

UTT/13/1981/OP (SAFFRON WALDEN)

(MAJOR APPLICATION)

PROPOSAL: Outline proposal, with all matters reserved, for 60 unit extra-care home facility including demolition of existing buildings.

LOCATION: Site at 119 Radwinter Road Saffron Walden Essex

APPLICANT: Countryside Properties PLC and 121 Radwinter Road Partnership

AGENT: Bidwells

EXPIRY DATE: 31 October 2013

CASE OFFICER: Alison Hutchinson

1. NOTATION

1.1 Safeguarded Employment Land (SW6).

2. DESCRIPTION OF SITE

2.1 The site is located on the northern side of Radwinter Road adjacent to a larger site which is the subject of a separate application for housing by the same applicants. This housing site wraps around the current application site to the east and north and separates the proposed care home from an existing Ministry of Defence Fuel Depot to the east. The southern boundary of the site extends along Radwinter Road whilst the former disused railway line and Saffron Walden Community Hospital form the western boundary. Opposite the site, on the southern side of Radwinter Road, is the Tesco store.

2.2 Both the application site and the larger adjacent site were formerly occupied by Willis and Gambier but are now vacant. The industrial buildings are still present on the site but are mostly boarded up and falling into disrepair. The buildings are largely modern and are of one and two storey, flat roofed construction of no architectural or historic merit. Access to the site is currently via one of two entrances. The main access runs alongside the boundary with the hospital but is physically blocked up.

2.3 There is a substantial tree/hedgerow along the western boundary providing good screening between the site and the hospital which is set at a lower level.

3. PROPOSAL

3.1 The application is in outline for a 60 unit extra-care home with all matters reserved for future approval. The applicants have advised that the extra-care home will provide only affordable housing comprising social rent and some shared ownership. It will be available for people over the age of 55 and offer flexible care. The extra-care home would enable people to stay in their homes as their care needs increase as they get older. Some communal facilities are proposed within the extra-care home, likely to include a hairdressers, restaurant, activity rooms and treatment rooms.

3.2 The application is accompanied by an indicative layout which shows a large building with a three storey block extending along and facing onto Radwinter Road with a lower two storey building extending centrally to the rear and running parallel with the western boundary. Access would be shared with the adjacent housing development and is proposed to run along the eastern side of the site from Radwinter Road.

4. APPLICANT'S CASE

4.1 Two planning applications are submitted in parallel; a detailed application for 52 dwellings to the eastern part of the site and an outline application for an extra-care home to the western part of the site; both sites would share the same principal access point from Radwinter Road.

4.2 The reason for having two applications is that a developer leads the detailed application for 52 market homes and has detailed drawings of the houses intended to be constructed; with a planning consent the development can continue apace and deliver much needed new homes in Saffron Walden. The extra-care home application is in outline; there is a delivery partner (East Thames Group) but there is further work to be done on the detail and delivery of the scheme. An outline consent will secure the principle of the development and through a planning obligation agreement will transfer the land to the District Council. In these circumstances it will make it a more certain prospect and more able to attain committed funding. Bringing the residential scheme forward will deliver the access road to serve the extra-care home site, giving yet further certainty to help its delivery. Furthermore, by submitting both applications together the Planning Authority is able to consider the full impacts of the redevelopment of the site and one planning obligation agreement can cover both applications.

4.3 The applicants have provided a common Planning Statement and Design and Access Statement for both applications and argue that the development is justified because the Council cannot demonstrate a five year supply of housing. The applicants refer to the presumption in favour of sustainable development contained in Paragraph 49 of the National Planning Policy Framework (NPPF) and the requirement that policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

4.4 The applicants state that the housing supply policies are out of date and therefore that Paragraph 14 of the NPPF is relevant. The AMR states only 3.9 years of housing supply, but this drops to just three years with an additional 20% applied as per paragraph 47 of the NPPF. Since the AMR was published, the Council has granted planning permission to some planning applications containing residential development, but as the requirement is for a rolling five-year supply there remains a deficit and an unmet housing need.

4.5 The lack of a five-year housing supply weighs heavily in favour of the planning application. The Emerging Local Plan identifies the site for residential development and is a preferred development site for the Council. This, therefore, very strongly directs that the Council does not see the commercial use of the site as being of significance such that the need for housing outweighs this matter.

