS4 was undertaken and concluded that there were not sequentially preferable sites which are suitable, available or viable to accommodate the development, even when allowing for flexibility in approach to layout and format.
- 10.7 A further submission of a sequential assessment has been submitted as part of this current application which has again identified The Fire Station and Laundry Site at Hill Street, Emson Close and Fairycroft Road Car Park. The sequential sites have been stated to be not available and suitable or viable for the proposed development.
- 10.8 The current proposed development has been stated to be a completely different development in nature from the previous Sainsbury's applications by the applicant. A Retail Assessment has been submitted in support of the application. This has been assessed by the Council's retained retail consultants, Savills. Please refer to **APPENDIX A**. It has been stated within this report that "whilst there is some capacity for additional convenience and comparison goods floorspace over the plan period to 2028, it is accepted that there are currently limited development opportunities that are available, suitable and viable to meet these requirements in Saffron Walden". In terms

of retail warehouse provision, the Retail Study concludes that there is no prospect of meeting the site requirements within Saffron Walden. However, it does suggest that the Thaxted Road site is well located to accommodate some of the requirement.

- 10.9 Attention is drawn to the extant consent on the application site for the mixed use development for Class A1 retail warehousing, Class B1 offices, and other Class B industrial, storage, distribution and trade uses. The retail element permitted under this consent is 3,058 sq m GEA. This is a material consideration when determining this application.
- 10.10 The Savills' Assessment reflects on their Retail Study and states "*The Savills Retail Study identifies that there is negative capacity for additional main food store floorspace in 2016 and 2021. On the same basis, in 2028 a need for 75 sq m net floorspace for a main food store operator or 126 sq m net floorspace for a discount food store operator arises. The Retail Study also recognises that if the retention rate was to increase to 80% there would still be no capacity for additional convenience floorspace in 2016. However, this would increase to 263 - 446 sq m by 2021 rising to 467 – 790 sq m by 2028 for a main foodstore operator and a discount retailer respectively, with the extension commitments at Waitrose and Tesco extensions being taken into account. In addition, the Retail Study identifies the amount of capacity for additional top-up convenience floorspace in Zone 1 as 83 sq m in 2016, rising to 138 sq m in 2021, and 230 sq m in 2028. Capacity for additional retail warehouse floorspace is identified in the Retail Study as 2,317 sq m net in 2016, rising to 2,904 sq m net in 2021, and 4,062 sq m in 2028. After taking into account potential requirements from toy, pet, motor accessories and mail order retail warehouse operators, the Retail study recommends that the Council should plan for some 4,500 sq m net of retail floorspace by 2028.*"
- 10.11 The Council's Retail Consultants are satisfied that the applicant has adequately demonstrated that there are no sequentially preferable sites that could accommodate the proposed development. In terms of retail impact they have stated that whilst they considered that the applicants have underestimated the turnover of the proposed discounter food store and the trade diversion from the Waitrose store in Saffron Walden town centre, it was concluded that with the submitted information the proposed development will not have a significant adverse impact upon Saffron Walden Town Centre based on sensitivity analysis. It is also stated that whilst the entire capacity for additional convenience floorspace and the majority of the retail warehousing floorspace in Saffron Walden until 2028 "*the proposed development would also have positive benefits, such as job creation and providing retail facilities that are currently lacking in Saffron Walden, as well as the ability to claw back expenditure that is currently leaking from the catchment area, and these should be weighed against the impacts of the development.*"
- 10.12 It is concluded that the proposed development in light of the assessment of the applicants submitted retail study, the Council's Capacity Study (January 2012), and the extant consent which remains, the proposed development would have an acceptable impact upon the town centre and would accord with the draft LDF supporting studies.

(B) Scale, layout, design and sustainable construction issues (Local Plan Policies GEN2, ENV12, ENV15& SPD: Energy Efficiency and Renewable Energy);

- 10.13 With regards to the proposed design of the scheme in question local plan Policy GEN2 seek for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

