

UTT/ 14/0174/FUL (GREAT CHESTERFORD)

(MAJOR APPLICATION)

PROPOSAL: Demolition of commercial buildings and erection of 42 no. dwellings.

LOCATION: New World Timber Frame/Graveldene Nurseries, London Road, Great Chesterford

APPLICANT: New World Timber Frame Ltd

AGENT: G F Planning Ltd

EXPIRY DATE: 30 April 2014

CASE OFFICER: Consultant (Alison Hutchinson)

1. NOTATION

1.1 Within development limits; BAA Safeguarding; Consultation for NATS.

2. DESCRIPTION OF SITE

2.1 The application site is located on the southern side of London Road in Great Chesterford and comprises two distinct parts. The southern part comprises New World Timber Framing which consists of a single modern vacant factory unit set at the back of the site and surrounded by hardstanding. The northern part of the site forms part of a nursery and contains a number of old large greenhouses which are now in a dilapidated condition. These are located on the western side of the access road into the site which extends up to the gate for New World Timber. The access to the site is some 9m wide including footpaths on both sides and benefits from a right stacking lane from London Road. A strip of land along the eastern side of this roadway is vacant.

2.2 To the east the site is bounded by Lyndene, a semi-detached bungalow on London Road and the residential properties on Ash Green to the east. To the west is a further bungalow with additional nursery buildings to the rear. A large dilapidated shed extends along part of the western boundary of the site but the remainder of the boundary for the nursery is undefined and cuts through part of the glasshouses. The western boundary of New World Timber is formed by the Stanley House, an office block which has second floor windows looking directly over the site. The rear (south) boundary of New World Timber and therefore the site extends along the main Cambridge to London railway line.

3. PROPOSAL

3.1 This application represents the re-submission of an earlier refused planning application which was refused on six grounds; inadequate provision of affordable housing, substantial areas of car parking and manoeuvring space creating an unacceptable and unattractive environment for future residents, impact upon future and neighbouring residents because of layout and design, lack of evidence relating to potential noise issues from the railway, lack of provision for open space and play space and the increased pressure on educational facilities.

- 3.2 The application proposes the demolition of the factory building and the glasshouses and seeks full planning permission for the erection of 42 dwellings in a combination of houses and flats which will utilise the existing access from London Road. The properties are designed as lifetime homes. The London Road frontage will comprise 7 detached and semi-detached dwellings (Units 1 to 7) with a front vehicular access to garaging. One pair of affordable dwellings (Units 1 & 2) will be located on the eastern side of the access road.
- 3.3 To the rear of the frontage properties a series of 7 2 bed roomed terraced and semi-detached dwellings (units 8 to 14) face onto the access road with a private driveway to their rear giving access to a further 4 detached and semi-detached dwellings (Units 39 to 42). On the opposite side of the main access road is a block of 6 x 2 bedroom apartments (Units 15-20) and 2 x 2 bedroom dwellings (Units 21 & 22). Along the rear of the site and backing on to the railway line are blocks of semi-detached and terraced 2 bedroom dwellings (23 – 32) with a block of 6 x 1 bedroom apartments located in the eastern corner of the site adjacent to Stanley House, an office building off Station Road.
- 3.4 Seventeen affordable units (40%) are proposed within the development providing 6 x 1 bed units, 9 x 2 bed and 2 x 3 bed houses.
- 3.5 All the buildings are two storey except Units 3 and 4 on the London Road frontage which will have accommodation in the roofspace. All the dwellings are served by on plot parking in accordance with the Council's parking standards with several of the larger properties containing integral or adjacent garages. The two blocks of apartments are served with adjacent parking courts and a total of 85 spaces are provided and include 6 visitor spaces.
- 3.6 The various blocks of buildings incorporate a degree of visual variety with elevations being staggered and articulated. Various design features are used to provide interest, including recesses, bays, gables, balcony jetties, varied eaves and ridge heights. Materials are to be a mixture of red and yellow stock bricks, smooth painted render and painted weatherboarding with clay, pantile and slate roofs.
- 3.7 Each block of apartments is served by amenity areas.

4. APPLICANT'S CASE

- 4.1 The applicants refer to pre-application discussions in their Design and Access Statement and that the development proposals have been developed taking account of the representations made by stakeholders.
- 4.2 The site is an emerging allocation which recognises that the site is largely surrounded by other residential areas. The applicants previously occupied the factory at the site but since the fire they have operated from different premises in Saffron Walden and have no plans to return to the Great Chesterford site.
- 4.3 The buildings on the nursery site remain in a derelict condition, reflecting the decline of the horticultural sector and the inherent unsuitability of a site within a built-up location for this type of use.
- 4.4 The need for additional housing in Uttlesford is abundantly clear. Policy SP6 of the draft local plan sets a target of 9870 homes, including 100 in Great Chesterford for the period to 2028. Beyond the housing needs identified in this policy, the Council is

currently consulting on proposals for additional housing numbers and additional housing sites to meet the objectively assessed housing need within the District.

