

UTT/12/5198/OP (Newport)

**PROPOSAL:** Outline proposal for the demolition of existing nursery buildings and former packing shed and erection of 23 dwellings with new vehicular access and estate road involving the demolition of an existing frontage bungalow.

**LOCATION:** Carnation Nurseries, Cambridge Road, Newport.

**APPLICANT:** Mr & Mrs M Tiejido

**AGENT:** Wilbraham Associates

**GRID REFERENCE:** TL 552 234

**EXPIRY DATE:** 17 December 2012.

**CASE OFFICER:** Mr C Theobald

**APPLICATION TYPE:** MAJOR DWELLINGS

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**1.0 NOTATION**

1.1 Outside Development Limits.

**2.0 DESCRIPTION OF SITE**

2.1 The site is situated behind a row of frontage dwellings on the eastern side of Cambridge Road at the northern end of Newport village and comprises a redundant market garden nursery of 0.67 hectares containing an extensive range of glasshouses and a large former packing shed building which is leased out for separate business purposes, including as a keep-fit gym. The site slopes down from the road frontage to the River Cam which runs along its eastern boundary, whilst vehicular access into the site is gained from Cambridge Road at its northern end adjacent to Carnation Bungalow that also serves an adjacent nursery site to the immediate north which is currently still trading (J M Carro Vidal). The nursery part of the site has a generally run-down appearance.

**3.0 PROPOSAL**

3.1 This outline application relates to the demolition of the existing redundant nursery glasshouses and the former packing shed building and for its residential redevelopment involving the erection of 23 dwellings with garaging and parking spaces with associated new vehicular access and internal estate road where the proposed new access point would require the demolition of an existing frontage bungalow along Cambridge Road (Cedardale). All matters are reserved for the proposal except for consideration of access.

3.2 It is stated in the application that the development would comprise 14 No. market housing dwellings and 9 affordable housing dwellings, the latter of which would consist of 6 social rented housing units and 3 No. intermediate housing units. An indicative site layout has been submitted to show how the dwellings would be laid out on the site either side of the proposed estate road, house types, how resident parking

would be provided (combination of integral garages and hardstanding parking) and the level of private amenity space to be afforded per dwelling. The site layout also shows indicative boundary landscaping treatment.

#### **4.0 APPLICANT'S CASE**

4.1 The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Housing Delivery and UDC SHLAA assessments
- Phase 1 Habitat Survey Report/Bat Survey Report
- Energy Efficiency Statement
- Site Waste Management Plan Statement
- Utilities Statement

##### Summary of applicant's case:

- The land is covered to approximately 90% by existing buildings and hard surfaced areas. The glasshouses on the land are derelict and have not been in use for approximately 12 years;
- Although the majority of the site lies outside development limits for Newport, the land physically adjoins the limits and would lead to the re-use of the site, the majority of which is currently unused and cannot be brought back into beneficial use without re-development;
- Residential development of the site would help meet the demand for additional housing land in the district to further address the shortfall in the current deliverable supply where the Council have a supply in the order of 4.06 years rather than the 5.25 years required by the NPPF:
- As the adopted local plan is time expired and a five year supply of deliverable housing is not currently available, the NPPF advises that the planning policies are out of date and hence there is a presumption in favour of sustainable development.
- The site is in a sustainable location, being in walking distance of all of the existing village facilities. Therefore, future occupiers of the dwellings would not need to own a car to gain access to employment, shopping and other facilities;
- The development would include 40% affordable dwellings which would be scattered throughout the development and for which there is a pressing need in Newport at present.