4.6 Nevertheless, the adopted Local Plan Policy E2 'Safeguarding Employment Land' remains an adopted Policy. The policy safeguards the site by virtue of it being over one hectare and located within Saffron Walden. The current situation finds that both the exceptions to the policy have been met. The Commercial Marketing Report that accompanies the application explains the efforts that have been made to attract a new commercial user to the site since March 2008, but without success. No employment

generation has taken place on site for around six years, a substantial period of time, and the buildings have deteriorated.

- 4.7 The present use of the site harms the character and visual amenity to the eastern entrance into Saffron Walden, in particular the site does not present a positive frontage to the street scene; a redevelopment offers the great opportunity to create a planned street scene in context of its surroundings.
- 4.8 The proposal is compliant with Adopted Policy E2 and the NPPF makes it clear that employment sites should not be prevented from being used for new beneficial uses where the site has no real prospect of being used for employment. This is the situation for the site and strengthens the assessment against Adopted Policy E2.
- 4.9 The development of the site for market housing and an affordable extra-care home would bring about improvements to the contribution the site makes to the visual amenities of the area.
- 4.10 An Ecology Report accompanies the application setting out the biodiversity enhancements that the developments can deliver in accordance with Adopted Policy GEN7 'Nature Conservation'. The existing site is largely hardsurfaced with some planting to the site boundaries. The proposal aims to work with the boundary planting where possible and introduce significantly more green space and planting compared to the existing situation.
- 4.11 The housing policy of Uttlesford is for residential schemes to provide 40% affordable homes. In this case because the extra-care unit is to be entirely affordable provision, this results in a provision of 53.6%. The inclusion of the extra-care home component is led by the emerging Local Plan policy 'Saffron Walden Policy 2' and is a housing need identified in the Council's Strategic Housing Market Assessment (SHMA) and Housing Strategy.
- 4.12 The adjacent application provides full details of the access arrangement to serve the site, including for the extra-care home. It is noted that the emerging Saffron Walden Policy 2 suggests that a roundabout junction should be provided to serve the site and Tesco to the south. There is no clear policy basis for a roundabout and no technical engineering reason why a roundabout is required. The adjacent application is accompanied by a Transport Assessment that finds that a staggered junction is an acceptable and deliverable solution. A roundabout may need third party land, raising questions on deliverability.

5. RELEVANT SITE HISTORY

The site has an extensive planning history which mostly relates to the former use as industrial/warehousing. However, in 1999 planning permission was refused for the change of use from B1 to residential (Ref: UTT/1082/98/OP). The subsequent appeal was dismissed in 2000 on the grounds of loss of employment land.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S1 - Development Limits for the Main Urban Areas
- Policy GEN1 – Access,
- Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN6 - Infrastructure provision to support development
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy E2 - Safeguarding Employment Land
- Policy ENV14 - Contaminated Land
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix
- Policy SW6 – Safeguarding of Existing Employment Areas

6.3 Uttlesford District DRAFT Local Plan

- Saffron Walden Policy 2 – Former Willis and Gambier Site, Radwinter Road

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 This Council has no objection to the principle of the site being developed for residential purposes.

8. CONSULTATIONS

County Archaeologist

- 8.1 The archaeological desk based assessment is disappointing and significantly out of date. Both the archaeological information and planning guidance sections are inaccurate. The proposed application does not impact upon any of the known archaeological deposits and the area would have been significantly disturbed by the construction of the present buildings on the site. Therefore no archaeological recommendations are being made on this application.

ECC Highways

- 8.2 No objection subject to conditions

Aerodrome Safeguarding

- 8.2 No objections subject to the imposition of a condition requiring the submission of a Renewable Energy Scheme.

NATS

- 8.3 No objections

ES Pipelines

- 8.4 ES Pipelines has a low pressure gas main serving the area in question and will be required to be kept informed of the extent and nature of the proposed works.

Affinity Water

- 8.5 The site lies within a groundwater Source Protection Zone (GPZ) corresponding to Uttlesford Bridge Pumping Station. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

Sport England

- 8.6 No comments.

Natural England

- 8.7 From the information provided in support of the application, Natural England considers that there are suitable features on, or in the vicinity of the application site for bats to use as roosts. Detailed visual inspections have been carried out and no evidence of bat roost found. However the application does involve medium to high risk building (eg barn) as defined in our standing advice, with features (access points) which might increase the likelihood of bats being present.
- 8.8 Natural England advise that further clarification on the habitats present and their ability to support bats is required in accordance with the Bat mitigation guidelines. Specifically Natural England recommends that a full inspection of the two main buildings (B1 and B4) should be carried out to assess their suitability to support roosting bats. The methodology should follow the Bat Conservation Trust – Bat Surveys Good Practice Guidelines (2012) is provided before determining the application.
- 8.9 Natural England has been re-consulted on the Surveys and has confirmed that they have no objections to the development.