- 10.14 The majority of the proposed development would be set back from the main road frontage of Thaxted Road. The existing main entrance into the site would be utilised with landscaping framing the frontage, the entrance and the main car park and walkway areas. This will soften the proposed level of hardstanding areas that would form the car park.
- 10.15 Service yards would be retained to the rear of the proposed units and have been designed to avoid visual impact and interference with the flow of public traffic within the proposed scheme. The existing internal access road serving the highway facility and Ackrokool is proposed to be realigned to avoid vehicle movement conflict within the site. However, should planning permission be granted a condition would be required for the details on how the existing access would be closed off and the provision of a hammerhead to continue to facilitate the needs of the existing units.
- 10.16 With regards to the design of the units the size, heights, design and choice of modern materials are considered to be acceptable, consistent and in keeping with its surroundings, in accordance with local plan Policy GEN2. It is considered that the design of the scheme would greatly improve the overall appearance of the site and this part of Thaxted Road.
- 10.17 However, with regards to the proposed landscaping it is unclear from the information submitted what is being proposed. The Council's Landscape Officer is keen to retain as much of the existing landscaping as possible to maintain the areas rural appearance. Therefore, should planning permission be granted landscaping details should be conditioned.
- 10.18 Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport. Uttlesford has a requirement for new buildings to comply with BREEAM 'Very Good' rating, in line with national and regional policy. It is stated within the supporting Design and Access Statement that the proposed development will seek to achieve a BREEAM 'very good' rating as far as possible. However, little information has been submitted to demonstrate how this could be achieved. Should planning permission be granted then a condition should be imposed seeking that BREEAM 'very good' be achieved, in accordance with local plan policies and the SPD.

(C) Parking and access issues including accessibility for those with limited mobility (Local Plan Policies GEN1, GEN8);

- 10.19 ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards, the parking standards are outlined in ECC Parking Standards (January 2009). The Council's car parking standard (ECC Parking Standards 2009) was adopted by the Council January 2010 post the submission of the previous application. The standards require 1 car space per 14sqm (maximum), 1 cycle space per 400sqm for staff and 1 cycle space per 400sqm for customers (minimum), 1 plus 1 space per 20 car spaces for the 1st 100 spaces then 1 space per 30 over 100 spaces for powered two wheelers (minimum) and for disabled parking bays 4 plus 4% of total capacity. This proposal would have a requirement for a maximum of 379 car parking spaces, 14 cycle spaces for staff (minimum) and 14 cycle spaces for customers, 15 two-wheeler bays and 19 disabled parking bays.
- 10.20 The proposed scheme comprises of 93 car parking spaces for the retail warehouse units including 9 disabled parking bays and 10 cycle parking bays. The proposed discount food store would be served by 137 car parking spaces, with 10 cycle bays, 8 disabled

parking bays and 4 parent parking bays. This is a total of 230 car parking spaces, 17 disabled parking bays, 20 cycle bays. Whilst the proposed scheme does not fully comply with the parking standards the scheme would be located on a contained site. There is a risk that the site could be overly dominated by the level of car parking provision in relation to built form. The car parking requirements should be highlight are maximum standards and not minimum. The proposed scheme is considered to be acceptable and would provide an adequate balance.

- 10.21 The adopted standards has increased the required sizes of parking bays in line with the increased sized of modern vehicles seeking parking bays of 2.9m x 5.5m plus 1m either side for disabled bays. The proposal would provide parking bays of 2.5m x 5m which would be below the required standard sizes. No justification has been submitted as part of the application regarding the parking bay sizes however similar size bays have been deemed as generally acceptable on more recent applications on this site. The Highway Authority were previously quoted on the Sainsbury's applications stating "*the proposed sizes of the bays for this particular application would be appropriate, the smaller spaces are unlikely to cause highway safety concern on the public highway, although they do not provide as much convenience and manoeuvrability for shoppers.*" Based on Highway Authority recommendation, previous approaches to similar schemes on this site and the fact that the previous planning application was not refused on car parking standards this part of the scheme is generally considered to be acceptable.
- 10.22 Travel Plans are a means of encouraging access to sites by means other than the private car. A Travel Plan has not been submitted with the application detailing the initiatives proposed to encourage staff members to seek alternative means of travel to work. It should be noted that a travel plan formed part of a Section 106 Agreement on the previous extant application. Therefore, should planning permission be granted the content of the Section 106 Agreement which formed part of application UTT/2208/10/REN should be transferred over to the new consent.
- 10.23 An accessible ramp would be designed to be DDA (Disability Discrimination Act) compliant is being proposed from the main highway into the application site together with steps. The ramp has been designed to be screened by landscaping ensuring that it would not have a detrimental impact on the character of the street scene. Zebra crossings and pedestrian link ways have been incorporated within the site. This is in accordance with sections (c) and (d) of local plan Policy GEN1.

