



# Uttlesford District Council

Chief Executive: John Mitchell

## Planning

**Date:** Wednesday, 08 April 2015  
**Time:** 14:00  
**Venue:** Council Offices  
**Address:** Council offices, London Road, SaffronWalden, CB11 4ER

**Members:** Councillors C Cant, J Cheetham (Chairman), J Davey, K Eden, R Eastham, E Hicks, M Lemon, J Loughlin, K Mackman, J Menell, D Perry, V Ranger, J Salmon, L Wells

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest.**  
To receive any apologies and declarations of interest
  
- 2 Minutes of previous meeting** 5 - 14  
To consider the minutes of the meeting held on 11 March 2015
  
- 3 Matters arising.**  
To consider matters arising from the minutes
  
- 4 Planning Applications**
  
- 4.1 UTT/14/3819/FUL Chrishall** 15 - 26  
To consider application UTT/14/3819/FUL Chrishall

<b>4.2</b>	<b>UTT/15/0404/FUL Takeley</b> To consider application UTT/15/0404/FUL Takeley	27 - 36
<b>4.3</b>	<b>UTT/14/3763/FUL Saffron Walden</b> To consider application UTT/14/3763/FUL Saffron Walden	37 - 48
<b>4.4</b>	<b>UTT/14/3770/FUL Little Canfield</b> To consider application UTT/14/3770/FUL Little Canfield	49 - 56
<b>5</b>	<b>Land north of Stansted Road, Elsenham (UTT-14-3279-DFO)</b> To clarify the Committee's position on this application	57 - 60
<b>6</b>	<b>Notification of works to a tree - Saffron Walden Castle</b> To consider notification of works to a tree at Saffron Walden Castle	61 - 64
<b>7</b>	<b>Notification of works to a tree - Saffron Walden</b> To consider notification for works to a tree at 23 Westfield, Saffron Walden	65 - 70
<b>8</b>	<b>Appeal decisions</b> To consider recent appeal decisions	71 - 74
<b>9</b>	<b>Planning agreements</b> To receive the list of outstanding S106 agreements	75 - 76
<b>10</b>	<b>Chairman's urgent items</b> To consider any items that the Chairman considers to be urgent	

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The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2pm on 11 MARCH 2015**

Present:: Councillor J Cheetham (Chairman)  
Councillors J Davey, K Eden, R Eastham, E Hicks, M Lemon,  
K Mackman, J Menell, D Perry, V Ranger and J Salmon.

Officers in attendance: E Allana (Senior Planning Officer), N Brown  
(Development Manager), M Cox (Democratic Services Officer),  
C Oliva (Solicitor), S Stephenson (Planning Officer), A Taylor  
(Assistant Director Planning and Building Control), C Theobald  
(Planning Officer) and L Trevillian (Senior Planning Officer).

PC68

**APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Cant, Loughlin and Wells.

Councillor Cheetham declared a non- pecuniary interest in application UTT/3326/FUL Little Canfield as she knew the applicant.

In relation to application UTT/14/3799/FUL Wendens Ambo:-

- Councillor Hicks declared a pecuniary interest as his granddaughter was intending to purchase one of the flats.
- Councillor Ranger declared a non-pecuniary interest as the design company was known to him.
- Councillor Lemon declared a non- pecuniary interest as he knew the agent.

Councillor Davey declared a non- pecuniary interest in applications UTT/14/3266/OP Newport and UTT/14/3776/OP Ashdon as he knew the agent.

PC69

**MINUTES**

The minutes of the meeting held on 11 February 2015 were signed by the Chairman as a correct record.

PC70

**PLANNING APPLICATIONS**

**(a) Approvals**

RESOLVED that the following applications be approved subject to the conditions set out in the officer's report

**UTT/3464/OP Widdington** – outline application for the demolition of the existing detached dwelling to be replaced with 3 dwellings and new access

with all matters reserved except access, layout and scale –Churchmead, Church Lane for the Ellis Campbell Group.

*Councillor Rose, Councillor Parry, Nick Turner and Margaret Hudson (parish council) spoke against the application. Toni Hilton spoke in support of the application.*

**UTT/14/3779/OP Ashdon** – outline application for the erection of 2 detached dwellings and garages with all matters reserved except access and scale, and change of use from builders yard to residential – Land east of Hops Close Farm, Over Hall Lane for Mr I Ford.

Subject to additional conditions

5 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 5 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. REASON: (common to all parts): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

6 Any proposed external lighting should be minimised. Where external lighting is required it should be low pressure sodium or LED lamps with glass glazing, rather than plastic, as these produce the least amount of UV light possible, minimising the attraction effects on insects and minimising disturbance to local bats.

Any external lighting proposed for the development should be aimed carefully, to minimise illumination of boundary habitats and avoid light spillage into the sky, or horizontally out from any buildings, by using hoods or directional lighting.

External security lighting should be set on short timers and be sensitive to large moving objects only, to prevent any passing bats switching them on.

Boundary trees and shrubs should be protected by following BS 5837:2012.

Boundary vegetation should also be excluded from new gardens by stock fencing, or similar, which would allow the continued movement of wildlife between gardens and the surrounding countryside whilst

protecting the boundary trees and shrubs for future foraging and commuting bats and other wildlife.

If the two mature ash trees covered in ivy are proposed for removal then two dusk emergence bat surveys should be undertaken to check for any roosting bats in the trees. The surveys should follow Natural England and Bat Conservation Trust Guidelines and be undertaken by an experienced ecologist during the main active period for bats (May - September).

REASON: To avoid harm to protected/priority species in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 7 Materials should be removed off the site immediately upon demolition or should be placed into skips immediately to prevent reptiles or amphibians from sheltering in the material and becoming harmed by movement of the said material.

Ground vegetation should be strimmed slowly before commencement of other ground works. Strimming should be undertaken in two phases; the first phase to reduce vegetation to a height of approximately 15cm and the second phase to reduce the vegetation to approximately 5cm in height. The strimming should be undertaken in fine, dry and mild weather conditions between April and October when reptiles should be active and able to escape harm if required.

Construction materials should be stored on hardstanding or on pallets to prevent amphibians or reptiles from sheltering in the materials and being harmed by movement of the materials.

No construction work shall be carried out at night when amphibians are mostly active;

If holes or trenches are to be dug for the development they should be covered at night or should have a roughly sawn plank placed in them to facilitate escape.

If at any stage an amphibian or reptile is observed on the site, works should stop immediately and the animal should be allowed to disperse of its own accord, or an ecologist should be contacted for advice.

REASON: To avoid harm to protected/priority species in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 8 The existing builders yard currently operating from the site shall completely cease before first occupation of the dwellings hereby permitted.

REASON: To protect the environmental and residential amenities of the surrounding area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).3

*Brian Christian spoke in support of the application.*

**UTT/14/3791/FUL Little Bardfield** – erection of 1 detached dwelling – Land east of Guivers, west of Three Chimneys, Little Bardfield Road for Mr R Jones.

Subject to the following conditions

- 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 the development the width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 3 There should be no obstruction above ground level in height within a 2m wide parallel band visibility splay required across the entire site frontage as measured from the edge of carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.  
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 4 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.  
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 5 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,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. retained historic landscape features and proposals for restoration, where relevant.

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).

- 6 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 GEN2.

- 7 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 parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities

vi. measures to control the emission of dust and dirt during construction

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

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

- 8 Before development commences details of 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. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005

- 9 Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and to minimise the visual impact of the development in the street scene, in accordance with ULP Policy GEN2 of the Uttlesford Local Plan adopted 2005.

*Michael Edridge spoke against the application. Ray Jones spoke in support of the application.*

**UTT/14/3788/FUL Wendens Ambo** - Revisions to roof line to create 1 No. residential unit, extension to southern elevation, including lift shaft, addition of dormer windows to roof; alterations to main entrance on western elevation to create glazed atrium - The Mill, Bearwalden Business Park, Royston Road for Mr R Wells.

*Isabel Grant (parish council) spoke against the application. Alasdair Alan spoke in support of the application.*

*Councillor Hicks left the meeting for the consideration of this item.*

**UTT/14/3326/FUL Little Canfield** – change of use of land, erection of stable building and construction of surfaced exercise area, all in connection with the keeping of and exercising of horses – Land east of Ladlers, Stortford Road for Mr and Mrs Rea

Subject to the following additional conditions

5 No development or preliminary groundworks shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme. The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within 6 months of the completion of the fieldwork, unless agreed in advance with the Local Planning Authority). This will result in the completion of a 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: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

6 No development shall take place until a full scheme for the storage and disposal of waste has been submitted and approved in writing by the Local Planning Authority. The development will be carried and thereafter maintained in accordance with this approved scheme.

REASON: To comply with Policy GEN4 of the Uttlesford Adopted Local Plan 2005.

*James Ray spoke in support of the application.*

**UTT/14/3730 Takeley** - Application to vary condition 5 (staff parking arrangements) of planning permission UTT/14/2812/OP (outline application with some matters reserved for the development of a hotel comprising 8,670sqm of accommodation space (329 bedrooms) and associated parking and vehicle access) to include the concluding phrase "or until other temporary arrangements have been made available for the use of staff car parking to accommodate the lost staff spaces, which shall be available until the replacement staff car park is complete - Land south west of Enterprise House, Stansted Airport for Stansted Airport.

**UTT/15/0227/FUL Great Easton** – proposed demolition of 2 Stables and tack room and replacement with 4 stable and tack room – Homefield, Mill End for Miss M Felton.

**(b) Refusals**

RESOLVED that the following application be refused.

**UTT/14/3279/DFO Elsenham** - Details following outline application UTT/0142/12/OP (erection of 155 dwellings with associated infrastructure) – details of access, appearance, landscaping, layout and scale - Land North of Stansted Road for David Wilson Homes.

Reason: Contrary to policy GEN1 and GEN 2

*Graham Mott and Peter Johnson (parish Council) spoke against the application. Peter Biggs spoke in support of the application.*

**(c) Approvals with legal obligation**

**UTT/14/3357/FUL Flitch Green** - Erection of 25 dwellings (including 10 affordable homes) a new vehicular access onto Hallett Road/Webb Road, new private vehicular accesses, and associated infrastructure - Land at Webb Road and Hallett Road, Flitch Green for Pigeon Investment Management Ltd, GAG373 Ltd & GAG339 Ltd.

RESOLVED that conditional approval be granted for the above application subject to the conditions in the report and a legal obligation as follows

(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 freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Provision of 40% affordable housing
- (ii) Education contributions
- (iii) Open space contributions
- (iv) Payment of monitoring fee
- (v) Pay Councils reasonable costs

(II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an obligation by 15th March 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:

- (i) Lack of provision for 40% affordable housing
- (ii) Lack of education contribution
- (iii) Lack of open space contribution

*Alan Barber spoke in support of the application.*

**UTT/14/3266/OP Newport** – outline application for the erection of 15 dwellings with all matters reserved except access and scale –Land south of Wyndhams Croft, Whiteditch Lane for Ford-Wells Ltd,

RESOLVED that conditional approval be granted for the above application subject to

1. the conditions in the report and an additional condition as follows  
17 – Prior to the implementation of the hereby development scheme details of phase 2 botanical survey shall be submitted and approved in writing by the Local Planning Authority REASON in order to protect any existing wildlife within the approved site in accordance with policy GEN7 of the adopted Local Plan 2005.

2. A legal obligation as follows

- (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 20 March 2015 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:
- (i) Provision of 40% affordable housing
  - (ii) Education contribution.
  - (iii) Pay monitoring costs
  - (iv) Pay Councils reasonable costs
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:
- (i) Lack of provision of 40% affordable housing.
  - (ii) Lack of education contribution.

*Councillors Parry and Rose, Peter Ascott and Ted Denyer (parish council) spoke against the application. Brian Christian spoke in support of the application.*

**(d) District Council Development**

RESOLVED that pursuant to the Town and Country Planning (General Regulations) 1992, permission be granted for the developments proposed subject to the conditions set out in the officer's report.

**UTT/14/3655/FUL Newport** - Demolition of current sheltered accommodation and replacement with sheltered accommodation scheme including 41 residential flats, 1 guest suite, communal accommodation, 13 parking spaces and new landscaped grounds - Reynolds Court, Gaces Acre, Newport for Uttlesford District Council.

Subject to

- i) an additional condition in relation to construction management
- ii) An informative note to Building Control to take account of possible impact of indoor lighting.

*Councillors Rose and Redfern, Peter Ascott (parish Council), Ted Denyer and Darren Heffer spoke in support of the application. Councillor Parry Corinne Gliven and Neil Hargreaves spoke against the application.*

PC71

### **APPLICATION TO FELL A TREE**

The Committee considered an application to fell a horse chestnut tree in the garden of 12 Saville Close, Clavering, which was in the ownership of the council. The request had been made as the tree was causing damage to the property but as the felling of the tree would result in the loss of visual amenity it was requested that a suitable replacement tree should be provided.

RESOLVED that approval be granted for the tree to be felled and for a suitable replacement tree to be planted

PC72

### **APPEAL DECISIONS**

The Committee noted the appeals that had been received since the last meeting.

The meeting ended at 5.25pm.

## UTT/14/3819/FUL (CHRISHALL)

(Referred to Committee at the discretion of Development Manager)

<b>PROPOSAL:</b>	<b>Erection of 5 (No.) proposed dwellings with garages, home offices and access roadway</b>
<b>LOCATION:</b>	<b>Hillside Farm, Mill Causeway, Chrishall</b>
<b>APPLICANT:</b>	<b>Mr &amp; Mrs H Smart</b>
<b>AGENT:</b>	<b>Pelham Structures Ltd</b>
<b>EXPIRY DATE:</b>	<b>18 February 2015</b>
<b>CASE OFFICER:</b>	<b>Clive Theobald</b>

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### **1. NOTATION**

1.1 Outside development limits.

### **2. DESCRIPTION OF SITE**

2.1 The site is situated to the north of Chrishall village on the southern side of Mill Causeway having its western boundary onto Abrams Lane and comprises a former poultry farm (Hillside Farm) with a site area of 2.3 ha. The site is enclosed to all boundaries by dense tree screening and banking, although has an open floor interior roughly square in shape of levelled cleared ground representing the apron of former poultry buildings. Vehicular access to the site is gained via Mill Causeway. Two pairs of semi-detached dwellings adjoin the site on its north-west side at the junction of Mill Causeway with Abrams Lane, whilst a further dwelling exists further down Abrams Lane on the south side of the site. A replacement dwelling adjoins the site on its north-east side fronting onto Mill Causeway (Hillside House). Arable land exists to the north and east of the site.