- 4.5 The change of use of the site is supported by paragraph 51 of the NPPF. Given the continued unsuitability of the site for employment use, the increasing need for new housing, both in the district and locally, the LPA's recognition of these facts, and the emphasis on providing new housing in the NPPF, it is considered that the use of the site for housing rather than employment purposes is entirely appropriate.
- 4.6 In response to pre-application advice the use of communal car parking courts has been minimised, with parking spaces provided in-curtilage wherever possible. Where communal car parking is provided it is laid out in secure landscaped parking courts conveniently located for the group of dwellings they are intended to serve.
- 4.7 Also, in response to pre-application advice, units 33-38 (formerly 37 to 42) have been redesigned and re-sited to provide a good outlook for their occupiers and to avoid any overshadowing and overlooking in relation to the commercial buildings to the north.
- 4.8 The dwellings proposed on the south eastern side of the site have been laid out to correspond with the flank walls of houses in the Ash Green development, and enjoy a good separation to the site boundary. Unit no 7 on the north western part of the site continues the line of development set by existing dwellings to the north-west. None of the above dwellings will have habitable room windows facing the adjoining sites. There is generous separation between the proposed dwellings to avoid any inter-visibility or privacy issues, or loss of light or outlook.
- 4.9 A Noise Impact Assessment has been submitted that concludes that, with suitable recommendations, the dwellings will be subject to appropriate noise levels.
- 4.10 The proposed development incorporates sustainable design principles and is in a sustainable location. Therefore, it complies with the main thrust at the heart of the NPPF, which is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. The development is sustainable and in accordance with the relevant policies of the development plan, and is supported by other material considerations.

5. RELEVANT SITE HISTORY

- 5.1 UTT/12/5687/FUL. The application site was the subject of a recent, similar application for 42 dwellings which was refused planning permission on 24 January 2013 under delegated powers. There were six reasons for refusal which related to matters of design. These related to inadequate provision of affordable housing; substantial areas of car parking and manoeuvring space creating an unacceptable and unattractive environment for future residents; impact upon future and neighbouring residents because of layout and design; lack of evidence relating to potential noise issues from the railway; lack of provision for open space and play space; increased pressure on educational facilities.

New World Timber Site

- 5.2 The New World Timber site has been subject to several applications in to redevelop the site following the grant of planning permission in 1989 for the current use

UTT/0749/89 Erection of the current steel framed building for the manufacture of umbrellas, leather goods including equestrian products (December 1989).

UTT/0529/00/FUL Erection of 30 x 2 bed flats with associated parking, garages and landscaping. Refused August 2000 and the appeal dismissed in January 2001.

UTT/0305/04/OP Demolition of factory and change of use for erection of thirty three dwellings including parking and access refused May 2004 and subsequent appeal was dismissed.

UTT/0554/11/FUL Variation of condition C.92 of UTT/0749/89 to permit use for timber panel making within class B2 refused May 2011.

UTT/0549/11/FUL Variation of condition C.9.1. of UTT/0749/89 to permit the external storage of materials refused May 2011.

UTT/0548/11/FUL Erection/retention of metal racking refused May 2011.

Graveldene Nursery Site

5.3 Most of the applications until 2004 related to the operation of the nursery.

UTT/0751/04/OP & UTT/0767/04/OP Change of use from nursery to residential - erection of dwelling and garaging refused June 2004 and subsequent appeal dismissed.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S3 Other Development Limits
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN6 Infrastructure provision to support development
- Policy GEN8 Vehicle Parking Standards
- Policy E1 Distribution of Employment Land
- Policy E2 Safeguarding Employment Land
- Policy ENV10 Noise Sensitive Development and Disturbance from Aircraft
- Policy H3 New Houses within Development limits
- Policy H9 Affordable Housing
- Policy H10 Housing Mix
- Great Chesterford Local Policy 1 Safeguarding of Existing Employment Area
- Great Chesterford Local Policy 2 London Road Employment Site

6.3 Uttlesford District DRAFT Local Plan

- Great Chesterford Policy 1 – New World Timber and Great Chesterford Nursery, London Road

Supplementary Planning Documents

- Parking Standards: Design and Good Practice
- Accessible homes and play space (Nov 2005)
- Energy Efficiency and Renewable Energy (October 2007)

7. PARISH/TOWN COUNCIL COMMENTS

7.1 The Parish Council resolved to support the application subject to consideration/ clarification being given to the following points:

- Clarification is needed as to which roads will be adopted and who will be responsible for those that aren't.
- The upkeep/maintenance of the street scene of this section of London Rd will be very important– who will be responsible for the upkeep of this? This is not a Parish Council responsibility and maintenance of the trees etc must be determined to ensure no future detrimental visual impact. Careful thought/design of this frontage landscaping is required.
- Although the height of the dwelling in Unit 3 is the same as the adjacent dwelling, the roof dormer make the dwelling 'appear' too tall for the street scene. We would prefer the dormers to be on the rear of the property.
- The issue of general open space was raised again. We know that the agreement is and always has been for an off-site donation but please see comments in the Sec 106 section with regards to the road crossing.
- Concern had been raised again by the owners of Lyndene with regards to clarification of the boundary etc. The Applicant has agreed to clarify the boundary with the owners and contact details have been provided.
- In the recent Highways response for the Stanley Rd development (UTT/13/3444) it stated that any further developments in the village would be required to provide an impact assessment report for the M11/All interchange at Junction 9.