County Ecologist

- 8.10 Objection on the grounds of Insufficient Survey. The Phase 1 Habitat Survey and Ecological Scoping Survey Report states that bat, reptile, breeding birds and badger surveys are necessary. These surveys have not been provided. Survey are ongoing but must be provided along with mitigation plans as necessary, prior to determination of the application.
- 8.11 The County Ecologist has been re-consulted on the ecology reports and surveys and maintained their Objection on the grounds of insufficient Information and Insufficient
- 8.12 Further Reports have been submitted to address the County Ecologist's objections. The County Ecologist has confirmed that these reports now address their objections and that they withdraw their objections subject to the imposition of appropriate conditions.

Anglian Water

- 8.13 The foul drainage from this development is in the catchment of Saffron Walden STW that at present has available capacity for these flows. The sewerage system at present also has available capacity for these flows.

Environment Agency

8.14 No objections subject to the imposition of conditions,

Minerals & Waste Planning

8.15 No comments.

Access and Equalities Officer

8.16 No objection to the extra care facility.

UDC Housing Enabling Officer

8.17 This scheme is for a 60 Extra Care Unit for use class C2 and therefore does not attract the Council's requirement of an element of affordable housing. It is assumed that due to the nature of this facility, the building will meet the Lifetime standard and be fully wheelchair accessible.

Essex Education

8.18 If the development is restricted to over 55's, County Education would not seek a contribution for education purposes. However, in the absence of any such condition, then appropriate contributions would be required.

UDC Environmental Health

8.19 A Phase I and II investigation has been submitted in support of the application including results of intrusive investigation carried out in 2005, which identified a moderate level of contamination due to historic fuel storage. The risk of ground gas from filled ground present on the site has not been evaluated. It has not been possible to fully evaluate the contamination risk from the submitted reports as the location of exploratory holes was not included. A condition is therefore recommended to ensure the site is suitable for the intended use.

UDC Special Verges

8.20 The applicant has not supplied adequate ecological information to allow this application to be determined.

ECC Commissioning Officer

8.21 Analysis of current demand compared to capacity indicates that there is a deficit of 78 extra care units within 5 miles of the development. In 2020 the projected demand for extra care units will increase to 100 units, leaving a deficit of 40 extra care units, should this development go ahead.

8.22 Projected growth in the area is estimated to be higher than the increase across Essex; however an increase in population does not necessarily lead to an increase in demand for registered care units.

9. REPRESENTATIONS

9.1 10 Letters of objection have been received. Most have objected to the current application and to the adjacent application for 52 dwellings. The letters raise the following concerns:

- A 60 unit extra care unit is most unsuitable for this already overcrowded residential road. Radwinter Road is heavily congested and the pollution level is dangerously high.
- No more development should be allowed until a district wide Traffic Assessment is published.
- This is an industrial site and the District Council should be taking a more proactive approach to bringing businesses into Saffron Walden by encouraging commercial development and creating jobs for local people. Converting an industrial site into housing accelerates Saffron Walden's descent from pleasant market town to a dormitory town.
- All of the current and proposed new developments are located on the eastern side of town and will result in Saffron Walden becoming an 'unbalanced' town with its 'centre' on its western edge while sprawling some miles eastwards. Furthermore, the vast majority of the expanded population will wish to travel westwards to reach the main roads serving the town and the railway station requiring them to travel along Radwinter Road, across the already nightmarish junction with Thaxted Road and on through the rest of the centre.
- There is no overall strategy for developing the east side of the town. Until there is, sites will be developed piecemeal to the detriment of the area.
- No more development should be allowed on the eastern side of Saffron Walden.
- The submitted transport assessment is woefully inadequate.
- Traffic volumes will increase, congestion will be worse, pollution will increase beyond its already dangerous levels and cyclists will be discouraged by the total lack of any safe routes from the development to schools, shops the station at Audley End, etc
- There is already large scale building work taking place between Ashdon Road and Radwinter Road.
- The town is reaching saturation point putting more pressure on the facilities, sewerage, water, roads, schools and doctors etc.
- The disruption during the period of construction for new developments is frequently given no consideration by planners. The relatively small development still under construction at the Thaxted/Radwinter Road junction has blighted the lives of those living in the area and the construction period has dragged on for longer than anyone seems to have been able to anticipate.

