

UTT/13/3406/FUL - (SAFFRON WALDEN)

(MAJOR APPLICATION)

PROPOSAL: Detailed proposal for 52 dwellings with access from Radwinter Road including landscaping and associated infrastructure including demolition of existing buildings

LOCATION: Site at 121 Radwinter Road Saffron Walden Essex

APPLICANT: Countryside Properties PLC and 121 Radwinter Road Partnership

AGENT: Bidwells

EXPIRY DATE: 20 March 2014

CASE OFFICER: Alison Hutchinson (Consultant)

1. NOTATION

1.1 Safeguarded Employment Land (SW6).Groundwater Source

2. DESCRIPTION OF SITE

2.1 The site is located on the northern side of Radwinter Road and forms the largest of two sites. The smaller parcel of land (0.65ha) to the west was the subject of a separate application for an Extra Care Unit by the same applicants (UTT/13/1981/OP) which was approved by Committee in November 2013 subject to a Section 106 Agreement. The current application site comprises 2.44ha (1.7ha residential and 0.74ha open space) and forms the northern and eastern boundary of the adjacent Care Home application. To the northeast, the site abuts the dismantled railway line and the Saffron Walden Hospital. Residential development off Ashdon Road is currently taking place to the north of the hospital. The northern and eastern boundaries of the site abut the Ministry of Defence Fuel Depot. The southern boundary of the site extends along Radwinter Road. Opposite the site, on the southern side of Radwinter Road, is the Tesco store.

2.2 Both the application site and the smaller 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 whilst a more central secondary access serves the car parking area.

2.3 There is a substantial tree/hedgerow along the western boundary and northern boundary.

3. PROPOSAL

3.1 The application is a resubmission of an earlier application (UTT/13/1982/FUL) that was refused planning permission on 29 October 2013 for 3 reasons; (1) that the application failed to demonstrate that adequate account was taken of the adjacent Fuel Depot and ensured the safety of future residents, (2) insufficient garden size and (3) lack of a legal

agreement relating to education and healthcare. The current proposals are also for detailed planning permission for 52 dwellings with a new access from Radwinter Road which will be shared with the extra-care home. The application proposes 5 x 2 bedroom dwellings, 39 x 3 bed and 8 x 4 bedroom dwellings arranged in groups around a small central 'green' with additional landscaping located around the periphery of the site and along the long rectangular area that extends to the northeast.

- 3.2 The dwellings are all two storey apart from 6 plots (1, 23, 24, 25, 28 and 43) which are two and a half storey with accommodation in the roof. The majority of the dwellings are to be built in brick with some having extra detailing with stained weatherboarding and/or detailed bargeboards. A few are to be rendered and a further two dwellings are to be wholly weatherboarded. All the dwellings are shown with tiled roofs.
- 3.3 Car parking is shown on plot with a mixture of garages and parking spaces. 5 properties are shown with car parking opposite and 7 visitor parking spaces are provided.
- 3.4 The applicants have advised that discounting the areas of open space the development has a net density of 30.6 dwellings per hectare. The density partly arises because of the proximity of the MOD Fuel Depot to the east and the restrictions placed by the Health and Safety Executive (HSE). The Design and Access Statement shows the Concentric rings mapped by the HSE and the applicants have stated that the layout has then been informed, and complies with, the PAHDI guidance.
- 3.5 No affordable housing is proposed on the site. The extra-care home on the adjacent site is intended to provide the affordable housing for both sites. It is intended that the land for the extra care home would be provided to the District Council at minimum cost, cleared of all buildings and any contamination and with access provided.
- 3.6 All the houses have been designed to meet the Lifetime Homes standards including level thresholds and easy access to parking.

4. APPLICANT'S CASE

- 4.1 Two planning applications were submitted in parallel; a detailed application for 52 dwellings on the eastern part of the Willis and Gambier site and an outline application for an extra-care home to the western part; both sites would share the same new principal access point from Radwinter Road.
- 4.2 Following the refusal of planning permission for the earlier detailed application but the resolution to approve the application for the care home, the applicants have revised the current application to take account of the three reasons for refusal.
- 4.3 Proximity to MOD Fuel Depot – The applicants have worked with the Health and Safety Executive (HSE) and the layout has been changed to ensure that the layout complies with the PADHI guidance. This necessitated only minor modifications. Where the guidance is complied with the HSE standing advice is to not advise against development. A statement explaining this assessment accompanies this application.
- 4.4 Garden Sizes – The Essex Design Guide (EDG) provides guidance for what the size of gardens should be across the whole of Essex. Uttlesford employs a slightly lower guide for three bed properties compared to the EDC. The refused scheme did not fully comply with that guidance, as the layout design sought to balance a number of guidance points and requirements. The Council nevertheless, hold the garden size guidance as a high priority. The amended scheme has made small changes throughout

the scheme to increase the rear garden sizes so that all the homes comply with the garden size requirement.

- 4.5 Legal Agreement: The third reason for refusal is a technicality. If permission to the scheme were to be given then the legal agreement would have been entered into. The application will progress a legal agreement.
- 4.6 The applicants have provided a Planning Statement and Design and Access Statement 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.
- 4.7 The applicants state that the housing supply policies are out of date and therefore Paragraph 14 of the NPPF applies. 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. The lack of a five-year housing supply weighs heavily in favour of the planning application.
- 4.8 The Emerging Local Plan identifies the site for residential development and is a preferred development site for the Council. This suggests 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.
- 4.9 The applicants acknowledge that 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.
- 4.10 The applicants contend that 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 streetscene; a redevelopment offers the great opportunity to create a planned streetscene in context of its surroundings.
- 4.11 The development of the site is constrained because of the restrictions placed by the Health and Safety Executive (HSE) in regard to the MOD fuel depot that sits to the immediate north east of the site. Development is not permitted within the inner zone, some development can take place within the middle zone and there are no restrictions beyond the outer zone. The design allows for space between buildings, tree planting, useable private gardens and open space within the zone in which development is permitted.
- 4.12 The design has been informed by Adopted Policy GEN2 – 'Design' and the Urban Place Supplement to the Essex Design Guide. The layout is largely compliant with the garden size guidance used by the Council.