7.2 At the moment the Sec 106 does not state that the affordable housing will be for the 'local need of Great and Little Chesterford in perpetuity' – we are unsure of the exact wording required but this has always been the agreement with the Applicant and UDC and must be amended to reflect this. There must also be a maximum of 80% ownership on the shared equity properties so that people cannot purchase and sell to an open market; these properties must remain available for 'local need in perpetuity'.

7.3 The sum of £5000 is insufficient to provide a safe crossing on London Rd. We feel that the issue of the lack of general open space for play could be in some way mitigated by a proper and safe crossing on London Road (location to be agreed) which would allow children to safely cross the road and go to other play areas. Although London Rd has a 30mph speed limit, there is an issue with vehicles regularly speeding on this road and Speedwatch volunteers regularly monitor vehicles in this location. The Parish Council view is that a safe crossing is the highest priority with regards to the various financial contributions required. Also the contribution should be paid up-front, not 50:50 as stated. It will be important for the crossing to be implemented as soon as possible in the development process for the benefit of those with children living in the new properties.

8. CONSULTATIONS

Highways Authority

8.1 Required amendments to the detailed design. Formal comments awaited on the amended scheme.

Highways Agency

8.2 No objections

Environment Agency

8.3 No objections subject to conditions.

Network Rail

8.4 No objections in principal to the planning application provided the developer/applicant ensures that their proposal, both during construction and after completion of works on site, does not encroach into the railway land.

Education Authority

8.5 The sessional pre-school provision in The Chesterfords Ward is running at full capacity and the Great Chesterford Church of England Academy is likely to remain full. Saffron Walden County High School is also oversubscribed and addition provision will be required. A contribution of £242,993 will be required.

Environmental Health Officer

8.6 Concerns regarding noise from the railway and confirms that some of the proposed houses would be particularly vulnerable to this noise source. If the development is approved despite this consideration conditions are required. Conditions are also required relating to ground contamination and the construction phase.

Historic Environment Officer

8.7 The Historic Environment Record shows that the proposed development area lies in a potentially highly sensitive area of Great Chesterford and requires a condition to be attached to any planning permission requiring archaeological trial trenching and excavation.

Housing Enabling Officer

8.8 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 42 (net) units. This amounts to 17 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

8.9 The scheme layout meets the Council's policy. The matrix has been agreed with the Parish Council. Bungalow provision has been waived on this site due to the provision of bungalows on another site within the village. The two ground floor affordable rented flats will meet accommodation needs for residents with mobility issues, whilst there are also 2 ground floor flats for private ownership.

9. REPRESENTATIONS

9.1 9 letters have been received and raise objections to the proposals on the following grounds:

- Overdevelopment of the site with 42 dwellings
- The rural setting would be compromised together with health & safety particularly regarding access to London Road

- The development will place extra pressure on the local road network, the pre-school and primary school which are both under pressure with waiting lists together with additional noise pollution that will affect local residents and neighbours.
- Proximity to existing dwellings on London Road and Ash Green and concerns of overlooking, loss of daylight and overshadowing.
- this application would result in the loss of employment opportunities in the village compromising commercial for personal gain
- Increase in parking along the main highway because of insufficient parking within the development, thereby increasing the risk of a fatal accident on London Road.
- The revised application fails to address a number of the original reasons for refusal items in terms of the 'lack of provision for open space and / or play space and the increase pressure on educational facilities'.
- Challenges the statements made by the applicants as There is only an infrequent bus service provided for residents of Great Chesterford and There is no cycling route along London Road, Great Chesterford or indeed other local villages in the vicinity
- The Noise Impact Assessment does not take into account the vibration from freight trains that run throughout the day and night.
- The number of projected journeys in and out of the development on a daily basis is basically flawed. The predictions have only been assessed against the privately owned dwellings and have excluded shared ownership and rented dwellings.
- Impact of the railway station on the development through lighting and vibration and noise
- The balconies on Units 33 – 38 will result in overlooking at no 11 London Road.
- The rest of the village and its facilities involve crossing a very busy and dangerous road, the crossing provision at present is not adequate and not at all comfortable to use. A cycle and pedestrian crossing is required.