(D) Transport and traffic including impact on AQMAs (Local Plan Policies GEN1, ENV13);

- 10.24 Local plan policy GEN1 states "development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
 - e) The development encourages movement by means other than driving a car."
- 10.25 Local plan policy GEN1 seeks sustainable modes of transport this is reflected within National Planning Policy Framework. A Transport Assessment has been submitted as part of the application. This has been assessed by ECC Highways Authority. No objection has been raised to the proposed scheme subject to transfer of previous S106

agreement Heads of Terms with regards to bus stops, street lighting, also a contribution towards junction works to Thaxted Road.

- 10.26 With regard to the impact of the proposed development at the signalised junction with Radwinter Road/Thaxted Road, the development will result in a very slightly lesser impact during the morning and evening week day peak periods in comparison to the previously consented development proposal. Highways have stated that from the information submitted the total traffic flows at this junction, appears that the proposed development will be increasing the level of left turning traffic from Radwinter Road in to Thaxted Road by around 54 vehicles in the Saturday peak hour, in comparison with the previously approved development at this location. Whilst the number of vehicles making this manoeuvre in the Friday pm peak decreases by around 10 vehicles in comparison, the development ultimately results in an additional 44 vehicles conducting this movement at a sensitive area of the highway network where improvements can be implemented. However, on Saturdays during the peak hour, the Radwinter Road arm of the junction is demonstrated at being at capacity of 99.3% degree of saturation in 2014 without the proposed development but including the extant permission, and over capacity at a degree of saturation 106.4% as a result of this proposal. As a result it has been requested that a contribution towards junction works to Thaxted Road forms part of any approval. It has been argued by the applicant that the scheme would not be financial viable and the development of the site would not come forward if a contribution towards junction works was to be required. This matter remains outstanding subject to further discussion with the Highways Authority and the submission of a financial viability statement to be submitted in support of the applicant's argument. Further development of this aspect would be verbally reported to the Planning Committee.
- 10.27 Local plan Policy ENV13 seek to prevent and protect against air pollution. There are three Air Quality Management Areas (AQMA) within Saffron Walden. UDC has declared an AQMA at the Thaxted Road / Radwinter Road junction, and has an action plan to reduce annual mean NO₂ levels to below the 40µg/m³ limit. The Mount Pleasant Road / Debden Road and the Debden Road / London Road junctions are not AQMAs at present, but could be included. The principle source of NO₂ emissions is vehicle exhausts.
- 10.28 An Air Quality report has been submitted as part of the application of which the Council's Environmental Health has been consulted. The Air Quality Assessment was undertaken by WSP who had also previously undertaken the reports that were supporting the previous Sainsbury's applications. Report has concluded that the residual effects of the construction phases, as well as the emissions from the construction vehicles and plant on air quality are considered to be negligible. Similarly, the residual effects of traffic generation for the proposed development, over that outlined as part of the extant permission, will be negligible. It is stated that the air quality will be a low priority consideration in the planning process in accordance with Environmental Protection UK criteria.
- 10.29 The Council's Environmental Health Officer stated that "the submitted air quality assessment concludes that the increases in nitrogen dioxide levels resulting from this development as compared to the previously approved development (UTT/1788/07/OP) would be imperceptible. Small increases over the 2012 baseline levels are predicted, including near the Thaxted Road/Radwinter Road junction where nitrogen dioxide levels are already approaching the 40µg/m³ limit. On this basis some mitigation may be appropriate. The mitigation measures proposed to deal with dust and PM₁₀ during the construction phase should be implemented." Therefore no objection has been raised subject to relevant mitigation condition being imposed should planning permission be granted. The scheme is therefore in accordance with Local Plan Policy ENV13.

(E) Contaminated land issues (Local Plan Policy ENV14,);

- 10.30 Numerous previous contamination studies that have been undertaken on this site have been review. Due to historical uses on the application site contaminations have been identified. There are pockets of site contamination which would need to be remedied and addressed so as to prevent any further contamination and risk. This can be adequately controlled through the undertaking of mitigation works by imposition of a contamination condition, should planning permission be granted, in accordance with local plan Policy ENV14 relating to contaminated land. No objection has been raised by Environmental Health in this respect subject to imposition the relevant condition.

