

**UTT/ 14/0779/FUL (AYTHORPE RODING)**

(MAJOR APPLICATION)

**PROPOSAL:** Demolition of Existing Buildings and Redevelopment of Site to provide 11 Residential Units (Class C3) comprising 9 x 5 Bed Units, 1 x 2 Bed Units and 1 x 3 Bed Unit together with Associated Highways and Landscaping Improvements.

**LOCATION:** Windmill Works, Aythorpe Roding

**APPLICANT:** Crest Nicholson Eastern

**AGENT:** G.L. Hearn

**EXPIRY DATE:** 24 June 2014

**CASE OFFICER:** Nigel Brown

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**1. NOTATION**

1.1 The site lies outside of any defined Development Limits.

**2. DESCRIPTION OF SITE**

2.1 The site is approximately 0.9 ha as is located adjacent to Dunmow Road (B184) to the west of Keers Green, a small hamlet located between the villages of Aythorpe Roding and Leaden Roding.

2.2 The site, which is broadly triangular in shape, operates as a medium-sized commercial industrial unit, and more specifically as a paper merchant. Its lawful use is a general industrial (Use Class B2). In addition, vacant office buildings are also located to the north-west corner of the site however these are now derelict and suffer from significant fire damage. A large proportion of the site is covered by an industrial warehouse building, ancillary storage and a significant area of hardstanding.

**3. PROPOSAL**

3.1 The application is a full application for the erection of eleven dwellings. The proposal consists of 9 x five bedroom houses, and two affordable housing units.

3.2 The proposal consists of nine five bedroom dwellings accessed from the existing road to the north of the site. The two affordable housing units, which are now confirmed as shared ownership properties will have their own dedicated access onto the same road but closer to its junction with Dunmow Road. The proposed development would include a footpath access onto Dunmow Road.

3.3 Each of the nine market dwellings on this site have been individually designed.

#### 4. APPLICANT'S CASE

4.1 As requested by UDC, this addendum provides further clarification regarding two planning considerations; namely, the change in the planning and political context since the 2007 appeal, and the proposed housing mix.

#### 4.2 The planning and political context since the 2007 appeal decision

It is considered that the planning and political context has sufficiently changed since 2007 to result in support for the principle of the site's redevelopment for residential use. In 2007, the Inspector stated that *"the site is in employment use and the development plan policy indicates that redevelopment for other uses may be permitted if the employment use has been abandoned or the present use harms the character and amenity of the area. Here, whilst industrial use may have developed by default, it is an established industrial location and the site is on the market. Thus, it cannot be said that the site has been abandoned. Moreover, there is no objective evidence before me to show that the current use has resulted in unacceptable harm to neighbours' living conditions."*

4.2 Post 2007, during the recession, the industrial operations gradually decreased resulting in the dereliction of the office buildings to the north-west corner of the site. In addition, the site suffered significant fire damage in 2013 as a result of vandalism. It is therefore considered that, since 2007, the site has had a greater impact on the sensitive surrounding environment characterised by three adjacent listed buildings.

Despite decreasing operations, the activity that does still exist creates undesirable transport and noise impacts. If the site does not obtain a residential consent, the operators, with the benefit of a certificate of lawful use (obtained in 2011) will need to consider intensification of commercial activity which would further exacerbate issues associated with visual impact, transport, noise and pollution.

Since the appeal in 2007, there is now evidence to demonstrate that the current use (and the potential for intensification) has raised concerns in the local community. Over the last 18 months we have engaged closely with both local residents and the Parish Council regarding the principle of the site's redevelopment.

As outlined in the SCI submitted as part of the planning application, there has not been a single objection to the principle of development. Comments from the local community include:

*"We would like to show our support for this development 100%. We feel it can only enhance the area and is much more preferable over other options for this land which would be detrimental to the village life."*

- *"This development would be an asset to Aythorpe Roding. The plans look very exciting and would improve the area."*

4.3 More specifically, the residents who live in the Grade 2 Listed cottages next to the site have written letters of support, stating:

- *"We clearly prefer a well-designed housing scheme to any industrial activities on this site"*
- *"I would like to say that this proposed redevelopment of this site has my 100% support. I feel it will be very much more in keeping with the surrounding area, and be a big improvement on the derelict and unsightly industrial buildings that exist on the site at the moment."*