#### **5.0 RELEVANT SITE HISTORY**

5.1 Planning permission granted in 1996 for the erection of a packing, storage and office building for Carnation Nurseries. Permission granted in 2000 (retrospective) for the retention of change of use of the packing building as a training gym

#### **6.0 POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework (NPPF).

## 6.2 East of England Plan 2006 (Revised 2008)

- EEP H1: Regional Housing Provision 2001-2021
- EEP H2: Affordable Housing
- EEP SS1: Achieving Sustainable Development
- EEP ENV3: Biodiversity
- EEP ENV7: Quality in the Built Environment
- EEP WAT4: Flood Risk Management

## 6.3 Essex Replacement Structure Plan 2001

- None

## 6.4 Uttlesford Local Plan 2005

- ULP Policy S7: The Countryside
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design
- ULP Policy GEN3: Flood Protection
- ULP Policy GEN6: Infrastructure Provision to Support Development
- ULP Policy GEN7: Nature Conservation
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy E2: Safeguarding Employment Land
- ULP Policy ENV4: Sites of Archaeological Importance
- ULP Policy ENV12: Groundwater Protection
- ULP Policy ENV14: Contaminated Land
- ULP Policy ENV15: Renewable Energy
- ULP Policy H1: Housing Development
- ULP Policy H4: Backland Development
- ULP Policy H9: Affordable Housing
- ULP Policy H10: Housing Mix

## 7.0 PARISH COUNCIL COMMENTS

### Newport Parish Council:

- 7.1 Object: The site is outside development limits and within the flood plain. Access to Cambridge Road is safe, but 23 houses would result in over-intensification of use. Existing businesses are currently located at the site and the proposal would result in the loss of a commercial area. No details of drainage/soakaways given. 75% of the properties should be three bedrooms or less and there should be 9 affordable homes, not  
6. There is insufficient detail on the plan to comment fully.

### Quendon & Rickling Parish Council:

- 7.2 Object: The current businesses on the site are a valuable asset to the local community and the gym in particular has many members in Quendon & Rickling Parish. The Parish Council therefore echoes the letter lodged on behalf of the gym and asks for that part of the proposal which would result in the loss of any businesses on the site to be refused.

## 8.0 CONSULTATIONS

### Environment Agency:

#### *Flood Risk:*

- 8.1 There have been some recent changes in the Environment Agency's Flood Map for this location which has caused some confusion relating to flood zone status. It is investigating this further following this application, which has highlighted these issues. The Environment Agency has assessed whether the site could potentially be at risk from flooding based upon the applicant's submitted Flood Risk Assessment, the agency's own mapping devices and available and updated river modelling for the Lower River Cam and flood defence team catchment knowledge of the area. From this it considers the risk from flooding to be low.
- 8.2 The Environment Agency has no objections to the application from a Sequential Test and Flood Risk Assessment perspective. However, the proposed development will only meet the requirements of the NPPF if the measures as detailed in the applicant's Flood Risk Assessment are implemented and secured by way of planning conditions to demonstrate that the development can go ahead without posing an unacceptable flood risk.

#### *Contamination:*

- 8.3 The site is located within a Source Protection Zone 3 (SPZ) of the Environment Agency's Groundwater Protection Policy. The information provided with the application shows that the site was previously used as a commercial nursery, which has the potential for contamination associated with the use. The information as submitted has been reviewed and the Environment Agency confirms that it objects to the application on contamination grounds for the following reasons:
1. The level of contamination risk posed by this proposal is considered to be unacceptable;
  2. The applicant has failed to provide assurances that the risks of pollution are understood as a preliminary risk assessment (including a desk top study, conceptual model and initial assessment of risk) has not been provided. Such an assessment is required whenever there might be a risk, not only where the risk is known;
- 8.4 The applicant should provide information to satisfactorily demonstrate to the LPA that the risk to controlled waters has been fully understood and can be addressed through appropriate measures including as a minimum a desk top study and production of a diagrammatical Conceptual Model to illustrate all potential contaminant sources in order to fully assess the risk posed to the site.

### Veolia Water:

- 8.5 Comments not received.

### Anqlian Water Services:

- 8.6 Comments not received.

#### Essex County Council Highways:

- 8.7 No highway objections in principle subject to appropriate highway conditions and the applicant entering into a legal agreement to provide bus stop improvements to the two nearest bus stops to the site prior to the occupation of any dwelling in the interests of sustainability and accessibility.