### **3. PROPOSAL**

3.1 This full application relates to the erection of 5 (No.) detached two storey “carbon neutral” dwellings with garages, home offices and newly aligned access road onto Mill Causeway and represents a revised housing scheme submitted for this site in 2014. It should be noted that reference was made by the Council on the current planning application description to a gatehouse, although it is the case that a gatehouse does not in fact show for the application proposal where this detail was shown by the applicant for the previous application and since omitted for the current scheme. The breakdown of dwelling types is as follows:

Plots 1 & 2 - Identical 3 bedroomed dwellings (113 sqm) of tiled and rendered appearance described as “Farm Cottages”;

Plot 3 – 3 bedroomed dwelling (232 sqm) of tiled, brick and flint appearance described as a “Granary Dwelling”;

Plot 4 – 3 bedroomed dwelling (283 sqm) of tiled and stained/painted black weather-boarded appearance described as a “Barn Dwelling”;

Plot 5: 4 bedroomed dwelling (floorspace not given) of tiled/slate and painted render appearance described as a “Farm House dwelling”.

3.2 Parking for the dwellings for Plots 1 and 2 would be in the form of 2 x 2 No. open hardstanding spaces, parking for the dwelling for Plot 3 would be in the form of a detached tiled and weatherboarded triple bay cart lodge, whilst parking for the dwellings for Plots 4 and 5 would be in the form of a combined and handed tiled and weatherboarded garage and cart lodge block (4 No. spaces each). The homeworking offices proposed would take the form of 2 No. detached tiled and weatherboarded units positioned to rear of, and to serve the dwellings for Plots 1 and 2 and 2 No. units positioned within the centre of the aforementioned garage/cart lodge block to serve Plots 4 and 5. No homeworking office is shown for the dwelling for Plot 3. All of the dwellings would have generous site curtilages considerably in excess of 100 sqm.

#### **4. APPLICANT'S CASE**

4.1 The application is accompanied by the following main documents:

- Supporting Letter (May 2014)
- Marketing Statement prepared by Cheffins (Jan 2014)
- Sustainability Statement (Apr 2014)
- Renewable Energy Statement (April 2014 – University of Nottingham)
- Transport Statement
- Ecology Survey Reports

4.2 The case is made generally that the proposal represents a highly sustainable form of residential development at this edge of village location where the proposed eco dwellings would be of an exceptionally high energy efficiency level (Code Level 6/ Passivehaus) with zero carbon emissions and where commercial marketing for the site has shown very few genuine enquiries for the re-introduction of commercial activity given the site's relatively remote location, closeness to residential properties and lack of flexibility on the Council's part to encourage alternative commercial uses.

4.3 The accompanying supporting letter states that *"The proposal if successful would result in the development of a very traditional "farmyard/small country estate" style development, whilst also being the most energy efficient and sustainable houses yet built within the district and possibly the country"*. The letter goes on to say that the developer has volunteered a legal arrangement in favour of the Parish Council which would give them significant control should any further application be made for a number of dwellings greater than the five proposed by the current application.

4.4 The sustainability statement concludes that *"The project will demonstrate that sustainable houses can be attractive, financially viable and desirable and that technology to do so is available now...More fundamentally, carbon neutral houses need to become the recognised standard sooner rather than later and any schemes that assist this should be actively encouraged"*.

#### **5. RELEVANT SITE HISTORY**

5.1 Change of use from poultry farm to timber storage and treatment business, including landscaping measures at Hillside Farm approved in 2002 (UTT/0196/02/FUL) when it was considered that the level of intrusion into the countryside through the introduction of the new commercial use would be significantly less than the existing poultry farm operations. Erection of storage buildings/office building (reserved matters) withdrawn in 2005. Outline permission for erection of 6 No. dwellings withdrawn in 2010 after it was considered by Officers that the proposal would have been unacceptable on rural policy,



ecology and design grounds (UTT/0558/10/OP). Detailed planning permission refused in July 2014 for the erection of 5 (No). dwellings with garages, gatehouse, home offices and access roadway for the following stated reasons (UTT/14/1442/FUL):

- 1 The proposal would amount to a form of unsustainable development at this rural location outside development limits where it would fail to meet all of the sustainability requirements of the NPPF. Furthermore, the applicant has not demonstrated that the development needs to take place at the site and the proposal would therefore be contrary to the countryside protection aims of ULP Policy S7 of the Uttlesford Local Plan (adopted 2005), which states that the countryside will be protected for its own sake.
- 2 ULP Policy H10 of the Uttlesford Local Plan (adopted 2005) states that all developments on sites of 0.1ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The proposal would fail to meet this policy by reason of the high level of specification provided for the proposed dwellings, which would not provide affordable market housing for the local community.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework.

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

- Policy S7 – The Countryside
- Policy H1 – Housing Development
- Policy H10 – Housing Mix
- Policy ENV14 – Contaminated Land
- GEN1 – Access
- GEN2 – Design
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards

## **7. PARISH COUNCIL COMMENTS**

### **7.1 Object on the following principal grounds:**

- Site located outside village development limits
- Development would result in an urbanisation of the site's rural setting
- The proposed scheme is not an "exceptional development" where the sustainable build credentials should not be regarded as representing a rural policy exception
- The question of the site's planning status continues to require clarification (agricultural or brownfield?)
- Proposal unsustainable in terms of impact on environment, social cohesion and local economy
- Lack of local infrastructure and services to support proposed development
- Significant lack of public transport with existing bus services etc. under review due to high cost of provision
- Future occupants of the dwellings would be socially isolated from the village centre as there is no safe walking or cycling route and would be completely reliant on private transport.

- Style, design and mix of the dwellings, whilst appearing to be smaller than those proposed for refused application UTT/14/1442/FUL are still inappropriate for the site's location and would not be conducive to achieving social integration between future residents and the wider local community
- Development does not provide for low cost affordable or low cost market homes which may bring benefit to the wider local community
- Proposal would set a precedent for similar developments on other agricultural land locally
- Abrams Lane has suffered from local flooding issues
- The energy efficiency measures proposed are not enforceable, nor is there a requirement in planning law for carbon neutrality
- No enforceable guarantees that only five properties would be built should planning permission be granted
- Landscape provision cannot guarantee the long term shielding of the site as existing boundary vegetation could be removed

7.2 The Parish Council also claims that the previously implemented groundworks at the site in association with the 2002 approved timber storage and processing use following the demise of the poultry farm should not be regarded as constituting a lawful commencement of that approved use and therefore treated as a "fall-back position" for the proposed change of use of the site to residential as now proposed where the site has not been actively used for any purpose for the last twelve years.

## **8. CONSULTATIONS**

### **Natural England**

8.1 Statutory nature conservation sites – No objection.  
Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.  
Protected species – We have not assessed this application and associated documents for impacts on protected species.

### **Essex County Council Highways**

8.2 The impact of the proposal as shown in principle on Drawing No. 306/20e is acceptable to the Highway Authority from a highway and transportation perspective subject to appropriate highway conditions.

### **Essex County Council Ecology**

8.3 No objections. I note the results of the Protected Species Survey (April 2014) and the negative results of the reptile survey (April 2014). I also note that the proposed masterplan has retained the continuous tree belt enclosing the site and this is welcomed.

### **Environmental Health**

8.4 The site has the potential to be contaminated due its former uses as a poultry farm and for timber treatment. The Site Waste Management Plan identifies the subsoil as hazardous and then goes on to say it will be re-used on site. Any potentially contaminated material re-used in soft landscaped areas must be certified as clean. As advised on the previous application UTT/14/1442/FUL, a Phase 1 contamination assessment is required as per the Essex Technical Guidance. Please provide a copy

of this to the applicant. The application refers to a Package Sewage Treatment Plant (PSP). This must be appropriately sized for the number of occupiers. The applicant is advised to consult the Environment Agency regarding any effluent discharge permit required. The exceptionally high energy efficiency of the proposed dwellings is welcomed. However, air source heat pumps have the potential to cause noise disturbance and no indication is given as to where these would be located. The following condition is recommended:

“Any heat pumps installed must meet the MCS planning standard with respect to noise. Reason: to protect the amenity of nearby properties and residents of the development”.

### **Access & Equalities**

- 8.5 A review of the layout and design of the proposed dwellings and the submitted Lifetime Homes Statement shows compliance with the SPD on Accessible Homes and Playspace.

## **9. REPRESENTATIONS**

- 9.1 4 representations received. Notification period expired 27 January 2015. Site notice expired 5 February 2015.

All four representations received object to the proposed development. A summary of the objections are as follows:

- The site still has agricultural status and is not brownfield land
- Unsustainable location
- Speculative development to obtain an “in principle” decision for housing on the site
- Existing “link” road to the centre of the village (Abrams Lane) is narrow without footpaths and would be dangerous for children from the development to walk along to get to the already oversubscribed village school
- Increased traffic
- Loss of privacy
- The inclusion of “home offices” is a concern. What does this mean?

## **10. APPRAISAL**

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

- A Principle of development (NPPF, ULP Policies S7 and H1);
- B Design / Housing mix (ULP Policies GEN2 and H10);
- C Whether the development would be harmful to protected species (ULP Policy GEN7);
- D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);
- E Impact on residential amenity (ULP Policy GEN2);
- F Pollution risk (ULP Policy ENV14).

### **A Principle of development (NPPF, ULP Policies S7 and H1)**

- 10.1 It has been previously accepted by Council Officers that the 2002 planning permission for the change of use of the former poultry farm to a timber yard at this rural location granted under UTT/0196/02/FUL has been lawfully implemented in view of the carrying out of access improvement works, landscaping and drainage works in association with that approved change of use. Given this previous position where it is understood that

there have been no material changes occurring at the site since the 2002 permission, Council Officers are of the further view that the timber storage buildings shown for that approved development could still be lawfully erected and that once operational the site could thereafter be classified as “light industrial” as a change from its former agricultural use. Notwithstanding this, it is the Council’s view that the site cannot be classed as brownfield land, firstly as a poultry farm is not classified as a brownfield use by definition (agricultural) and secondly as the extant timber storage commercial use has not commenced. Therefore, any argument that it would be beneficial in this context for residential use to take place at the site rather than a commercial use is a spurious one where it was considered by the Council (and also the Parish Council) at the time of the 2002 planning application for the timber storage use that this would be an appropriate form of commercial activity at this rural location and where it was subsequently the personal circumstances of the applicant who decided to relocate the timber business elsewhere which meant that the use has never commenced at the site.

- 10.2 The applicant’s marketing report carried out by Cheffins dated January 2014, albeit that this has not been updated for the current application, states that the marketing of the site for alternative commercial uses from 2008 onwards where the approved timber business use had become surplus to applicant requirements has proved unsuccessful to date and where it is stated in the report that:

*“In six years, very few genuine enquiries from commercial users have been received and no offers have been made. The land is in a relatively remote location and is close to housing. It is therefore not well suited for modern business use. Those parties which have expressed an interest in commercial uses here have been put off by the restrictive planning permission and the seemingly inflexibility of the local authority for alternative commercial uses. I would consider a well-designed, high quality residential development to be a much more suitable form of development on this site”.*

- 10.3 Cheffins have stated in their report that during the six years of marketing the site that it has received numerous enquiries from third parties wishing to seek residential development of the site where only two stated commercial enquiries were received during this period, namely by a mobility company looking for a warehousing and office building and by a local scientific company looking for production floorspace and offices. Marketing has been carried out of the site for commercial use by a variety of marketing methods which are accepted by the Council where it is noted that a Cheffins advertising board still remains displayed outside the site. It is considered from this level of marketing that commercial re-use of the site is unlikely to take place in the foreseeable future.

- 10.4 It will be seen from the above that there is a high probability that the site will remain vacant in its current state and condition unless an appropriate rural use, including acceptable B1 activity can be made of the site. Whilst this is possible, the chances of this occurring are considered unlikely if the marketing report by Cheffins is to be relied upon and where it is argued that an intensive poultry farm were this, say, to be re-introduced at the site is not in itself a particularly neighbourly activity where dwellings exist along the road frontage and along Abrams Lane. However, whilst recognising that the site will have a land value currently either as agricultural status or as an uplift value with the benefit of an extant commercial consent, the betterment in land value which clearly would be achieved through its development for residential use has to be weighed against the overall sustainability of such development and whether this would be sustainable and/or cause rural harm at this location.

- 10.5 ULP Policy S7 of the adopted local plan states that the countryside will be protected for its own sake and that planning permission will only be given for development that

needs to take place there, or is appropriate to a rural area, adding that this would include housing infilling in accordance with para 6.13 of the Housing Chapter of the Plan. As such, there will be strict control on new building. The policy goes on to say that development will only be permitted if its appearance “protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form needs to be there. Whilst the comments made by the applicant that the site is now for all intents and purposes redundant having been offered for sale for several years and that the site’s re-use for housing would in a small way reduce the need to take out productive agricultural land elsewhere to satisfy the housing need for the district, the proposal would not constitute natural housing infilling appropriate to a rural area, whilst a sufficiently cogent argument has not been put forward by the applicant to demonstrate why the proposal *needs* to take place at the site. As such, the proposal would be contrary to the countryside protection aims of ULP Policy S7, which as a local plan policy has been considered in the Ann Skippers Planning report to be partly consistent with the NPPF and is seen more as a restrictive policy rather than an enabling one.

10.6 The NPPF has a presumption in favour of sustainable development where it states at para 14 that LPA’s should be seen to *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole; or specific policies in this framework indicate development should be restricted”*. Paras 6-7 of the framework state that there are three dimensions to sustainable development, namely economic, social and environmental where para 8 states that *“These roles should not be undertaken in isolation because they are mutually dependent... Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*.

