



Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Wednesday, 03 June 2015
Time: 14:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: To be appointed at the Annual Council meeting

AGENDA PART 1

Open to Public and Press

1 Apologies for absence and declarations of interest.

To receive any apologies and declarations of interests

2 Minutes of the previous meeting

5 - 12

To receive the minutes of the meeting held on 29 April 2015

3 Matters arising.

To consider any matters arising from the minutes

4 Planning Applications

4.1 UTT/14/2991/OP Elsenham

13 - 36

To consider application UTT/14/2991/OP Elsenham

4.2 UTT/14/3662/FUL Quendon and Rickling

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To consider application UTT/14/3662/FUL

4.3	UTT/15/1036/FUL Takeley To consider application UTT/15/1036/FUL Takeley	59 - 68
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4.6	UTT/15/0133/FUL Flitch Green To consider application UTT/15/0133/FUL Flitch Green	95 - 110
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6	Tree Preservation Order - 6/14 Elsenham To consider an objection to a provisional tree preservation order	143 - 146
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8 Chairman's urgent items

To receive any items that the Chairman considers to be urgent

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 29 APRIL 2015**

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

Officers in attendance: N Brown (Development Manager), K Denmark
(Development Management Team Leader), C Oliva (Solicitor), A
Rees (Democratic and Electoral Services Officer), M Shoesmith
(Development Management Team Leader), S Stephenson
(Technical Support Officer), A Taylor (Assistant Director Planning
and Building Control) and C Theobald (Planning Officer).

PC76 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

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

No declarations of interest were received.

PC77 MINUTES

The minutes of the meeting held on 8 April 2015 were signed by the Chairman
as a correct record.

PC78 MATTERS ARISING

There were no matters arising.

PC79 APPLICATION WITHDRAWN

It was noted that application UTT/15/0404/FUL Great Canfield had been
withdrawn by the applicant.

PC80 PLANNING APPLICATIONS

(a) Approvals

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

UTT/15/0284/DFO Stansted - Details following application UTT/13/1618/OP
(Outline application for approximately 160 house dwellings, with associated
development and infrastructure) - Details of construction of a link road from
Cambridge Road in the application site – Land at Walpole Farm, Cambridge
Road, Stansted for Bloor Homes/Martin Grant Homes.

Sophie Pain spoke in support of the application.

UTT/15/0831/DFO Stansted - Details following outline application UTT/13/3345/OP for erection of 1 no. dwelling - details of access, scale, layout and appearance – Land at 40 Bentfield Road, Stansted, Essex for Mrs L Luther

Subject to the following additional conditions;

- A construction management agreement.
- A slab level agreement.

Eleanor Luther spoke in support of the application. Simon Howard-Dobson, Mr Yarnold (on behalf of Denise Wright) and Mr Yarnold spoke against the application.

UTT/14/3539/FUL Stansted - Replacement skatepark, including boundary fencing and 6 No. 8m high floodlighting columns – Stansted Skatepark, Lower Street, Stansted for Stansted Mountfitchet Parish Council

Councillors Eastham and Mackman left the meeting during the consideration of this item.

Councillor Salmon declared a non-pecuniary interest as a member of Stansted Parish Council.

UTT/15/0395/FUL Saffron Walden - Omission of Condition 6 of UTT/12/5227/CA and Condition 7 of UTT/12/5226/FUL, and the varying of details approved under Condition 5 of planning permission UTT/12/5226/FUL “Erection of 31 sheltered apartments including communal facilities, access, car parking and landscaping” to allow for the removal of an additional section of wall and for the installation of railings – Saffron Lodge, Radwinter Road, Saffron Walden for Churchill Retirement Living

Subject to a S106 legal obligation to secure a contribution towards affordable housing .

UTT/15/0546/HHF Saffron Walden - Partial demolition of existing rear addition and demolition of existing front porch. Erection of two storey rear extension and single storey front extension. New rooflight to existing single storey roof to rear and new side door and windows with obscured glazing to side elevation – 53 Landscape View, Saffron Walden for Mr A Ketteridge

(b) Refusals

RESOLVED that the following applications be refused for the reasons stated in the officer’s report.

UTT/14/3675/DFO Little Dunmow - Details following outline application UTT/13/2340/OP (outline application for removal of existing earth bunds; demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site; and erection of 40 dwellings with associated access, parking and garaging and

provision of public open space) - details of appearance, landscaping, layout and scale – Former Dunmow Skips Site, Station Road, Little Dunmow for Persimmon Homes

Reason:

- 1 The proposed development, by virtue of its cramped layout, lack of play facilities and insufficient boundary screening would result in a form of development which would be out of scale, layout and appearance of surrounding development. The development fails to meet the requirements in relation to garden sizes as set out in the Essex Design Guide and there is insufficient open space, resulting in a form of development that would fail to meet the reasonable needs of future users. Thus the proposals fail to comply with Uttlesford Local Plan Policy GEN2 (adopted 2005).
- 2 The proposed development fails to ensure that sufficient visitor parking provision is provided, as required by the Parking Standards Design and Good Practice September 2009 and the Uttlesford Local Residential Parking Standards, adopted February 2013. This would be contrary to Uttlesford Local Plan Policy GEN8 (adopted 2005).

Councillor Mackman did not vote on the application as he arrived at the meeting whilst it was being considered.

Hayley Evans spoke in support of application.

UTT/14/3819/FUL Chrishall - Erection of 5 (No.) proposed dwellings with garages, home offices and access roadway – Hillside Farm, Mill Causeway, Chrishall for Mr and Mrs Smart

Bill Bampton spoke in favour of the application. Chris Booth, Tom Jackson and John Kay spoke against the application.

Councillor Perry did not vote on the application as he arrived at the meeting whilst it was being considered.

UTT/15/0145/FUL Stansted - A development comprising a ground floor retail unit, 1 bed apartment at first floor and 1 bed apartment at loft level (Option B, revised application) – Land South of Clark Close, Stansted for Mr Chirayo Patel.

Reason:

- 1 It is considered that the location of the proposal would be inadequate to accommodate delivery vehicles to serve the proposed retail unit. As such the proposal cannot be accommodated within the surrounding transport network, contrary to Policy GEN1 of the Adopted Uttlesford Local Plan 2004.

- 2 It is considered that the proposed retail unit by way of its location would have a materially adverse effect on the reasonable occupation and enjoyment of nearby residential properties, contrary to Policies GEN2 of the Adopted Uttlesford Local Plan 2004.
- 3 The proposal fails to provide adequate off street car parking to accommodate the proposal contrary to Policy GEN8 of the Adopted Uttlesford Local Plan 2004.

UTT/15/0666/HHF Saffron Walden - Retrospective application on the community/street scene – 20 Loompits Way, Saffron Walden, Essex for Miss Julia Smith.

PC81

LAND NORTH OF STANSTED ROAD, ELSENHAM – UTT/14/3279/DFO

The Assistant Director Planning and Building Control outlined his report. At the Committee meeting on 11 March, Members refused planning permission for the application. The matter was brought back to the Committee on 8 April to clarify the reasons for refusal. Members deferred the matter so that a transcript of the debate could be produced to clarify what had been said at the meeting. The report now recommended that the reasons for refusal at the meeting on 11 March should be confirmed as follows;

- (a) The proposed development would result in a poor design and location of the vehicular access point from Stansted Road being in close proximity to a neighbouring residential property at Hillcroft, and therefore creating harmful impact through noise and disturbance to residential amenity. This would be contrary to policies GEN1 and GEN2 of the Uttlesford Local Plan 2005.
- (b) The proposed development would result in a poor layout of design through the use of garage courts for some of the parking provision. This would be contrary to policy GEN2 of the Uttlesford Local Plan 2005.

Councillor Cheetham invited Dr Mott and Peter Johnson to speak. She explained that if the Committee decided to re-consider the application they would be given a chance to speak again.

Dr Mott said access was not the sole issue, a number of design issues had also been raised by councillors during the meeting. A number of councillors had not spoken at the meeting so the prevalence of this issue could not be fully known.