#### Essex County Council Schools:

- 8.8 The development falls in the priority admissions area of Newport Primary School, which has a net capacity of 144 pupils with an admission number of 20 pupils in reception year. Our forecasts show that the current reception year is full and will remain full each year throughout the forecast period to 2017. Our forecasts in the document, 'Commissioning School Places in Essex', also show that by 2017 there will be 155 pupils requiring places at the school. With regard to secondary provision, this development falls in the priority admissions area of Newport Free Grammar School. Latest forecasts indicate that the school will be full to its Published Admission Number in year 7 for the coming years and the school will fill to capacity as a result. As a consequence additional places at the school will be required and this development will add to that need. With regard to early years and childcare provision, the latest Essex County Council's Sufficiency Audit indicates that pre-schools in Newport ward are operating close to capacity and that there is no full day care provision. Essex County Council's Children's Community Commissioning Officer for West Essex has confirmed that additional early years and childcare places would be required to meet the needs of the proposed development.

- 8.9 In view of the above, I must request on behalf of Essex County Council that any permission for this development is granted subject to a Section 106 agreement to mitigate its impact on education and early years and childcare provision. For information purposes, should the final development result in the suggested net increase of 23 houses with two or more bedrooms, the calculated sum using the education contributions formula would be £170,574 index linked to April 2012 costs.

#### Essex County Council Ecology Advice:

- 8.10 The ecology reports submitted do not comply with current biodiversity policy and guidance, although the impacts from the development are likely to be overcome with relatively straightforward mitigation. The surveys do not include Cedardale, and any confirmation of bat roosts at this residential property may have implications for the development timetable where this site could contain most habitat potential. The Council should therefore encourage the applicant to complete a further survey to be submitted at reserved matters stage, which should include the whole of the development site to include Cedardale and marginal areas around the site buildings and hardstanding areas which could have reptile potential. The reports also do not include reference to local biological records searches where it is known that otters have been found in the river nearby. Therefore, the impacts of the proposal on the river, marginal vegetation and neighbouring land may also need to be considered in the final layout, i.e. design of lighting and establishment of a buffer along the river. Control of pollution/drainage etc should be left to the Environment Agency, but this could impact on the biodiversity of the river downstream. The further survey should therefore be consistent with Natural England's standing advice and IEEMs and there may be the need to confirm the survey approach for the wider ecological assessment

with an Essex County Council ecologist in advance of any reserved matters submission.

Essex County Council Archaeology:

- 8.11 The HER shows that the proposed development lies on the site of St Leonards Hospital. Excavations within the Carnation Nurseries site have found evidence of medieval remains, including potential building evidence, burials and finds. Cartographic evidence also indicates the presence of large water features within the development area, which may represent a moat or possibly some kind of industrial water feature – Recommendation: Documentary Assessment, Trial Trenching and Excavation.

Housing Enabling & Development Officer:

- 8.12 The affordable housing provision on this site provides 9 No. properties, the current requirements for which would be for a mix of two and three bedroom units on a development of this size. The tenure split would need to be agreed with the Council's Strategic Housing section. It is expected that these properties will be delivered by a Registered Provider, which would also need to be agreed with the Strategic Housing section.

UDC Access and Equalities Officer

- 8.13 Applicant will need to comply with the requirements of the SPD on Lifetime Homes and the requirements of the Wheelchair Housing Standard as set out in that document.

**9.0 REPRESENTATIONS**

- 9.1 20 representations received. Notification period expired 19 October 2012. Advertisement expired 13 November 2012. Site Notice expired 26 October 2012.

9.2 Summary of representations

- Newport is under consultation for a large new development under the LDF process All other building requests should be held until final decisions are made with regard to the minimum 370 houses already proposed as the current proposal would take this overall figure to just under 400
- The Carro Nurseries adjacent to Carnation Nurseries will also be retired from production at the end of this year and plans will be submitted at some stage to develop this site for housing also
- The site is not in a sustainable location relative to station commuting and the local primary school
- Site lies on a floodplain with potential flooding
- Sewerage capacity: The Hyder Water Cycle Study states that '*AWS have indicated that due to seasonal variations in existing Dry Weather Flow received at Newport treatment works that there is no capacity within the existing (or proposed higher) DWF consent or the process capacity of the works to accommodate the flows from any new dwellings*' and '*It is therefore concluded that discharge consent and treatment works capacity severely constrain the potential development within the Newport catchment....*' Other new houses now being completed are about to add to overload