10.7 In terms of the presented scheme when assessed against the framework as a whole, it is acknowledged that:

- The site does not represent land in active agricultural use where the proposed development would make more efficient use of it given the length of time the site has remained vacant;
- The development seeks to secure high quality design and a good standard of residential amenity and also seeks by its layout to establish a strong sense of place by responding to local character;
- The development supports the transition to a low carbon future through sustainable construction and use of electric cars;
- The development seeks to promote homeworking opportunities.

10.8 However, as previously mentioned, the site lies outside development limits for Chrishall at the northern end of the parish where it is physically separated by farmland from the central nucleus of the village. In terms of assessment against the environmental strand of the NPPF, the site is enclosed and heavily screened along all of its boundaries by perimeter banking and a planted and now maturing tree belt resulting from the landscaping works carried out under the 2002 permission for commercial use which means that views into the site from both Mill Causeway and Abrams Lane are limited and where the site interior is only readily appreciable from the site entrance itself. However, ULP Policy S7 seeks to protect the countryside for its own sake and the proposal would therefore be contrary to this policy.

- 10.9 In terms of assessment against the social strand of the NPPF, the proposed development has to be considered in the context of its physical location and the range of local services that Chrishall village offers and whether the proposal would support these. The site is situated approximately 1 mile north of the village centre and is therefore not considered to be within convenient walking distance of the village centre, albeit that this is achievable by walking along Abrams Lane. Vehicular access to the site would be maintained via Mill Causeway, although the revised application now includes a footpath link onto Abrams Lane from the rear of the development where this link was not shown for the previous application. However, Abrams Lane is a country lane which is not lit and does not have any public footpaths and it is considered that this lane is not a safe pedestrian linking route to the village centre as it would be potentially hazardous by users.
- 10.10 Furthermore, Chrishall is poorly served by public transport where it is stated by the Parish Council that the village currently only has one village bus service a day where this has had to be saved and that the Bishops Stortford bus service is poor. Therefore, it is highly likely that future residents of the site development would be mostly dependent upon the motor car for trips to the village and further afield. This position appears to have been recognised by the applicant where it is proposed that electric cars would be made a compulsory requirement of any purchase of the dwellings on the development where this would be written into purchase contracts where the case is strongly made that this initiative would result in carbon free private transport. Such transport innovation is encouraged by the NPPF to promote carbon free travel. Whilst this measure has been offered by the applicant on other planning applications which have been considered by this Council, there is no way in which it is considered that this resident requirement could be enforced in planning law by way of an enforceable planning condition or indeed even if this could be realistically enforced by way of private contractual arrangement thereafter.
- 10.11 The lack of physical connectivity of the site from the village centre and reliance on private transport is therefore likely to lead to the proposed development having a lack of social connectivity and integration with the remainder of the village. Whilst Chrishall offers a range of local services, including a primary school, village hall and a public house, it does not have a shop, post office or any other retail outlet. It therefore argued that the village is unlikely to substantially benefit from the proposed development in any measurable or meaningful way where the Parish Council have stated that the primary school is already oversubscribed. The proposal would promote homeworking by the inclusion of homeworking “hubs”, which the NPPF also encourages to promote sustainable development. However, there is no guarantee that this facility would be taken up by future occupants of the dwellings. In the circumstances, the proposal would amount to an unsustainable form of development when viewed against the definition set out within the Framework and when assessed against the framework as a whole and would be contrary to the provisions of the NPPF and ULP Policy GEN1 where it should be noted that a new dwelling proposal at Longview, Mill Causeway within close proximity of the site was refused as being an unsustainable form of development when viewed against the definition set out within the Framework (APP/C1570/A/14/2223003). As such, the presumption in favour of sustainable development as set out in the Framework does not apply to the proposal.

## **B Design / Housing mix / (ULP Policies GEN2 and H10).**

- 10.12 The scheme as put forward contains a mix of housing types where the submitted layout drawing and perspective show how the proposed scheme seeks to create a traditional housing concept, if not rural idyll, through the use of a range of vernacular building form at very low site density. Whilst no objections are raised to the design of the dwellings

*per se*, the proposed scheme would contain either 3 or 4 bedroomed detached market dwellings of high specification where ULP Policy H10 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. Whilst it is noted that the revised scheme as submitted now has the inclusion of the “smaller” and identical so called “Farm Cottages” for Plots 1 and 2 and dispenses with a previously shown Georgian style manor house of substantial proportions for Plot 3 for the previously submitted five dwelling scheme for this site where this plot dwelling is now shown as a “Barn Style Dwelling” in Essex barn vernacular, it is considered that none of these house types would represent low cost or affordable market homes which may bring housing benefit to the local community where Members will be aware that the government has removed the requirement for affordable housing financial contributions on sites of ten dwellings or less.

**C Whether the development would be harmful to priority/protected species (ULP Policy GEN7).**

10.13 The interior of the site comprises a flat surface with perimeter banking above up to a tree line. The application is accompanied by a protected species survey report and also a supplementary reptile survey report, both of which have concluded that protected species are not present at the site where the reptile survey report adds that the likelihood of the site being a reptile habitat is minimal. Given these findings, it is considered that the proposed development would not have a harmful effect on protected or priority species where it is noted that ECC Ecology has not raised any ecology objections. The proposal would therefore comply with ULP Policy GEN7.

**D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).**

10.14 Vehicular access to the development would be via the existing wide site access point along Mill Causeway with an improved roadway alignment leading through the middle of the site as shown with the previously submitted application. Visibility splays have been demonstrated at 2.4m x 150m in both directions with the western facing splay meeting with the junction of The Causeway with Abrams Lane. ECC Highways have been consulted on the application and have not raised any highway objections subject to suitable highway conditions. The proposal would therefore comply with ULP Policy GEN1 in this respect (although see objection on sustainability grounds as mentioned above).

10.15 Resident parking for the dwellings would be in the form of both garaged and hardstanding parking as indicated. Parking for each dwelling as referred to in the application proposal description above would comply or exceed the minimum level of parking required by the adopted parking standards. The proposal would therefore comply with ULP Policy GEN8.

**E Impact on residential amenity (ULP Policy GEN2).**

10.16 The proposed dwellings for the scheme would be positioned within generous residential curtilages well away from the site boundaries which, as previously mentioned, contains dense screening where the dwelling for Plot 1 would be positioned 32 metres from the rear boundary of Hillside House and the dwelling for Plot 5 would be positioned 30 metres from the rear boundary of the dwellings along Abrams Lane. The development would therefore not have a significant detrimental effect on the reasonable amenities of these adjacent dwellings and would not be contrary to ULP Policy GEN2 in this regard.

## **F Pollution risk (ULP Policy ENV14).**

- 10.17 The Environmental Health Officer has advised that the site has the potential to be contaminated due its former uses, although it should be emphasised that the site has not been used for timber treatment processing for which it has planning permission for. However, the applicant's own Site Waste Management Plan has identified the subsoil of the site as hazardous and then goes on to say that it will be re-used on site. The applicant has since advised that any material used for soft landscaped areas for the proposed development would be certified as clean. Notwithstanding this assurance, it is considered that any grant of planning permission should carry the standard remediation conditions so that the site can be properly controlled and if necessary, monitored during any remediation process that is carried out of the land (ULP Policy ENV14). It should also be emphasised that the Environment Agency initially objected to the previously submitted housing application for this site as insufficient information had been submitted by the applicant to show that the risk of pollution to controlled waters would be acceptable in view of the site's location within a Groundwater Protection Zone (Zone 3) and its positioning over an aquifer where the site is considered to be of high sensitivity because of these factors. This objection was subsequently removed following the submission of following additional information subject to suitable conditions being imposed to reduce contamination risk.

## **11. CONCLUSION**

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

- A The proposal would be unacceptable in principle as it would represent an unsustainable form of development contrary to the sustainability aims of the NPPF and also contrary to ULP Policy GEN1 in terms of accessibility;
- B The applicant has failed to demonstrate why the development in the form proposed needs to take place at the site and would therefore be contrary to the countryside protection aims of ULP Policy S7, which states that the countryside will be protected for its own sake.
- C The proposal would be contrary to ULP Policy H10 which states that all developments on sites of 0.1ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.

## **RECOMMENDATION – REFUSAL**

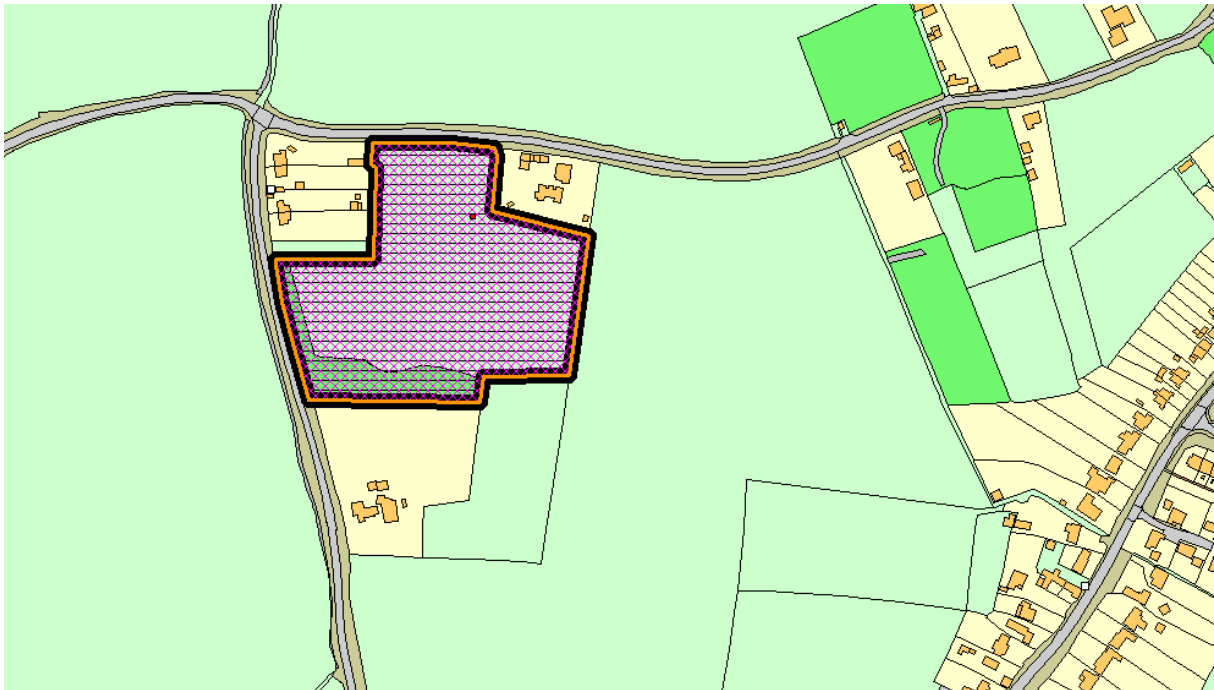
Reasons:

1. The application site forms part of the countryside beyond development limits and the proposed development is fundamentally unsustainable by reason of the site's relative inaccessibility to local services that reflect the community's needs and which support its health, social and cultural well-being and also as the type and tenure of the dwellings proposed would not deliver an inclusive and mixed community or reflect local housing demand. Furthermore, the applicant has failed to sufficiently demonstrate why the development in the form proposed needs to take place at the site. The proposal would therefore be contrary to Paragraph 17 – "Core Planning Principles" within the National Planning Policy Framework and ULP Policies S7, H10 and GEN1 of the Uttlesford Local Plan (adopted 2005).



Application no.: UTT/14/3819/FUL

Address: Hillside Farm Mill Causeway Chrishall



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Organisation: Uttlesford District Council

Department: Planning

Date: 24 March 2015

SLA Number: 100018688



## **UTT/15/0404/FUL – (TAKELEY)**

*(Referred to Committee by Cllr Cheetham. Reason Impact on local area)*

<b>PROPOSAL:</b>	<b>Proposed change of use of land for two additional pitches at existing gypsy caravan site</b>
<b>LOCATION:</b>	<b>Tandans Great Canfield Road, Takeley</b>
<b>APPLICANT:</b>	<b>Mr and Mrs Boswell</b>
<b>AGENT:</b>	<b>Mr R Perrin</b>
<b>EXPIRY DATE:</b>	<b>03 April 2015</b>
<b>CASE OFFICER:</b>	<b>Sarah Marshall</b>

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### **1.0 NOTATION**

1.1 Outside Development Limits

### **2.0 DESCRIPTION OF SITE**

2.1 The site is a rectangular plot of land approximately 0.9ha in area located off a private drive in Great Canfield south of the B1256. The site is currently occupied by one gypsy pitch which is comprised of a mobile home and a touring caravan and there is permission for an additional two pitches on site. The site boundaries are landscaped with mature vegetation which provides screening from the neighbouring properties. The rest of the site is currently being used for grazing.

### **3.0 PROPOSAL**

3.1 The proposal is for an additional two pitches which will bring the number of pitches on site to five. The proposed pitches will be approximately 0.25ha each and be located west of the approved pitches.

### **4.0 APPLICANTS CASE**

4.1 The applicants have submitted a joint planning and design and access statement. This document sets out how the development meets the relevant policies that are set out in the NPPF, the Planning policy for traveller sites (PPTS), and the policies set out in the local plan as well as addressing the design and access principles. Attached to the statement are the following documents: Approved Plan TD1B which was granted approved in 2012. The policy HO11 from the Development Uttlesford Draft Local Plan, the excerpt from the PBA report site assessment for the site and the Gypsy and Traveller Issues and Options Consultation Assessment for the site.

4.2 It should be noted that the Uttlesford Draft Local Plan has been withdrawn as a result of the Inspectors comments; therefore this is not a relevant policy.

### **5.0 RELEVANT SITE HISTORY**

5.1 UTT/0998/08/FUL

“Long stay caravan pitch for one gypsy family”. This permission was personal to Mr and Mrs Boswell. (Granted 2008)

5.2 UTT/0808/11/FUL

“Proposed continued use of long stay caravan pitch for the use of one gypsy family. (Not subject to condition C.13.4- UTT/0998/08/FUL (The mobile home and touring caravan hereby permitted shall be occupied only by Mr T Boswell and Ms A Fuller and when they cease permanent occupation they shall be removed from the site within 2 weeks of this event and the land shall be restored to its former condition within 1 month in accordance with a scheme of work submitted to and approved by the local planning authority in writing).” (Granted conditionally on the 27<sup>th</sup> July 2011 with a personal condition to Mr and Mrs Boswell being re-instated. Allowed at appeal (reference APP/C1570/A/11/2160858) which removed conditions 2 and 13 from the permission including the personal condition.