Peter Johnson reiterated the point made by Dr Mott that councillors had raised numerous concerns about the development. The revised scheme did not adequately address the concerns raised about parking provision. Additionally, there were a number of two and a half storey dwellings proposed throughout the development which were out of keeping with the street scene. The design was fundamentally flawed.

The Assistant Director Planning and Building Control re-emphasised that currently Members were only deciding what the reasons for refusal were, not

whether Members agreed with the decision to refuse the application. As Councillor Cant was not present at the meeting on 11 March she could not vote at this part of the debate.

Councillor Perry proposed that the Committee should confirm the reasons for refusal of the application as outlined in the report. This was seconded by Councillor Ranger.

RESOLVED that the Committee agree that the reasons for refusal of the application were as outlined in the report.

The Assistant Director Planning and Building Control explained that the applicant had made amendments to the proposals which aimed to address the reasons for refusal. If the Committee wished to re-consider the application it would first have to agree to suspend the council standing orders. Councillor Cant could vote on this matter.

Councillor Cheetham proposed that Council procedural rule 13.2 be suspended. This was seconded by Councillor Hicks.

RESOLVED that the standing order 13.2 be suspended to enable the committee to reconsider the application.

The Development Manager said the applicant had attempted to address the reasons for refusal. With regards to the first reason for refusal, the new proposal relocated the access road 2.2m to the east. This was the furthest that Essex Highways thought the access road could be moved without affecting visibility and confirmed they would raise objections if it were moved any further. It was considered that the revised application had adequately addressed the reasons for refusal on this matter.

The Development Manager explained that officers did not feel the second reason was sustainable on appeal as the design complied with Uttlesford Car Parking Standards. Furthermore, all the plots complied with the garden sizes within the Essex Design Guide. The second reason for refusal had therefore been addressed through clarification.

Councillor Cheetham invited Dr Mott, Peter Johnson and the agent, Peter Biggs to speak on the revised application.

Dr Mott said that although the relocation of the access road was an improvement, it should have been relocated 9m to the east. He did not accept Essex Highways comments about visibility being compromised if the access road was relocated by more than 2.2m to the east. The revised proposals still had areas for concern as the parking still breached highway provisions. Given the scale of the development there was also scope for problems caused by sub-letting. The application should be rejected for failure to comply with GEN1 of the Uttlesford Local Plan 2005. Lastly a number of Tree Preservation Orders (TPOs) made development untenable.

Peter Johnson said that the Parish Council acknowledged that a number of applications had received outline planning permission, but there was still a need for future developments to integrate with the local area, which this application had not met. The Parish Council agreed with Dr Mott regarding access. Overall they felt the application could be better and would like to see improvements made.

The agent, Peter Biggs then spoke about the application. He said whenever issues had been raised by the Committee; he had looked to address those issues and had always complied with planning policy. Furthermore, none of the statutory bodies had ever raised any objections. Officers had recommended approval of the application whenever it had been brought before the Committee and the additionally the report before the Committee said the changes made to the application overcame the reasons previously given for refusal.

Councillor Cheetham asked for clarification about sub-letting and TPOs. In response the Development Manager explained there was no concern surrounding TPOs as any works to the trees would require consent. Sub-letting required planning permission so this wasn't seen as an issue either.

Councillor Perry asked for consideration of the application to be deferred, due to inadequate consultation. Essex Highways needed to provide more information about access and more information was needed about the TPOs. Councillor Salmon seconded the proposal.

The motion for deferral was put to the vote and was defeated, with four votes in favour and five against.

Councillor Hicks then proposed that the application be approved. Councillor Ranger seconded the proposal.

Councillor Ranger raised concerns about the car parking courts and asked whether a condition could be added to ensure the final designs of the car parking was satisfactory. In response, the Development Manager suggested adding a separate condition stating that plans for the car parking courts had to be submitted and approved.

In response to points made by Councillors Cant and Cheetham, the Assistant Director Planning and Building Control explained there were only a few parking courts throughout the development and they were all adjacent to the respective properties. He added that Councillor Cant couldn't vote on the proposed approval of the application as she had not attended the previous meeting when the application was initially discussed.

RESOLVED that the application be approved subject to the conditions in the report to the Committee on 11 March 2015 and the a further condition; requiring that further details relating to landscaping should be submitted and approved before the commencement of the development.

PC81

**WEST OF WOODSIDE WAY, GREAT DUNMOW – LPA REF
UTT/13/2107/OP**

Members received a report from the Assistant Director Planning and Building Control which recommended the variation of condition 2 on application UTT/13/2107/OP to allow a request for an extension of the commencement condition as follows.

- 1) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 year from the date of this permission.
- 2) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The Assistant Director Planning and Building Control explained that previously it had been Council policy to ask for works to commence one year after permission was granted. This was no longer the case and three years was now deemed appropriate.

Councillor Ranger proposed the recommendations as outlined in the report. This was seconded by Councillor Lemon.

RESOLVED that condition 2 be amended as recommended in the report.

PC82

**NOTIFICATION OF WORKS TO A TREE – 23 WEARNS COTTAGE, 9
CARMEN STREET, GREAT CHESTERFORD**

The Development Manager explained that urgent works were required to a the tree at Carmen street Great Chesterford. The Council's Landscaping Officer had raised no objections to the works.

RESOLVED that no objections were raised to the works.

PC83

ANY OTHER BUSINESS

Councillor Cheetham said she would like to thank officers and Members, as it was her last meeting as a district councillor. She had been a member of the Planning Committee for 17 years and had enjoyed her time as a member. Although, Members had often disagreed with each other at meetings this had never affected their relationship outside of the Committee.

Councillor Cant echoed the statement of Councillor Cheetham saying she was glad to have been a councillor for the last 18 years. She thanked officers for their help throughout her time as a member of the Council.

Members thanked Councillors Cant and Cheetham for the service to both the Council and the Committee. Councillor Menell also extended thanks to Councillor Godwin, who had left the Committee earlier in the year.

The Assistant Director Planning and Building Control thanked the Committee for their support. He added that there had been some quite radical changes to planning policy since 2011, which the Committee had dealt with well.

The meeting ended at 6.20pm.

UTT/14/2991/OP - (ELSENHAM)

(MAJOR)

PROPOSAL: Outline application, with all matters reserved except for access, for the demolition of existing buildings and erection of 40 residential dwellings including open space and landscaping

LOCATION: Elsenham Nurseries, Stansted Road, Elsenham

APPLICANT: Stansted Road LLP

AGENT: Mr T Dodkins, Phase 2 Planning and Development Ltd

EXPIRY DATE: 8 January 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Adj County Wildlife Site and SSSI.

2. DESCRIPTION OF SITE

- 2.1 The site is a former garden nursery on the western edge of Elsenham, beyond the settlement limits. To the west of the site is an open agricultural field with the M11 beyond this by 160 meters. To the east is an auto repair use, then open space before the built up settlements of Elsenham. To the south is the B1051, Stansted Road, and a ribbon of houses backing onto the edge of the site. To the north of the site and wrapping around the northeast corner is Alsa Wood, an ancient woodland also designated as a County Wildlife Site.
- 2.2 The site itself has been partially developed, mostly in the southern parts. There are several buildings pertaining to the former nursery use along the lower western edge of the site with an access road through the centre of the lower half. This lower half is predominantly grass.
- 2.3 The northern part of the site is almost indistinguishable from the Ancient Woodland to the north apart from there has been some clearing of scrub trees and evidence of minor digging and cultivation. The northern half of the site has an extensive tree covering which extends down the eastern edge of the site. There are many substantial individual trees and mature groups. The south and east boundaries have less substantial planting but it is still relevantly strong and is a positive attribute of the site.
- 2.4 The southern parts of the site contain buildings related to the horticultural use of the site. Access is taken from the south on a small made up road between two houses.
- 2.5 During the application process a Tree Preservation Order was served on the site. The TPO provided a blanket cover for all the trees.