4.4 In 2007, the Inspector also stated *"I consider that the development would conflict with the objectives of national and development plan policy in that it would not be a sustainable form of development given the almost total dependence on the private car"*

*to satisfy the day to day needs of prospective residents. This conflict is not outweighed by any other material considerations."*

- 4.5 Since 2007, there has been a clear shift in national policy to boost significantly the supply of housing following adoption of the NPPF (2012). In addition, the NPPF seeks *"the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value"* and encourages *"local authorities to approve planning applications for change to residential use and any associated development of commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area (para 51)"*. The NPPF also promotes high quality design in keeping with local characteristics to enhance the immediate environment (paras 55, 63 etc.).
- 4.6 There have been numerous post-NPPF decisions where these considerations have outweighed a site's rural, car-dependent location. At a local level, the former nursery site opposite to Windmill Works obtained planning consent (UTT/13/0571/FUL) for three dwellings in May 2013. The officer's report recognises that *"the site is located outside of any defined development limits in the adopted local plan and previous applications for residential development have been dismissed at appeal...However, the applicant is offering a financial contribution to ensure the provision of local affordable housing. There is a deficit of affordable housing at Aythorpe Roding in addition to a lack of suitable sites for affordable housing. In light of the applicant's willingness to contribute to £120,000 towards local affordable housing and the support for the scheme from the Parish Council and neighbours, it is considered that this is a material consideration which would outweigh the policy objections to the scheme"*.
- 4.7 In other words, the former nursery site's rural, car-dependant location was outweighed by 1) a contribution towards local affordable housing and 2) support from the Parish and local residents.
- 4.8 This decision sets a precedent for the release of Windmill works opposite where its rural location should be outweighed collectively by 1) the provision of onsite affordable housing to meet the need identified in the local housing needs survey 2) support from the Parish and local residents and 3) removal of a non-conforming use that has a detrimental impact on the surrounding environment. This approach was agreed by UDC officers at the two pre-application meetings.
- 4.9 Justification for housing mix  
Policy H10 of the adopted 2005 Local Plan states that *"All developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties."*  
The NPPF's emphasis on both viability (para 173) and quality of design to enhance immediate surroundings (para 55, 63 etc.) have informed UDC's more up-to-date Pre-Submission Local Plan Policy HO2 (April 2014).  
Given the advanced stage of the emerging Local Plan, Policy HO2 (soon to replace Policy H10) should be afforded significant weight in decision making. Policy HO2 states that *"All proposals for new housing developments of 5 dwellings or more or 0.17 hectares and above will be required to provide a mix of dwelling types and size to meet the needs of the local area and the district as a whole as evidenced by the most recent Strategic Housing Market Assessment and local character considerations and viability."*
- 4.10 As outlined within the officer report on the former nursery site opposite Windmill Works, GL Hearn's planning statement, and a number of recent residential consents in UDC, there is a recognised need for additional housing across the District, including at

Aythorpe Roding. As referred to previously, the two affordable units will meet an identified local need.

- 4.11 The remaining units comprise of larger family houses. This is the result of a detailed consideration of both the local character and site specific spatial constraints, in addition to viability (as outlined in Pre-Submission Local Plan Policy HO2). The D&A submitted as part of the application outlines the iterative design process undertaken over the last year which originated with a scheme of 16 units including a greater proportion of smaller properties. However, after assessment of the site's irregular shape, technical requirements, policy standards (garden sizes, parking etc.), and most importantly, the distinct immediate rural character (containing three adjacent listed buildings), this was reduced to a lower density scheme of 11 high quality, bespoke units. This approach was also supported through engagement with the Parish and local community who considered that 16 units represented overdevelopment of the site.
- 4.12 The other necessity to incorporate larger family units relates to viability. The viability report prepared by Strutt and Parker identifies the site's high existing use value in addition to the high remediation and other abnormal costs. Even with this proposed housing mix (and the acceptance of a shared equity product), the scheme is only just viable.
- 4.13 It is therefore considered that local housing need, community feedback, local character considerations, physical and technical constraints, and viability, collectively form a robust justification for the housing mix proposed.