UTT/1617/12/FUL,

A subsequent application for “proposed two additional pitches at existing gypsy caravan site”. This application was conditionally approved and the condition relating the landscaping was discharged under reference UTT/12/6070/DOC. A non-material amendment for the layout of the additional pitches was approved under reference UTT/13/0028/NMA.

## 6.0 POLICIES

### 6.1 National Policies

- National Planning Policy Framework 2012 (NPPF)
- Planning policy for traveller sites 2012 (PPTS)

### 6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 - Access
- Policy GEN2 - Design
- Policy GEN8 - Vehicle Parking Standards

## 7.0 PARISH COUNCIL COMMENTS

7.1 The Parish Council (PC) object to this application on the basis that the proposed development does not follow the aims of the latest government consultation for Planning and Travellers. The aims are that the planning system is fair and equal to both settled and traveller communities, the sensitive areas and the Green Belt are protected and that the negative impact of unauthorised occupation is addressed. The PC stated that the access to the site down Canfield Drive is inappropriate due to its narrow width with lack of pedestrian access and no passing places. That the creation of additional pitches on the site will be overdevelopment and this would not be seen as being a fair and equal system give the Council refused an application for outline permission for the erection of four dwellings on the site.

7.2 The PC is aware that that an extension to this site has been proposed in the Uttlesford Gypsy and Traveller Issues and Options consultation to which this Parish Council responded in early February 2015. The PC feel that their comments were not addressed in the summary of responses received to the consultation. Furthermore these documents are the beginning of the process of creating the Uttlesford Gypsy and

Traveller Local Plan. As the Council has not decided or considered sites across the district the PC fail to understand how this application can be determined.

## **8.0 CONSULTATIONS**

### **Highways**

8.1 No objection as the development is not contrary to policy GEN 1.

#### **Informative**

Canfield Drive is private and is accessed off Great Canfield Road which is unclassified. There is adequate width and visibility at the junction and the highway authority is satisfied that the low vehicle movements associated with this proposal will not have a detrimental effect on highway safety or efficiency.

### **Thames Water Utilities**

8.2 Waste Comments

Sewerage infrastructure capacity- no objections.

Surface Water Drainage – it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.

Water Comments - With regard to water supply, this comes within the area covered by the Affinity Water Company.

## **9.0 REPRESENTATIONS**

9.1 24 Neighbours were consulted on this application. 25 Representations were received by the Council.

- Canfield Drive is unsuitable for additional traffic due to insufficient passing places which can result in cars having to reverse out onto Great Canfield Road
- The maintenance of Canfield Drive is poor and will only get worse with increase traffic
- There will be an increase in traffic which will be detrimental to the rural character of the area
- The site will be over developed
- The surrounding area is typically large detached dwellings within large plots- this will be out of keeping
- The site will become more urban with all the residential paraphilia which is not suitable for the rural location
- Pitches should be evenly distributed throughout the district
- Why is there a need for additional pitches when the two approved have not been implemented?
- Previously approved application retained half the site as open paddock which is within keeping with the surrounding area
- The Planning policy for traveller sites advises that the number of pitches or plots to the circumstances of the specific size and location of the site and surrounding population density
- An application for four dwellings on the site was refused on the basis of being over development and unsatisfactory access to the site and substandard

construction with poor visibility at the junction of Canfield Drive and Great Canfield Road.

- The scale and form will be out of keeping with the surrounding location and have a detrimental impact on the character of the rural location
- The impact of the additional pitches is not sustainable in accordance with the NPPF
- Previous applications have restricted the number of pitches on this site to prevent proliferation of caravans and mobile homes on this site to protect the rural character of the location
- The resultant vehicle movements from this site is not considered to be low as each additional pitch has a provision of three car parking spaces each
- The highways issues have not changed since 2010 when the Highways Agency objected to the application for four dwellings on the site
- Canfield Drive is not suitable for larger vehicles or caravans due to the width.
- Protected species was a reason for refusing the outline planning application for four houses, however no ecological report has been submitted with this application.
- Insufficient evidence to demonstrate the need for the additional pitches or that the need of the occupants have changed since the original planning approval which could outweigh the harm to the character and appearance of the local area
- A section 106 agreement should be sought to mitigate the impact on the local infrastructure, amenity and services
- The harm created by this proposal could not be mitigated by a temporary permission
- Refusing this application would not impact on the human rights of the applicants as it is for a proposal
- The road is a track which services 8 properties including Tandans. The track is unmade and has not been maintained to a high standard in recent times.
- The traffic generated by the existing properties is relentless and the track cannot cope with the level of traffic already and any additional traffic would result in the need for major upgrading and upkeep of the track.
- The original permission in 2011 was granted with a condition restricting the number of mobile homes and caravans on site to avoid proliferation of mobile homes and or caravans which might adversely affect the character of the area and protect the residential amenity of the occupiers of neighbouring dwellings.
- The original permission was granted on the personal circumstances of the applicants and normally no residential development would be considered appropriate for this location.
- The previous applications have already satisfied Mr and Mrs Boswell's needs.
- The road or the junction of Great Canfield Road and Canfield Drive is not suitable for caravans
- Insufficient evidence to demonstrate that the occupants are gypsies which can be considered as demonstrated in appeal decisions
- The development by stealth will set a precedence on the south side of the flich way
- The application conflates existing policy with consultation and a call for sites- both yet to be resolved
- It fails to take into account stated government policy for the reform in this area which it intends to pre-empt
- Why has the highways agency stated that the junction of Canfield Drive and Great Canfield Road suitable when in 2010 an application for four dwellings on the same site was refused on the basis that this junction was deficient and the impact on the highways was inappropriate.

- By approving this application the Council would be opening the floodgates for other similar developments in the area.
- Given the recent planning history of the site could be subdivided and transformed into a multi owned/occupied site supporting an unknown number of residents
- It appears that the applicants have intended to develop the site into a commercial enterprise rather than a residential site.
- UDC need to review the history of the planning applications for this site and the statements made with these applications
- The reasons for refusing the 2010 application for four dwellings remain and are applicable

## **10.0 APPRAISAL**

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

- A The principle of the two additional pitches
- B Access to the property
- C Residential Amenity

### **A The principle of the two additional pitches**

10.1 The National Planning Policy Framework (NPPF) and the Planning policy for Traveller sites (PPTS) set out a presumption in favour of sustainable development. The definition of a gypsy or traveller is set out in Annex 1 of the PPTS which states:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of Travelling Show People or circus people travelling together as such”

10.2 The PPTS states that “Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Show People, which address the likely permanent and transit site accommodation needs of Travellers in their area...” The Essex- Gypsy and Traveller and Travelling Show People Accommodation Assessment report, which was commissioned on behalf of the Essex Planning Officers Association, established that Uttlesford District Council will need an additional 26 pitches within the district by 2033.

10.3 The PPTS sets out in Policy B that LPAs should identify and update annually a five year supply of sites. Within Uttlesford this equates to 9 pitches being required between the period 2013 and 2018. Since 2013 only 1 pitch has been approved by the Local Authority, therefore there is still an additional 8 pitches required.

10.4 LPAs should consider the following five points which are set out in Policy H of the PPTS when processing planning applications for gypsy and traveller sites.

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

- e) that they should determine applications for sites from any travellers and not just those with local connections.

As demonstrated above, there is a clear need for pitches within Uttlesford and this proposal meets criteria a.

- 10.5 In relation to criteria b) as above, there is a clear need of pitches within the district. The applicants are already occupying the existing pitch on site; therefore they are not in need of a pitch themselves. The application states that the site is considered to be a family site; however these two additional pitches will be general pitches with the potential to being occupied by the applicant's extended family. It should be noted that the previous application for two additional pitches, has not been restricted for family use by conditions, just that the pitches are occupied by Gypsies and Travellers.
- 10.6 The PPTS states in Policy C that sites within rural areas and the countryside should not be of a scale which dominates the nearest settled community. Policy H of the PPTS then goes on to say that weight should be given to the following points when determining a planning application for pitches
- a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 10.7 The site is already established as a Gypsy site with 3 permitted pitches. The site benefits from existing vegetation along the boundaries of the site and it is proposed to plant trees and hedgerows between the pitches and around the paddock. The proposed pitches will utilise the already approved driveway so this proposal will not significantly increase the level of hardstanding already approved by previous applications. It is considered that the proposed development meets the four criteria set above.
- 10.8 The planning inspector has confirmed that this site is considered to be in a sustainable location and given that it is a brownfield site, is considered that this site is suitable for the proposed additional pitches.
- 10.9 As a result of the Essex Gypsy and Traveller and Travelling Show People Accommodation Assessment report Uttlesford District Council engaged Peter Brett to undertake a Site Assessment Survey to identify a supply of deliverable and developable sites within the district. The survey recommended that Tandans can be extended by an additional two pitches. In the Report of Representations, Officer Comments and Recommendations which followed the consultation period between December last year and February this year, Tandans was considered suitable to be extended by an additional two pitches. It is considered that the site is large enough to accommodate further landscaping within the site as a mitigation measure.

## **B Access to the property**

- 10.10 Highways have not objected to this application and have confirmed that the development meets policies GEN1 and the policies contained within the Highway



Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

10.11 The proposed development has the potential to increase the level of traffic by an additional six vehicles. Highways have stated that there is adequate width and visibility at the junction of Great Canfield Road and Canfield Drive which is a private road to accommodate the low vehicle movements associated.

### **C Residential Amenities**

10.12 Policy GEN2 of the ULP states that development should be designed to ensure that it does not have a material adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. Whilst the proposed pitches would be in close proximity to the adjoining property to the west, there is existing vegetation along that boundary. A condition requiring further landscaping along that boundary along with the proposed location and orientation of the mobile homes/touring vans would not cause any overlooking, loss of privacy or have an overbearing impact on the adjoining property. Therefore it is considered that the proposed development meets Council's policy GEN2 set out in the ULP.

## **7.0 CONCLUSION**

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

- A There is a need for gypsy and traveller pitches within the district and this site meets the criteria set out in the PPTS. Both the PPTS and the NPPF state that there is a presumption in favour of sustainable development and this site is in a sustainable location and is brownfield. Therefore it is considered that the site is appropriate for additional pitches and due to the size and location, the site can accommodate an additional two pitches creating a total of five pitches on site without causing any detrimental harm to the surrounding location.
- B It is considered that the access to this site is suitable for the proposed development and will not have a detrimental impact
- C The proposed development will not have a detrimental impact on the residential amenities of the neighbouring properties.

### **RECOMMENDATION – CONDITIONAL APPROVAL**

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 site shall not be permanently occupied by any persons other than gypsies and travellers as defined in Annex 1, paragraph 1 of the Planning Policy for Travellers Site" produced by the Department for Communities and Local Government (March 2012).

REASON: The development is acceptable in order to meet the District's shortfall in provision for gypsy and traveller sites in accordance with "Planning Policy for Travellers Sites".

3. There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To ensure the development does not adversely affect the rural character of the area in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the visual amenity of the rural location in accordance with Policy S7 of the Uttlesford Local Plan (2005).

5. Prior to the commencement of the development hereby approved 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:

- I. means of enclosure;
- II. car parking layouts;
- III. other vehicle and pedestrian access and circulation areas;
- IV. hard surfacing materials;
- V. existing trees, hedges and other soft features to be retained and additional planting proposed

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].

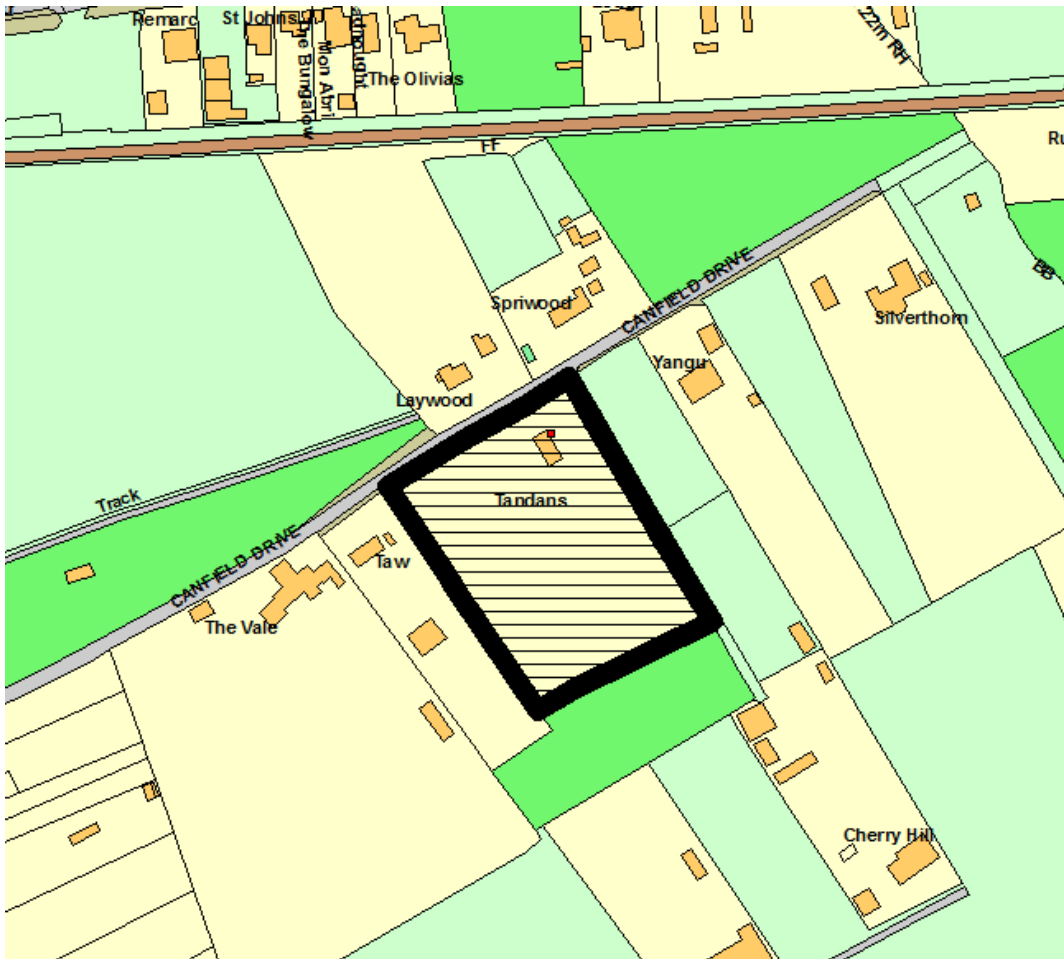
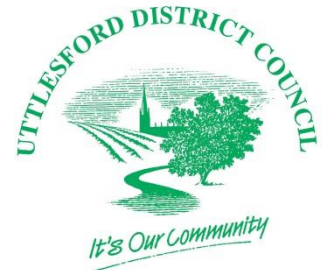
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, and S7 of the Uttlesford Local Plan (adopted 2005).