10. APPRAISAL

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

- A The principle of redevelopment of this site for a care home (ULP Policies S1, E2, H9, SW6 and GEN2)
- B Access to the site and highway safety (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- C Biodiversity (ULP Policies GEN7 and ENV8)
- D Contamination and Protection of Groundwater (ULP Policies ENV12 and ENV14)

A The principle of redevelopment of this site for a care home (ULP Policies S1, E2, H9 and SW6)

- 10.1 The application site is currently identified as a Safeguarded Existing Employment Site under ULP Policy SW6 whilst ULP Policy E2 also seeks to safeguard employment land from redevelopment, particularly the key employment areas identified on the Proposals Map and areas in Saffron Walden over 1.0 hectares. As such the current proposals are contrary to the policies of the Development Plan.
- 10.2 An application to redevelop the site for housing was dismissed on appeal in 1999/2000 when the Inspector considered that it should be retained for employment use and was not satisfied that evidence submitted at the appeal justified its release for housing. Since that appeal, the national policy background has changed and the National Planning Policy Framework now advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. (Paragraph 22) Furthermore, Paragraph 51 confirms that local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (Defined as the B Class) where there is an identified need for additional housing in that area, provided that there are no strong economic reasons why such development would be inappropriate.
- 10.3 Both this site and the adjoining site, which is the subject of a separate application for 52 dwellings, have been reviewed in the emerging Local Plan process. Both sites are identified for residential development in the Emerging Local Plan (Consultation on Proposals for a Draft Local Plan, June 2012) under Saffron Walden Policy 2 – Former Willis and Gambier Site, Radwinter Road. The policy requires that development of the whole site should make provision for a minimum of 60 bed Extra Care Unit as part of affordable provision. Furthermore, the redevelopment of the whole site is expected to provide a roundabout junction at the entrance with Tesco and contributions towards improvements of the Radwinter Road and Thaxted Road junction and contribute towards a cycle/footway from Saffron Walden to Audley End station and public Transport Contributions.
- 10.4 The principle of the redevelopment of this site for residential development has therefore been considered and been found acceptable. It is understood that the site has been vacant since 2008 when Willis Gambier Limited went into administration and has been marketed over a period of years. The applicants have submitted further evidence of marketing and confirmed that a comprehensive and active marketing campaign (initially agreed with UDC) has been undertaken since April 2009 which generated some interest from local companies and individuals in 2009 and 2010. However, as the buildings deteriorated from 2011 less interest was received and there has been no firm interest or offers for part or whole of the subject property. The property has received little interest from occupiers on the basis of the existing use, particularly for the warehouse building.
- 10.5 The applicants have indicated that the lack of interest/offers is largely down to 5 reasons –
- i Specification – the warehouse is over 30 years old and is not up to modern specification standards. The costs of modernisation are prohibitive.
 - ii Size – the size of the warehouse building at 80,000 sq ft is large for the local market and there are very few requirements of this size in the wider regional market.

iii Use – a significant level of interest has been on the basis of either a change of use or redevelopment.

iv Location –Saffron Walden is not considered a desirable location due to the inaccessibility of the M11 and the access for HGVs through the town centre or from the other direction via minor rural roads.

v Vandalism – has had a detrimental effect upon the attractiveness of the site. The condition of the office/showroom block and warehouse has deteriorated significantly since 2009 following numerous break-ins and vandalism in both buildings.

10.6 It has therefore been accepted that the site should be released for residential development and the latest marketing information confirms that there is little prospect of the site being re-used for industry in the foreseeable future. As such it is considered that the principle of redevelopment for housing would be in accordance with Paragraphs 22 and 51 of the NPPF. Furthermore, Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

10.7 The Council has accepted that it does not have a five year supply of housing land and is currently preparing the Draft Local Plan which seeks to identify additional future development sites for the period 2013 to 2028. As a consequence, the Council does not have an up to date Local Plan under Paragraph 14 and there is therefore a presumption in favour of housing applications.

10.8 The 2012 Annual Monitoring Report records the average annual completion rate to be 334 dwellings, compared with the average annual completion rate required by the East of England plan of 430 dwellings. A recent Update on the 5 year land supply (October 2013) considered the supply of housing against the Council's objectively assessed need which is based on the SNPP-2010 projections of 523 dwellings a year. The update confirmed that there would be a shortfall of 451 dwellings over the next 5 years resulting in a supply of 84% which is equivalent to just over 4 years.