- 4.13 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.
- 4.14 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.
- 4.15 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. The PADHI Guidance has the greatest impact upon the north east part of the site where no development is allowed. That area of the site will become an ecology zone and provide for visual enhancement. The PADHI guidance does not allow for the congregation of people on this land.
- 4.16 The housing policy of Uttlesford requires 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 on the adjacent site 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.
- 4.17 The 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 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.

UTT/13/1982/FUL: Detailed proposal for 52 dwellings with access from Radwinter Road including landscaping and associated infrastructure including demolition of existing buildings. Refused under delegated powers October 2013.

UTT/13/1981/OP: Outline proposal, with all matters reserved, for 60 unit extra-care home facility including demolition of existing buildings. Resolution to grant planning permission subject to S106 Agreement in November 2013.

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. SAFFRON WALDEN TOWN COUNCIL COMMENTS

7.1 No objection to the proposed development subject to and providing that:

- rigid adherence to the Essex Design Guide with regard to garden sizes is adhered to by ascertaining the sizes of all of the rear gardens and refusing permission if any do not comply with it unless there are very sound reasons for not doing so;
- due regard is also given to the acceptability of the shape of the proposed garden space;
- the Section 106 Agreement incorporates the requirement for a contribution towards the proposed cycle path from Saffron Walden to Audley End Station;
- the Section 106 Agreement requires that if the extra-care home (which is proposed on the remainder of the former Willis & Gambier site and which is in lieu of the provision of affordable housing on the overall site) is not delivered by the relevant authorities then the land on which it is currently proposed can only be used for affordable housing.
- A children's Play Area is placed in the vicinity of the houses.

7.2 The Town Council has provided a planning Statement setting out its reasons amplifying the above. The Town Council states that:

Safety grounds (relating to Major Hazard Site of adjacent Ministry of Defence Fuel Depot)

7.3 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. The HSE considered the previous proposal using its Planning Advice software tool for Developments near Hazardous Installations (PADHI+) based on the details input by Uttlesford. The assessment indicated that the risk of harm to people at the proposed development was such that HSE's advice was that there were sufficient reasons, on safety grounds, for advising against the granting of planning permission.

7.4 The applicants have since commissioned a PADHI assessment by AMEC Environmental & Infrastructure UK Limited. The proposal is divided up into

development types which are assigned a sensitivity level and the location of the development then considered by reference to the inner, middle and outer zones. The assessment concludes that the 'Expected Result' for the PADHI allocation calculation for the HSE analysis for the Outer Zone would be 'DAA' (i.e. "Do not Advise Against") because less than 10% of the total development would be inside the middle zone boundary.

- 7.5 It is clear that this assessment is of absolutely no consequence whatsoever because the only relevant finding will be that of the HSE. The Health and Safety Executive - Hazardous Installations Directorate has issued advice produced by PADHI+ in a letter of 20th December 2013. It states that, having taken into account only the installations, complexes and pipelines considered by Uttlesford District Council, the HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Adequacy of proposed garden amenity areas

- 7.6 The town Council refer to the delegated officer's report on the refused application and also to the Planning Statement which accompanies the revised application and recommends that the District Council should rigidly adhere to the Essex Design Guide with regard to garden sizes by ascertaining the sizes of all of the rear gardens and refusing permission if any do not comply with it unless there are very sound reasons for not doing so. The district council should also be advised to have due regard to the acceptability of the shape of the proposed garden space. This is because it is imperative to ensure that all housing in the town has adequate and appropriate amenity space in terms of both size and shape. It should not be forgotten that the Design Guide identifies what is a minimum standard as distinct from what the developers are clearly regarding as a maximum.

Legal agreement to mitigate effects on education and healthcare facilities

- 7.7 The Planning Statement which accompanied the previous application envisaged an overarching agreement to cover education, open space and securing the transfer of land for the delivery of the extra-care facility. It also suggested building in a fallback position such that if the extra-care home is not delivered by the relevant authorities that the land can only be used for affordable housing.
- 7.8 The current application refers to this issue being a reason for refusal as a technicality. This is accepted given the reference to such an agreement in the previous Planning Statement. The current Planning Statement also acknowledges the need for a planning obligation.
- 7.9 However, given that the officer's report culminating in the refusal of the previous application also required a contribution towards the proposed cycle path from Saffron Walden to Audley End Station, it is recommended that this should also feature in the Section 106 Agreement together with the requirement that if the extra-care home is not delivered by the relevant authorities that the land can only be used for affordable housing.

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.

Highways Agency

- 8.3 No Objections.

Aerodrome Safeguarding

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

NATS

- 8.4 No objections

Health and Safety Executive (HSE)

- 8.5 The HSE has queried the plans and the plotting of the applicants' zones in respect of the Consultation Distances. The applicants are currently clarifying this matter and the HSE's comments are awaited.

Oil and Pipelines Agency (OPA)

- 8.6 Objection. Whilst it is understood that the area nearest to the depot will be mainly devoted to landscaping it is considered that the proximity of the proposed dwellings to the fuel storage tanks to the North West and west of the application site is unacceptable.
- 8.7 Whilst the application considers the proximity of the proposed dwellings to tank 11 it does not consider the proximity to tanks 1-8 as shown on the attached plan. Upon review it appears that whilst some of the proposed dwellings are within the Development Proximity Zone (DPZ) of tank 11, a significant proportion of the site is within the DPZ of tanks 1-8. Whilst tanks 1-8 are not currently in use, the tanks have been retained and have been maintained in a good condition as it is likely that they will be brought back into operation in the near future. Consideration has recently been given to utilising these tanks for the storage of diesel in event of fuel shortages. The Saffron Walden fuel depot is one of the few sites which would be viable for such a use given its excellent road loading facility and current capacity.
- 8.8 The depot is defined in the Planning Advice for Developments near Hazardous Substances (PADHI) as being a Large-scale Petrol Storage Site. Following the Buncefield incident in 2005 an additional Development Proximity Zone (DPZ) was introduced 150 metres from the boundary of the relevant storage tank bunds, this is larger than the DPZ as incorporated into the planning application submission. Further, detailed plans of the development and the context to the fuel depot should be provided to allow a full and robust assessment of the proposal by all consultees. PADHI cannot be used to determine Health and Safety Executive (HSE) advice on developments within the DPZ and Local Authorities must refer any such planning applications to HSE for comment.