6. All hard and soft landscaping 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 provision of a mobile home or in agreed phases whichever is 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 landscaping 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 Policies GEN2 and S7 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/0404/FUL

Address: Tandans Great Canfield Road Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 24 March 2015

SLA Number: 100018688



**UTT/14/3763/FUL (SAFFRON WALDEN)**

**PROPOSAL:** Application to vary Condition 5 (restricting to sale of DIY goods of planning approval UTT/1574/87 (Erection of DIY centre including mezzanine offices car parking associated works and alteration of an existing access) to add the following sentence: 'Notwithstanding the above, the sale and display of any A1 non-food goods by Catalogue Showroom Retailer will be permitted from up to 185square metres of existing sales area'

**LOCATION:** Elizabeth Way Saffron Walden

**APPLICANT:** Homebase Limited

**AGENT:** Boon Brown Planning

**EXPIRY DATE:** 24 March 2015

**CASE OFFICER:** Maria Shoemsmith

**APPLICATION TYPE:** Major

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**1. NOTATION**

1.1 Within Development Limits, Contamination, Pipelines, Aerodrome Directions

**2. DESCRIPTION OF SITE**

2.1 The application site is located between Ashdon Road which lies to the north of the site, Elizabeth Way to the west and Elizabeth Close is located to the south. In these directions the site is surrounded by residential dwellings. Located to the east is Saffron Walden Business Centre. Ridgeons is located to the west of the application site further along Ashdon Road.

2.2 Access is gained from Elizabeth Close into the main car parking area which is to the front (west) of the building. The Homebase building has a gross internal area (GIA) of 1594sqm which excludes the garden centre.

2.3 The application site is located out of centre.

**3. PROPOSAL**

3.1 The application is for the variation of Condition 5 which restricted the sale of DIY goods under planning approval UTT/1574/87 (Erection of DIY centre including mezzanine offices car parking associated works and alteration of an existing access) in order to allow the sale and display of non-food goods by the catalogue retailer Argos utilising a floorspace area of 185 square metres. The variation of the condition would see the following sentence added to the condition: 'Notwithstanding the above, the sale and display of any A1 non-food goods by Catalogue Showroom Retailer will be permitted from up to 185square metres of existing sales area'.

- 3.2 No external works are proposed as part of the application and there would be no overall increase in retail space as the proposal would seek to reuse a small part of the existing Homebase sales area.
- 3.3 A plan for information purposes only has been submitted showing approximately where the Argos sales area would be located. The precise location and size could change during the fitting out stage which is why a maximum area of 185sqm is sought.
- 3.4 The variation would seek to sell Argos's full Catalogue range which includes a broad range of non-food goods. The supporting information submitted as part of the application identifies what Catalogue Showroom Retailer is defined as, "selling a wide selection of non-food goods selected by the visiting public from a catalogue or digital browser and supplied to them fully packaged." This concession will be operating as a Click and Reserve store where customers would pre-pay online and collect their goods at the store.

#### **4. APPLICANT'S CASE**

- 4.1 As part of the application submission the following supporting statements have been submitted;
- Supporting Statement and Design and Access Statement (Boon Brown Planning);
  - Market Overview of Saffron Walden (BNP Paribas)
- 4.2 As part of the supporting information submitted it has been stated that *"retailing is a dynamic industry that is constantly evolving. Existing businesses, such as Argos and Homebase, constantly have to adapt to these changes as well as the challenging retail market that has characterised the recent economic downturn. Whilst there are signs of improvement, retailing remains a highly competitive sector of the UK economy. As a result, HRG (the owners of both) have undertaken a review of its existing portfolio as well as its store formats to identify ways in which it can improve customer convenience and provide easier access to the goods that customers require, capitalising at the same time from the ongoing growth in internet based shopping."*
- 4.3 The supporting statement goes onto to state *"In the financial year to 2014, 53% of Argos sales were attributed to 'multi-channel' means with 44% of these being internet based. The trading performance of the business over the last few years has been boosted by the promotion of initially its Click & Collect service and now its Click & Reserve service (often referred to as Check & Reserve). The later allows customers to reserve and then collect goods from their nearest Argos store in preference to pre-paid home delivery, which is not always convenient for working customers. The emergence of strong competition from main national foodstore operators and internet only business has increased the need for Argos to adapt its unique 'business model' in order to maintain and increase its market within the UK's competitive non-food sector. The insert format has been developed in response to these recent developments."* Similar planning applications have been recently granted by seven other authorities in the UK.
- 4.4 HRG are heavily investing in the Argos stores in reinventing them as the leading digital retailer in the UK, with some stores having a new IT section to support a new digital format.
- 4.5 The proposal would secure a number of benefits;
- Maximising the use of the existing Homebase building in a well-established retail location that is accessible to those on foot, bicycle and public transport;

- Providing the opportunity for linked trips with both the Homebase and nearby stores;
- Providing customers with easier access to Argos' bulkier range of goods, improving shoppers convenience and allowing the business to capitalise on the different 'market' that the Homebase caters for;
- Creating around 15 new local job opportunities.

## 5. RELEVANT SITE HISTORY

- 5.1 UTT/0605/89 – Removal of condition 5 (sale of goods) planning application no. UTT/1574/87 (Granted 8 September 1989)

UTT/1574/87 – Erection of DIY centre including mezzanine offices car parking associated works and alteration of an existing access (Granted 11 February 1988)

UTT/1464/98/FUL - Amendment to condition 5 of UTT/1574/87 to allow provision of garden centre. Erection of 3m high fencing (Granted 28 January 1999)

- 5.2 Other relevant planning applications are:

UTT/13/268/OP - Granite Site - Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land. (Granted subject to S106 Obligation 10th May 2013)

UTT/13/2423/OP – Ridgeons Ashdon Road - Outline application for redevelopment of the site to provide up to 1.25 ha of land to be used as a Builders Merchants and Yard (use Class B8), up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and ( C)), up to 1.16 ha of land for use as Business, general Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8), a Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m<sup>2</sup>), a café/ restaurant/ public house (Use Class A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access (Granted Subject to S106 Obligation 26 November 2014)

## 6. POLICIES

### 6.1 National Policies

- National Planning Policy Framework

### 6.2 Uttlesford District Local Plan 2005

- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN4 - Good Neighbourliness
- Policy GEN 5 – Light Pollution

- Policy GEN8 - Vehicle Parking
  - Policy S1 - Development Limits for Main Urban Areas
  - Policy SW1 - Town Centre
  - Policy RS1 - Access to Retailing and Services
  - Policy RS2– Town and Local Centres
  - Policy ENV13 – Exposure to Poor Air Quality
- Uttlesford Retail Capacity Study (January 2012)

## **7. TOWN COUNCIL COMMENTS**

7.1 No objection.

## **8. CONSULTATIONS**

### **ECC Highways**

8.1 From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

## **9. REPRESENTATIONS**

9.1 The neighbouring properties have been consulted of the current application. 2 letters have been received raising the following points;

- Support application which will either create or secure local jobs;
- Request additional parking restrictions along first part of Elizabeth Close and Elizabeth Way to protect against current on-street parking problems. The private housing to the south of the Close has off-street parking therefore would not be affected by restrictions;
- Object, live on edge of retail park and already overlooked;
- Existing relationship of car park to dwellings car parking being at a higher ground level;
- Impact on residential amenity (overlooking, loss of light from parked cars/lorries);
- Increased vehicle movement;
- Rubbish in ditch;
- Required fence along (western) boundary, no parking sign at the end of the close.

Consultation Expiry 29 January 2015

## **10. APPRAISAL**

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

- A Principle of the development (ULP Policies S1, RS2, SW1 and NPPF);
- B Highway Issues (ULP Policies GEN1 & GEN8);
- C Amenity (ULP Policies GEN2 and GEN4)

### **A Principle of Development**



10.1 The condition which was imposed on the original planning application for the site was;

10.1.1 *“This DIY building shall be used only for the sale of items which are required for repair or maintenance, alterations or improvement of premises, including bathroom and kitchen, fixtures and fittings. The following items shall NOT be sold from these premises without the written consent of the planning authority;*

- (i) Furniture weather or not the furniture is assembled when sold;*
- (ii) Electrical appliances including refrigerators, freezers, cookers, washing machines, dishwashers, TV and video equipment, radio and record and tape playing equipment;*
- (iii) Carpets and curtains*
- (iv) Textiles, plants, domestic appliances car accessories, carpets, furniture, food, home brew, toys, confectionary, books, hobby kits, telephones or any other consumer durables*

*REASON: The sale of goods not directly associated with DIY retail outlet would affect the commercial viability of other outlets in the town centre and create additional access, traffic and parking needs not able to be accommodated on this restricted site.”*

10.1.2 This is now sought to be amended to include the following words;

*“Notwithstanding the above, the sale and display of any A1 non-food goods by a Catalogue Showroom Retailer will be permitted from up to 185 square metres of the existing sales area.”*

10.1.3 It should be noted that planning permission UTT/0605/09 removed the restriction placed on the sale of furniture as outlined above in section (i) of the original condition, however appeared to be re-imposed through the conditions further amendment to allow a garden centre (UTT/1464/98/FUL) with no new change to its reasoning.

10.2 The original condition was placed over 27 years ago and whilst the planning principles remain the same in terms of town centre protection for its vitality and viability, the town as a whole, the planning system in terms of policy and the financial/retail market has changed considerably and to some degree the wording of the condition is unreasonable.

10.3 The application site falls within the development limits of Saffron Walden covered by Local Plan Policy S1. Policy S1 states that development in main urban areas such as Saffron Walden will be permitted if it is a major urban extension or development within existing built-up areas, if compatible with the character of the settlement. The proposed scheme would have minimal impact upon the built form of the surrounding area as the use would be utilising an existing retail building.

10.4 There are no specific planning policies within the Local Plan which relate to out of town retail developments. Therefore reference should be had to Local Plan Policy RS2 (Town and Local Centre) which permits retail and service centres, and mixed use developments contribute to the diversity of retail and other commercial activity, also Policy SW1 which relates to Saffron Walden Town centre that seeks to protect the town centre uses.

- 10.5 The National Planning Policy Framework (NPPF) is the most update and relevant planning guidance which has a strong presumption in favour of sustainable development as long as this does not result in significant adverse impact. The application site is out of centre but it is within close proximity to the town centre and the services in which it provides benefiting from bus service connection and approximately a 20 minute walk to the centre. Nonetheless, to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 10.6 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. Paragraph 18 of the NPPF seeks securing economic growth to create jobs and prosperity. The proposed development would provide employment, approximately 15 jobs and would secure a degree of footfall which currently leaks to other shopping areas outside of the district. Its proximity to the town centre would facilitate ease of movement and links to the town centre. This proposal would help deliver an economic role.
- 10.7 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 proposed development would provide an additional choice of service/retail products for locals which would also cater for health and social wellbeing such as sports products, health aids etc. This proposal could help to deliver a social role.
- 10.8 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 proposal makes use of an existing building, securing of a degree of footfall which currently leaks to other shopping areas outside of the district helping reduce the level of carbon emissions, particularly due to its town centre links. This proposal would help to deliver an environmental role. Paragraph 17 of the NPPF outlines that one of the core planning principles "*supports the transition to a low carbon future in a changing climate ... encourages the reuse of existing resources, including conversion of existing buildings.....*" It also encourages the effective use of land, promoting mix use development that is also accessible.
- 10.9 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.
- 10.10 Section 2 of the NPPF seeks to ensure the vitality of town centres. It recognises town centres as the heart of their communities and seeks to support their viability and vitality. It seeks to promote competitive town centres that provide customer choice and a diverse offer of retailing. Paragraph 23 seeks to "*allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites are cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.*" The application site and the proposal is considered to accord with this section of the NPPF in this respect.