## **5. RELEVANT SITE HISTORY**

- 5.1 Various historical planning applications related to business uses. Recent relevant planning applications to this planning application.

UTT/0832/06/OUT, Outline application for residential development, Refused 13 May 2006, Appeal dismissed 26 April 2007

UTT/0149/08/FUL, Change of use of office to residential dwelling, Refused 26 March 2008

UTT/1699/11/CLP, Certificate of Lawfulness of Existing Use for use of building for B2 use with ancillary storage, Approved 19 December 2011.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

- S3 Other Settlement Boundaries
- S7 The Countryside
- GEN1 Access
- GEN2 Design
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards

- ENV14 Contaminated Land
- H1 Housing Development
- H9 Affordable Housing
- H10 Housing Mix
  
- Supplementary Planning Document; Accessible Homes and Playspace
  
- Uttlesford's Car Parking Standards
  
- Essex Design Guide

### 6.3 Uttlesford Pre-Submission Local Plan April 2014

- SP2 Development within Development Limits
- SP6 Meeting Housing Need
- SP7 Housing Strategy
- SP9 Protection of Countryside
- SP11 Protecting Natural Environment
- SP12 Accessible Development
- SP14 Infrastructure
- DES1 Design
- TA1 Vehicle Parking Standards
- EN3 Contaminated Land
- HO2 Housing Mix
- HO7 Affordable Housing

## 7. PARISH COUNCIL COMMENTS

7.1 Aythorpe Roding Parish Council support this application but ask for the following to be considered before any decision is made:

- If there is any change to affordable housing allocation please can the parish council please be notified as soon as possible?
- Can extensions to speed limit of Aythorpe Roding be put in place on the Dunmow Road to include the area of the proposed along the main road?
- Surface water must be adequately dealt with to avoid recurrence of the problems that occur during heavy rain.
- A need for clearly visible signs to prohibit construction traffic using Keers Green Lane.
- Broadband reception in the Aythorpe area is very poor has any consideration been given to enhance the broadband capabilities.

## 8. CONSULTATIONS

### UDC Environmental Health

8.1 No objection subject to recommendation of noise and site investigation being conditioned.

### Natural England

8.2 No objection subject to standing advice

### **Place Services Ecology**

- 8.3 Initially objected to lack of bat survey and requested emergency bat survey. Following further discussions with regards the context of the buildings, and the fact that they were fire-damaged, unlikely that bats would be presence. Therefore removed initial objection and requested mitigation conditions.

### **Essex County Council-Minerals and Waste**

- 8.4 No comments on this application

### **Essex County Council Highways**

- 8.5 Raises no objection subject to conditions

### **Environment Agency**

- 8.6 We have reviewed the application and supporting documents, as submitted, and would advise the Council that we have no objection to the development proposal. However, the following advisory comments are offered.

### **Land Contamination**

- 8.7 We consider that the previous use(s) of the development site may have caused, or have the potential to cause contamination as discussed in the Site Investigation & Risk Assessment Report dated October 2012 prepared by Southern Testing. In line with the advice given in the report we consider that the following condition should be appended to any planning permission granted.

### **Environment Agency position**

- 8.8 We consider that planning permission could be granted to the proposed development as submitted subject to conditions without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

### **Sustainable Design and Construction**

- 8.9 Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources. In the light of the above comments, we recommend conditions be appended to any planning permission granted.
- 8.10 Further advice provided to the applicant with regards the developer's duties with regards demolition and removal of waste

### **Essex County Council-Sustainable Drainage**

- 8.11 The site falls below the threshold of 1 hectare and therefore unable to comment.