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 E1, E2, S3, H3, E2, GEN2, Great Chesterford Local Policy 1 and Great Chesterford Local Policy 2)
- B. Provision of Affordable Housing (Policies H9, H10)
- C. Design of the proposals and whether the development would provide an acceptable form of development and whether the proposal would adversely affect the amenity values of future and neighbouring residents (ULP Policies GEN1, GEN2, GEN8, ENV10)
- D. Provision of Open Space
- E. Other material considerations

A The principle of redevelopment of this site for residential development (ULP Policies E1, E2, S3, H3, E2, GEN2, Great Chesterford Local Policy 1 and Great Chesterford Local Policy 2)

- 10.1 The application site is identified as an Employment site in the 2005 Local Plan with the nursery land allocated for employment uses under Policy E1 and subject to Great Chesterford Local Policy 2 whilst the New World Timber land is a key employment site and subject to Policy E2 and Great Chesterford Local Policy 1. These policies seek to safeguard the land for employment purposes.

- 10.2 The site is within Development Limits of Great Chesterford where development compatible with the settlement's character and countryside setting will be permitted (Policy S3).
- 10.3 Policy H3 sets out in more detail the criteria for housing within development limits and it is considered that the proposal meets all the criteria apart from criteria e) as the New World Timber site is part of the Station Road industrial estate and identified as a key employment site and therefore protected by Policy E2 – Safeguarded Employment Land.
- 10.4 However, the NPPF advises that Councils 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 and where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. 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 sites.
- 10.5 The most recent figures reported to the Local Plan Working Group in March 2014 show that the District Council currently has a 5.1 year supply of housing and therefore, the Council can demonstrate a deliverable 5 year supply of housing land. However, applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF and the Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives for the next 20 years.
- 10.6 The 5-year land supply is a rolling target, which moves forward a year each April. The current trajectory anticipates a shortfall in provision in 2013/14; 2014/15 and also in 2019/20. This shortfall will need to be met within the 5-year period. Depending on the amount of housing commenced or built in 2013/14, which will not be confirmed until June 2014, the Council is therefore likely to find itself again with less than a 5-year supply of land. This means that applications for sustainable development, including those outside development limits, may need to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing.
- 10.7 The current proposals would contribute to the supply of housing in the district. Furthermore, the site is proposed to be allocated for residential use in the emerging Local Plan under Great Chesterford Policy 1 – New World Timber and Great Chesterford Nursery, London Road. That policy proposes to allocate the site for a minimum of 40 dwellings although the March 2013 Position Statement reduced this number to 35. The emerging Local Plan also requires that the development provides for a mixed and balanced community, that it provides financial contributions towards off-site open space provision for recreation (as amended by the Positions Statement), that the development is designed to mitigate adverse effects upon existing residential and community interests and may be required towards wider and longer term planning benefits.
- 10.8 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.

10.9 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 nursery site has been disused for some time and the New World Timber site is vacant following the occupants relocation to Saffron Walden. No new employment uses have been forthcoming so far and it is considered that the cost of re-investment into the nursery would be uneconomic and not viable. The redevelopment of the site would therefore result in the re-use of this partly brownfield site and bring a redundant site back into an efficient land use.

10.10 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 site is surrounded by residential properties to the east at Ash Green and along the opposite side of London Road. The proposal would make a contribution towards the delivery of the housing needed for the district and the provision of a road crossing would help to integrate the future residents into the rest of the community.

10.11 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 dilapidated greenhouses and the redevelopment of the site would considerably improve the visual impact of this part of London Road.

10.12 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 the Great Chesterford Policies 1 and 2 of the Local Plan. The site has no environmental value and its redevelopment for residential use would cause no material harm. It is considered therefore that the principle of redevelopment of the site for residential purposes is sustainable development and is acceptable and would accord with the advice of the NPPF and would help to bring forward much needed housing land within the District and contribute to the five year supply.

B Provision of Affordable Housing (Policies H9, H10)

10.13 Policy S9 of the adopted Uttlesford Local Plan 2005 states that the Council will seek 40% affordable housing on sites. The previous application only proposed 14 affordable properties (33%) within the scheme. However, the revised application now proposes 17 affordable units and provides the 40% in accordance with policy.

10.14 The applicants have been in discussion with the Housing and Enabling Officer and provide the appropriate and agreed mix of dwellings. The following mix and tenure split is considered to be suitable for this location and would provide an appropriate mix of units in accordance with Policy H10:

Affordable Rent –	6 x 1 bedroom flat 7 x 2 bedroom house 2 x 3 bedroom house
Shared Ownership –	2 x 2 bedroom house

10.15 The affordable housing is divided into small clusters throughout the site in accordance with the Council's policy.

10.16 The Parish Council has raised concerns regarding how the affordable housing would be allocated and want to ensure that is available to meet local needs. Although the applicants have provided a draft Unilateral Undertaking, they have been informed that it is the Council's normal policy to require S106 Agreements in relation to affordable housing and they have agreed to enter into such an agreement. The S106 would contain the normal cascade criteria giving first priority to local people and therefore should cover the Parish Council's requirements.

10.17 The development also provides an acceptable mix of dwellings with a mixture of 1, 2 and 3 bedroom dwellings and flats. No bungalows are proposed in view of the waiver on this site due to the development of bungalows elsewhere in Great Chesterford. It is considered that, as amended, the scheme now accords with Policies H9 and H10 of the 2005 Local Plan.