- 10.11 Paragraph 26 seeks a Retail Impact Assessment for schemes which are 2,500sqm and above. The application itself is for 185sqm and the application site building as a whole is 1594sqm, both falling below the threshold. Homebase exists therefore the reasoning why the condition was imposed would need to be looked at, whether the proposed Argos concession could be located in a town centre location if not would the introduction of the use by varying the condition result in a significant adverse impact upon the vitality and viability of the town centre.
- 10.12 Paragraph 24 seeks a sequential assessment is required for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Under previous planning guidance there was a floorspace threshold as a cut-off point below which a sequential test would not be required, 200 square metres (PPS4 and GPDO in terms of mezzanine floors). This has been argued within the planning submission.
- 10.13 It has been also been argued that due to the fact that the proposal would not provide new retail floorspace, and it would be a small amount of space which would be utilised below previous guidance thresholds requiring a sequential test it could also be seen as ancillary by nature to the main Homebase use. It has been outlined within the application that out of the proposed goods sold, based on Argos' data sales, only 25% of the proposals turnover would be from goods which are not currently permitted within the store. This is considered to be a small proportion. In theory if this proportion is related to the proposed floorspace required this equates to 46.3 square metres out of the 185 square metres which is required for non-permissible goods.
- 10.14 Within the supporting statement submitted by the applicant it has been argued that the financial cost differences between setting up a new store to utilising a small area of an existing store are significantly greater. It is stated that this model would ensure that the business will be able to see returns from the proposed investment. It is stated that a new town centre store would need to be between 500 – 1000 square metres.
- 10.15 A market review has been undertaken and submitted as part of the application by BNP Paribas. This highlights that the town centre is a small 'circuit' taking in High Street, King Street, Market Place, Market Street and George Street/Hill Street. The prime area being King Street where the major retailers are located.
- 10.16 The town centre was surveyed and out of six of the units which were on the market three were under offer and all being well below the required store area of 500-1000sqm, ranging from 29sqm to 122sqm. As well as vacant stores and those on the market, research of data bases and speaking to a number of retail agents active in the area, has concluded that there are no suitable sites for the store in town. It has been stated within the submission that units which might be of an appropriate size, already occupied and whether vacant possession could be possible have been also been considered, such as Boots, M & Co, Beales, WH Smith, Monsoon, Glasswells, Superdrug, QD Stores. These stores were either unsuitable due to configuration/tight service areas or the stores are in a good location and the occupiers are not willing to vacate.
- 10.17 A Retail Capacity Study has been undertaken and published in January 2012, by Savills on behalf of the Council, forming part of the evidence base for the emerging draft local plan which is currently being prepared by the Council. This identified leakages to other areas for shopping. It looked at other sites previously

considered as part of other sequential tests and sites that were identified within the adopted local plan such as White Horse Public House and car park, The Fire Station, Emerson Lane and the Faircroft Road Car Park. These sites have been previously concluded that they are not vacant or suitable or viable sites.

10.18 Looking at the information submitted as part of the application and in light of other previous recent retail applications, whilst the area proposed to be utilised within the existing Homebase is small there are no other suitable sequential sites available within the town centre for a new store in order for this retail model to work. The financial implications of a new store set up have been taken into account together with the operators changing retail models to ensure viability. Consideration has to be given to the changing in markets and planning is required to respond and be flexible to this in accordance with the economic sustainability message which is endorsed by the NPPF. The proposed development would have positive benefits, such as job creation and providing retail facilities that are currently lacking in Saffron Walden, as well as the ability to claw back expenditure that is currently leaking from the catchment area, and these should be weighed against the impacts of the development. Whilst previous schemes have taken up existing capacity in terms of comparison goods since the Retail Capacity Study was under taken, further significant housing and commercial schemes have been granted planning permission both within the District and within Saffron Walden which is likely to require further retail floorspace provision.

10.19 The nearest Argos' are located in Bishops Stortford, Cambridge, Harlow, Chelmsford, Haverhill and Biggleswade. The insert would provide a variation in the nature of goods which are sold locally. Certain goods which would be provided cannot currently be purchased in Saffron Walden and therefore could not have an impact upon the Town Centre. Food is continued to be restricted therefore there would not be an impact upon the town centre anchor store, Waitrose and associated linked trips. As mentioned above the proposed scheme could prevent leakage from the town centre in the interest of the vitality and viability of the town overall. It is agreed that the proposal would maximise the use of Homebase, and facilitating in the stores' general economic improvement where it is currently considered to be under trading and creating a linked trip in this respect. Due to the sites location in relation to other town stores it is unlikely to improve linked trips with the town centre, as suggested the applicant (refer to Section 4.5).

10.20 The principle of the development is considered acceptable as the site lies within the development limits of Saffron Walden, within a sustainable location making full efficient use of an existing retail store. The scheme accords with Local Plan Policies S1, RS2, and SW1 and NPPF in terms of sustainable economic development.

## **B Highway Issues**

10.21 As no additional floor space would be created by the proposed development utilising an existing retail floorspace with its own car parking provision, therefore no additional car parking is required. It would be considered unreasonable to require additional parking, including as suggested by representations additional parking restrictions. Whilst some addition vehicle movement would be generated from the proposed development this is considered to be negligible. Due to the small nature of the scheme no objections have been raised by the Highways Authority. The proposed development therefore is considered to be in

accordance with Local Plan Policies GEN1, GEN2 and GEN8.

## **C Amenity**

10.22 Third party representations have raised concerns about overlooking, the relationship of the car park to the dwellings, and loss of light from parked vehicles at the end of a cul-de-sac. The occupier raising these concerns is located on the new Persimmons site and the Homebase site is existing and dates back to the late 1980s, which is located further away from the Persimmon scheme. The points raised by the objection also relates to an existing situation, one mostly to do with difference in ground levels and a boundary treatment between the Elizabeth Close cul-de-sac and the consultee, which should have been taken into account when assessing the adjacent new housing. The points raised are not considered material to the proposal and the proposed development would not significantly exacerbate this to the detrimentally of the residential amenities of the surrounding occupiers. The proposed development is therefore considered acceptable and in accordance with Local Plan Policies GEN2 and GEN4.

## **11. CONCLUSION**

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

- A The principle of the development is considered acceptable as the site lies within the development limits of Saffron Walden, within a sustainable location making full efficient use of an existing retail store. The scheme would require to utilise minimal floorspace catering for an online service, 'Click and Collect' providing alternative comparison goods from that which the town centre currently provides. The proposal would secure a degree of footfall leakage from the town/district and create a possible 15 new jobs. In consideration of the above the proposal accords with Local Plan Policies S1, RS2, and SW1 and NPPF in terms of sustainable economic development.
- B There is no additional car parking provision required due to the nature of the use. Whilst some addition vehicle movement would be generated from the proposed development this is considered to be negligible. No objections have been raised by the Highways Authority. This is in accordance with Local Plan Policies GEN1, GEN2 and GEN8.
- C No unacceptable amenity issues are considered to arise from the proposed development in accordance with Local plan Policies GEN1, GEN2, and GEN4, and in accordance with the NPPF.

### **RECOMMENDATION – APPROVES SUBJECT TO THE FOLLOWING CONDITIONS:**

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. This DIY building shall be used only for the sale of items which are required for repair or maintenance, alterations or improvement of premises, including bathroom and kitchen, fixtures and fittings. The following items shall NOT be sold from these premises without the written consent of the planning authority;

- (i) Electrical appliances including refrigerators, freezers, cookers, washing machines, dishwashers, TV and video equipment, radio and record and tape playing equipment;
- (ii) Carpets and curtains
- (iii) Textiles, plants, domestic appliances car accessories, carpets, furniture, food, home brew, toys, confectionary, books, hobby kits, telephones or any other consumer durables

Notwithstanding the above, a floorspace of up to 185 square metres within the existing sales area shall be used by a Catalogue Showroom Retailer for the sale and display of any A1 non-food goods.

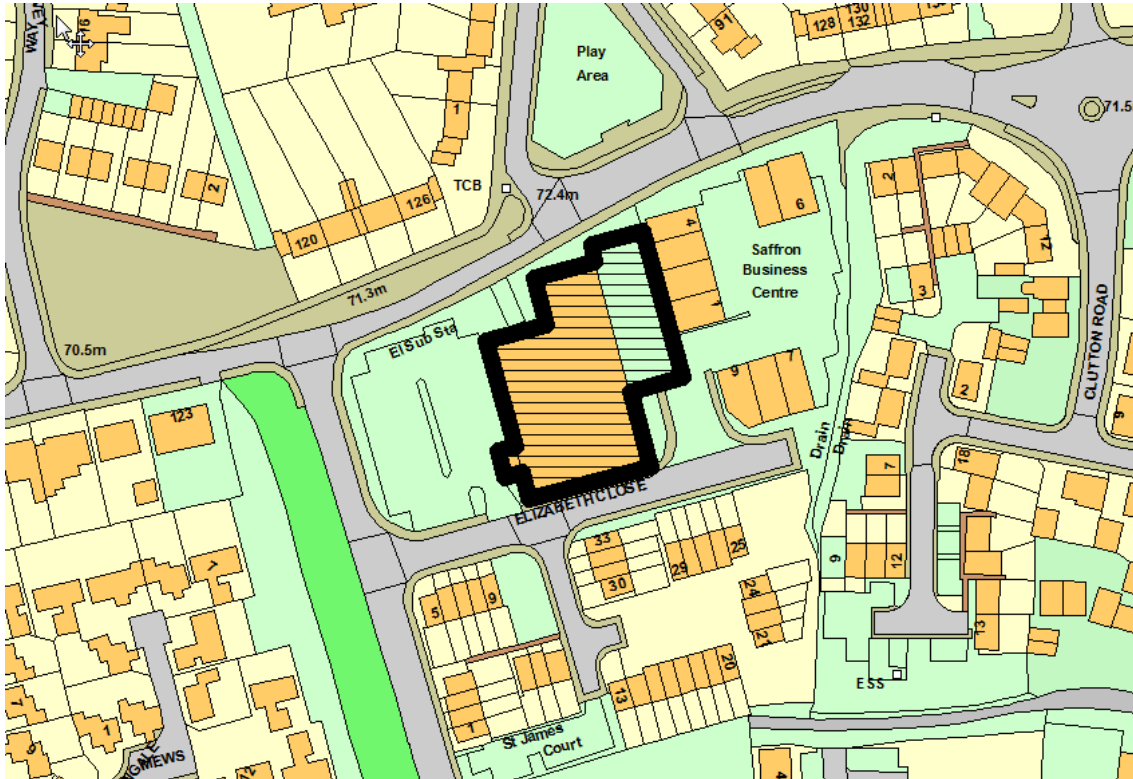
REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the National Planning Policy Framework (May 2012).

3. There shall be no external storage of any materials, goods, equipment or machinery of any description in any of the areas reserved for car parking, access, loading and unloading, on any part of the site unless otherwise approved in writing by the Local Planning Authority.

REASON: In order to protect the provision of car parking spaces and to safeguarded the amenity of the surrounding area, in accordance with Policies GEN1, GEN2, and GEN8 of the Uttlesford Local Plan Adopted 2005.

Application no.: UTT/14/3763/FUL

Address: Homebase Elizabeth Way Saffron Walden



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Organisation: Uttlesford District Council  
 Department: Planning  
 Date: 24 March 2015  
 SLA Number: 100018688





## UTT/14/3770/FUL LITTLE CANFIELD

**PROPOSAL:** Removal of condition 8 from planning permission UTT/14/1819/FUL for demolition of existing buildings and erection of 13 dwellings.

**LOCATION:** Stansted Motel & 2 Hamilton Road, Little Canfield, Essex

**APPLICANT:** Bushmead Homes Ltd

**AGENT:** Cerda Planning Ltd

**EXPIRY DATE:** 16 February 2015

**CASE OFFICER:** Lindsay Trevillian

---

### 1. NOTATION

1.1 Takeley/Little Canfield Local Policy 3 – Priors Green

### 2. DESCRIPTION OF SITE

2.1 The application site is located on the edge of the village of Takeley on the northern side of Dunmow Road. The site is rectangular in shape, with the longest side adjacent to the main Road. Hamilton Road and Thornton Road adjoin the eastern and western boundaries of the site which lead to dead ends. The site contains approximately 0.43 of a hectare and is relatively level.

2.2 At the time of the officer's site inspection, works had commenced to implement planning permission UTT/14/1819/FUL which was for the demolition of existing buildings and the erection of 13 dwellings. The once existing residential dwelling and motel have now been demolished and the site cleared of any hard paving or vegetation. Apart from building materials stacked up within the site for future development, the only recognisable structure is the security fencing erected around the perimeter of the site.

2.3 Residential properties consisting of a mixture of sizes and scales are located to the north, west and south of the site.

### 3. PROPOSAL

3.1 Planning permission is sought to remove Condition 8 that was imposed on planning permission UTT/14/1819/FUL which was for the demolition of existing buildings and the erection of 13 dwellings. Condition 8 states:

3.2 *The metal railings to the front of Plots 1, 2 and 3 fronting Hamilton Road; Plots 10 and 11 fronting Thornton Road and Plots 4, 5, 6, 7, 8 and 9 fronting Stortford Road shall not have access gates which give direct access on to the aforementioned Roads. This is to prevent vehicles being parked on the carriageway near to the houses and potentially creating a safety hazard.*

*REASON: In the interests of Highway safety In accordance with ULP Policy GEN1*

#### **4. APPLICANT'S CASE**

- 4.1 The applicant states within the submitted application form that condition 8 is unnecessary and prevents access to dwellings by pedestrians, visitors and postal delivers.

#### **5. RELEVANT SITE HISTORY**

- 5.1 UTT/0924/08/OP - Demolition and replacement of existing dwelling and demolition of motel, erection of 13 No. dwellings and alterations to vehicular access (refused)
- 5.2 UTT/0929/08/OP - Outline application for the demolition of existing dwelling and erection of a maximum of 7 no. dwellings with all matters reserved (refused)
- 5.3 UTT/0930/OP - Demolition of existing dwelling and motel, and erection of a maximum of 14 no. dwellings with all matters reserved (refused)
- 5.4 UTT/0240/12/OP - Demolition of motel/restaurant, associated outbuildings and no 2 Hamilton Road. Erection of No. 13 dwellings with associated access (approved with conditions)
- 5.5 UTT/13/2083/FUL Variation of condition 2 ( Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 12 months from the date of this permission) of planning application UTT/0240/12/OP to extend the time limit to be made not later than 24 months from the date of the outline permission (approved with conditions)
- 5.6 UTT/14/3770/FUL - Demolition of Former motel/restaurant, associated outbuildings and No. 2 Hamilton Road. Erection of 13 Dwellings with associated access off Dunmow Road (approved with conditions)
- 5.7 UTT/14/3778/NMA - Non Material Amendment to UTT/14/1819/FUL - Amendments to layout (refused)

#### **6. POLICIES**

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

- National Planning Policy Framework

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

- Policy S2 - Development Limits
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure provision to support development
- Policy GEN7 – Nature Conversation
- Policy GEN8 – Vehicle Parking Standards
- Policy H1 – Housing Development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix
- Takeley/Little Canfield Local Policy 3 – Priors Green

### 6.3 Supplementary Planning Documents

- Accessible Homes and Playspace (November 2005)
- ECC Parking Standards (September 2009)
- Uttlesford Local Residential Parking Standards (February 2013)
- Urban Place Supplement to the Essex Design Guide (March 2007)
- Energy Efficiency and Renewable Energy (October 2007)

## 7. PARISH COUNCIL COMMENTS

7.1 Little Canfield Parish Council: - No comments received.

## 8. CONSULTATIONS

### Essex County Council Highways:

- 8.1 From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 8.2 Condition 8 of planning consent UTT/14/1819/FUL was not requested by the Highways Authority although this Authority has in the past had concerns that the frontage development could lead to parking on Stortford Road, this current scheme has an on-site parking provision in excess of current parking standards and it is considered unreasonable therefore to object to the removal of condition 8 of UTT/14/1819/FUL.