- Water supply: The Environment Agency states there is no extra water available for supply. This is confirmed by the dry river beds visible all around Newport which only have flow for a short period after heavy rain. The lack of flow also reduces the capacity of the Cam to take the outflow from the sewage works (which goes immediately past this site)
- The Primary school is reported to be at full capacity for the joining years
- Would remove viable businesses from the site/Newport reducing further business space in Newport, particularly after the change of use for The Maltings where other commercial units have recently been lost. Loss of business will go against UDC stated policies where the need for local business is clearly highlighted
- The proposal site should be allocated as a place for business enterprise rather than housing where the converted building is modern with good parking and access for commercial vehicles
- Proposed development would lead to overdevelopment of the site
- High housing density which is not in keeping with the surrounding residences
- Under provision of occupant parking
- The plans do not have sufficient detail
- Access would not be wide enough or in a suitable position to provide safe access to Cambridge Road
- Why does a 2<sup>nd</sup> vehicular access need to be established when an existing access already exists
- Would result in additional traffic levels adding to local congestion, particularly at peak hours
- The replacement dwelling for Cedardale will be two storey and with an additional storey will result in our property being overlooked and leading to loss of light.

Get Up-n-Go, Carnation Nurseries, Cambridge Road, Newport

- 9.3 “The gym has operated from these premises for over ten years. We are the only gym in Newport and our members are mainly from Newport or the surrounding area. We therefore feel we are an important part of the Newport community. We offer a unique service to our members which no other gym/leisure centres in the local area offer, specialising in group personal training sessions where our individual approach appeals more to people who would not participate in physical activity at other gymnasiums, including older clients and local disabled people. Communities benefit from having local access to services such as gyms and the loss of this service to Newport would be detrimental where there has been a steady loss of businesses in the village. It is stated in the application that “these uses will be relocated elsewhere in Newport”. Get Up-n-Go has not been approached regarding this and it considers that there would be very limited, if any, possible relocation sites”.

District Councillor Jeremy Rose

- 9.4 “I object to the removal of business premises without clear and pre-determined relocation sites stated in the planning application. Newport, as a rural village, desperately needs sustainable employment premises for local people. Local job opportunities need to be preserved. To approve the current proposal would harm the local economy, destroy the well established business heritage Newport has enjoyed and potentially ruin three perfectly healthy businesses currently located at the site. Affordable housing figures allocated to the site are incorrect. The numbers should reflect the total number of dwellings proposed, and I would recommend the proposal being rejected. The plans state 6 affordable housing dwellings, when it should be 9 or 10. As District Councillor representing business opportunities as well as residential

housing within the Newport Ward, the proposal would damage local employment, ruin the rural economic opportunities for sustainable employment and harm the spirit of local enterprise”.

Newport Business Association

- 9.5 “Newport needs valuable recreational and employment facilities and removing such premises from the village will harm the local economy in terms of sustainable local employment. The village has had too many business premises converted or demolished to make way for residential properties. Local employment has already suffered and there are few remaining safe and secure premises that local businesses can utilise for suitable employment purposes. The gym is a thriving business used by residents from the many villages surrounding Newport either on their way to or from work, and often used by people within the village who run or walk to the gym, catch a local bus or arrive by train to use the local gym. At no time have the developers indicated where the existing businesses will be relocated to, or how they will help financially, or otherwise, to relocate the businesses. 3 businesses have all had a great reputation and are well known for being at the existing site. To move the businesses away will potentially destroy the sustainable employment they offer”.

Keith Osborne, Uttlesford Area Access Group

- 9.6 “No affirmation is given by the applicant that the proposed new homes would meet Lifetime Homes standard or the requirements for Wheelchair Housing. Whilst the UAAG has no objections in principle to the development, it would seek assurances that the above matters will be addressed”.