C Design of the proposals and whether the development would provide an acceptable form of development in keeping with the character of the area (ULP Policies GEN2, GEN8 and ENV1)

10.18 The previously refused application was unacceptable largely on matters of detail. It incorporated large and unacceptable areas of car parking and manoeuvring space. The layout was also poor and would have resulted in a poor environment for future residents and would have had some impact upon existing ones. The current proposals have introduced a new layout and the applicants have sought to address the previous objections to the scheme. All the dwellings are designed to be lifetime homes.

10.19 The current and previous schemes utilise the existing access into the site from London Road. Although the Highway Authority's formal response is awaited, your officers understand that there are no objections to the use of this access and indeed no objections were raised on highway grounds to the previous scheme. It is considered therefore that the proposal is in accordance with ULP Policy GEN1.

10.20 Policy GEN2 requires good design and for development to comply with the criteria set out in that policy as well as the Council's SPG's and SPD's. The existing dilapidated greenhouses physically detract from the amenities of the area and their demolition and removal would improve the visual amenities of this part of Great Chesterford. There is no objection to their demolition or of the factory building to the rear.

10.21 The new dwellings along the London Road frontage are two storey and constructed predominantly in render with brick and weatherboard detailing. The design of the properties incorporates traditional detailing and it is considered that the design of the dwellings is acceptable and would result in an attractive development along this section of London Road.

10.22 Similarly, the designs of the dwellings within the site are acceptable and also incorporate traditional detailing with steeply pitched roofs and a common pallet of materials. Garages and cycle stores are proposed within the development but no details have been submitted of the cycle stores and submission of these details would need to be conditioned.

10.23 The previous application incorporated large areas of car parking and tarmac which detracted from the quality of the design of the houses. The current proposal has

removed the large areas of car parking and has redesigned the layout so that most of the car parking is now on plot or adjacent to the dwellings it is intended to serve. The main views into the site along the access from London Road will be the dwellings along the rear boundary of the site. These will provide a far more attractive focal point than the previous application which placed an area of car parking and cycle and bin stores at the head of the road. The revised scheme is therefore more in keeping with the high quality design required by the NPPF and the Local Plan.

- 10.24 In addition, the applicants have now removed all the three storey elements from the proposal and have kept the buildings two storey apart from the dwellings along the rear boundary of the site (units 25 to 32) and also two along the London Road frontage (Units 3 and 4) which incorporate accommodation in the roof. The Parish Council has raised concerns regarding the dormer windows in Unit 3 but it is considered that the design of this dwelling and the others are acceptable and will add interest to the development and also to the London Road street scene.
- 10.25 Current Units 33 to 38 previously comprised a three storey block positioned close to the western boundary and Stanley House. The block has been lowered in this application to two storey and has been redesigned so that although still close to Stanley House, it will not have any windows overlooking the office block, thereby removing the previous concerns regarding the oppressive outlook for future residents. There is a greater area of amenity space to serve the flats with two of the upper flats incorporating balconies. It is noted that an objection has been received from No 11 London Road concerning potential overlooking of its garden but it is considered that this would be minimal. The boundary of the site along this section is formed by Stanley House and a dilapidated shed which is outside the site and is to remain. Your officers raised concerns previously regarding the outlook of future residents onto this shed and the applicants have therefore changed the orientation and position of many of the units and also now propose evergreen planting along the boundary to screen the shed. As a consequence of the location of Stanley House and the shed there is a very limited angle of view from the balconies towards No 11 and, with the planting along this boundary, it is considered that there is very limited potential for overlooking of the garden of No 11.
- 10.26 Units 23 to 32 are located adjacent to the railway and have their main living accommodation facing towards the railway line. A Noise Impact Assessment has been submitted with the application which makes recommendations for acoustic glazing and ventilators to habitable rooms. The report concludes that the recommended measures given, noise within habitable rooms, due to transportation sources, would comply with maximum internal levels of 35 dB L_{Aeq} during daytime and 30 dB L_{Aeq} at night, and would also not regularly exceed 45 dB L_{Amax} , at night.
- 10.27 The Council's Environmental Health Officer has commented on the proposals and advised that the submitted noise survey confirms that this site is subject to noise from the railway, including the passage of freight trains during the night. The houses proposed for Zone 1 in Fig. 2 of the Noise Assessment would be particularly vulnerable to this noise source. The WHO guidelines for avoiding sleep disturbance are that the average noise level inside a bedroom at night should not exceed 30dB L_{Aeq} , and the maximum noise should not exceed 45dB L_{Amax} . In order to achieve this, the houses in zone 1 would need high specification glazing to insulate against noise, and an acoustically attenuated ventilation system so that the bedrooms can be ventilated without opening the windows.
- 10.28 British Standard 8233: 1999 says that it is desirable that the average noise level in gardens should not exceed 50dB during the day and evening, and 55dB L_{Aeq} should

be regarded as the upper limit. The WHO guidelines are similar. Even with a timber barrier next to the railway, the average noise level in the gardens in Zone 1 is predicted to be 55-60dB LAeq. The gardens in zone 1 would be exposed to seriously annoying noise levels. If the development is approved despite this consideration the Environmental Health Officer advises that conditions would be needed requiring acoustic measures to be incorporated within the scheme.