## **Essex County Council Education**

- 8.12 According to our forecasts, there should be sufficient early years and childcare provision and primary school provision to meet the needs of the development.
- 8.13 With regard to secondary provision the priority admissions area school for this development would be The Helena Romanes School and Sixth Form Collage (HRS) which has a bet capacity of 1,563 pupils. Forecasts show that by 2019-20 there is likely to be 1,578 pupils on the roll rising to 1,627 pupils the following year. Further, the school is in excess of the statutory walking distance from the proposed development and therefore ECC is obliged to provide free transport to the school resulting in a long term cost to ECC. The cost estimated is to be £3.90 per pupil per day for 195 days per year; a standard academic year. It is the practice of ECC to seek costs for a 5 year period.
- 8.14 In view of the above I request on behalf of ECC that any permission for this development is granted subject to a Section 106 Agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developers' Guide to Infrastructure Contributions, 2010 Edition. Our standard S106 clauses that give effect to this formula are stated in our Education Contributions Guidelines Supplement, published in June 2010. I also request that the S106 agreement include a contribution towards secondary school transport costs as outlined above. For information purposes only, on the unit mix referred to above the secondary school contribution would be £36,205 and school transport sum would be £8,366. Both costs would be index linked to April 2014 costs.
- 8.15 If your council were minded to turn down the application, I would grateful if the lack of education and transport provision in the area can be noted as an additional reason for refusal and we are automatically consulted on any appeal or further application relating to the site.

## **Anglian Water**

- 8.16 Anglian Water have no sewers in the area and therefore have no comments to make on this application.

## **9 REPRESENTATIONS**

- 9.1 Four representations received have registered **support** for the development for the following reasons:

- Development in keeping with the area
- Improvement to area with removal of existing unsightly buildings
- Positive extension to the hamlet

Whilst supporting the application some comments made:

- Questioning the removal of mature trees from the site prior to the submission of the planning application.
- Questioning capacity of utilities
- Concerns over broadband capacity in area

- 9.2 One representation indicated neither support or objection but made comments

- Inadequate school spaces in the area
- Questioned how affordable housing will be delivered
- Dubious about contaminated land submission
- Traffic problems from increased traffic
- Drainage problems
- Possible convergence of Aythorpe Roding with Leaden Roding.

## 10 APPRAISAL

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

- A Principle of Residential Development (Local Plan Policies S3, S7 & H1)
- B The Design and Layout of the Proposal (Local Plan Policies GEN8, UDC Car Parking Standards & Essex Design Guide)
- C Housing Mix (Local Plan Policy H10)
- D Traffic and Transport (Local Plan Policy GEN1)
- E Provision of Affordable Housing (Local Plan Policy H9)
- F Education & Infrastructure (Local Plan Policy GEN6)
- G Natural Conservation Issue (Local Plan Policy GEN7)
- H Contamination and Drainage (Local Plan Policy ENV14)

### **A Principle of Residential Development (Local Plan Policies S3, S7 & H1)**

- 10.1 The application site lies outside of any defined Development Limits, and therefore technically lies in the open countryside. The site is not located in a sustainable location and in essence is in a location where residential development would not normally be supported and would be contrary to Policies S3, S7 and H1 of the Adopted Local Plan
- 10.2 In June 2014 the Council published its Housing Trajectory and 5 Year Land Supply Statement. This Statement evidences that the Council can now demonstrate a housing land supply in excess of the five year supply. In June this stood at 6.2 years' supply. As such there is no onus to approve planning permission for this site in light of Paragraph 49 of the NPPF.
- 10.3 Reference has been made to the 2007 dismissed appeal for residential development on this site. At the time of this dismissed appeal the site was occupied by an existing business operator. The Inspector considered that it had not been demonstrated that the employment use had been abandoned and there was not an obligation to consider alternative uses. Since the 2007 decision, following the recession, the business operations on site have decreased and the site has fallen into some degree of dereliction through a fire on the site. In 2011 although the use had ceased a Certificate of Lawfulness of Existing Use was achieved establishing a B2 (General Industrial Use) on the site. Although dereliction should never be a reason to allow residential use, the establishing of a B2 use on the site could constitute a non-conforming use, in what is a modest hamlet with some minimal residential units adjacent and in close proximity.



- 10.4 There has been considerable support from the parish council and from the few residential properties in the vicinity. This support is fundamentally based around the removal of the potential of a non-conforming B2 that could be re-established on this site, which by the nature of general industrial uses could cause amenity issues to neighbouring properties from noise, fumes and heavy traffic movements.
- 10.5 One additional policy shift since the 2007 dismissed appeal is specifically Paragraph 51 of the NPPF, within which it emphasises the changing of business buildings and land into residential use, where there is no economic impediment to reject such a change. Although the encouragement of the reuse of brownfield land should still be considered on the basis of the sustainability of the site.
- 10.6 Although the site is located in the countryside, and in an unsustainable location, it is considered on balance that this is outweighed by the removal of a non-conforming use through its redevelopment with housing which has considerable support locally from local residents and the Parish Council.