## **10.0 APPRAISAL**

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

- A Principle of development (NPPF, ULP Policies S7, H1, H4, H9, E2, GEN3, GEN6, ENV12 and ENV14);**
- B Whether proposed access arrangements would be satisfactory (ULP Policy GEN1);**
- C Whether the proposal would be harmful to protected species (ULP Policy GEN7);**
- D Other considerations: Design (ULP Policies GEN2, GEN8, H10 and ENV15);**

- A Principle of development (NPPF, ULP Policies S7, E2, H1, H4, H9, GEN3, GEN6, ENV12 and ENV14)**

- 10.2 The application site lies immediately outside development limits with the exception of the frontage bungalow to be demolished along the eastern side of Cambridge Road. As such, ULP Policy S7 strictly applies to the proposal where this seeks to control

development within the countryside for its own sake where planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The policy goes on to state that there will be strict control on new building and that development will only be permitted if its appearance protects or enhances the particular countryside character of the area.

- 10.3 Notwithstanding this, the site is physically landlocked between Cambridge Road and the River Cam on its eastern side with an existing market garden nursery to the



immediate north (Carro Nurseries) and comprises in the main an area of redundant glasshouses and a converted building on a contained site. Given this, it cannot be reasonably concluded that the site forms part of the wider countryside setting and where the site has a generally run-down appearance attributed to a lack of nursery activity for some twelve years where some of the glasshouses have as a result gone into a state of disrepair. As such, it is considered that the site's redevelopment for housing would not be visually damaging to the wider visual appearance of the area at this location given its current condition.

- 10.4 The site is located within a designated floodplain adjacent to the River Cam, which has been classed as a Main River by the Environment Agency. As such, the proposal is subject to the sequential test and an exception test in accordance with the requirements of the NPPF. The applicant has submitted a detailed Flood Risk Assessment (FRA) as the site is designated as Flood Zone 3, albeit that the FRA has shown that this should in fact be a Flood Zone 1-2 site. The Environment Agency has accepted that due to mapping discrepancies for this local area that the site can be considered as a Flood Zone 1-2 equivalent site. The FRA states that there is no historical evidence of flooding at the application site where previous isolated incidences of flooding occurring further down from the site did not affect it. The report concludes that the scheme proposed would be appropriate for the likely calculated flood risk for this site where it would not be expected to increase the risk of flooding elsewhere and where the proposal would provide the opportunity to introduce a sustainable drainage system (SUDS) for the site in place of the large impermeable areas of glasshouses and the former packing building. The Environment Agency has carefully assessed the proposal against the FRA and has concluded that it has no objections from a Sequential Test and Flood Risk Assessment perspective subject to the applicant providing further information through conditions.
- 10.5 The Environment Agency has objected to the proposal, however, on the grounds that insufficient information has been submitted to demonstrate on the precautionary principle that the risk of pollution to controlled waters is acceptable. The applicant's agent has stated that this issue could be satisfactorily resolved through standard site remediation planning conditions and Environmental Health has indicated that this is possible. Notwithstanding this and in light of the Environment Agency's concerns, the applicant's agent has stated that it has instructed a site investigations company to undertake the necessary remediation report to satisfy the Environment Agency's concerns. The report has not been submitted at the writing of this officer report, although should have been received in time for Members' consideration of the current proposal.
- 10.6 The site does not have a road frontage along Cambridge Road and therefore falls to be considered as backland development. ULP Policy H4 states that development will be permitted if there is significant under-use of land and development would make more effective use of it, the development would not have a materially adverse effect on nearby properties and providing vehicular access would not cause undue disturbance. It is clear from inspection that a significant proportion of the site is currently under-used given the redundant state of the nursery and that residential redevelopment of it would make more effective use of it. The site's position below the Cambridge Road frontage down to the river should ensure that the proposal would not have a materially adverse effect on adjoining residential amenity and this issue would be the subject of a subsequent reserved matters application. The proposed vehicular access point is unlikely to give rise to any more disturbance to residents than the commercial access point into the site which currently exists.