10.29 It is recognised that the site is close to the railway and that there is potential for noise disturbance for future residents. However, the proposed dwellings are sited no closer to the railway line than the dwellings on Ash Green. It is considered that a refusal on noise grounds could not be justified in this instance and that conditions should be imposed requiring appropriate acoustic attenuation as recommended by the EHO.

10.30 Residents in Ash Green have raised concerns regarding the proximity of the new dwellings and apartments to existing dwellings. The previous scheme incorporated some three storey accommodation which had the potential for overlooking and a degree of overshadowing. However, the revised scheme has amended the layout and design of these units (Units 15 to 20) so that they are now two storey and arranged side on to 7 Ash Green. The eaves level is 5.5m and is therefore similar to the adjacent property whilst the roof is hipped with an overall height to the ridge of 9.4m. The flank wall of the flats will be adjacent to the flank wall of No 7 but the layout and design of the flats is such that only two windows are proposed in the flank elevation. These would be obscure glazed. There would be no windows directly overlooking the adjacent property. Although some juliet windows are proposed for the living room accommodation on the first floor northern elevation, these are positioned away from the boundary and are also recessed, thereby restricting any views towards neighbouring properties. Similarly, the single balcony on the southern elevation will have a privacy screen and will not afford views into either the dwelling or its rear garden. Sections have also been provided and show that there is a difference in ground levels with the application site being approximately 1m lower than Ash Green, further reducing any impact upon existing properties.

10.31 The remaining properties along the boundary with Ash Green are two storey dwellings and will be lower than the adjacent properties on Ash Green by between 1 to 1.5 metres and will not affect either the privacy of those dwellings nor will they have any overbearing impact upon them. It is considered that the current revised scheme has addressed the previous issues of design and impact upon residential amenity and is now acceptable.

10.32 Uttlesford's parking standards require a total provision of 89 parking spaces to serve the 42 units. The application proposes 86 spaces leaving a shortfall of 3 visitor spaces. It is considered that the provision is generally in accordance with the standards set out in the Council's SPD Parking Standards: Design and Good Practice and that this minimal shortfall is acceptable. The current scheme represents a significant improvement over the previously refused application proposal as the applicants have removed the previous large parking courts which dominated large areas of the development and replaced them with on plot parking and smaller courts to serve the immediate flats and properties. The submitted scheme formerly incorporated sub-standard sized parking spaces when compared to the recommended sizes set out in the Council's SPD Parking Standards but was in accordance with the space standards set out in the Essex Design Guide. As a consequence, further revisions have been submitted amending the size of the parking spaces and the garages and the revised scheme now incorporates car parking spaces and garages that meet the minimum size standards of the Council.

10.33 The dwellings all incorporate gardens which accord with the Essex Design Guide's recommended sizes as set out below:

Plot No.	Dwelling Type	No of Bedrooms	Outdoor Amenity Space		Plot No.	Dwelling Type	No of Bedrooms	Outdoor Amenity Space
1	House	3	105		22	House	2	53
2	House	3	101		23	House	2	65
3	House	3	101		24	House	2	57
4	House	3	112		25	House	2	58
5	House	3	101		26	House	2	54
6	House	3	101		27	House	2	54
7	House	3	103		28	House	2	58
8	House	2	51		29	House	2	72
9	House	2	53		30	House	2	54
10	House	2	51		31	House	2	54
11	House	2	56		32	House	2	57
12	House	2	52		33	Apartment	1	B
13	House	2	52		34	Apartment	1	B
14	House	2	55		35	Apartment	1	B
15	Apartment	2	A		36	Apartment	1	B
16	Apartment	2	A		37	Apartment	1	B
17	Apartment	2	A		38	Apartment	1	B
18	Apartment	2	A		39	House	3	122
19	Apartment	2	A		40	House	2	65
20	Apartment	2	A		41	House	3	103
21	House	2	52		42	House	3	134

Note A: 196 sqm shared amenity area plus dedicated sitting out areas or balcony

Note B: 201 sqm shared amenity area plus dedicated private balcony

10.34 It is considered that the layout as proposed is acceptable and would provide a reasonable and attractive environment with elements of good design as required by the NPPF and the Local Plan. The revised proposals now address the issues of amenity for future residents and it is considered that the layout and design of the proposals have addressed the previous reasons for refusal and comply with the requirements of the NPPF and Policies GEN2, GEN8 and ENV10 of the Local Plan.

D Provision of Open Space (ULP Policy GEN2)

10.35 No Public Open Space or play areas are proposed within the scheme. The emerging Local Plan policy Great Chesterford Policy 1 confirms that contributions will be required towards off-site open space for recreation and the applicants have confirmed that they are willing to pay an appropriate contribution and to enter into a Section 106 to that effect. It is therefore considered that no public open space is required within the site.