(F) Flood risk issues (Local Plan Policy GEN3);

- 10.31 The application site is located within Flood Zone 1 where by having a low probability of flooding. Local plan Policy GEN3 seeks the protection and prevention from flooding. A flood risk assessment has been submitted as part of the application submission. This concluded that the proposed development would not exacerbate flood risk elsewhere and that the proposed development is acceptable. The Environment Agency has been consulted of the application and raised no objection subject to flood risk condition, in accordance with local plan policy GEN3.

(G) Impact on biodiversity (Local Plan Policy GEN7);

- 10.32 Local plan policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. Policies ENV1 and ENV3 of the RSS seeks maximising biodiversity, proper consideration being given to the effects upon conservation of habitats.
- 10.33 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.
- 10.34 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:
- 10.35 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
- 10.36 There must be “*no satisfactory alternative*”; and
- 10.37 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*”.
- 10.38 A preliminary ecological appraisal has been submitted as part of the application.

10.39 It has been argued by the applicant that “we believe that all the ecological issues have been fully addressed, and that the relevant biodiversity matters have been adequately considered. However, we thought it would also be helpful to underline some of the planning matters pertaining to ecology, which would tell in favour of granting planning permission:

- *It is relevant to consider the outstanding planning permission (ref: UTT/2208/10/REN) granted in February 2012 – this permission is extant, and could be implemented at any time. The extent of proposed development is not significantly or materially different from the consented scheme, and therefore the principle of the redevelopment of this site is already established. It is therefore appropriate to treat the mitigation strategy, secured by condition 19 of the extant planning permission, as a baseline position, and*
- *Further, it is also relevant to consider the site’s long term allocation for development, which is followed through by a similar development allocation in the emerging Local Plan.*

The proposal will also bring forward a number of planning benefits, which would not be delivered without the grant of planning permission, including:

- *Providing an economic use to a redundant site, on previously developed land;*
- *Meeting the need for a discount retailer in Saffron Walden, which cannot be met in the town centre, and*
- *Substantially improving the visual appearance of the site, in this key gateway to Saffron Walden.”*

10.40 Since the granting of the extant consent whilst it is accepted that this could be implemented at any point until February 2015, the survey work that had been undertaken at that time is over a year old therefore more survey work would need to be undertaken and submitted as part of the application submission. ECC Ecology has been consulted of the application and has raised an objection until the required information has been submitted and it has been demonstrated that the proposed development would not cause harm to protected species. Information has been submitted stating that survey work is being undertaken and that so far there is confidence that no harm to protected species would be caused. Whilst this maybe the case, this information is yet to be forthcoming to demonstrate this. This matter remains outstanding subject to further discussion with ECC Ecology and the submission of the additional survey work to be submitted in support of the applicant’s argument. Further development of this aspect would be verbally reported to the Planning Committee. Should this not be satisfactorily addressed then the final recommendation would be re-assessed.

11. CONCLUSION

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

- A It is concluded that the proposed development in light of the assessment of the applicants submitted retail study, the Council’s Capacity Study (January 2012), and the extant consent which remains in site the proposed development would have an acceptable impact upon the town centre and would accord with the draft LDF supporting studies, subject to conditions.

- B The design of the units the size, heights, design and choice of modern materials are considered to be acceptable, consistent and in keeping with its surroundings, in accordance with Local Plan Policy GEN2. Further information is required on landscaping and a condition relating to achieving BREEAM 'very good' rating should be imposed should planning permission be granted.
- C The proposed scheme in terms of car parking is considered to be an acceptable and would provide an adequate balance. With regards to the size of the parking baybased on Highway Authority recommendation, previous approaches to similar schemes on this site and the fact that the previous planning application was not refused on car parking standards this part of the scheme is generally considered to be acceptable. Previous S106 Agreement relating to Highway improvements and Travel Plan forming part of UTT/2208/10/REN should be transferred over this application should planning permission be granted. Details relating to the financial viability of the scheme in relation to the requested highways contribution is an outstanding matter that any progression will be verbally reported to the Planning Committee.
- D No objection has been raised regarding air quality subject to mitigation condition should planning permission be granted.
- E Contamination is not considered to be an issue subject to conditions should planning permission be granted.
- F Flood risk is also not considered to be an issue subject to conditions should planning permission be granted.
- G This matter remains outstanding subject to further discussion with ECC Ecology and the submission of the additional survey work to be submitted in support of the applicant's argument. Further development of this aspect would be verbally reported to the Planning Committee. Should this not be satisfactorily addressed then the final recommendation would be re-assessed.