**B The Design and Layout of the Proposal (Local Plan Policies H10, GEN8, UDC Car Parking Standards & Essex Guide)**

Plot	Bedrooms	Garden Sizes	Car Parking
1	5	220sq. m	4
2	5	275sq. m	4
3	5	600sq. m	4
4	5	560 sq.m	4
5	5	625 sq.m	4
6	5	295 sq.m	4
7	5	405 sq.m	4
8	5	410 sq.m	4
9	5	560 sq.m	4
10	2	120 sq.m	2
11	3	175 sq.m	2

- 10.7 The application site has a total area of 0.9 hectares. The development of the site with 11 dwellings constitutes a very low density of 12 dwellings per hectare.
- 10.8 The development does constitute a development of bespoke five bedroom market units with the provision of two shared ownership affordable housing units. The development provides a development as the table above demonstrates with a consistent over provision of garden sizes across the site. All the five bedroom units provide over double the required 100 sq. m garden sizes, with the smallest being 220 sq. m and largest being 625 sq. m. The affordable housing units also have garden sizes in excess of what is required under the Essex Design Guide.
- 10.9 The development accords with the separation distances within the Essex Design Guide.
- 10.10 The development is fully compliant with the Essex Design Guide. The proposed dwellings have been designed on a bespoke basis to a high quality and would be provide an attractive form of development on the site. All units have adequate car parking provision in accordance with this Council's adopted standards.

## **C Housing Mix (Local Plan Policy H10)**

- 10.11 The proposed development constitutes development of totally five bedroom market units on the site. This initially appears to be non-compliant with Policy H10 of the Local Plan, which calls for the provision of a suitable proportion of smaller dwellings
- 10.12 The applicant has provided a viability appraisal in support of the application. The applicant has demonstrated that the site's value as a B2 site requires the need to generate a higher income to make the proposal viable. This coupled with the local opposition and the considerable unsustainability problems with this site which would question more dwellings on the site. The choice was clearly a decision between 16-20 smaller units or the provision of nine large market units and two affordable units. The viability assessment has been validated by the Council's engaged validator, who has confirmed that the argument to provide 9 five-bedroom units as the only viable market provision on this site.
- 10.13 The housing mix discussion should also be considered in light of the changing policy situation around this issue. The emerging Policy HO2 of the Draft Local Plan does indicate that discussions on matters of housing mix should be considered around local need as demonstrated within the Council's Strategic Housing Market Assessment (SHMA). Although the emerging Local Plan has minimal weight at this stage, evidenced based policies such as this should be given more weight. The Council's latest SHMA does actually indicate that there has been considerably high provision of smaller units in recently delivered developments. As such there is no longer a marked shortage of smaller units, this indicates that Policy H10 has been successfully implemented since adoption of the 2005 Local Plan.
- 10.14 In this instance without this demonstrated shortage of smaller units within the SHMA and the specific viability argument on this site it is not considered defensible to insist upon smaller units.

## **D Traffic and Transport (Local Plan Policy GEN1)**

- 10.15 In support of the application the applicant has submitted a Transport Statement. Essex County Council as the Highway Authority have raised no objections to the proposal subject to conditions.

## **E Provision of Affordable Housing (Local Plan Policy H9)**

- 10.16 As the site constitutes development of more than 0.5 hectares the normal requirement for affordable housing provision on the site would be 40%. For a development of 11 units this would usually equate to four units.
- 10.17 The applicant has provided a viability assessment that questions the viability of the provision of four affordable units on this site. This is based upon the same viability argument based on the housing mix consideration (See C above); and the fact that due to the nature of the development, i.e. the provision of five bedroom units. The provision of two units in lieu of two larger units or even a single larger unit was not viable. The Council's Viability Validator has agreed with this stance.
- 10.18 Initially the developer was not prepared to provide two traditional affordable housing units, but they have now agreed to provide two shared – ownership units which is considered more appropriate in this rural location.

## **F Education & Infrastructure (Local Plan Policy GEN6)**

10.19 Essex County Council as the Education Authority have raised no objection to this proposal. They have indicated that there is sufficient primary and early year's provision in the vicinity.