10.36 However, the main recreation area and most of the community facilities serving the village of Great Chesterford are to the north of the site and on the opposite side of London Road. It is considered that there is a need for a pedestrian crossing across London Road to serve this development and to allow residents to safely cross the road to be able to access both the recreational ground and the other community facilities within the village. Although the applicants have offered to pay a contribution towards this crossing, it is understood that this would not be acceptable to the highway authority

who require the crossing to be provided as part of the development. It is agreed that the pedestrian crossing is necessary for the development to ensure the safety of future residents. The point of crossing has yet to be agreed but as it will need to be provided on Highway land, it is considered that it can be dealt with by condition.

10.37 It is considered that subject to the provision of a financial contribution towards off-site open space and the implementation of a pedestrian crossing across London Road to serve the development that the application is acceptable and would comply with Policy GEN2 of the Local Plan.

E Other material considerations

10.38 The residential development of this site would increase the pressure on local education facilities. In order to off-set this pressure a financial contribution of £242,993 is sought by Essex County Council towards additional provision for early years, Great Chesterford Primary School and at Saffron Walden County School. This would be provided by way of a Section 106 Agreement and the applicants have indicated their agreement to providing this contribution. As a consequence, subject to the completion of the S106 Agreement to address this requirement, the proposal would make the necessary provision for infrastructure as required by Policy GEN6.

10.39 The Parish Council has raised questions relating to some of the details proposed. It is understood that in relation to the verge on London Road, this will be subject to a management company whilst clarification has previously been given to the owners of Lyndene regarding ownership and the location of the boundary between that property and the application site and that the application site does not contain any land owned by the owners of Lyndene.

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

11. CONCLUSION

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

- A The proposals represent the redevelopment of a vacant employment site. The site is proposed to be allocated for residential development in the emerging Local Plan and the early release of the site for residential purposes would contribute toward the five year supply of housing land within the District and be in accordance with the sustainable principles and requirements of the NPPF. There are therefore no objections to the principal of redevelopment of the site for housing.
- B The previous application had a shortfall in affordable housing and this has been addressed in the current application which will provide 17 units (40%) affordable units in accordance with Policy H9 of the Local Plan. The development also incorporates an appropriate mix of dwellings and complies with Policy H10 of the Local Plan.
- C The previously refused application was unacceptable on several matters of detail relating to the poor layout, the domination of large areas of car parking and the poor level of amenity afforded to residents. The design and layout of the scheme has now been revised and the concerns set out in the reasons for refusal have been addressed. It is considered that the amended scheme is acceptable and will now provide existing and future residents with an acceptable standard of amenity, satisfying the requirements for good design set out in the NPPF and Policies GEN2, GEN8 of the Uttlesford Local Plan.

- D The applicants have also confirmed that they are willing to enter into a legal agreement relating to the provision of a contribution towards off-site open space and education provision and subject to the completion of this agreement, and to the imposition of suitable conditions, the application is considered to be acceptable.
- E The proposal as amended will provide a sustainable scheme which is in accordance with the three principles on sustainable development set out in the NPPF.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**
- (i) Community payment for education**
 - (ii) Provision of 40% affordable housing**
 - (iii) Contribution towards open space and play equipment**
 - (iv) Monitoring Charge**
 - (iv) Pay Councils reasonable costs**
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an agreement by 20 April 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
- (i) Lack of community payment for education**
 - (ii) Lack of provision of 40% affordable housing**
 - (iii) Lack of open space and play equipment**

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) The windows shown as being obscure glazed at first floor level on the south-eastern elevations of Plots 1, Plots 19, 20 and 23 shall be retained with obscure glazing at all times.

REASON: To avoid overlooking in the interests of the amenity of the neighbouring residential properties in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 5) No dwelling shall be occupied until a pedestrian crossing on London Road has been constructed in accordance with details to be agreed in writing by the local planning authority.

REASON: In the interest of highway safety in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 6) 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).

- 7) Prior to the erection of the development hereby approved full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- i. proposed ground floor levels of the dwellings;
 - ii. means of enclosure and boundary treatments;
 - iii. hard surfacing materials;
 - iv. Cycle stores
 - v. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, Street Lighting, etc.);

- vi. proposed and existing functional services above and below ground (e.g. drainage, power)
- vii. communications cables, pipelines etc. indicating lines, manholes, supports.).

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

- 8) 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.

- 9) 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.

- 10) 1) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
- 2) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the trial trenching work and prior to any reserved matters submission.
- 3) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
- 4) The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the adequate protection/recording of archaeological remains in accordance with Policy ENV4 of the Uttlesford adopted Plan 2005.

- 11) The dwellings shall be constructed so that the windows to all habitable rooms identified within the submitted Noise Impact Assessment prepared by 24 Acoustics and dated 23 January 2014, as being within Zone 1 shall achieve the sound reduction indices set out in the Assessment. A means of ventilation other than opening windows shall be provided to the bedrooms of those dwellings as set out in Noise assessment Fig 2.