3. PROPOSAL

- 3.1 The proposal is for outline consent for 40 dwellings on the site with all matters apart from access reserved. An indicative master plan shows a road from the southern access point travelling north through the site with four cul-de-sacs taken off the spine on the eastern side.
- 3.2 Access is provided over the existing route with an existing dwelling demolished to allow for a wider carriageway and pavements. The spine road and first cul-de-sac have pavements whilst the other three cul-de-sacs are shared surfaces.
- 3.3 The proposals place approximately one third of the dwellings within the TPO area in the northern part of the site. The schedule of house types and mix of units would be as below:

Schedule of Units

House type	No	Size
Type 1 - 2 Bed Terrace	4	84sqm
Type 2 - 2 Bed Terrace	11	88sqm
Type 3 - 2 Bed Bungalow	1	85sqm
Type 4 - 3 Bed Semi Detached	12	93sqm
Type 5 - 4 Bed Detached	2	119sqm
Type 6 - 4 Bed Linked Detached	2	140sqm
Type 7 - 4 Bed Detached	4	145sqm
Type 8 - 5 Bed Detached	4	180sqm

Mix of Units

2 Bedrooms	16
3 Bedrooms	12
4 Bedrooms	8
5 Bedrooms	4
TOTAL	40

4. APPLICANT'S CASE

- 4.1 The application is accompanied by an indicative Masterplan and the following reports and documents:

Planning, Design and Access Statement
Preliminary Ecological Appraisal
Bat Mitigation Strategy
Building Assessment for Bats
Reptile Survey
Dormouse Survey
Arboricultural Impact Assessment
Woodland Management Plan
Tree Report
Noise Assessment
Air Quality Assessment
Flood Risk and Water Management Assessment
Transport Statement

- 4.2 Summary of Planning, Design and Access Statement:

- Policy S7 is only partially compliant with the NPPF

- The proposal represents sustainable development when considered against the 3 strands in the NPPF
- Question the Council's 5 year land supply position
- Little predicted impact on the local highway network
- Proposed to meet the Council's requirement for 40% affordable housing
- No reptiles, bats or great crested newts were found to be on site Scheme has been revised to reduce the number of dwellings and retain more trees Proposal all boundary vegetation is retained and enhanced where necessary Drainage scheme could be developed that would not create any surface flooding for the worst case 1 in 100 year probability event
- Revised illustrative plans show a development that is well designed by its form, scale, massing and detailed appearance, responds to the site context, and respects its neighbours
- Noise from M11 will require special consideration of position of dwellings, window specifications and location of principal habitable rooms
- Air quality is a low priority consideration with regards to the impact of the development. Predicted NO2 and PM10 concentrations are below the relevant air quality objectives
- Would involve the development of a previously developed site within a sustainable settlement
- Demonstrated that the proposal will provide a high quality residential scheme which has regard to its context, which would significantly enhance both the character of this part of Elsenham, and would assist the Council in maintaining their 5 year housing supply
- The Council are therefore respectfully requested to receive this application positively and to grant planning permission in due course

5. RELEVANT SITE HISTORY

5.1 No relevant site history

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN6 – Infrastructure Provision to Support Development

GEN7 – Nature Conservation

ENV3 – Open Spaces and Trees

ENV7 – The Protection of the Natural Environment – Designated Sites

ENV10 – Noise Sensitive Development and Disturbance from Aircraft

ENV13 – Exposure to Poor Air Quality

H4 – Backland Development

H9 – Affordable Housing

H10 – Housing Mix

7. PARISH COUNCIL COMMENTS

- 7.1 Strongly object. Outside development limits. Does not enhance or protect the character of the countryside of which it forms a part, namely Alsa Wood; an area of ancient woodland that also includes areas of oxlips. No convincing special reasons as to why the development is needed. Does not comply with requirements for infilling or Policy S7. Do not consider that the SHLAA and/or the possible lack of 5 year housing land supply can be upheld or used to justify the applicant's request for permission. No indication as to the mix of affordable housing units. Parish already has 192 affordable homes granted which already focuses a significant proportion of the District's affordable housing into one area. Noted that a dwelling will need to be demolished to create suitable access. Current access proposal will give rise to further issues of highway and pedestrian safety on Stansted Road generally and in the area immediately surrounding the site access. Although a 30mph speed limit is in force along this road, regular monitoring by the local Speed Watch team and the Police record that excessive speeding remains an ongoing problem along the road. The proposed development will not meet the criteria of Policy GEN1. Trees on site form part of Alsa Wood. Application indicates that approximately 100+ trees will be selected for removal regardless of their grade. Development is totally unacceptable and contravenes the requirements of Policy GEN7. Request a TPO be placed on all of the trees to be retained to ensure their ongoing protection. Design and Access Statement refers to two and a half and three storey forms being used. The introduction of high-rise buildings will be intrusive and dominate the skyline and will significantly conflict with the aesthetic appearance of an area of the village that borders ancient woodland.
- 7.2 Revised Plans: Remains strongly opposed to the planning application and restates its comments and objections to the proposed (revised) application. Fully supports UDC's decision to place a TPO on the trees growing within the site at the northern end of the site that border the public right of way and the ancient woodland of Alsa Wood. The loss of a significant number of established, healthy trees growing within the area of the TPO and form a natural part of well-established woodland in order to provide space for larger 4 and 5 bedroom dwellings of the development will result in a very harmful effect upon the wildlife and habitats. Consider the applicant's lack of additional detailed information to be deplorable.

8. CONSULTATIONS

Housing Enabling Officer

- 8.1 There will be a requirement for 40% affordable housing. The housing mix should be as follows:

S106 Figures					
Tenure mix	1 bed	2 bed	3 bed	4 bed	
affordable Rent non bungalows	2	5	3	0	10
affordable Rent bungalows	1	0	0		1
SUB TOTAL A/R	3	5	3	0	11
shared ownership non bungalows	0	4	1	0	5
shared ownership bungalows	0	0	0		0

SUB TOTALS/O	0	4	1	0	5
GRAND TOTAL AFFORDABLE UNITS	3	9	4	0	16
MARKET BUNGALOWS		1			

ECC Archaeology

- 8.2 Recommend a condition requiring an archaeological programme of trial trenching followed by open area excavation. The Historic Environment Record shows that the proposed development area lies within a potentially sensitive area with cropmark evidence of an enclosure to the west (HER 18899) and Roman occupation identified to the east (HER 48393). Those deposits to the east have only recently been identified during trial trenching for a further housing development but have the potential to extend into this new development area.

Thames Water

- 8.3 With regard to sewerage infrastructure capacity, we would not have any objection based on the initial drainage proposals.

Affinity Water

- 8.4 You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Stanstead Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Airside OPS Limited

- 8.5 The submitted material has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions relating to landscaping and SUDS and the requirement for a Bird Hazard Management Plan.
- 8.6 Revised Plans: Object to this development proposal due to the increased risk of bird strike. However, will be prepared to review that objection if the planting palette can be amended to reduce the berry bearing component to no more than 15% of the total, distributed evenly across the site. Still require condition relating to SUDS and Bird Hazard Management Plan.

ECC Flood & Water Management Team

- 8.7 Have some comments in relation to the surface water and groundwater drainage strategy.

ECC Minerals and Waste

8.8 No comments.

Sport England

8.9 No comments.

ECC Ecology

- 8.10 Object. Direct loss of woodland. Insufficient bat surveys. Alsa Wood Local Wildlife Site exists immediately beyond the northern boundary and contains ancient semi-natural woodland. The current Ecological Appraisal is insufficient in that it does not take into account the proposed site layout and therefore cannot recommend appropriate mitigation. Siting residential housing so close to ancient woodland will have a detrimental impact on flora and fauna that rely on the conditions of the woodland and its edge habitats to survive and reproduce. Current layout provides very little buffer between the wood and the development. Mitigation and enhancements should be informed by the results of the ecological surveys.
- 8.11 Revised Plans: Wish to withdraw previous objection on the basis of an amended site layout. Now provides a >15m buffer between the development and the woodland. Further bat surveys are not warranted because the development gives sufficient clearance to the woodland and that the western hedgerow will be retained. The wooded area to the north of the developed site should be subject to a management plan, with appropriate landscaping to secure the long term viability of the area for wildlife.

NHS England

- 8.12 A financial contribution of £13,720 will be required to mitigate the additional requirements for health care facilities.