10.9 The Council recognises therefore that it continues to have a shortfall and that it should consider favourably applications for residential development which will make a positive contribution towards meeting housing requirements. The Council has considered and determined planning applications in this light and in accordance with Paragraph 49 of the NPPF. As a consequence, planning permission has been granted for residential development outside development limits where appropriate in accordance with the guidance set out in Paragraph 49 of the National Planning Policy Framework.

10.10 The application site forms part of the larger site identified for development under Draft Saffron Walden Policy 2 – Former Willis and Gambier Site, Radwinter Road. The Uttlesford Draft Local Plan Position Statement March 2013 modified the site area of the whole site to reflect the site ownership by extending it to the east. The applicants have submitted two applications for the former Willis and Gambier site and the current one provides the 60 bed extra care unit required by the draft policy.

10.11 The applicants have advised that the 60 bed extra care unit represents the affordable provision for the whole site and have confirmed that the land for the care unit would be transferred to the Council at minimal cost. Officers have been in discussion with the applicants and have agreed that the District Council would take the freehold of the land identified for the Extra Care Scheme, with the benefit of outline planning permission, for the sum of £1. This would be conditional upon the land being cleared, free from

contamination and with services/infrastructure provided to the boundary of the site. It is considered that this would provide the best way for the Council to secure an extra care scheme for Saffron Walden. However, there is a risk attached to this strategy as the Council will need to secure grant funding in order to deliver the scheme. Discussions have been started with the County Council who, we understand, is keen to help fund an Extra Care Scheme in this District.

10.12 As a fall-back position, if funding is not forthcoming and the Extra Care Unit cannot be delivered, it has been agreed with the applicants that the District Council would then look to deliver some general needs affordable apartments on the site. However, this would be on the understanding that the Council could not achieve its cluster policy of no more than 10 units on this site as they will all be in 1 location. Although this would not be so desirable, it is considered that the availability of cleared and serviced land for extra care units or even for general needs affordable housing within Saffron Walden is extremely limited and that the current site presents the best opportunity of being able to bring forward a much needed extra care unit in the town. The Older Persons Housing Needs Survey identified a need for an extra care scheme with specialist support for those with dementia and one and two bedroom apartments and bungalows. The proposal would therefore help to meet this need and would be located adjacent to other care units to the west at the Hospital. The application site would, in conjunction with the redevelopment of the rest of the Willis and Gambier site, provide a suitable site for care units. In these circumstances it is considered that the current proposal is acceptable and would assist in providing much needed accommodation in the town. It is considered therefore that the application is acceptable and would meet the requirements of Policy H9 and GEN2 of the adopted Local Plan.

10.13 Third party representations have objected to the development of this site and the imbalance that this, together with other developments, is creating in Saffron Walden. Their objections relate primarily to traffic within the town and is dealt with in the next section. However, the site is a brownfield site and its redevelopment for housing is acceptable.

10.14 As a consequence of the above and the fact that the Council is still unable to demonstrate a 5 year supply of housing and that the development would meet a recognised need for an extra care unit, it is considered that there is a presumption in favour of the development of the application site in accordance with the guidance contained in the NPPF subject to compliance with other relevant policies of the Local Plan and to any material considerations.

B Access to the site and highway safety (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)

10.15 The application is in outline and access is reserved for future approval. However, the submitted application site plan shows that the site would be served by the proposed access for the adjoining site for the 52 dwellings. That application is for full planning permission and the application therefore provides details of the access which shows a spur off the new road into the care home site. A safety Audit was required for the new access and this has now been provided for the adjacent site. The Highway Authority has now confirmed that it has no objections to the development subject to the imposition of conditions.

10.16 The majority of third party objections have related to the traffic generation of the new care home and the adjacent 52 houses and to the impact this will have on what is already an overloaded network on this side of Saffron Walden, particularly along Radwinter Road and the Thaxted Road junction.

10.17 The applicants have asserted that the application site could be re-used for employment purposes without planning permission being required and therefore it is reasonable to compare the anticipated trip generation associated with the proposed development with the observed trips generated by the permitted use. The Transport Assessment shows that results of previous surveys of the traffic generated by Gambier and Willis when the firm was still operational but not at its peak as the surveys had been carried out after redundancies had been made and some staff had been relocated. The previous use generated a total of 47 two way movements during the AM peak, 5 of which were HGVs, and 46 during the PM peak. The applicants have calculated that both the current proposals would generate a total of 46 two way trips in the AM peak and 44 two way trips in the PM peak and that the development is anticipated to generate a small net reduction in two way traffic flows totalling 1 less trip in the AM peak and 2 less trips in the PM peak. The redevelopment will also see a qualitative improvement to traffic movements, with the proposed land uses likely to generate a significant reduction in the scale of HGV movements.