- 8.9 If consent is granted for the proposed development then numerous dwellings would be within close proximity to these tanks. This would not only pose a risk to the residence of these dwellings but it would also potentially sterilise the south west of the depot site, preventing the future development and modernisation of the site. This is considered to be contrary to paragraph 70 of the National Planning Policy Framework (NPPF) which states that in order to deliver the facilities and services the community needs, planning decisions should guard against the unnecessary loss of valued facilities and services and ensure that established facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- 8.10 The current operational site also benefits from permitted development rights which allow for development within its site. Both future and current development may potentially result in complaints from residents of the proposed development, particularly those in such close proximity to the site by virtue of impacts on residential amenity. Whilst a buffer, including open space and landscaping is proposed, it is not considered that this is suitable to address the concerns as raised in this objection.
- 8.11 The OPA strongly oppose the proposal for residential development in such close proximity to the storage tanks at a MoD fuel depot. This is consistent with the views of HSE who have also advised against the proposal. The development would also prejudice the continued development and modernisation of the depot which serves an important role within the local and regional community in the event of future fuel shortages.

Affinity Water

- 8.12 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

- 8.13 No comments.

Natural England

- 8.14 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 8.15 Natural England has not assessed this application and associated documents for impacts on protected species and advises that the Council should apply Natural England's Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- 8.16 Natural England advise that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

- 8.17 Furthermore, the application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

County Ecologist

- 8.18 Holding Objection: No Preliminary Ecological Appraisal or Badger Report has been submitted. Assuming the previous reports have not altered substantially, previous advice from Place Services relating to UTT/13/1982/FUL is also likely to apply to this application.
- 8.19 Issues raised previously by Place Services for this site have not been incorporated into the Landscape Strategy Layout for the site. The County Ecologist therefore advises that landscaping plans are not approved without being informed by a Biodiversity Mitigation and Enhancement Plan to ensure that they are compatible and do not conflict.
- 8.20 Calcareous grassland is an important habitat in Essex and any destroyed to facilitate the development should be re-created elsewhere on site. There is still no provision for this in the Landscape Strategy.
- 8.21 The Landscape Strategy Layout still contains no green corridors across the site (see Recommendations of the Bat Survey Report) and there is no justification for not including them. The plan for the site should include corridors through the site that support invertebrates (bat prey) that can be maintained as dark corridors at night, subject to no light-spill.

County Education

- 8.22 The development falls in the priority admissions area of the R A Butler Infant and Junior Schools and the Saffron Walden County High School. Additional provision will be required at primary, secondary and for early years and childcare level and this development will add to that need. Based upon the current proposals, the County Council therefore requires a developer contribution of £382,900 towards education provision which should be secured by a legal agreement.

Anglian Water

- 8.23 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

- 8.24 No objections subject to the imposition of conditions,

Minerals & Waste Planning

- 8.25 No comments.

Access and Equalities Officer

- 8.26 There is a requirement for 5% of the dwellings to meet the Wheelchair Accessible Housing Standard as set out in Appendix 2 of the SPD on Accessible Homes and Playspace. There is nothing in the design layout to demonstrate this, three dwellings

would need to comply and there is no nomination on the plots to be used. There is no mention in the Planning Statement to identify this. This needs to be addressed.

- 8.27 Level access to the dwellings on this site is also a requirement, where is the commitment that this will be met in accordance with the Lifetime Homes requirement as set out in the above SPD. The sections drawing submitted shows changes in level between plots 44-48, how is this to be addressed on site.
- 8.28 The Wheelchair Accessible dwellings will need to be marketed as such and confirmation that the developer will fit out to need. Please discuss with me to ensure that this condition is met.

UDC Housing Officer

- 8.29 This scheme is for 52 dwellings, however, the affordable housing requirement will be met through the 60 bed Extra Care Unit, use class C2 which will be delivered on the adjacent site to this scheme.
- 8.30 It is assumed that due to the nature of this facility, that the building will meet the Lifetime standard and be fully wheelchair accessibility.

NHS Property Services

- 8.31 Holding Objection. There is a capacity deficit in the catchment surgeries and a developer contribution of £14,400 would be required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare service arising directly as a result of the development proposal.

UDC Environmental Health

- 8.32 Contamination: A Phase I and II investigation has been submitted in support of the application including results of intrusive investigation carried out in 2005, and did not identify contamination affecting the residential area of the site. The risk of ground gas from filled ground present on the site has not been evaluated, nor has contamination due to the commercial use since 2005, for example from the large incinerator. It has not been possible to fully evaluate the contamination risk from the submitted reports as the location of exploratory holes was not included, however the proposals for a remediation strategy are broadly acceptable and conditions are recommended in respect of contamination.
- 8.33 There is a high risk that the buildings to be demolished will contain asbestos, and it is recommended that an informative is included to carry out the development in accordance with the UDC Code of Development Practice which contains advice on the control of asbestos containing material.
- 8.34 Air Quality: Using the scenario of continued use within the existing employment land use, the 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. Consequently the applicant concludes that air quality in the AQMA will not be compromised.
- 8.35 Whilst no objection is raised on the grounds of air quality, traffic associated with the development will contribute to the volume of traffic travelling through Saffron Walden town centre, and measures to encourage future residents to use transport other than

the car should be required by condition, to include providing each new household with a travel information pack and making a contribution to the Audley End cycle path.

- 8.36 Construction Phase: The construction phase has the potential to cause loss of amenity to nearby occupiers on the hospital site due to noise and dust, and conditions are required to in respect of construction.

UDC Natural Sciences Officer

- 8.37 Objection : The applicant has not supplied adequate ecological information to allow this application to be determined.