Access and Equalities Officer

- 8.13 Application will need to meet the requirements of the SPD on Accessible Homes and Playspace, this will require all dwellings to meet the Lifetime Homes Standard and three dwellings to meet the Wheelchair Accessible Homes Standard.

Natural England

- 8.14 Statutory nature conservation sites – no objection. Protected species – refer to standing advice.
- 8.15 Revised Plans: It will be important to provide adequate buffering to protect Alsa Wood. Refer to standing advice regarding guidance on the need for a buffer strip and its appropriate width.

ECC Education

- 8.16 Will be a requirement for financial contributions for primary and early years and childcare provision.

ECC Highways

8.17 No objections subject to conditions.

Highways Agency (now Highways England)

8.18 Offers no objection.

Environmental Health Officer

8.19 A scheme of best practice measures has been included within the Air Quality Assessment, which if implemented will help to mitigate against the impact of the construction phase to an acceptable level. This should be conditioned. A condition requiring the provision of a travel plan to discourage reliance on car use would be welcomed. The findings of the noise assessment are acceptable and a condition is recommended to require the scheme of noise mitigation measures at the detailed stage. The site has the potential to be contaminated due to historic use and conditions will be required to ensure the site is suitable for the end use.

Woodland Trust

8.20 Object because it will lead to the destruction of woodland which is currently acting as a buffer to the area of Ancient Semi Natural Woodland which borders the northern part of the site. In addition historical mapping shows parts of the site to have had trees from the early 20th Century.

Network Rail

8.21 It is probable that the proposed 55 residential dwelling development will lead to an increase in usage of Fullers End level crossing. This will add to the cumulative impact on the crossing. Increased use of the crossing leads to an increase of risk. Network Rail would be interested in discussing the application's potential Section 106 arrangements as this could possibly contribute to helping to implement a mitigation measure (diversion of the footpath) for the crossing?

Environment Agency

8.22 Having reviewed the FRA we are satisfied that it provides sufficient information basis for assessment to be made of the flood risks arising from the proposed development. We have no objection to this application on flood risk issues. The proposed development is achievable in principle but will only be acceptable if the surface water drainage scheme as detailed in the approved FRA is implemented and secured by way of a planning condition on any planning permission. Require a condition in relation to surface water drainage.

ECC Landscaping

8.23 We have no objection to the proposal. The implementation of the development should be in accordance with the Arboricultural Impact Assessment, Method Statements and Tree Protection Plans submitted with the application and associated drawings by Open Spaces Landscape and Arboricultural Consultants.

UDC Landscape Officer

8.24 Based on the illustrative layout for the proposed development, the submitted tree retention removal plans [drawing nos. OS 774 - 14.3.1 and OS 774 - 14.3.2] show the removal of some 34 individually identified trees and a further 8 groups of trees. The individually identified trees shown to be removed are 18 oak, 2 ash, 11 hawthorn, 1 plum, 1 pine, 1 hazel, and 1 field maple. The groups of trees shown to be removed include hawthorn, blackthorn, plum, elder, birch, willow, and Lawson cypress. Of the individual and groups of trees shown to be removed only one oak tree (reference T33) is categorised as being of moderate quantity and value, the others shown to be removed are considered to be of low quality and value. The woodland area in the northern part of the application site is subject to a provisional tree preservation order (TPO 6/14). Whilst this woodland area appears, in part, to be an extension of the Alsa Wood, which is a designated ancient woodland, only a relatively small triangular area in the north eastern part of the application site is considered to be a part of Alsa Wood. The 1880 Ordnance Survey map (surveyed 1875-6) shows that Alsa Wood did not extend at that time south of the public footpath which defines the northern boundary of the application site. The illustrative layout for the proposed development shows dwellings within the area of the TPO'd woodland. However, the layout utilises clearings within the woodland area necessitating only limited tree removal to accommodate the proposed development. The proposed development would have limited visual impact on the wider landscape. It is considered that there is an opportunity to create a residential development, the design of which draws on and reflects the woodland edge context. This may be achieved through combination of appropriate landscaping and in the design of the dwellings and the selection and use of materials. In the circumstances of planning permission being granted it is recommended that conditions are applied requiring a woodland management scheme to be submitted for approval; a fully detailed soft and hard landscaping scheme to be submitted for approval; detailed tree protection measures to be carrying out during the construction period to be submitted for approval. In addition, as part of any Section 106 agreement there should be a provision for a management company to be set up to implement an approved management scheme for the woodland and open space provisions.

Uttlesford Area Access Group

8.25 The Design and Access Statement does not state that all homes will meet the Lifetime Homes Standard. Neither is there a commitment to provide 5% of units as Wheelchair Accessible Housing.

9 REPRESENTATIONS

9.1 This application has been advertised and 218 representations have been received. Notification period expired 23 March 2015. The following issues have been raised:

- Increased traffic
- Already granted consent for 2 developments along Stansted Road
- Pleasant village environment being attacked on all sides by development
- Amenities unable to cope
- Grove Hill cannot take any more traffic
- Concerns about access road and water flowing onto Stansted Road
- Drainage problems from The Orchards must not be repeated
- Strong possibility of congested inner roads preventing access to emergency vehicles
- Buildings moving ever nearer to Alsa Wood

- Ancient Woodland needs protecting
- Elsenham already looking at population increase of 50%
- Would not meet health, social or culture wellbeing requirements
- Doesn't meet the tests of sustainability as set out in the NPPF
- Council now has a 5 year land supply
- Contrary to Policies GEN1, GEN4, GEN6, GEN7
- Will cause significant disruption to residents of Stansted Road
- Impacts on local infrastructure
- Harmful impacts on wildlife, especially bats
- Doctors and schools, including early years, cannot cope
- Traffic assessment not been carried out
- Essex County Council has removed school bus service and expect children to walk from Elsenham to Stansted
- Large section of the woods will be destroyed
- Detrimental impact on local wildlife site
- Contrary to Policies H4, GEN3, SP14
- Fails to address cumulative sewerage overload
- A community asset used by Rainbows, Brownies and school children
- Construction traffic will cause noise and disruption
- Inadequate public transport arrangements
- Will Elsenham end up merging with Stansted?
- Alsa Wood has been recorded as "the best oxlip wood in Essex"
- Need for public open spaces that are properly managed. Alsa Wood was once a SSSI and needs protecting
- Development should be fairly spread across the district
- Part of the decision making process should take account of the suitability of an area and its infrastructure
- M11 is already struggling
- Already regular power outages and low water pressure
- No formal assessment has been undertaken of the impact of the proposed development on Alsa Wood and its status as an Ancient Semi Natural Woodland and Local Wildlife Site
- Crown Estates application identified part of the Elsenham Nurseries site contiguous with the area of Alsa Wood
- No arboricultural assessment to understand the extent of tree loss
- No assessment or mitigation of impacts have been put forward
- Insufficient ecological information
- Contrary to Policies ENV3, ENV7 and emerging local policies
- Casts doubt over woodland management measures for Alsa Wood proposed under UTT/0142/12/OP
- Affordable housing being concentrated on Elsenham
- Loss of further employment. Elsenham needs more 'clean' employment opportunities
- Local roads unsuitable for additional development
- Need to understand how existing approved development will affect area before allowing more
- Should wait for the Fairfield appeal decision before making more decisions
- Will cause damage to biodiversity and ancient woodland, contrary to Policy ENV6
- Development should be redesigned to protect biodiversity value of habitats and be restricted to southern part of site
- Problems with electricity supply, water pressure and drains flooding
- Local groups and societies full to capacity

- People do not like to have large trees within or near their property
- Does not take sufficient account of new development already granted outline approval
- Application would involve a third junction on Stansted Road within a distance of 145 metres, contravening Essex County Council's Policy DM1
- Tree Report suggests the general condition of the trees is good
- Transport Report is silent on difficulties of access from Grove Hill
- Junction 8 of the M11 is nearing capacity
- Sewerage disposal would require pipes across the Gleeson site
- No justification for buildings of 3 storeys in Elsenham
- Number of cycle journeys undertaken as a replacement for a car journey would be zero
- Nothing to show applicants have taken account of the Council's policy concerning affordable homes
- Stansted Road does not need street lighting
- Place Services finds the application wholly defective. Clear that applicants have little idea as to their responsibilities where ecological matters are concerned
- My property would be affected on 3 sides by new developments