In conclusion considering the above and on the basis that the additional information submitted satisfies outstanding Highway & ecology issues the scheme is considered acceptable subject to conditions and the transfer of S106 agreement (amended if requires).

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

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 10th May 2013 of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
 - (i) Submission of travel plan
 - (ii) Payment of monies relating to travel plan monitoring
 - (iii) Highway works
 - (iv) Contribution towards highway junction works
 - (v) Pay Councils reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

- (III) If the freehold owner shall fail to enter into such an agreement, the Divisional Head of Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) Submission of travel plan
 - (ii) Payment of monies relating to travel plan monitoring
 - (iii) Highway works
 - (iv) Contribution towards highway works

Conditions:

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

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

2. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;

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

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. The development as designed, specified and built shall achieve BREEAM rating of 'very good'. The applicant will provide the planning authority with a BREEAM design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a BREEAM 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 Policy GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

6. The landscaping scheme shall consist of suitable species for the locality with a preference for native species in accordance with the reasonable requirements of the local planning authority. Details of species, sizes, planting centres, number and percentage mix shall be submitted to and be approved in writing by the local planning authority before commencement of development, the approved details shall be implemented in the first planting and seeding season following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in the Local Plan, Policy GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations, including installation of mezzanine floors, roofing, open yards or sub-division shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the local planning authority.

REASON: Extensions would result in the loss of parking spaces and servicing areas, resulting in a detrimental impact on the layout of the site and to control the use of the units without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance Policy GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development is in accordance with the character of its surroundings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

9. Units 1-3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, home wares and other non-food bulky goods but not including fashion wear items or fashion foot wear.

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

10. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in level proposed, together with the proposed floor levels within the extension, 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: 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).

11. No processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the building hereby permitted.

REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

12. With the exception of the garden centre there shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the written consent of the local planning authority prior to the commencement of development.

REASON: To prevent harm to the character and amenity of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

13. Prior to the first occupation of the development two bus stops, to the east and west of Thaxted Road, B184, shall be provided, in a location to be agreed with the Highway Authority, to include wooden bus shelters to ECC Passenger Transport specifications, raised kerbs, flag type bus stop sign, timetable information together with footway connections to the footways serving the site via a pedestrian refuge. Details of the facilities shall have previously been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of sustainability, in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

14. Prior to development commencing details of the new cycle/pedestrian link as shown on drawing 12313-10 Revision B including layout, levels, gradients, surfacing and drainage shall be submitted to and approved in writing by the Local Planning Authority. The cycle/pedestrian links shall be implemented as approved prior to the first use of the buildings.

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

15. Size two turning heads shall be provided at the end of the two internal estate roads on drawing 12313-110 Revision B prior to the first use of any building hereby approved. These being adjacent to the Council's Museum Resource Centre access and at the junction of the access road and the site labelled 'Unit 3, also details shall be submitted regarding the closing off the existing access prior to the first use of the re-aligned access, with details of a new hammerhead opposite Acrokool. Details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

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

16. Prior to development commencing, detail of the estate roads and footpaths (including layout, levels, gradients, surfacing, means of surface water drainage and any necessary Road Safety Audit) 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.

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

17. Prior to the commencement of development details of the number, location and design of facilities for the parking of powered two wheelers and bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided before occupation of any building hereby approved and shall be retained at all times.

REASON: In the interests of highway efficiency and accessibility, in accordance with Policies GEN1, and GEN8 of the Uttlesford Local Plan (adopted 2005) and the ECC Parking Standards (January 2009).

18. The café unit hereby permitted shall be used for Class A3 restaurant and café use and for no other purposes within the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control the use of the café unit from being used as Class A1 retail without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the NPPF.

19. No external floodlighting or other illumination shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights (specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare and the time when such lights would be illuminated. The development shall be carried out in accordance with the approved details.

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

20. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:
human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems.

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

REASON: In the interests of safety, residential amenity and proper planning of the area, in

accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

21. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

22. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

23. In the event that contamination that was not previously identified is found at any time after development has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

24. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

25. No development shall take place until a surface water drainage strategy for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm

inclusive of an appropriate climate change allowance will not cause flooding to the development or increase flood risk elsewhere. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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

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

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

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

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

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

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