9. REPRESENTATIONS

- 9.1 135 letters of objection have been received, most of which are in the form of a petition letter. The letters raise the following concerns:
- The site is located close to the kerosene dump and is not suitable for 24/7 occupation by families with young children. It should be retained for commercial/industrial use where evacuation procedures would be well rehearsed and the premises unlikely to be occupied 24/7.
 - The development is unsustainable. The 2010 housing strategy indicated that the most sustainable housing strategy for the district was to build a new settlement and to permit only limited development in existing settlements.
 - 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.
 - The location of the Applicant's site is inherently unsustainable; it is in the most inaccessible part of Saffron Walden, on completely the wrong side for access to jobs, schools, the railway station, other facilities and major transport links, and the Transport Assessment shows that the site is remote from almost all day to day facilities, particularly schools and the town centre.
 - The development fails to comply with the UDC requirements for car parking spaces and gardens and provides no additional playing fields or contributions to them. There is no play area and no space for children to play, and there are no such areas within easy walking or cycling distance for children. Public access is now being completely denied to the only significant area of green space because it is inside the MoD 'hazardous' zone and so unsuitable for children's play.
 - This application is against the existing Local Plan and the emerging one has not reached an advanced stage.
 - The proposed development is on land ("SIA factory Radwinter Road") which is designated by UDC as key employment land to be safe-guarded against change of use under Local Plan policy SW6.
 - The proposed development fails to comply with Policy H9 – 'Affordable Housing' which requires affordable housing of 40% of the total provision of housing a windfall sites such as this; specifically the application provides no affordable housing on the site. There is no certainty that the care home will be build and that proposal also fails to address the need for affordable housing for the young, and is in clear contravention of UDC's policies on integrating affordable and market housing;

- The Transport Assessment is misleading because the current employment site has been vacant for years and therefore has not contributed to the local traffic network for a long time. In the meantime a number of other housing developments on the east of Saffron Walden have been permitted, without any major highways upgrades and they have soaked up any remaining highways capacity. The traffic from the development should be considered as net-new and should not be permitted without significant junction improvements at the Thaxted Rd junction, and a detailed assessment showing that there will be no material impact on the other road junctions in Saffron Walden.
- The ECC Highways Impact Assessment for Saffron Walden has been published. The proposed – and completely impractical – one-way system for Saffron Walden shows how over-stretched Saffron Walden’s road system already is, and that there is no reasonable solution to enable significant new development to be accommodated.
- The Applicant has not submitted an Air Quality assessment with its planning application. Air pollution at the Radwinter/Thaxted Road junction already significantly exceeds legal limits, and is predicted by ECC to continue to do so for the foreseeable future. The application is contrary to the NPPF.
- Irrespective of any Section-106 obligations levied on the Applicant, there are no school places and no plans for additional space. Both the catchment area primary and secondary schools are already over or forecast to be at capacity. An education contribution without a deliverable plan for providing the additional school places before the development is completed makes the proposed development unsustainable and unacceptable and it should be refused.
- There is a lack of imaginative attractive housing being built in the area.
- The scale of what is being proposed here and elsewhere, is in effect a New Town which cannot be fitted inside an old one. The infrastructure of a town like Saffron Walden, which is already at capacity, cannot cope. The roads, the schools, sewerage services are inadequate. If it is really unavoidable to build so many new houses in this district, it can only be done as a separate free-standing town with all the required infrastructure created as part of the development. Possible sites for such a new town should be evaluated.
- The documentation available to support the application is poor.
- As well as primary school places, Saffron Walden also has a growing need for more secondary, college and adult learning opportunities. This site (or part of it) could be used for education and could be a smaller, more vocationally orientated college serving secondary level education as well as adult education.

10. APPRAISAL

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

- A The principle of redevelopment of this site for residential development (ULP Policies S1, E2, H9, SW6 and GEN2)
- B Safety Issues (ULP Policy GEN2)
- C Access to the site and parking (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- D Biodiversity (ULP Policies GEN7 and ENV8)
- E Design, Layout and Residential Amenity (ULP Policies GEN2, H10)
- F Contamination, Protection of Groundwater and Pollution (ULP Policies ENV12 and ENV14)
- G Other Material Considerations

A The principle of redevelopment of this site for Residential Development (ULP Policies S1, GEN2, 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 has been the subject of a separate application for a care home, 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 residential dwellings together with a 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 applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need.

10.8 The 5-year land supply update statement (published Wednesday 9 October 2013) considers 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 information below has been updated since to take into account any recent approvals.

10.9 The estimated number of completions each year is shown in the table below.

Year	13/14	14/15	15/16	16/17	17/18	18/19
	Current Year	Year 1	Year 2	Year 3	Year 4	Year 5
Dwellings on committed Sites	391	228	410	577	751	547

10.10 It is estimated that 2513 dwellings on committed sites will be built during the 5 year period, whilst the requirement is for 2746 dwellings to be built. This relates to 92% of the requirement which is equivalent to 4.6 years. There is therefore a shortfall of 233 dwellings as set out in the table below.

	Housing Requirement
Annual requirement	523
Total supply on deliverable committed sites	2513
Requirement years 1-5 plus 5% frontloading	2746
% of requirement available on deliverable sites years 1-5	92%
Supply in Years	4.6
Shortfall (dwellings)	233

- 10.11 As a consequence the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable.
- 10.12 Councillors are reminded that even when the Council has a 5 year land supply it will be important for the Council to continue to consider, and where appropriate, approve development which is sustainable. This is especially true for proposals on draft allocation sites, but others as well, to ensure delivery in the future and to ensure that the level of housing supply is robust.
- 10.13 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 10.14 Economic role: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The site has remained vacant for some considerable time and the marketing report confirms that there is no demand for this type of industrial premises and therefore, the site is unlikely to return to employment use. The redevelopment of the site would therefore result in the re-use of this brownfield site and bring a redundant site back into an efficient land use.
- 10.15 Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district.
- 10.16 Environmental role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. The proposals would result in the demolition of the existing buildings and redevelopment of the site resulting in the considerable visual improvement of this part of Radwinter Road. Furthermore, ecological enhancements are proposed and the site would therefore help to deliver an environmental role.
- 10.17 The proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. Significant weight should be attached to this and it is considered that the more recent national policy set out in the NPPF should take precedence over Policy SW6 of the Local Plan. The development is considered to be sustainable development and therefore the principle of the proposal is acceptable.
- 10.18 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 northeast. However, the additional land is located within the inner and middle zones of the Fuel Depot where residential development cannot take place. The applicants have previously submitted two applications for the former Willis and Gambier site and the current one provides the residential development required by the draft policy.