Comments on revised plans

- As above
- Reduction in number of houses is noted but would only help partially in mitigating problems regarding impacts on biodiversity
- Agree with Woodland Management Plan which should be followed whether or not planning permission is granted
- Still proposing dwellings, fences or possibly drainage systems, too close to mature trees
- Appears Woodland Management Plan and Arboricultural Impact Assessment were prepared long before original application but withheld from UDC
- Applicant appears not to appreciate that it is the whole eco-system of the woodland that contributes to its unique nature and that to remove any of the trees or bushes would have an impact on the whole
- UDC recently put at TPO in place on much of the woodland on the site but applicant still proposes to cut down trees protected by the TPO
- Don't believe builders would manoeuvre their bulldozers around trees to build proposed housing. Believe remaining trees will ultimately come down too
- Believe new plan has a greater detrimental effect on existing residents as will be nearer to existing properties
- Government Inspector's report that Elsenham is not suitable for such developments
- Application should not be dealt with in isolation from the current review of the Local Plan
- Historic Alsia Wood should be used to create a recreational country park
- Would accept no more than 10 houses with no tree felling whatsoever
- Trees would not screen new houses as not thick enough
- Not impressed by argument that number of trees to be felled has been reduced
- No mention of foul water disposal in Design and Access Statement. There is evidently no viable sewerage strategy
- Construction of junction would result in breach of Highway Code for adjoining property owners
- A new junction where proposed is not viable
- Applicants are ignorant of requirements for building within the vicinity of the airport

- Attenuation ponds are proposed which increases risk of bird strike
- Spaces allocated for parking by visitors appears to be inadequate for 40 dwellings

1 letter of support

- Would not object and support the proposed development, on the condition that the interests of Sunnymead were protected

10 APPRAISAL

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

- A The principle of development in this location (NPPF; ULP Policies S7, GEN2, ENV3, ENV8)
- B The form of development in this location (NPPF, ULP Policies GEN2, H9, H10)
- C The access is appropriate (ULP Policy GEN1)
- D The proposals would result in adverse harm to protected species and biodiversity (NPPF; ULP Policies GEN7, ENV3, ENV7, ENV8)
- E The proposals would increase flood risk on or off the site (ULP Policy GEN3)
- F The proposals would be subject to adverse noise or air quality (ULP Policies ENV10, ENV13)
- G There is sufficient infrastructure provision for the proposals (ULP Policy GEN6)

A The principle of development in this location (NPPF; ULP Policies S7, H4, GEN2, ENV3, ENV8)

- 10.1 The application site is located outside the development limits and therefore in an area where there is a policy restraint against development, other than that which needs to take place there or is appropriate to a rural area. Policy S7 has been assessed to be partially compliant with the NPPF with the NPPF having a more positive approach rather than protective one. However, Policy S7 is consistent with one of the core planning principles set out in section 17 of the NPPF, of recognising the intrinsic character and beauty of the countryside. The policy therefore has significant, but not full weight when considering the planning balance.
- 10.2 The proposals would be contrary to Policy S7 as it relates to a form of development that does not need to take place there. Consideration needs to be given as to whether or not the development would protect or enhance the part of the countryside it is set in, or if there are any special reasons why the development needs to take place there.
- 10.3 The application site is a former nursery site which is currently occupied by a bungalow and an outbuilding which appears to be used as an office. There is an area of compacted ground around the office. A large area of the northern part of the site is covered in trees, adjoining Alsa Woods, and now covered by a blanket Tree Preservation Order (TPO). The southern part of the site is predominantly grass area. The site is a backland development and adjoins the site where planning permission has been granted for 155 dwellings.
- 10.4 The site is located in an area where its development would not result in significant adverse harm to the character of the rural area due to it having a limited visual impact on the wider landscape. This is reinforced by the fact that planning permission has been granted for 155 on the adjoining site.
- 10.5 Policy H4 sets out various criteria which must be met in order for development to be considered acceptable. Criterion a) relates to whether the development would make

more effective use of the land. It is considered that the replacement of the nursery site and the existing bungalow with 40 dwellings would represent a more efficient use of the site. Criteria b) and c) would be issues that would be considered at reserved matters stage, but the indicative layout indicates that an appropriate scheme could be accommodated within the site which would not give rise to overlooking, overshadowing or overbearing. Criterion d) relates to access which should not cause disturbance to nearby properties. In order to accommodate an appropriate sized access it is proposed to demolish the property known as Bellmead. All matters are reserved, including access and therefore detailed information in relation to the access is not provided at this time. However, the details given on the indicative layout indicate that an access of the appropriate size can be provided and this should not result in adverse impacts on the neighbouring properties.

- 10.6 Policy ENV3 seeks to protect open spaces and fine specimens of trees. During the course of the consideration of this application a TPO has been served in respect of the northern part of the site. The trees in this location are adjacent to Alsa Wood which is designated as ancient woodland and a Local Wildlife Site. Policy ENV8 seeks to protect elements of importance for nature conservation such as ancient woodland. Need for the development would need to outweigh the significance of the site to the biodiversity of the District.
- 10.7 An arboricultural report has been submitted with the application identifying the trees that would be required to be felled as a result of the layout shown on the indicative plans. The layout and report have been considered by both the Essex County Council Landscape Officer and the Council's Landscape Officer. Both have confirmed that they raise no objections to the proposals subject to the development being carried out in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plans.
- 10.8 The Council's Landscape Officer gives further advice in respect of the trees covered by the TPO and their relationship to Alsa Wood. The 1880 Ordnance Survey map shows that Alsa Wood did not extend at that time south of the public footpath which defines the northern boundary of the application site. Therefore, whilst the woodland appears to be an extension of Alsa Wood, only a relatively small triangle area in the north eastern part of the site is considered to be part of Alsa Wood.
- 10.9 Further advice is given in respect of the trees to be removed. It is noted that 34 individually identified trees and a further 8 groups of trees. Of the individual trees to be removed only 1, an oak, is categorised of being of moderate quality and value. The layout utilises clearings within the woodland area necessitating only limited tree removal to accommodate the proposed dwellings. On the basis of the advice from the Landscape Officers, it is considered that the proposals would not result in adverse harm to the character of the area, in particular the ancient woodland. Biodiversity issues will be considered further in section D of this report.
- 10.10 The NPPF has a presumption in favour of sustainable development. There is also a requirement for local planning authorities to maintain a 5 year supply of deliverable housing land. Whilst the Council can currently demonstrate that it has a 5.4 year land supply there will still be a requirement to maintain this supply in future years. Therefore it is necessary to consider whether the proposals would constitute sustainable development.
- 10.11 There are three roles to sustainable development and these must be considered together.

Economic role: The proposal would result in the introduction of 40 dwellings (a gain of 38) on a site which is located adjacent to existing residential properties. Whilst the proposal would result in increased pressure on infrastructure in the locality, these stresses can be mitigated by financial contributions in a S106 Legal Obligation.

Social role: The proposed residential development is capable of delivering a high quality built environment, the consideration of which would be at reserved matters stage. It is located in a village where there are local services including shops, a primary school, doctor's surgery and a railway station and bus routes.

Environmental role: The redesigned scheme limits the impacts on the ancient woodland and protects the important areas and groups of trees. The development would not have a significant visual impact on the wider landscape.

Therefore, overall, it is considered that the development meets the requirements of sustainable development. Greater weight needs to be given to the NPPF as a material consideration than to Policy S7 which is only partially compliant with the NPPF.

B The form of development in this location (NPPF, ULP Policies GEN2, H9, H10)

10.12 The application is an outline application with all matters reserved. Therefore the scale, layout, appearance, access and landscaping elements of the scheme will be considered at a later date. However, the indicative layout indicates that a scheme can be accommodated within the site that would not result in adverse harm to the protected trees. In addition the proposal indicated would not give rise to overlooking, overshadowing or overbearing issues. No details are given that the proposals would meet the Lifetime Homes and Wheelchair accessible standards, but again these would be considered at reserved matters stage.