10.18 The applicants have also argued that because of the anticipated net reduction in vehicle movements, they do not consider it necessary to undertake any detailed junction capacity assessments of any off-site junctions, except at the proposed Site access and Tesco access given the proximity of the latter junction.

10.19 The Highway Authority has accepted the findings of the Transport Assessment and does not raise an objection to the proposal. It is considered that the fallback situation of the employment use on the site could generate significantly more HGV's than the previous survey records and both proposed residential developments and that it could create a worse situation on the highways both in terms of congestion and air quality. As such, the current proposals would result in a marginal improvement in traffic congestion and is considered to be acceptable and in accordance with ULP Policy GEN1.

10.20 The proposal for the care home provides an indicative block layout of the site and that there would be space for parking within the site boundary. It is considered that an appropriate level of parking could be achieved on the site and that the application is therefore acceptable in highway terms and in accordance with ULP Policies GEN1 and GEN8.

C Biodiversity (ULP Policies GEN7 and ENV8)

10.21 The application was accompanied by a Phase 1 Habitat Survey and Ecological Scoping Survey Report which highlighted the potential presence on the site for Bats, Reptiles, Badgers and breeding birds and recommended that surveys be undertaken to understand fully the ecological constraints on the site and to assess the full impact of development.

10.22 These surveys were completed during the course of the application and the County Ecologist was re-consulted but maintained her objection on the grounds of Insufficient Information and Insufficient Mitigation. The consultation response asserted that the site, despite repeatedly being referred to in the submitted reports as of low ecological value, supports an active badger sett, foraging and commuting bats including the rare Noctule, reptiles (subject to confirmation of survey) and breeding Section 41 and Amber Listed bird species. It contains calcareous grassland. It is of significant local value and the proposed mitigation was insufficient in several ways as outlined in the County Ecologist's letter

10.23 Subsequently, the applicants have submitted a further report which corrects the information in the Reptile Report and have submitted a letter addressing the concerns of the County Ecologist together with a revised Proposed Habitats Plan. Following re-consultation, the County Ecologist has confirmed that the revised information now overcomes her objections and that her previous objection is withdrawn subject to the imposition of conditions.

10.24 Natural England has also been consulted and does not raise an objection in relation to bats. Although the surveys have been carried out after the submission of the applications, it is understood that the reports and proposed mitigation measures now address the biodiversity concerns. The surveys cover both the current application site and the adjacent site (UTT/13/1982/FUL). The recently submitted proposed mitigation does not differentiate between sites in terms of the areas used by the different species. However, apart from an area of scrub being inserted into the boundary landscaping along the northwestern boundary of the site, the majority of the mitigation measures are to be located within the adjacent application site boundary. Bearing in mind that the most recent report and mitigation measures now address the County Ecologist's previous concerns and Natural England's confirmation that it also has no objection to the development of both sites, it is considered that the application as revised now provides appropriate protection for protected species and is in accordance with ULP Policies GEN7 and ENV8.

D Contamination and Protection of Groundwater (ULP Policies ENV12 and ENV14)

10.25 A Phase 1 Desk Top Survey and Phase 11 Contamination Assessment have been submitted which referred to previous surveys and included results of intrusive investigation carried out in 2005, which identified a moderate level of contamination due to historic fuel storage. UDC's Environmental Health Officer has advised that the risk of ground gas from filled ground present on the site has not been evaluated and it has not been possible to fully evaluate the contamination risk from the submitted reports as the location of exploratory holes was not included. The EHO has recommended that conditions be attached requiring further investigation and risk assessment which must include the potential for the presence of ground gas.

10.26 The Environment Agency has confirmed that the development site falls within a Groundwater Source Protection Zone 2 and overlies the Lewes Nodular Chalk Formation and Sea Chalk Formation principal aquifer. The Environment Agency confirms that it is broadly in agreement with the findings of the Phase I Desk Study and Phase 11 Contamination Assessment and the proposed further work and re mediation strategy. The EA therefore also recommend conditions to ensure that the site continues to be subject to adequate investigation, assessment and remediation as may be necessary for the protection of controlled waters.