10.19 As with the previous application, no affordable housing is proposed with the current application. 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. The application for the care home was approved by Committee in November 2013 subject to a Section 106 Agreement and the amended current application provides the second part of the proposals. That agreement has not yet been completed as a single S106 Agreement is required to cover both sites and secure the appropriate mechanisms to ensure the transfer of the land. The current application therefore provides the mechanism for both the transfer of the adjacent care home site and ensuring that prior to transfer, the land will be cleared, be free from contamination and with access and services/infrastructure provided to the boundary of the site.

10.20 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 extra care 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 redevelopment of the Willis and Gambier site for the care unit has been agreed by the Council and it is considered that the current proposal is acceptable and would assist in bringing forward much needed accommodation in the town. It is considered therefore that subject to a satisfactory Section 106 Agreement and the transfer of the adjacent Extra Care Home site to the Council, the lack of provision of affordable housing on the current application site is also acceptable as the proposal would help meet the requirements of Policy H9 and GEN2 of the adopted Local Plan. In these circumstances, no additional affordable housing should be sought on the application site.

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

10.22 As set out above, the Council is still unable to demonstrate a 5 year supply of housing and it is recognised that the development would facilitate the provision of a site for a much needed extra care unit in Saffron Walden. In these circumstances and the fact that the site is a brownfield one which is unlikely to be used for employment uses in the foreseeable future, it is considered that the presumption in favour of development, as set out in the NPPF, applies subject to compliance with other relevant policies of the Local Plan and to any material considerations.

B Safety Issues (ULP Policy GEN2)

- 10.23 The site is located adjacent to the MOD's Fuel Depot and the previous application was refused planning permission because the development did not demonstrate that adequate regard had been given to safety issues. Objections were received from both the Health and Safety Executive (HSE) and the Oil and Pipeline Agency (OPA). The HSE had based its objection on the results of the PADHI+ guidance which had indicated that some of the dwellings would encroach into the middle zone of the Consultations Distances and therefore there was a risk of harm to people at the proposed development.
- 10.24 The applicants have subsequently worked with the HSE and have revised their proposals by moving the dwellings further away from the Fuel Depot. The amendment needed was relatively small and has moved the dwellings further away from the Fuel Depot. Whilst some of the dwellings still encroach into the Middle Zone, the PADHI Report has stated that this is less than 10% of the housing development and therefore, in accordance with PADHI advice, should not result in a recommendation to refuse development. The applicants have submitted their PADHI exercise and the Council's own exercise indicated that the development should not invite an 'advise against' development response.
- 10.25 The HSE has been consulted and has not issued a formal consultation response at the time of writing this report. However, it has queried the applicants' location of the Consultation Zones in respect of the proposed development and has sought clarification on this matter. Their response has highlighted a potential discrepancy in the plans and the applicants have been asked to clarify this and the location of the consultation zones used in their calculations. At the time of writing this report, these plans are awaited.
- 10.26 The HSE advises that residential development of 30 dwellings or more is Level 3 sensitivity and therefore should not take place within either the Inner or Middle Zones but is permissible in the Outer Zone. Public Open Space including children's play areas are defined as Level 2 sensitivity and therefore should not be located within the Inner Zone but can be within the Middle or Outer Zone. The Zones form concentric rings from the Fuel Depot and all three extend over the application site in varying degrees. The Inner Zone extends over the north eastern part of the site whilst the Middle Zone, which is narrow for this installation, also is concentrated within the north eastern part of the site. The wider Outer Zone covers a large area through the centre of the site whilst the new access road, the extra care facility and some of the frontage development fall outside the Consultation Zones.
- 10.27 The applicants have indicated that the layout and the density has been driven by the need to locate the dwellings away from the Fuel Depot and that they have taken account of the three Consultation Zones for the site. The applicants PADHI report shows the location of the zones in relation to the proposed development but a scaled version of this plan is required.
- 10.28 The OPA has also raised objections and refers to an additional Development Proximity Zone which is 150 from the boundary of the relevant storage tank bunds and that this is larger than the DPZ incorporated into the planning application submission. The OPA assert that whilst some of the proposed dwellings are within the Development Proximity Zone (DPZ) of tank 11, a significant proportion of the site is within the DPZ of tanks 1-8. The OPA have advised that although tanks 1-8 are not currently in use, the tanks have been retained and have been maintained in a good condition as it is likely

that they will be brought back into operation in the near future. Consideration has recently been given to utilising these tanks for the storage of diesel in the event of fuel shortages. The Saffron Walden fuel depot is one of the few sites which would be viable for such a use given its excellent road loading facility and current capacity. If consent is granted for the proposed development then numerous dwellings would be within close proximity to these tanks. This would not only pose a risk to the residence of these dwellings but it would also potentially sterilise the south west of the depot site, preventing the future development and modernisation of the site and would be contrary to paragraph 70 of the National Planning Policy Framework.

10.29 There are clear concerns regarding the location of the development on the application site. The site has been assessed and the principle of development has been accepted within the emerging Local Plan but it is clear that the detailed layout and design of the development is fundamental to assuring that the future safety of residents is protected and assured. The current application represents a revised layout to take account of the Fuel Depot and the removal of part of the site from what was previously proposed as public open space has meant that only a small part of the developable area of the site now falls within the inner and middle zones. The applicants maintain that they have amended the scheme and comply fully with the HSE's PADHI guidance. The HSE remain the statutory consultee on these matters as accepted by the OPA and it is considered that subject to the clarification of the points raised by the HSE and to the confirmation from the HSE that the application is acceptable, that planning permission could be granted and there are no unacceptable safety risks in accordance with ULP Policy GEN2.