10.13 The indicative layout indicates that the site would be able to accommodate the specified number of dwellings, together with the necessary minimum garden sizes as set out in the Essex Design Guide. The proposed density would be approximately 12 dph. However, the density will vary across the site and approximately 1.2ha would not be developed. This still equates to a density of 18dph.

10.14 Each plot is shown to have the required number of parking spaces, with some properties having an overprovision of spaces. There are 9 visitor parking spaces indicated, a shortfall of 1 space. However, given the fact that some properties have an overprovision of spaces, this shortfall is considered acceptable. The table below gives details of property sizes, garden sizes and parking space provision.

Plot	No of beds	Garden size	Parking		Plot	No of beds	Garden size	Parking
1	2	178	2		21	5	233	3
2	3	154	3		22	5	221	3
3	3	174	3		23	3	207	3
4	2	100	2		24	2	161	2
5	2	74	2		25	3	102	3
6	2	80	2		26	2	108	2
7	2	140	2		27	2	149	2
8	4	195	4		28	4	150	4
9	3	154	3		29	3	169	3
10	3	144	3		30	3	155	3

11	3	117	3		31	4	100	4
12	3	102	3		32	2	90	2
13	3	119	3		33	2	80	3
14	3	111	3		34	2	149	2
15	4	131	4		35	2	117	2
16	3	118	3		36	2	112	2
17	3	146	3		37	2	110	2
18	4	200	4		38	2	86	3
19	5	240	3		39	4	89	4
20	5	208	3		40	2	130	2

10.15 The proposed indicative layout includes a mix of dwelling types as follows:

- 15 x 2 bed terrace
- 1 x 2 bed bungalow
- 12 x 3 bed semi detached
- 2 x 3 bed detached
- 2 x 4 bed link detached
- 4 x 4 bed detached
- 4 x 5 bed detached

10.16 The proposed mix is considered appropriate and complies in principle with Policy H10. The Design and Access Statement confirms that it is proposed to comply with the requirements for 40% affordable housing on this site. However, the current proposed housing mix, which is indicative, does not comply with the Council's requirements for affordable housing in this location. In addition there is no proposed provision of market bungalows. However, these issues would need to be resolved at reserved matters stage and the principle of the development complies with Policies H9 and H10.

10.17 A proposed landscaping scheme has been submitted to demonstrate how the proposals could compliment the retained trees. This has resulted in an objection from Airside OPS Limited due to the potential to increase risk of bird strike to aircraft. The objection could be removed if berry bearing species were reduced in the scheme. As this is an outline planning application and landscaping is a reserved matter it would be appropriate to require an amendment to the landscaping scheme as a condition. Accordingly it is considered that the proposals comply with Policy GEN2.

C The access is appropriate (ULP Policy GEN1)

10.18 The proposed access is also a reserved matter, but an indicative access is point is shown in the application. It is proposed to demolish a property known as Bellmead and utilise the site of the former dwelling and the existing access to the nursery site to provide the access to the proposed development. The proposals have been considered by ECC Highways who confirm that they have no objections to the proposals.

10.19 Concern has been raised in the representations as to the ability of the local road network to accommodate the additional traffic arising from the proposals. This too has been considered by the Highways Department who raise no objections. Further comments have been raised in respect of the capacity of Junction 8 of the M11. The Highways Agency (now Highways England) has considered the proposals and confirmed that they raise no objections to the proposals. They do raise concern about the future capacity of Junction 8, but this proposal would not have such a significant

impact that mitigation measures would be required. Therefore it is considered that the proposals comply with Policy GEN1.

D The proposals would result in adverse harm to protected species and biodiversity (NPPF; ULP Policies GEN7, ENV3, ENV7, ENV8)

10.20 The proposed development would result in the demolition of two dwellings, a building used as an office and the felling of a number of trees. Within the site there is a range of habitats which could be suitable for protected species. Policy GEN7 seeks to prevent development that would be harmful to protected species and/or habitats. This is in general compliance with paragraph 118 of the NPPF.

10.21 Policy ENV3 seeks to protect groups of trees and fine individual tree specimens. Policy ENV7 seeks to protect nationally and locally important areas of nature conservation such as Local Wildlife sites, such as Alsa Wood. Policy ENV8 seeks to protect landscape elements important for nature conservation.

10.22 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires "A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive and Birds Directive so far as they may be affected by the exercise of those functions".

10.23 The northern part of the site is covered in an area of woodland where it adjoins Alsa Wood. This is some argument that at least part of this woodland area forms part of Alsa Wood, although the Council's Landscape Officer is of the view that this is limited to the area in the north eastern part of the site. Notwithstanding this, a blank Tree Preservation Order has been served on the wooded area of the site.

10.24 The original scheme would have resulted in the clearance of the large majority of the northern end of the site. However, following the issuing of the Tree Preservation Order, together with the objections from the ECC Ecologist and the Woodland Trust, revised plans have been submitted reducing the number of units from 50 to 40.

10.25 The revised scheme would still result in the loss of trees. These would be 34 individually identified trees and 9 groups of trees. The Council's Landscape Officer and ECC's Landscape Officer have both reviewed the scheme and raise no objections to the proposal. This is due to the majority of the trees being of low quality and value.

10.26 The ECC Ecologist has removed their objection to the proposal on the basis that there is now a greater than 15m buffer to the ancient woodland. Initially there were concerns in respect of insufficient bat surveys. However, the revised layout has overcome these concerns.

10.27 The concerns relating to the impacts on the ancient woodland, and its associated biodiversity, whilst partially addressed by the revised indicative layout, will also need to be controlled by a management plan. This can be secured by way of a condition and/or S106 Legal Obligation. On this basis it is considered that the proposals would comply with the relevant policies.

E The proposals would increase flood risk on or off the site (ULP Policy GEN3)

10.28 Policy GEN3 seeks to prevent increased flood risks as a result of development. The site is currently predominantly greenfield and therefore currently should have a slow run-off rate. A flood risk assessment has been submitted as part of the planning application showing how drainage within the site can be dealt with to ensure increased flood risk will not result from the development. This has been assessed by the Environment Agency who raise no concerns, subject to a condition requiring the drainage strategy being implemented.

10.29 ECC's Sustainable Drainage Engineer has made some comments in respect of the drainage scheme, but has not raised an objection to the proposals. Therefore, it is considered that the proposals, subject to conditions, would comply with Policy GEN3.

F The proposals would be subject to adverse noise or air quality (ULP Policies ENV10, ENV13)

10.30 The application site is located in close proximity to the M11 which is in a cutting at this point. As such the site has the potential to be adversely impacted by way of noise nuisance.

10.31 A noise survey has been submitted with the planning application. This identifies that the dominant noise source affecting the proposed development is continuous background noise from the M11 and aircraft noise during the day from Stansted Airport, reduced to some noise from the M11 and occasional noise from Stansted Airport during the night. Noise from Essex Autospray have also been taken into consideration, although it should be noted that this potential noise source is on a site where planning permission has been granted for 155 dwellings and therefore is likely to be demolished in the near future.

10.32 The noise survey concludes that the majority of the plots will require windows to be closed during the day and night for habitable rooms. Plots on the eastern part of the site will meet relevant criteria with windows open. To achieve the WHO criteria for habitable rooms some plots will require enhanced glazing and acoustic vents.

10.33 In terms of noise impacts in gardens, these have been predicted to fall within the 55dB(A) criterion or less when screened by dwellings themselves and when further to the east of the site. The report recommends that gardens should be screen behind dwellings without line of site to the M11. Dwellings along the north west and western boundaries should provide screening to the rest of the site. Wherever possible main living areas should be located on the quieter side of the dwelling away from the M11.

10.34 The noise report has been assessed by the Environmental Health Officer who considers the findings are acceptable and that a condition should be imposed requiring the noise mitigation measures to be implemented at the design stage. As such the proposal is in accordance with Policy ENV10.

10.35 The proposal also has the potential to result in increased air quality issues, both during construction and in the operational phase. An air quality assessment has also been submitted with the application. This focuses on the potential impacts of on local traffic emissions once the development has been completed. A qualitative assessment of the potential impacts from construction activities has also been undertaken.