## 9. REPRESENTATIONS

- 9.1 The application was notified to 95 surrounding occupiers and a site notice displayed. Four objection letters has been received at the time of writing this report. The main concerns of objection are as follows:
- Thornton Road and Hamilton Road are dead end roads with no turning points. The roads are not up to a highway standard, width or condition. Both these roads are badly pot holed and are uneven and at times waterlogged.
  - Additional parking on these roads would lead to further obstructions to surrounding highways resulting harm to health and safety.
  - Removal of Condition 8 and introducing gates into the security fence in unnecessary and will cause security and health and safety issues for the new residents and existing residence of Thornton and Hamilton Road.
  - Removing condition 8 would lead to more parking on surrounding highwyas leading to more congestion and no room for emergency and refuse vehicles to operate.

## 10. APPRAISAL

10.1 The issue to consider in the determination of the application is:

- A. Whether it was appropriate for the Local Planning Authority to impose the condition on the approved planning permission in accordance Circular 11/95 of the Town and Country Planning Act 1990 and the National Planning Policy Guidance.**

- 10.2 The main powers relating to local planning authority use of conditions are in Sections 70, 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990.
- 10.3 Section 70(1)(a) of the Act enables the local planning authority in granting planning permission to impose “such conditions as they think fit”. This power must be interpreted in light of material factors such as the National Planning Policy Framework, and the supporting guidance on the use of conditions within circular 11/95.
- 10.4 Paragraph 203 of the National Planning Policy Framework states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions”
- 10.5 When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.
- 10.6 Paragraph 206 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are:
1. necessary;
  2. relevant to planning and;
  3. to the development to be permitted;
  4. enforceable;
  5. precise and;
  6. reasonable in all other respects.”
- 10.7 The policy requirement above is referred to in this guidance as the six tests. As a matter of policy, conditions should only be imposed where they satisfy all the tests described.
- 10.8 Although officers consider that Condition 8 imposed on the planning permission satisfies tests 2, 3, 4 and 5 as indicated above, it is however regarded that the condition imposed does not satisfy the requirements of tests 1 and 6.
- 10.9 In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have been refused if that condition were not imposed. As a matter of policy, a condition ought not to be imposed unless there is a define need for it. The same principles must be applied in dealing with applications for the removal of a condition under section 73 or section 73A where it states that a condition should not be retained unless there are sound and clear cut reasons for doing so.
- 10.10 It should be noted that members imposed condition 8 to be included as part of the planning permission in order to prevent vehicles being parked on the carriageway near to the houses and potentially creating a safety hazard in the interests of Highway safety.

- 10.11 However it should also be noted that at the time of the assessment of the application, the highways authority had no objection to the proposal as the development was in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 10.12 As such given that the highways authority had no concerns upon highway safety, it is considered that there was not a definite need to impose condition 8 in the first instance.
- 10.13 The highways authority was consulted under the current scheme in relation to the removal of condition 8. Once again the authority stated that they had no objection to the proposal and that the scheme has an on-site parking provision in excess of current parking standards. It was thereby considered by the highways authority to be unreasonable to object to the removal of condition 8 of UTT/14/1819/FUL.
- 10.14 Once again there is no further evidence or policy background in the reasoning to retain condition 8 as there are no sound or clear cut reason for doing so in accordance with Town and Country Planning Act 1990.
- 10.15 Given that there was not a defined need to impose the condition in the first instance and that there is no clear-cut reasons to retain the condition on the planning permission, it is considered that the need for imposing the condition is not necessary.
- 10.16 In addition to the above, a condition may be found to be unreasonable because it is unduly restrictive. Although a condition may in principle impose a continuing restriction of the use of the land, such a condition should not be imposed if the restriction effectively nullifies the benefit of the permission. It is agreed that the main benefit of the permission is the construction of the dwelling houses themselves however it is considered that Condition 8 restricts the reasonable needs of future occupiers of those dwellings. In particular, it would restrict pedestrian access to the frontage of the dwellings in question such as postal service, home deliveries and visitors to name but a few.
- 10.17 In fact the imposing of Condition 8 on the planning permission is argued that it would be contrary to both local policies GEN1 and GEN2 rather than meeting the criteria of them. Any building that may be used by the public including housing will be required to provide safe, easy and inclusive access for all people regardless of disability, age or gender. In addition a new development should provide an environment which meets the reasonable needs of all potential users. Restricting access to the dwellings would be contrary to the above and also fail to be in compliance with Life Time Home Standards.
- 10.18 The imposing of condition 8 is therefore regarded as being unduly restrictive and thereby is unreasonable.

## **11. CONCLUSION**

- 11.1 The imposing of condition 8 on planning permission UTT/14/1819/FUL fails to meet the guidance of the tests set within the Nation Planning Policy Framework and Circular 11/95. In particular, it is considered that the condition is not necessary and is unreasonable and it would also be contrary to the criteria set within the local policies GEN1 and GEN2. It is therefore recommended that the application be approved subject to the same conditions as previously imposed on planning permission UTT/14/1819/FUL apart from condition 8 which shall be removed.

**12. RECOMMENDATION – CONDITIONAL APPROVAL**

**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 contributions towards education
  - (ii) Pay Council reasonable legal costs
  - (iii) Pay monitoring costs
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation by 30 April 2015 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 contributions towards education

**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 and submitted documents as set out in the Schedule.

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. The works hereby approved shall be carried out in accordance with the Archaeological Evaluation report prepared by Trial Trenching dated December 2012 as approved under planning application UTT/14/3343/DOC.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained

written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

5. The works hereby approved shall be constructed in accordance with plan number B5806 (PL) 100 titled Contractor Site Set up unless otherwise agreed in writing by the Local Planning Authority.

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

6. The vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5metres, shall be retained at that width for 10metres within the site and shall be provided with 7.5 metre radius and 2 x 2 metre footways.

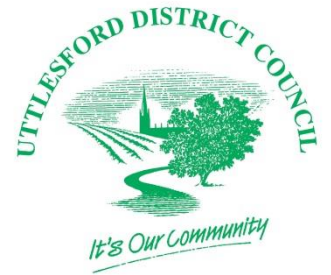
REASON: To ensure that vehicles can enter and leave the highway in controlled manner in the interest of highway safety In accordance with ULP Policy GEN1

7. Such access to provide visibility splays with dimensions of 2.4 metres by 90 metres to the east and west, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times, Details to be submitted to and agreed with the Local Planning Authority in consultation with Highway Authority.

REASON: To provide 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 In accordance with ULP Policy GEN1.

Application no.: UTT/14/3770/FUL

Address: Stansted Motel and 2 Hamilton Road Little Canfield



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Organisation: Uttlesford District Council  
Department: Planning  
Date: 24 March 2015  
SLA Number: 100018688



**Committee:** Planning

**Agenda Item**

**Date:** 8 April 2015

**5**

**Title:** RE: Land North of Stansted Road,  
Elsenham - LPA ref UTT/14/3279/DFO

**Author:** Nigel Brown  
Development Manager

Item for decision

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## Summary

1. Members will recall that this application was reported to Planning Committee on 11 March 2015. Members resolved to refuse planning permission.
2. The purpose of this report is:
  - a. Clarify/Confirm the resolution from the Planning Committee
  - b. Clarify/Confirm the reason(s) for refusal
  - c. To consider submissions by the developer in response to the emerging refusal reason

## Recommendations

1. It is recommended that the reason for refusal be confirmed and noted as:

**The proposed development, particular that of the main vehicle access point leading onto Stansted Road, would as a result of its poor design and siting, not take into account the necessary mitigation measures to minimise the environmental impact such as noise and disturbance, dust and fumes towards the occupiers of the property known as Hillcroft. The proposal would therefore result in detrimental harm to the amenities of the adjoining occupiers contrary to local policy GEN2 of the Uttlesford District Adopted Local Plan**

2. It is further recommended that members consider the application in light of the resubmitted plans attempting to address the above refusal reason, and that the application be **APPROVED** subject to conditions recommended on the report to Planning Committee dated 11 march 2015 (Appended as Appendix A)

## Financial Implications

3. None. There are no costs associated with the recommendation.

## Background Papers

Planning Application Reference UTT/14/3279/DFO

## Impact

4.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

5. The matter was considered at Planning Committee on 11 March 2015. The officer's report to this Committee is appended as Appendix A. At this Committee members resolved to refuse planning permission for reasons of GEN1 & GEN2 of the Uttlesford Local Plan 2005.
6. The precise reason and wording of the refusal was left unclear from Planning Committee and the purposes of this report are to clarify and confirm the agreed refusal reason.
7. The recollection of officers from the meeting was the thrust for the resolution to refuse was based mainly and possibly solely upon the proposed proximity of the proposed access road to the property, Hill Croft, Stansted Road Elsenham. On this basis the wording of the refusal reason is suggested to be:

**The proposed development, particular that of the main vehicle access point leading onto Stansted Road, would as a result of its poor design and siting, not taken into account the necessary mitigation measures to minimise the environmental impact such as noise and disturbance, dust and fumes towards the occupiers of the property known as Hillcroft. The proposal would therefore result in detrimental harm to the amenities of the adjoining occupiers contrary to local policy GEN2 of the Uttlesford District Adopted Local Plan**

8. Members will note that the suggested refusal reason only includes reference to GEN2, and not GEN1 that was part of the resolution to refuse planning permission. It should be emphasised that the GEN1 is a totally technical policy and it would be very difficult to sustain a refusal on GEN1, where the Local Highway Authority raises no objection. To do so could seriously leave the Council open to an award of costs at any subsequent appeal.

### **Response from Applicant**

9. In response to the resolution from Planning Committee on 11 March 2015, the applicant has responded to what it considers the sole reason for refusal. In an attempt to address the emerging reason for refusal, they have submitted revised plans. It should be noted that the Local Planning Authority is not obliged to consider a revised submission following a resolution by Planning Committee. However, considering this appears to be an attempt to address a sole reason for refusal officers consider it prudent to consider them and report these to Planning Committee.
10. The applicant has provided an amended plan which proposes the relocation of the access 2.2 metres to the east of the previously stated siting. From discussions with the Local Highway Authority in order to retain adequate visibility splays (53.62 metres to the east and 90 metres to the west). If the access was moved any further to the east it is considered that this would likely compromise the level of visibility achieved. Elsenham Parish Council, the occupier of Hill Croft and the Local Highway Authority have all been consulted on this proposed repositioning of the access, and any comments will be reported to the meeting.
11. In response to concerns raised by members regarding the lack of clarity as to whether the proposed layout could accommodate sufficiently the Council's Refuse Vehicles, a tracking plan has been provided.

### **Conclusions**

12. It is considered that the sole reason for refusal from Committee on 11 March 2015 related to the relationship between the proposed access and the residential property, Hillcroft.
13. The applicant has responded to the emerging refusal of this application, by repositioning the access as far from the property Hillcroft as is possible without compromising vehicle visibility.
14. Officers consider that the applicant has suitably addressed the emerging refusal reason and the application should be approved.



**Committee: Planning**

**Agenda Item**

**Date: 8<sup>th</sup> April 2015**

**6**

**Title: UTT/15/0412/TCA**

**Notification of intent to remove 4no. branches of 1no. sycamore tree within a conservation area at Saffron Walden Castle. Museum Street, Saffron Walden.**

**Author: Ben Smeeden- Landscape Officer**

Item for decision

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### Summary

1. This item seeks the Committee's consideration of the proposed removal of 4no. branches of a sycamore tree within a conservation area at Saffron Walden Castle. The notification has been made by the Council's Surveyor.

### Recommendation

2. No objection is raised to the proposed removal of 4no. branches of the sycamore tree overhanging the castle wall.

### Financial Implications

3. *The cost of the proposed tree works will be met within existing budgetary provisions.*

### Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

UTT/15/0412/TCA and ECC arboricultural reported dated 16<sup>th</sup> March 2015.

### Impact

- 5.

Communication/Consultation	Weekly List.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

### Situation

6. The sycamore tree is a well-formed mature specimen of some 15m in height, situated immediately adjacent and to the north of the castle ruins [Appendix 1.]. Parts of the canopy of the tree directly overhang a section of the castle wall [Appendix 2.]. Leaves and debris from these overhanging branches are having a detrimental affect on the fabric of the flint and rubble wall. The removal of 4no. overhanging branches would reduce the risk of further damage to this section of the wall.
7. The proposed works would not adversely affect the health of the sycamore tree, or result in a significant reduction in the visual amenity value of the tree and its contribution to the setting of the castle and this part of the conservation area

### Risk Analysis

8.