10.27 The application site lies outside the AQMA for Saffron Walden but traffic from the development would travel through the area. UDC Environmental Health has confirmed that based upon the scenario of there being a potential continued use within the existing planning use, the submitted Transport Assessment has identified that there would be a net reduction in traffic on local roads in peak hours and a reduction in HGV movements. As a consequence, air quality in the AQMA will not be compromised although traffic associated with the development will contribute to the volume of traffic travelling through Saffron Walden town centre. There are no objections therefore on Air Quality grounds.

10.28 The adjacent site (UTT/13/1982/FUL) is located immediately adjacent to the MOD's fuel depot to the east and a substantial part of the site falls within the HSE protection

zones for the depot. The HSE has objected to development taking place on that site and the application has been refused on safety grounds. The application site for the Care Unit lies outside the protection zones for the Depot and no objections have been received from the HSE for the current application proposal. It is considered therefore that there are no objections on Health and Safety Grounds and that matters of contamination can be adequately dealt with by condition. There would therefore be no conflict with ULP Policies ENV12 and ENV14.

11. Conclusions

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

11.2 In conclusion, it is considered that the redevelopment of this industrial site for housing and in particular for the extra care unit, is acceptable. The site has been vacant for some time, has been marketed during this time and no purchasers or offers have come forward. In addition, the Council recognises that it cannot currently demonstrate a five year supply of housing land. Therefore development of this site would be in accordance with the guidance contained in the NPPF which requires local planning authorities to bring forward and normally approve planning applications for change to residential use from commercial buildings where there is an identified need for additional housing in that area.

11.3 No objections have been received from the Highway Authority and it is considered that the care home combined with the 52 dwellings would generate less heavy traffic than the existing use or a new industrial use at the site. As a consequence, the air quality could be improved marginally as a result of the development. The site is far enough removed from the nearby MOD Fuel Depot so that it is not within the Protection Zones for the depot and therefore there are no objections to its development on safety grounds. Furthermore, issues of ground contamination and the protection of the groundwater source can be dealt with by condition.

11.4 The site contains a number of protected species and both the County Ecologist and Natural England have confirmed that the proposals are now acceptable and that appropriate provision for protected species can be made subject to the imposition of appropriate conditions. In all other matters the application is considered to be acceptable.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 14 February 2014 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Transfer of cleared land to the Council, free from contamination and with services and infrastructure, including access provided to the boundary of the site.**
- (ii) In the event that a care home cannot be built on the site, that the site should be used for affordable housing.**
- (iii) Pay monitoring costs**
- (iv) Pay Councils reasonable costs**

(II) In the event of such an obligation 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 obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

(i) Lack of affordable/social housing

Conditions/reasons

- 1) Approval of the details of the layout, access, 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.

- 2) (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be 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.The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

- 3) 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).

- 4) Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) AMA259 Revision B 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 include a restriction in run-off and surface water storage on site by infiltration should it be demonstrated in accordance with BRE365 that soakaways are viable or attenuation as outlined in the FRA

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 5) Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

REASON: To enhance the sustainability of the development through better use of water, energy and materials in accordance with Policy GEN2 and ENV12 of the Uttlesford Local Plan (adopted 2005).

- 6) Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

REASON: To enhance the sustainability of the development through efficient use of water resources in accordance with Policy GEN2 and ENV12 of the Uttlesford Local Plan (adopted 2005).

- 7) Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority

1. A preliminary risk assessment which has identified;
 - all previous uses;
 - potential contaminants associated with those uses and any adjacent uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action .
- Any changes to these components require the express consent of the local planning authority The scheme shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 8) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation

criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 9) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 11) No development shall take place until a Wildlife Protection Plan for the site has been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall include how protection and mitigation measures for Legally Protected Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements. The development shall thereafter be implemented in accordance with the approved Plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies. To ensure that reptiles, breeding birds and badgers are not harmed during construction in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 12) No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted, and mitigation for impacts upon identified protected and priority species, in accordance with the general principles outlined in the following reports:

- Phase 1 Habitat and Ecological Scoping Survey Report (dated 18th July 2013)
- Bat Survey Report (dated October 2013)
- Badger Survey Report (dated 13th September 2013)
- Breeding Bird Survey Report (dated 8th August 2013)
- Reptile Survey Report (dated 13th September 2013)
- Letter from Will O'Connor MKA Ecology to Leonie Gough Place Services (dated 22nd October 2013)

The development hereby permitted shall be implemented in accordance with the approved Plan.