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

10.30 The application is for full planning permission and details of the proposed access are included with the application. The proposed access would serve both the 52 dwellings and the extra care home. A Safety Audit has been submitted in relation to the new access and the Highway Authority has confirmed that it has no objections to the proposed access subject to the imposition of suitable conditions.

10.31 The majority of third party objections have referred to the traffic generation of the new housing 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. Furthermore, objectors have also raised concerns that the main location of the schools/train station and other facilities is all on the western side of Saffron Walden and will necessitate traffic from this development having to go through the town centre.

10.32 The applicants have argued that, as the application site could be re-used for employment purposes without planning permission being required, 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.

- 10.33 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.
- 10.34 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 fall back 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 proposal would result in a marginal improvement in traffic congestion and is considered to be acceptable and in accordance with ULP Policy GEN1.
- 10.35 The application is in detail and the submitted layout shows that the proposed houses would all be served by on plot parking apart from five properties which would have dedicated parking spaces opposite. The Council's recently adopted Local Residential Parking Standards (February 2013) require that dwellings with 2 bedrooms or more should have 2 spaces per dwellings and that 4 bed plus dwellings should have three spaces. The development meets this requirement with all the dwellings having two spaces, either through garage or parking space provision whilst all the 4 bedroom dwellings have 3 spaces. The development would also be served by 7 visitor spaces.
- 10.36 The Transport Assessment confirms that the site is well served with public transport due to its location opposite the Tesco store which acts as a terminus for many services. The site is also within cycling distance of the town centre and there is currently a focus on cycle infrastructure improvements to provide a link from Audley End Station to Saffron Walden via Wenden Road. The Highway Authority has requested a condition requiring a contribution of £30,000 towards this but this is more appropriately dealt with as part of the Section 106 Agreement. The site is also within walking distance of some existing services and facilities. The standards are for the District as a whole and were introduced to address the rural nature of the district and the heavy reliance on the motor car. In this instance, the application site is located on the edge of Saffron Walden and residents will be able to access many services and facilities by means other than the motor car. As a consequence, it is considered that the site is sustainable and is in accordance with ULP Policies GEN1 and GEN8.

D Biodiversity (ULP Policies GEN7 and ENV8)

- 10.37 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.
- 10.38 These surveys have also been completed and the reports were submitted with the application. In the previous application the County Ecologist objected to the proposals on the basis of insufficient information and insufficient mitigation. As a consequence, the applicants amended the application and submitted additional information which corrected the information in the Reptile Report and submitted a letter addressing the concerns of the County Ecologist together with a revised Proposed Habitats Plan. Following re-consultation, the County Ecologist confirmed that the revised information overcame her objections and withdrew her previous objection subject to the imposition

of conditions. As a consequence, the previous application was not refused on Ecology grounds.

- 10.39 The current application is identical in ecological terms to the previous application and the applicants propose the same measures to protect and enhance the ecological diversity of the site. However, the County Ecologist has issued a holding objection and has raised issues which were either resolved in the last application or which were to be the subject of conditions. The applicants have therefore written to confirm that the measures proposed are the same as those proposed previously and which allowed the County Ecologist to withdraw her earlier objection. As a consequence, it is not considered that, notwithstanding the County Ecologist's holding objection, that it is appropriate to refuse planning permission on ecological grounds when the same proposals were considered to be acceptable for a previous similar application.
- 10.40 Part of the revisions to the scheme involves the protection/enhancement of the calcareous grassland and the recognition of its importance within the vicinity of Saffron Walden. The Habitats Plan submitted both with the previous application and with the current proposals shows that the ecological mitigation area to the north-east of the site and a strip of habitat along the eastern boundary of the site will be managed as calcareous grassland. This area will be specifically for ecological mitigation and will not be accessible to the public but will serve as a visual amenity and ecological mitigation area only. A small section of the proposed mitigation area in the south-east corner will be accessible to the public.
- 10.41 Natural England has also been consulted and does not raise an objection in relation to bats. Bearing in mind that the recent reports and mitigation measures addressed the County Ecologist's previous concerns and Natural England's confirmation that it also has no objection to the development, it is considered that the application does provide appropriate protection for protected species and is in accordance with ULP Policies GEN7 and ENV8.

E Design, Layout and Residential Amenity (ULP Policies GEN2, H10)

- 10.42 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale, form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 10.43 The site is currently industrial in use and is located adjacent to the Saffron Walden Hospital and care units and the MOD Fuel Depot. The site is well screened from the hospital and it is not considered that the development would have an adverse impact upon the hospital or that the hospital would impact on the amenities of future residents. A condition requiring the submission of a construction management plan should also ensure that the demolition of the existing buildings and the construction does not have an adverse impact upon the hospital.
- 10.44 The scheme has been drawn up to centre on the green which acts as a focal point to the development with the main access leading up to this green. The main access road has footpaths up to the green but beyond it, the development is served by shared surfaces.