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with the recommendation	1. None	1. No impact	None

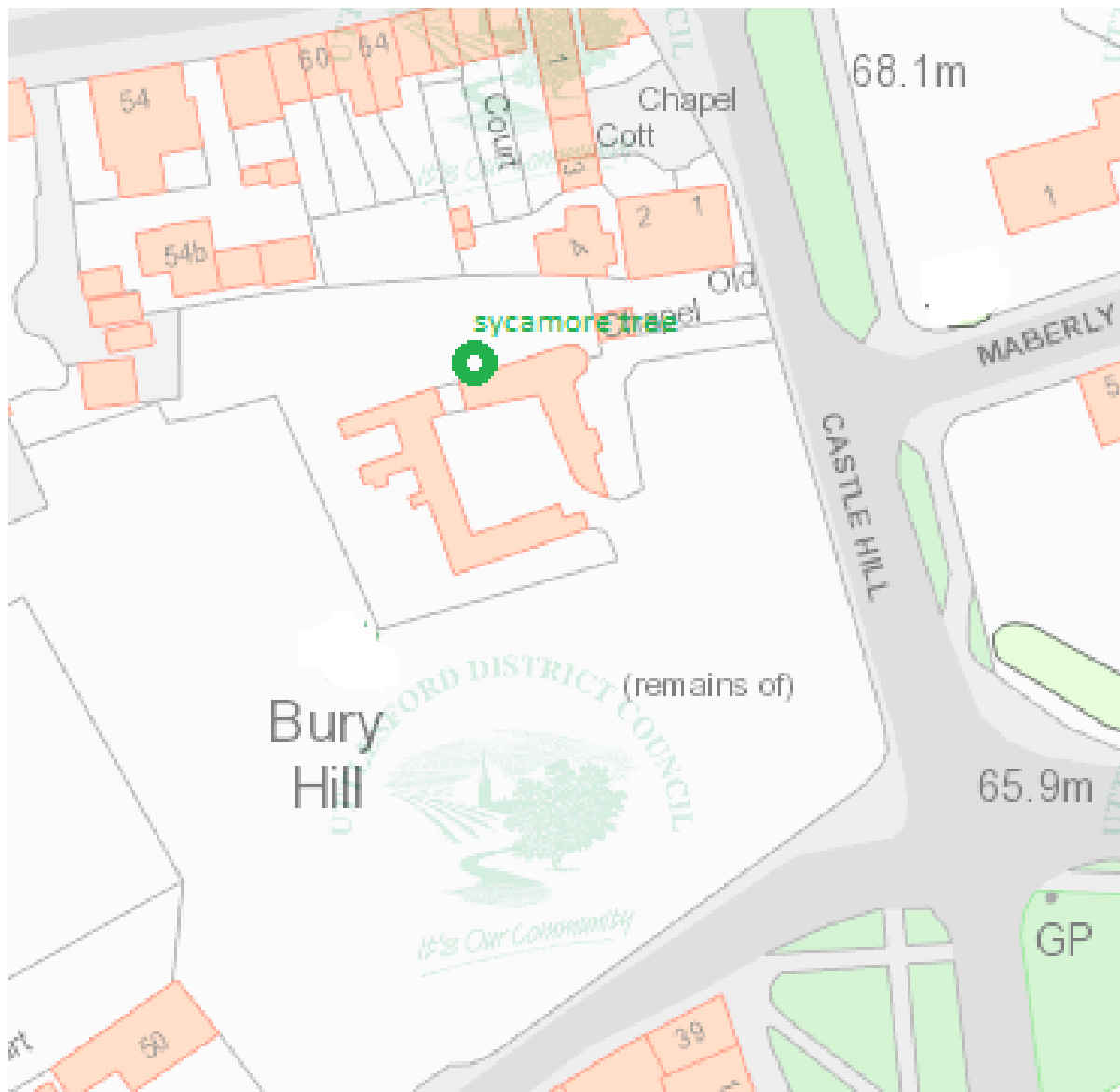
1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location plan



Appendix 2: Sycamore tree





**Committee:** Planning

**Agenda Item**

**Date:** 8<sup>th</sup> April 2015

**7**

**Title:** UTT/15/0473/TCA

**Notification of intent to lop back to previous pruning points 1no. Sycamore tree within a conservation area at 23, Westfields, Saffron Walden.**

**Author:** Ben Smeeden  
Landscape Officer

Item for decision

### Summary

1. This item seeks the Committee's consideration of the proposed re-pollarding of a sycamore tree within a conservation area 23, Westfields, Saffron Walden. The notification has been made by an employee of the District Council.

### Recommendations

2. No objection is raised to the proposed re-pollarding of the sycamore tree.

### Financial Implications

*None*

### Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

UTT/15/0473/TCA and ECC arboricultural reported dated 16<sup>th</sup> March 2015.

### Impact

- 4.

Communication/Consultation	Weekly List.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

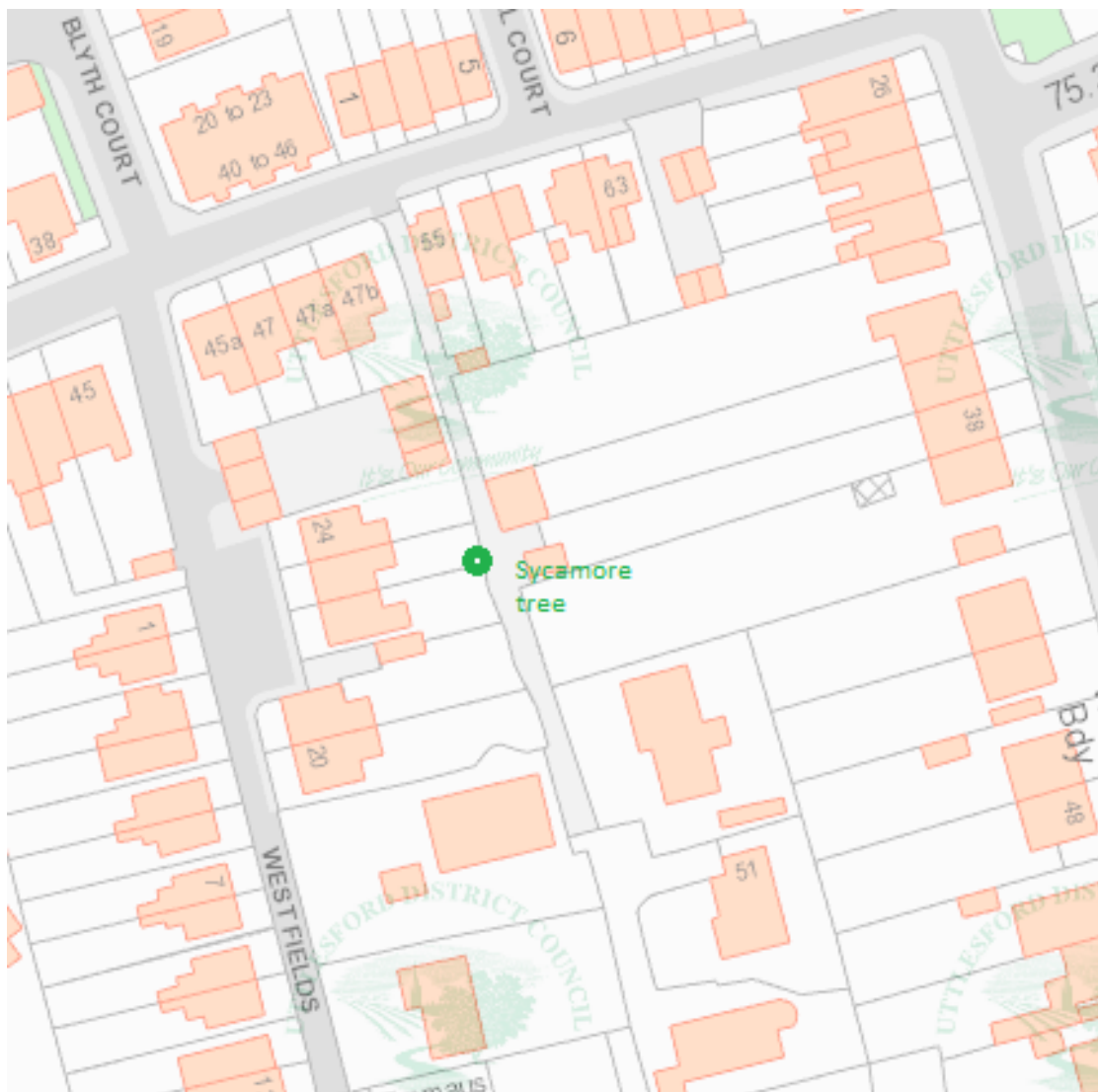
**Situation**

5. The sycamore tree is an early mature specimen of some 9m in height situated in the rear garden area of 23, Westfields. This tree has been previously pollarded.
6. The proposed pollarding by cutting back to the previous pruning points is considered appropriate management of this tree. The tree is not considered to be of sufficient public amenity value to be made the subject of a tree preservation order.

**Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with the recommendation	1. None	1. No impact	None

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.



Appendix 2: Sycamore tree







**Title: Appeal Decisions**

**Item 8**

**Author: Nigel Brown –**

<b>SITE ADDRESS</b>	<b>APPLICATION NO</b>	<b>DESCRIPTION</b>	<b>APPEAL DATE &amp; DECISION</b>	<b>SUMMARY OF DECISION</b>	<b>DECISION BY OFFICER /OVERTURNED BY COMMITTEE</b>
May Walk Elsenham Road Stansted	ENF/13/0193/C	Appeal against Enforcement Notice	Corrected/Varied/ Upheld  03.03.2015	<p>The Inspector corrected the Enforcement to be “unauthorised use as an animal rescue centre”. The Inspector dismissed the appeal on Ground (c), i.e. planning permission not required for the development. He did not consider that the use as an animal rescue centre fell within the use of agricultural, nor did he consider that structures, albeit moveable, were temporary structures. The applicant failed to demonstrate her Ground (d) appeal, i.e. the breach was time barred from enforcement action. Although some of the buildings had likely been in place since 1989/9 the current use had occurred less than ten years ago.</p> <p>The Inspector considered that the requirements of the notice (i.e. the removal of the buildings and the cessation of the use) were reasonable and necessary to deal with the breaches of planning control.</p>	<b>N/A</b>

Land Adjacent To Linden Lodge London Road Saffron Walden	UTT/13/1967/F UL	Demolition of garage/store and erection of 1 no. detached dwelling and garden wall	Dismissed 16.03.2015	<p>The Inspector did consider that the proposed dwelling would not be unduly overbearing and would appear as a subservient building in the street scene. She went on and considered that the proposal would improve the setting of the listed building by reason of its sympathetic design and would therefore enhance the character and appearance of the Conservation Area.</p> <p>She considered that any overlooking on the adjacent property 2 Debden Road would be oblique and would not be unacceptable. She did not consider any issues with respect of overlooking onto properties on the opposite side of London Road.</p> <p>However, the Inspector did consider that the lack of turning space would cause a problem resulting on vehicles reversing onto London Road, and dismissed it on this matter alone.</p>	<b>N/A</b>
Brockingbury Stud Roast Green Clavering	ENF/13/0220/C	Appeal against Enforcement Notice	Dismissed/Notice upheld with correction. 04.03.2015	<p>The matter relates to the erection of 1.8-2.4 metre high fence including gate of 1.8 metres around a Grade II Listed Building. The Inspector concurred with the Council's view that the fence and gates are a somewhat urban feature and consider the overall effect alien and incongruous in the context of a traditional cottage. As such he concluded that the fencing and gates were harmful to the setting of the listed building.</p> <p>On Ground (g) i.e. the period to comply with the notice the Inspector extended the period from 3 to 6 months to allow further considering by the appellant of their security needs.</p>	<b>N/A</b>



<p>The Laurels Old Mead Lane Henham</p>	<p>UTT/14/0324/H HF</p>	<p>Proposed front and rear extension with loft conversion</p>	<p>Dismissed  05.03.2015</p>	<p>The Inspector considered that proposed dormers would be a size commensurate with the existing ground floor and have a largely matching style. However, the Inspector did consider that new central gable would dominate the front elevation of the dwelling, and would be unsympathetic to the host dwelling.</p> <p>The Inspector did consider that the extension was required to allow better manoeuvrability to deliver wheelchair accessible accommodation to meet the appellant's future family needs. However, he did conclude that the proposal would be harmful to the need to protect the character of the area. Personal circumstances can change whereas harm to the environment is likely to be permanent.</p>	<p><b>N/A</b></p>
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**Committee:** Planning  
**Date:** 8 April 2015  
**Agenda Item No:** 9  
**Title:** PLANNING AGREEMENTS  
**Author:** Christine Oliva (01799 510417)

The following table sets out the current position regarding outstanding Section 106 Agreements:-

No.	Planning Current Ref.	Approved by Committee	Applicant	Property	Position
1.	UTT/13/3084/FUL	16/01/2014	Ms Vanessa Day	Land Chickney Road, Henham,	Draft sent to applicant 3.4.2014
2.	UTT/13/2839/FUL	16/01/2014	Mr and Mrs M Jones	Silverdale, The Street, Takeley	106 prepared and sent to applicant for comments
3.	UTT/13/2107/OP	12/02/2014	Barratt Homes, Mr CJ Trembath, Buildings Farm Partnership	Land West of Woodside Way, Dunmow	Negotiations continuing
4.	UTT/13/3467/OP	30/04/2014	Manor Oak Homes	Land South of Radwinter Road, Saffron Walden	Negotiations continuing
5.	UTT/14/1688/FUL	20/08/2014	Hastoe Housing Association	Mill Road, Wimbish	Agreement sealed
6.	UTT/14/1069/OP	17/09/2014	Mr David Rich-Jones	Land North of Stebbing Primary School	Agreement sealed
7.	UTT/14/2003/FUL	15/10/2014	Ford Wells Development Ltd.	Moore's Garage, Thaxted Road, Saffron Walden	Agreement drafted – sent to applicant 19.3.2015
8.	UTT/14/2387/FUL	10/12/2014	Mr Nigel Agg	Land West of The Chalet, Dunmow Road, Takeley	Agreement sealed
9.	UT/14/2655/FUL	10/12/2014	Crest Nicholson Eastern	Land South of Chickney Road, Henham	Agreement sealed
10.	UTT/14/3102/FUL	10/12/2014	Croudace Homes	Tudor Works,	Agreement

			Ltd	Debden Road, Saffron Walden	sealed
11.	UTT/14/3182/FUL	11/02/2015	East Thames Group	119 Radwinter Road, Saffron Walden	Draft agreement with planning
12.	UTT/14/3357/FUL	11/03/2015	Pigeon Investment Management Ltd GAG373 ltd. GAG339 ltd	Land at Webb Road, Hallett Road, Flitch Green	Agreement drafted, with planning
13.	UTT/14/3266/OP	11/03/2015	Ford-Wells Ltd	Wyndhams Croft, Whiteditch Lane, Newport	Draft agreement sent to applicant 18.3.2015

Background Papers:

Planning Applications  
Files relating to each application

FOR INFORMATION