Therefore, it is considered that the site would meet the policy requirements of ULP Policy H4 in these respects.

- 10.7 The applicant has put forward the case that the site should be developed for housing purposes on the basis that the residential development of the site would help address the current shortfall in deliverable housing supply within the district where a five year supply of deliverable housing is not currently available and where in the absence of such the NPPF advises that there should be a presumption in favour of sustainable development where the development would otherwise be in accordance with local development plan policies. The applicant has referred to the previous UDC SHLAA assessment for the site, which shows that it scores favourably based upon SHLAA methodology in relation to its overall suitability, including lack of physical constraints and distance to local services, and also in terms of availability, marketability and achievability. It is also stated that the application site scores favourably when compared against the two other larger sites within the village currently under residential consideration under the LDF review process at Newport Free Grammar School and Frambury Lane.
- 10.8 The application proposal as submitted is required to be treated on its planning merits and should be considered in addition to other sites within Newport which have been identified through the SHLAA process. It is clear from the period of time since nursery activities ceased at the site that it is extremely unlikely that this use would be resumed in the future. Given this and given that the Environment Agency have stated that its re-use for housing purposes is not considered to represent a risk to flooding, it is considered that the residential redevelopment of the site is acceptable in principle where it is further considered that the site is located within a locally sustainable position at the northern end of this identified Key Settlement within the Council's draft local plan, notwithstanding that car usage for local services would inevitably occur.
- 10.9 Considerable representation has been received by the Council concerning the loss of the three businesses which are currently occupying the former packing shed building. The site is not allocated as a safeguarded employment site within the current local plan where the last paragraph of ULP Policy E2 states that "The development of employment land for other uses outside the key employment areas will be permitted if the employment use has been abandoned or the present use harms the character or amenities of the surrounding area".
- 10.10 As has been previously stated, the greater proportion of the application site represents a disused nursery complex, which, whilst not visibly apparent from the road frontage, does not positively contribute to the visual amenities of the area. It is clear from the submissions received that the keep-fit gym on the site ("Get Up-n-Go") is a viable business which has been established for over ten years and which serves the village and a wider catchment area, whilst the building also contains two to three other local businesses. It is therefore considered that the existing employment use on the site carries material weight when assessing the merits of this proposal. It is understood in the case of "Get Up-n-Go" that a new three year lease was signed with the landowners in January 2012 following a change in management and the applicant has provided the additional information to the Council in this regard:

*"The former packing shed was converted to provide three commercial units some years ago, although these proved difficult to let. Two of these are currently occupied, but the third is vacant as it has proved impossible to find a tenant. In order to let the unit where the gym is located, my clients had to reduce the rent by 50% simply to find an occupier. The two occupied units are subject to three year leases of which two years remain. It is not intended to terminate the leases prior to their expiry, but they*

*will not be renewed when they expire. Accordingly, this provides ample time for the tenants to find alternative accommodation before the leases expire...The reasons given by the agents for the difficulty in finding tenants includes the lack of a "street frontage", poor access...and the existence of the derelict glasshouses adjacent. It is felt preferable therefore to redevelop; the entire site for housing in a comprehensive development scheme and any conflict between commercial use and the adjacent housing".*

- 10.11 It will be appreciated from the above that the applicant as freeholder of the land is able to exercise its controls not to renew the lease agreements for the businesses currently at the site. Furthermore, it is clear from the statement that there would be a period of time before the businesses are required to vacate the site on any notice given during which they would be able to attempt to find alternative accommodation. It is further stated by the applicant in this respect that:

*"It is anticipated that if planning permission is granted for the development that a reserved matters application would be submitted in the summer of 2013 with development commencing in spring of 2014. Initial works would involve the demolition of the existing glasshouses and the bungalow (Cedardale) to facilitate access, and work will commence on the construction of the new estate road and then the houses working from south to north. The commercial building would not therefore need to be demolished until after the lease expires".*

- 10.12 In light of the above particular circumstances, it is considered by Officers after carefully assessing the situation that it would be unreasonable for the Council to insist upon a rigid enforcement of ULP Policy E2 insofar as this applies to the existing businesses within the building where the majority of the site area comprises derelict glasshouses and where the businesses will be required to vacate the site in any event in two to three years time under the terms of the current commercial lease agreements.