10.36 The impacts from construction activities on nearby properties would be slight to moderate adverse, without mitigation measures. The implementation of a Construction

Environmental Management Plan would reduce the impacts to negligible to slight adverse. This scheme of best practice is considered acceptable by the Environmental Health Officer and should be conditioned.

10.37 The impacts from the additional traffic, bearing in mind this was assessed on the original higher number of dwellings, is considered to range between imperceptible, negligible and small. Therefore it is considered that the impacts of the proposals would be acceptable and the proposals comply with Policy ENV13.

G There is sufficient infrastructure provision for the proposals (ULP Policy GEN6)

10.38 The proposed development would increase pressure on local infrastructure, in particular education and health care facilities. Essex County Council has raised an issue in respect of additional requirements for early years and childcare and primary school provision. The impacts can be mitigated by way of a financial contribution which can be secured by a S106 Legal Obligation.

10.39 NHS England has also raised concerns in relation to increase impacts on local health care facilities. As such a financial contribution is requested to mitigate these impacts. Again, this can be secured by way of a S106 Legal Obligation.

10.40 The applicant has expressed a willingness to enter into a S106 Legal Obligation and negotiations are ongoing to finalise this. Therefore it is considered that the proposals comply with Policy GEN6.

11 CONCLUSION

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

- A The site is located outside the development limits for Elsenham where there is a policy presumption against development as set out in Policy S7. However, there is a presumption in favour of sustainable development set out in the NPPF. The proposals comply with the three strands of sustainability and therefore are considered acceptable in principle.
- B The proposals relate to a low density scheme with a mix of dwelling types and sizes, including a bungalow. There is provision for 40% affordable housing units. The indicative garden sizes and parking provision meet the necessary standards.
- C The access arrangements have been considered by Essex County Council and no objections are raised to the proposals.
- D A revised scheme has been submitted reducing the number of units and retaining the majority of the trees on site. The scheme has been assessed by both ECC and Uttlesford Landscape Officers who raise no objections to the proposals. There would be a buffer to the ancient woodland and it is not considered that the proposals would result in any significant harm to protected species or habitats.
- E The application is accompanied by a Flood Risk Assessment which is considered satisfactory by the Environment Agency.
- F The site would be affected by noise and appropriate mitigation measures can be put in place to secure acceptable living conditions for the proposed dwellings. Air quality issues due the construction phase can be mitigated by means of a Construction

Environmental Management Plan. The increase in traffic arising from the proposal would result in a negligible impact on the locality in terms of air quality.

- G There would be additional demands on local education and health care facilities. These impacts can be mitigated by way of financial contributions to be secured by way of a S106 Legal Obligation.

12. RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless by 5 June 2015 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**

- (i) Provision of affordable housing**
- (ii) Payment of contributions towards primary and early years and childcare provision**
- (iii) Payment of contributions towards health care facilities**
- (iv) Monitoring of a Woodland Management Scheme**
- (v) Monitoring fee**
- (vi) Pay the Council's reasonable costs**

- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant planning 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 for the following reasons:**

- (i) No provision for affordable housing**
- (ii) No financial contributions received towards education provision**
- (iii) No financial contributions received towards health care provision**
- (iv) No monitoring of a Woodland Management Scheme**
- (v) No payment of monitoring fee**

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B)The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3.
 1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
 2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
 3. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Chapter 12 of the NPPF. This condition is required to be a pre-commencement condition as archaeological works must be carried out prior to the development of the site.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the local planning authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The application site lies within a potentially sensitive area with cropmark evidence of an enclosure to the west and Roman occupation identified to the east. The archaeological investigation of this site is required to ensure the potential heritage assets are properly recorded in accordance with Uttlesford Local Plan Policy ENV4 (2005) and paragraph 141 of the NPPF. This pre-commencement condition is required to ensure the assessment and recording of any archaeological deposits is undertaken prior to commencement of development.

5. Notwithstanding the indicative details submitted, the details to be submitted in relation to condition 2 shall include full details of soft and water landscaping works. Details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at www.aoa.org.uk/policy-campaigns/operations-safety/). These details shall include:
 - The species, number and spacing of trees and shrubs (this shall include a reduction in berry bearing species to no more than 15% of the total, distributed evenly across the site)
 - Grassed areas
 - Details of any water features
 - Drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at www.aoa.org.uk/policy-campaigns/operations-safety/).No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site, in accordance with Uttlesford Local Plan Policy GEN2 (2005).

6. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent
- Sustainable urban drainage schemes (SUDS) – such schemes shall comply with Advice Note 6 ‘Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS) (available at www.aoa.org.uk/operations-safety).
- Maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority.

REASON: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport, in accordance with Uttlesford Local Plan Policy GEN2 (2005). This pre-commencement condition is required to ensure the safety of the operation of Stansted Airport is not jeopardised.

7. Prior to the commencement of the development hereby approved, a Woodland Management Plan shall be submitted to and approved by the local planning authority. The submitted plan shall include details of:

- How the woodland will be protected during the construction works
- How the woodland will be maintained in the long term

The Woodland Management Plan shall be implemented as approved, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the woodland and protected trees are protected from harm, in accordance with Uttlesford Local Plan Policies ENV7 and ENV8 (2005). This pre-commencement condition is required to ensure the trees and woodland are given adequate protection prior to the commencement of works on site.

8. The details required to be submitted under condition 2 shall include the design and provision of pedestrian and cycle routes to link with the existing public footpath network which could then provide connectivity with the adjacent Crown Estates site. The pedestrian and cycle routes shall be constructed up to the boundary of the site and made available for use before occupation of the first dwelling.

REASON: In the interests of highway safety, efficiency and accessibility and provide for alternative means of travel to the car, in accordance with Uttlesford Local Plan Policy GEN1 (2005) and the NPPF.

9. Prior to the occupation of any dwelling, there shall be the provision of a priority junction formed at right angles to Stansted Road, Elsenham, as shown in principle on Intermodal drawing no. IT1403-TA-02 dated May 2014, to include but not be limited to, minimum visibility splays of 43m by 2.4m by 90m, 10m junction radii and a 5.5m carriageway width and two x 2 metre footways. Details shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority, prior to the commencement of development.

REASON: To provide highway safety and adequate inter-visibility between 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 Uttlesford Local Plan Policy GEN1 (2005). This pre-commencement condition is required to ensure access to the site meets the highway safety standards.

10. 1. No development (with the exception of demolition works to facilitate the site investigation) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site, and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health, the water environment, property (existing or proposed), service lines and pipes, adjoining land and any other receptors identified as relevant.

2. If found to be necessary as a result of part 1, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.

3. The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report demonstrating that the remediation objectives have been achieved must be submitted to and approved by the Local Planning Authority.

4. In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of paragraph 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters or harm to human health, and in the wider interests of safety and residential amenity, in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005). This pre-commencement condition is required to ensure the ground conditions will be suitable for the proposed end use.

11. The details to be submitted as required by condition 2 shall include drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the local planning authority, and the scheme shall subsequently be implemented in

accordance with the approved details before the development is completed/occupied. The scheme shall include:

- Investigation the feasibility of infiltration SuDS as a preference.
- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- The discharge rate to Thames Water sewer will be no greater than the agreed rate of 9l/s, which equates to the 1 in 1 year Greenfield rate.
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change and there should be consideration given to long-term storage solutions.
- Calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
- Details of any exceedance and conveyance routes
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- Confirm that the receiving watercourse is in a condition to accept and pass on the flows from the discharge proposed. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure a satisfactory method of surface water drainage, in accordance with Uttlesford Local Plan Policy GEN3 (2005).

12. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:

(a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.

(b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the first dwelling for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

(c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition (4), at such time as may be specified in writing by the local planning authority,.