Ventilators in bedrooms will achieve a minimum attenuation performance of 39 dB Dne,w.

REASON: To protect the occupiers from noise from the railway in the interests of amenity in accordance with Policies GEN2, GEN4, and ENV10 of the Uttlesford Local Plan (adopted 2005).

- 12) A 1.8m high close boarded timber barrier comprising 18mm thick timber with 25% overlap and no holes or openings shall be erected at the site boundary with the railway.

REASON: To protect the occupiers from noise from the railway in the interests of amenity in accordance with Policies GEN2, GEN4, and ENV10 of the Uttlesford Local Plan (adopted 2005).

- 13) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

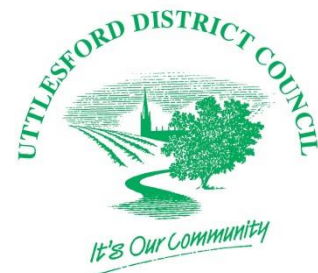
Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

4. Reporting of Unexpected Contamination

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

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

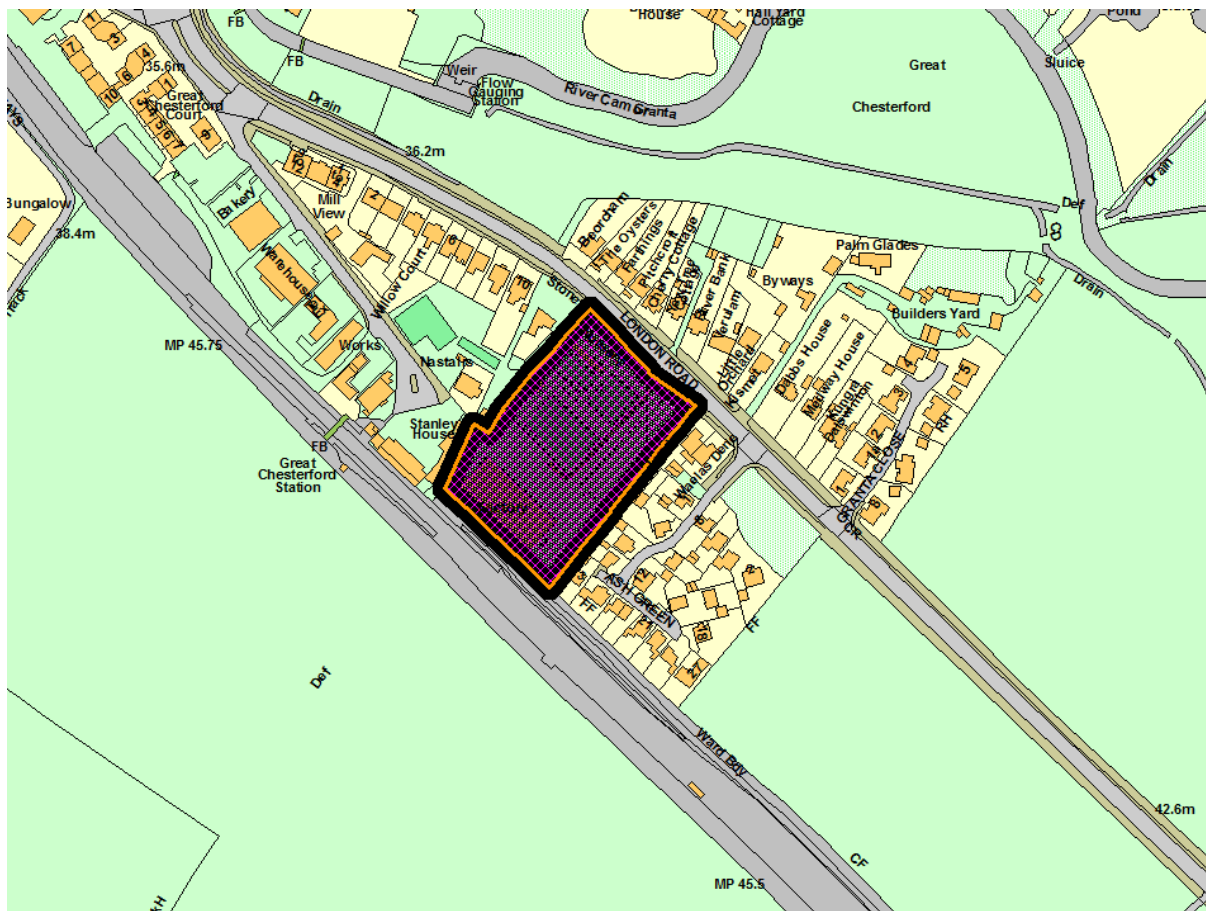
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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



Application no.: UTT/14/0174/FUL

Address: New World Timber Frame/Graveldene Nurseries London

Road Great Chesterford



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Department: Planning

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