- 10.45 The green is surrounded by dwellings which face on to it and are set back behind the roads and driveways which circle the open space. The dwellings are mixed in design but are predominantly built in brick, with a contrast brick plinth and incorporate additional detailing with dark stained weatherboarding or white bargeboards reflecting the materials and designs of dwellings within Saffron Walden. Render and pale coloured weatherboarding are introduced into the scheme but are used sparingly to provide focus and interest. The dwellings have steep sloping tile roofs and whilst most are two storey, Plots 1, 23, 24, 25 and 28 make use of some of the loft space for the third bedroom.
- 10.46 The dwellings are arranged in clusters and are varied to provide interest in the street scenes with a mixture of detached, semi-detached and terraced properties. The properties are set close to the back edge of the highway or behind small front gardens/landscaped areas. Garages are all attached but are set back to avoid dominating the street scene. The development provides a street frontage onto Radwinter Road and will provide a considerable improvement in street scene than the current situation. It is considered that the designs of the dwellings are acceptable and would be in keeping with other development in the area.
- 10.47 Policy H10 requires an acceptable mix of units. The current application is for predominantly 3 bedroom houses but includes a small number of 2 bed properties and 8 x 4 bedroom houses. Furthermore, the Council's policy is also to seek 5% bungalows on the site. The mix is not extensive and no bungalows are provided but it is considered to be acceptable when the adjacent site is taken into account. This will provide some 60 extra care units and will provide for the smaller homes/ accommodation required by Policy H10. It is considered therefore that there is no conflict with Policy H10.
- 10.48 The Essex Design Guide (EDG) advises that rear distances should be a minimum of 25 metres between the backs of houses. This can be reduced to 15 metres where the backs of houses are at more than 30 degrees to each other. In terms of garden sizes, the Design Guide sets out the longstanding advice that gardens should be 100sqm for three or more bedroom houses but 50 sqm is considered to be an appropriate standard for one and two bedroom dwellings. In contrast, the EDG - Urban Design Supplement does not apply a figure but confirms that in higher density, urban locations, gardens can be smaller.
- 10.49 Although the layout of the previous application was generally acceptable, the gardens of many of the dwellings were unacceptably small, well below the guidance of the EDG and the application was refused on that basis. The applicants have now amended the scheme to incorporate significantly larger gardens as set out in the schedule below. Although some of the gardens remain below the EDG recommended garden size, the sizes and layout have improved considerably bringing all the 2 bed and 4 bed dwellings within the guidance. Most of the 3 bed dwellings have smaller gardens and range from a minimum of 75 sqm to over 100sqm. Whilst these do not strictly comply with the garden sizes set out in the EDG it is considered that the improvement over the previous scheme is significant.
- 10.50 The application site is constrained with a large section of the former factory premises being set aside for the care home and a further large section, effectively sterilised by the nearby Fuel Depot. The ability to provide usable public open space is therefore limited and the constraints on the site have resulted in a delivery of dwellings below the 60 anticipated within the Draft Local Plan. The site is within an urban location where smaller gardens are more common as confirmed by the Council's Supplementary Planning Document - The Urban Place Supplement and it is considered that the

increased size of gardens now proposed will provide an acceptable degree of amenity for future residents. Furthermore, there is a need for this site to come forward and to deliver housing if the care home site is also to be provided. As a consequence, the current scheme is considered to be acceptable and the revised size of the gardens do not justify the refusal of planning permission on what is an otherwise acceptable scheme.

Plot Number	No of Bedrooms	Size of Rear Gardens (sqm)	Plot Number	No of Bedrooms	Size of Rear Gardens (sqm)
1	3	101	27	3	77
2	3	106	28	3	76
3	3	88	29	4	107
4	3	84	30	4	152
5	2	66	31	2	61
6	3	107	32	3	78
7	4	130	33	2	81
8	3	91	34	3	80
9	4	108	35	3	75
10	3	93	36	2	60
11	3	105	37	2	54
12	3	75	38	3	78
13	3	80	39	3	75
14	3	80	40	3	86
15	3	83	41	3	98
16	3	75	42	3	122
17	3	84	43	3	163
18	3	86	44	4	108
19	4	130	45	3	85
20	3	78	46	3	82
21	3	107	47	3	99
22	3	104	48	4	122
23	3	117	49	3	130
24	3	101	50	4	159
25	3	90	51	3	102
26	3	81	52	3	89

10.51 The application proposes two areas of public open space. The first, the 'green,' is shown as a landscaped area adjacent to the main access into the development. The second area is located in the southeast corner of the site with additional areas of landscaping along the northern and eastern boundaries. The majority of the open space is located within the Inner and Middle Zones for the adjacent Fuel Depot where the use of the land and the facilities that can be located on it, are limited. The HSE Guidance advises that Children's Play Areas should not be located within the Inner Zone and therefore the area of Public Open Space cannot be used for formal playspace and is shown as grass/wildflower meadow with mown paths through. As a consequence, this area cannot provide any facility for formal children's play.

10.52 Furthermore, the applicant's letter addressing the earlier County Ecologist's objections, proposed to change the use of the majority of this area from informal open space to land which would be for visual amenity only in order to facilitate the necessary

biodiversity mitigation. The public will not be allowed access to it other than to the small area of public open space in the south east corner.

10.53 The area of green is central to the scheme and could be used for informal play. It is accepted that there is no scope within the development for any other public open space but it is considered that bearing in mind the constraints of the site, that the proposal is acceptable on residential amenity grounds and the application is in accordance with Local Plan Policy GEN2.

F Contamination, Protection of Groundwater and Pollution (ULP Policies ENV12 and ENV14)

10.54 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. This 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.

10.55 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 remediation strategy. The EA therefore also recommends 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.

10.56 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.

G Other Material Considerations

10.57 The residential development of this site would increase the pressure on local education facilities and health care facilities. In order to off-set this pressure financial contributions are likely to be required which would be subject to a Section 106 Agreement. Furthermore, development in Saffron Walden is required to contribute towards the on cycle infrastructure improvements to provide a link from Audley End Station to Saffron Walden via Wenden Road. A contribution would be required and would also be the subject of the S106.

10.58 It is considered that there are no other material considerations.

11. Conclusions

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

In conclusion, it is considered that the redevelopment of this industrial site for housing 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. The current application forms part of the proposals for the Willis and Gambier site and the grant of planning permission for the residential development will facilitate the provision and transfer of the land for the care home to the Council.

Part of the site lies within the Consultation Zones for the adjacent Fuel Depot and the previous application was refused following objections from the HSE and the OPA because the applicants had failed to demonstrate that the safety of future residents would not be compromised. The current application places the housing slightly further away from the Fuel Depot and the submitted plans and the PADHI report shows that the housing is located within an acceptable distance from the Fuel Depot. The OPA has maintained its previous stance and confirmation from the HSE that the plans are now acceptable is still awaited. Subject to the confirmation of the HSE, it is considered that the proposals are now acceptable and adequate safety for future residents is provided.

The designs of the dwellings are acceptable and will lead to an enhancement of this site. The gardens have been increased in size and now provide an acceptable level of amenity for future residents, overcoming the previous reasons for refusal.