**B Whether proposed access arrangements would be satisfactory (ULP Policy GEN1);**

- 10.13 The proposal would involve the creation of a new vehicular access off Cambridge Road to the south of the current commercial access. The new access would be positioned along a straighter alignment of Cambridge Road than the present access and Essex County Council have not raised any highway objections in principle to either the point of access or the indicated estate road into the site subject to a S106 Agreement regarding bus stop upgrades or the design of the estate road.

**C Whether the proposal would be harmful to protected species (ULP Policy GEN7);**

- 10.14 The applicant has submitted a detailed Phase 1 Habitat Survey Report and Bat Survey Report in relation to the proposal. The bat report has shown that no evidence of bats was found on the site during the conducted survey, which revealed that the glasshouses are deemed wholly unsuitable for roosting and where the brick built former packing shed is also unsuitable due to its construction and frequent human activity. As such, the report concludes that a bat licence would not be necessary for the demolition of these structures. It has been similarly found that the site is not a suitable habitat for GCN's, reptiles, birds and other mammals where it is stated that no further ecology surveys are required. Essex County Council Ecology have been consulted on the application, who have advised that procedural deficiencies have been identified within the report methodology in relation to survey coverage for both

reports and have requested that enhanced ecology surveys be carried out and be submitted to them for consideration prior to any subsequent reserved matters application given wildlife potential.

**D Other considerations: Design issues (ULP Policies GEN2, GEN8, H10 and ENV15);**

- 10.15 Matters relating to appearance, landscaping, layout and scale are all reserved matters which do not fall to be specifically considered under this application. However, it is indicated within the submitted Design and Access Statement that the dwellings would be two storeys in height of brick and tile with eaves level heights of between 4.8 metres and 5.7 metres, ridge heights of between 8 metres and 9 metres and plan depths of between 6.5 metres and 8.5 metres. It is stated that the affordable housing element would be spread across the site rather than concentrated as a cluster. Whilst the indicative site layout would appear to show that this housing would be situated towards the front of site, this is a matter which can be negotiated at reserved matters stage. The application has been submitted with the appropriate number of 9 affordable units (40%) and not 6 as has been reported.
- 10.16 With regard to parking, it is indicated that the scheme would have a mixture of integral garaging, front hardstandings and a front allocated parking area. All of the garage and parking space sizes as shown would fall below currently adopted parking standards, whilst not all of the plots as shown would have two parking spaces as a minimum where all of the dwellings are two bedroom units or above. With regard to rear garden sizes, the layout shows that the dwellings would have rear amenity areas ranging between approximately 42 sqm to 112 sqm, with several others being at only approximately 50 sqm (2 bed) and upwards, which would not meet current design standards.
- 10.17 It is considered from this that the current layout would not meet current design standards and the applicant has been requested to submit a revised layout drawing showing how the scheme could meet these standards, which is likely to result in the loss of a couple of dwellings to compensate for this adjustment and which would make the layout more acceptable. Issues regarding potential impact on neighbouring residential amenity cannot be properly assessed at this stage, although the site is situated generally at a lower ground level than the frontage properties along Cambridge Road and that it is likely from this that significant amenity issues would not arise providing that due regard is had at reserved matters stage to reduce overlooking.
- 10.18. The proposal would involve the demolition of Cedardale, an older style C20 bungalow which is considered to have no particular architectural merit. No objections are therefore raised to its demolition in terms of its design and appearance as part of this proposal.

**11.0 CONCLUSION**

- 11.1 The following is a summary of the main reasons for the recommendation:
- 11.2 The sequential and exception tests with regard to flood risk at this site have been satisfied where mitigation measures to be implemented as conditioned by the Environment Agency would make the development acceptable from a flood risk perspective. Required decontamination/remediation works at the site will be able to be carried out through appropriate planning conditions and on the basis of a site remediation report.