REASON: In the interest of the protection of the wildlife and biodiversity value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 13) No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall ensure the lighting is designed in such a way to minimise potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: In the interest of the protection of the wildlife value of the site and to prevent disturbance to foraging and commuting bats in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 14) Prior to occupation of the proposed development, any redundant vehicle access width shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement/provision to full height of the footway and kerbing, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

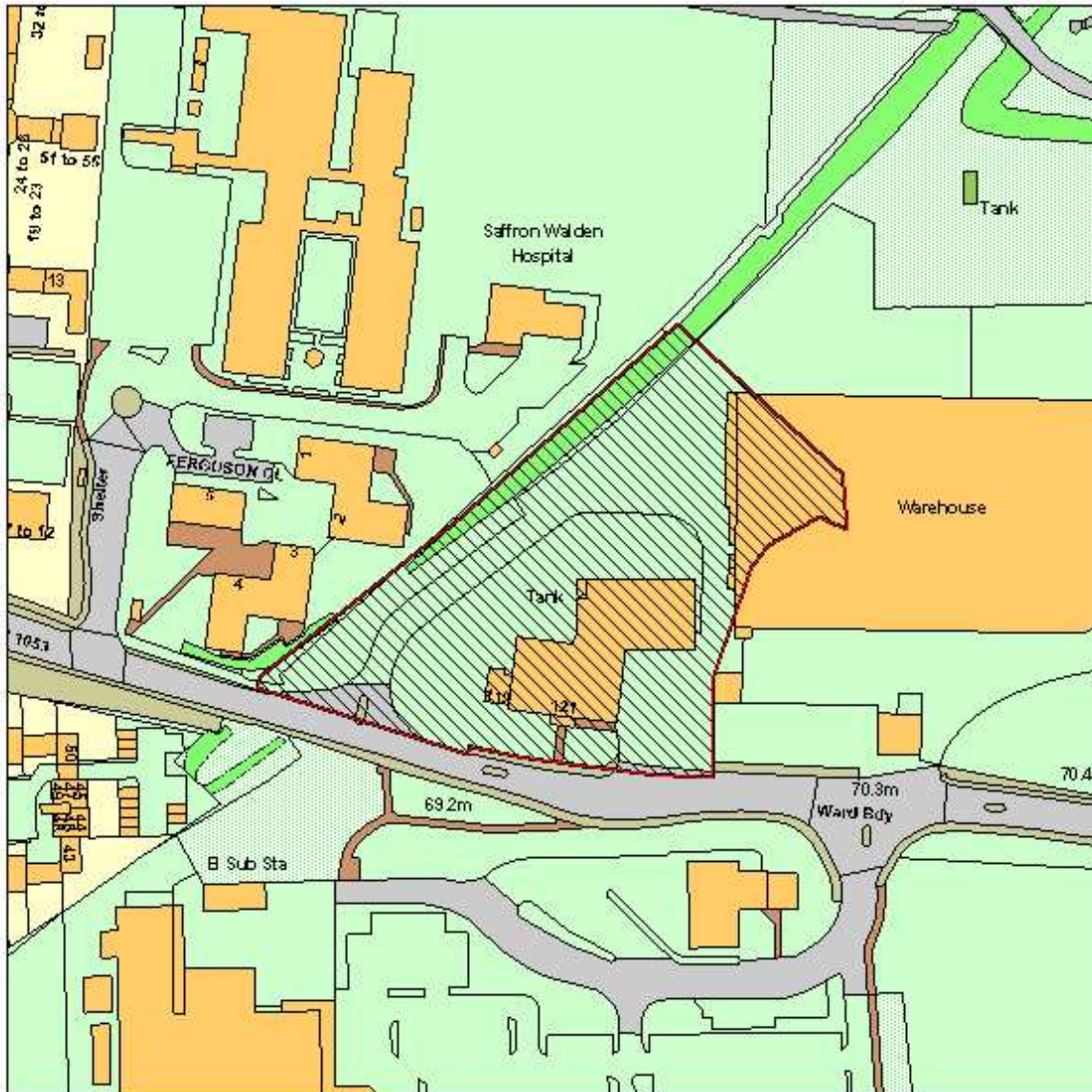
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)..

- 15) No development shall take place until full details of renewable energy schemes have been submitted to and approved in writing by the Local Planning Authority. No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure the development does not endanger the safe movement of aircraft or the operation of Stansted Airport through interference with communication, navigational aids and surveillance equipment in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

UTT/13/1981/OP

Site at 119 Radwinter Road, Saffron Walden



Scale: 1:1500

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Comments	
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