No objections have been received from the Highway Authority and it is considered that the 52 dwellings combined with the extra care home on the adjacent site would generate less heavy traffic than the existing use or a new industrial use at the site. As a consequence, the AQMA would not be compromised as a result of the development. Issues of ground contamination and the protection of the groundwater source can be dealt with by condition.

The site contains a number of protected species and the current proposals incorporate the revisions to the earlier application in terms of mitigation that were acceptable to the County Ecologist. It is considered that the proposals are acceptable and it would be unreasonable to refuse the application on what was previously an acceptable scheme.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

- 1 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 30 March 2014 of being invited to do so the freehold owner enters into a binding agreement to cover the matters relating to application ref: UTT/13/1981/OP and also as 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) Community payment for education, health care services and towards cycle infrastructure improvements.**
 - (ii) Pay monitoring costs**

(iii) Pay Councils reasonable costs

- 2 In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.**
- 3 If the freehold owner shall fail to enter into such an obligation before 18 March 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**
- (i) Lack of provision of community payment for education, health care services and towards cycle infrastructure improvements.**
 - (ii) Lack of affordable/social housing**

Conditions/reasons

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

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

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

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

- 3 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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the times of demolition and construction work
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development
 - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi. wheel washing facilities
 - vii. measures to control the emission of dust and dirt during construction

- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

- 5 The development hereby permitted shall not be commenced until such a time as a scheme to ensure there is no raising of ground levels within flood zone 3 (located to the north of the site) has been submitted to and approved in writing by the local planning authority.

REASON: to reduce the risk of flooding to the proposed development and future users.

- 6 Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) AMA259 Revision C 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).

- 7 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).

- 8 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).

- 9 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).

- 10 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).

- 11 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).

- 12 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).

- 13 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).

- 14 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).

- 15 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).

- 16 Prior to occupation of any dwelling, the highway works as shown in principle on SKM Colin Buchanan drawing number VN50108-ECC-DG-0002 Rev C dated June 2013, shall be implemented to provide an appropriate access into the site from Radwinter Road with visibility splays of 90 metres x 2.4 metres x 90 metres and a right turn ghost island on Radwinter Road. Details to be submitted to and agreed in writing with the

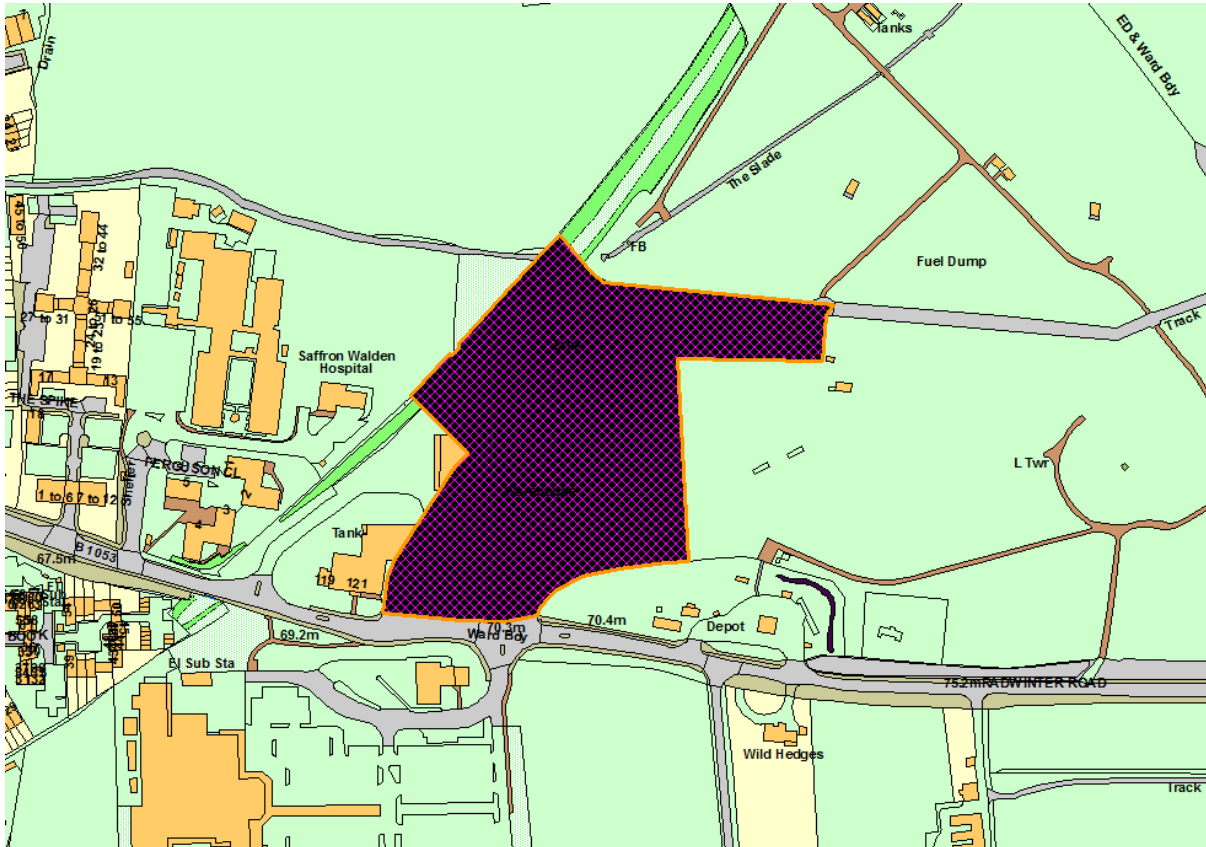
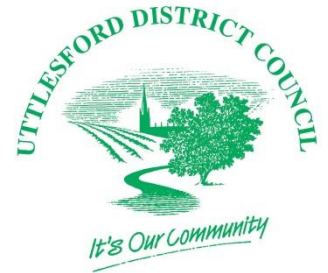
Local Planning Authority in consultation with the Highway Authority. Reason: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

- 17 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).

Application no.: UTT/13/3406/FUL

Address: Site at 121 Radwinter Road Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 3 February 2014

SLA Number: 100018688