10.20 However, they have indicated that a financial contribution of £36,205 for secondary provision at Helena Romanes School should be sought. Due to the distance between this site and the Helena Romanes School they have also requested a provision of £8,366 towards school transport. This will be secured through a Section 106 Obligation.

### **G Natural Conservation Issue (Local Plan Policy GEN7)**

10.21 The Council's retained ecologist initially raised objections to this proposal due to the lack of an up to date bat survey, and subsequently requested an emergency bat survey. Following discussions between them and the applicant's ecologist, this original objection has been withdrawn. Due to the fire damaged nature of buildings on the site, it was considered unlikely that bats would be present on the site.

10.22 The Council's ecologist raises no objection subject to conditions to secure mitigation.

### **H Contamination and Drainage (Local Plan Policy ENV14)**

10.23 Both the Council's Environmental Health Officer and the Environment Agency have raised no objection to this proposal, subject to suitable contamination conditions to address the inevitable contamination issues on the site.

10.24 The applicant has submitted the required Flood Risk Assessment with this application. The Environment Agency has raised no objection to the proposal, but has requested specific conditions to secure sustainable drainage systems on site.

## **11 CONCLUSION**

11.1 The principle of development on this site is finely balanced. Although the site is located in an unsustainable location, in the open countryside, the development does achieve the removal of a non-conforming use. The principle of development is therefore, on balance considered acceptable.

11.2 The proposed development accords fully with the Essex Design Guide, with all units achieving at least double the required garden sizes. The proposal is fully compliant with the Council's car parking standards,

11.3 The provision of larger five bedroom units, is considered acceptable, and in line with the Council's SHMR which no longer shows a demonstrated need for smaller dwellings.

11.4 The Council's Viability Validator has confirmed that submitted viability assessment suitably demonstrates that the provision of four affordable housing units on this site would be unviable. The provision of two units is considered an appropriate provision on this site.

11.5 The proposal is technically acceptable, with no objections being raised by the Local Highway Authority with respect of highways safety. The Council's retained ecologist is content on matters related to ecology. Matters related to drainage and contamination has also been demonstrated as acceptable by consultees.

**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 the freeholder owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:
- (i) Secure contribution towards affordable housing
  - (ii) Secure contributions towards education
  - (iii) Meet Council’s legal costs
  - (iv) Monitoring Charge
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation by 20 September 2014 by the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
- (i) Lack of contribution towards affordable housing
  - (ii) Lack of contributions towards education

**RECOMMENDATION –CONDITIONAL APPROVAL**

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. Prior to occupation of any dwelling, the improvement of the existing accesses as shown in principle on Ardent Drawing No. R590-008 to include visibility splays with dimensions of 61 metres x 2.4 metres x 45 metres to the Windmill Works and 2 metres x 35 metres to the offices as measured from and alongside the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.

REASON: In the interests of highway safety and providing 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 and Policy GEN1 of the Uttlesford Local Plan 2005.

3. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. car parking layouts;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
  - vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
  - viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005)

5. The development shall be carried out in accordance with the material stipulated within the application, no changes shall be made to these materials without the prior written approval of the Local Planning Authority

REASON: To ensure that the development accords with the design principles of the application in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

6. No development shall take place until a detailed scheme of mitigation and a monitoring strategy for bats has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme of mitigation and approved monitoring strategy and shall be retained as such thereafter. To discharge this condition a copy of the EPS bat licence and method statement will be submitted to Uttlesford DC.

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 Policy GEN7

7. The development hereby permitted shall be implemented in accordance with the 'recommendations and biodiversity enhancement measures' submitted with the application as detailed in the approved Ecological Assessment report, dated 2014 (Section 6) and shall be completed in full according to the timings in the report. The development hereby permitted shall subsequently be implemented in accordance with the approved details and thereafter the mitigation / enhancement measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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 policy GEN7

8. 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 County Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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 policy GEN7.

9. Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission> (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components 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 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 written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: For protection of the water environment and to address potential contamination on the site in accordance with Policy EN14 of the Uttlesford Adopted Local Plan 2005.

10. No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: For protection of the water environment and to address potential contamination on the site in accordance with Policy EN14 of the Uttlesford Adopted Local Plan 2005.