- 11.3 The site is considered to be situated within a sustainable location at the northern end of the village, which is identified as a key settlement within the local plan where redevelopment of the site for housing would contribute towards a reduction in the Council's shortfall in deliverable district housing supply. Whilst the removal of the existing businesses at the site not related to the redundant nursery would clearly be regrettable, their departure from the site would not be required until their current leases expire where the proposal would represent a visual improvement of this derelict nursery site as a whole.
- 11.4 The proposed access arrangements are considered acceptable where Essex County Council have not objected to the proposal on highway grounds.
- 11.5 Design and layout issues are matters which can be dealt with at reserved matters stage and where currently identified shortfalls in parking and rear amenity standards are being addressed through a revised layout.

#### **RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 AGREEMENT**

- (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless within 6 months 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) the provision of bus stop improvements and provision of residential travel information packs
  - (ii) payment of contributions towards education provision as per the formula for calculating education contributions
  - (iii) provision of affordable housing
  - (iv) pay the Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) No contributions for bus stop improvements or travel packs provided
  - (ii) No contributions towards education provision
  - (iii) No affordable housing

#### **CONDITIONS:**

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
- REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and

Compulsory Purchase Act 2004 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 12 months from the date of this permission. REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as it would make no contribution to delivering new dwellings.
3. The development hereby permitted shall be begun no later than the expiration of 12 months from the date of approval of the last of the reserved matters to be approved. REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as it would make no contribution to delivering new dwellings.
4. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
  - a) proposed finished levels [earthworks to be carried out]
  - b) means of enclosure
  - c) car parking layout
  - d) vehicle and pedestrian access and circulation areas
  - e) hard surfacing, other hard landscape features and materials
  - f) existing trees, hedges or other soft features to be retained
  - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
  - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - j) location of service runs
  - k) management and maintenance details

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)..

5. 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 a 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).

6. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. The applicant shall submit a further more detailed ecological survey report of the site with reference to all hard and soft features, including a detailed bat survey of Cedardale, the banks of the River Cam and wider catchment area and shall contain an extended methodology and mitigation statement to include reference to local biological records (BRIE) and other local records as procedurally required by Natural England Standing advice and IEEMS.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and as the submitted Phase 1 Habitat Report is considered insufficient in its survey coverage.

8. Finished floor levels of the dwellings for the development shall be set at a level no lower than 54.2 metres above Ordnance Datum (AOD)

REASON: To ensure the development and its occupants are safe during extreme flooding events in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

9. Development shall not begin until a surface water drainage scheme for the site based on sustainable drainage principles (SUDS) 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- (i) Detailed calculations for any storage requirements. The drainage scheme will need to accommodate the 1 in 100 year critical rainstorm event inclusive of climate change allowances in accordance with the National Planning Policy Framework (NPPF)
- (ii) Details of how the scheme and any proposed structures shall be maintained and managed after completion

REASON: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure future maintenance of the scheme is secured in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

10. No development shall take place within the area indicated until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.  
REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).
11. All vehicular hardstandings shall have a minimum size of 5.5 metres x 2.9 metres and all garages shall have a minimum size of 7 metres x 3 metres (internal dimensions).  
REASON: In the interests of providing adequate parking arrangements for the development and in the interests of highway safety in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).
12. Car parking spaces shall be fully laid out and surfaced to the satisfaction of the local planning authority before any dwellings are first occupied and shall be retained and made available for that purpose at all times.  
REASON: To ensure adequate on site parking and to avoid congestion on the adjoining highway in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).
13. Unless expressly exempted, all existing buildings on the site shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the completion of the development hereby permitted.  
REASON: The removal of the existing buildings are required as part of the visual improvement benefits arising from the proposal in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
14. Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of investigation or remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of hydrocarbon contamination beneath the existing buildings and tar fume condenser plinths;
- (ii) results of recent monitoring of organic vapour concentrations at the existing monitoring wells
- (iii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,



- groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).  
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 3.

REASON (common to all parts): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14 of the approved Uttlesford Local Plan (adopted 2005).