(d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

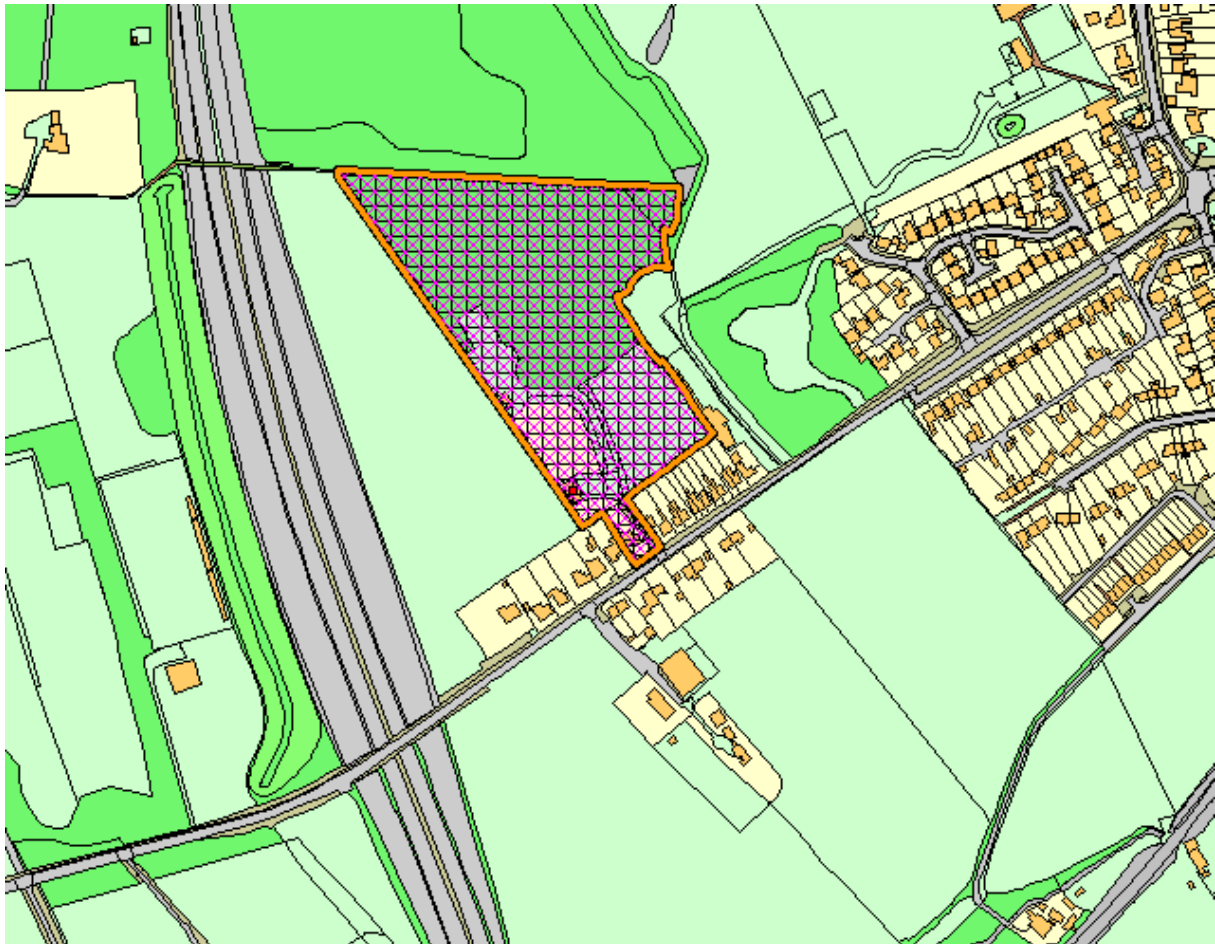
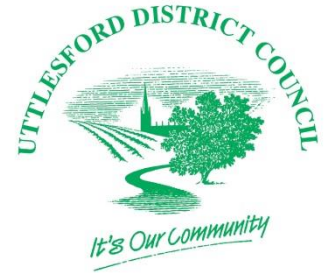
(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.
The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005). This pre-commencement is required to ensure the ancient woodland and protected trees are afforded adequate protection during construction works.

Application no.: UTT/14/2991/OP

Address: Elsenham Nurseries, Stansted Road, Elsenham



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/14/3662/FUL – QUENDON & RICKLING

(MAJOR)

PROPOSAL: Detailed application for the erection of 19 residential units (including 5 affordable units) and a new vehicular access point, incorporating public open space, hardstanding, landscaping and land for educational use

LOCATION: Land South Of Foxley House Rickling Green Road Rickling Green

APPLICANT: CALA Homes (North Home Counties) Ltd

EXPIRY DATE: 16 March 2015

CASE OFFICER: Maria Shoemith

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located adjacent to the B1383, on the southern edge of Quendon and to the east of Rickling Green. The site covers an area of 0.93ha comprising garden land associated with Foxley House, which forms a rough 'dog leg' shape. The land is covered in grass but does not have the manicured appearance of lawn. The eastern boundary of the site comprises mature hedges and vegetation. To the west of the site are the rear gardens of the properties on Rickling Green Road, to the south/west it borders the playing fields to Rickling Green Primary School and the remaining land forms part of the garden to Foxley House. The northern boundary also adjoins land relating to Foxley House.

2.2 The proposed development would be sited outside but adjacent to the Quendon and Rickling Conservation Area which is located to the west and the east of the application site. There are also a number of Listed Buildings to the west and the east of the site.

3. PROPOSAL

3.1 The application is a detailed scheme for the erection of 19 residential units (including 5 affordable units) and a new vehicular access point, incorporating public open space, hardstanding, landscaping and land for educational use. This application sees the combined schemes of 14 open market dwellings, 5 affordable dwellings and change of use of land for educational purposes which have been previously been granted planning permission. Please refer to planning history below.

3.2 The proposed development would take its access from B1383, Cambridge Road and pedestrian footpath would be retained from Rickling Green Road, running south of the primary's boundary into the application site.

3.3 The below table provides a breakdown of the each of the units;

Unit No.	No. Bedrooms	No. Parking Spaces	Amenity Space (m2)
1	4	5	170
2	4	3	157
3	5	4	205
4	4	4	206
5	4	4	198
6	5	4	334
7	5	4	283
8	3	2	256
9	3	2	130
10	3	2	105
11	3	2	82
12	3	2	104
13	3	2	101
14	3	2	101
15(A)	2	2	52
16(A)	3	2	100
17(A)	3	2	100
18(A)	2	2	50
19(A)	2	2	58
		Visitors Parking Spaces = 5	Total: 20.4dph

3.4 There have been slight changes to the heights of the proposed buildings from the previous scales which were approved at outline stage. The table below outlines this;

Unit No.	Proposed max. height to ridge (m)	Approved max. height to ridge (m)
1	9.5	10
2	9.5	10
3	9.5	9.8
4	8.9	9
5	8.9	9
6	9.5	9.2
7	9.5	9.2
8	8.4	8.2
9	8.4	8.2
10	8.8	7.2
11	8.8	7.2
12	8.8	7.2
13	8.8	7.2
14	8.8	7.2

15(A)	8.4	8.2
16(A)	8.4	8.2
17(A)	8.4	8.2
18(A)	8.4	8.2
19(A)	8.4	8.2

4. APPLICANT'S CASE

- 4.1 *“The application combines all three extant permissions into a single deliverable and viable proposal. This seeks to ensure that the delivery of 14 private units, 5 affordable units and the successful transfer of land for educational use. As part of the wider package of landscape works, the proposed footpath access into Rickling Green will help improve pedestrian accessibility and allow pupils from the primary school to access the local equipped area of play (LAP) adjacent to plots 17 & 18.*
- 4.2 *The issue of concern centres on highway’s request for a further footpath access to join up with that adjacent to Hallfield. While a similar request was previously raised by Highway’s as part of the outline application, the obligation was omitted from the two outline planning permissions.*
- 4.3 *Our understanding is that the proposed footpath link and land for education use were considered to be more important planning obligations for the Parish Council and local planning authority. Furthermore when balanced against the obligations committed as part of the original outline application a further obligation would not be fairly and reasonably related in scale and kind to the development.*
- 4.4 *When determining the appropriateness of an obligation, it is necessary to refer to Regulation 122 (1) of the Community Infrastructure Regulations to understand whether the obligation sought meets the three statutory tests. These statutory tests are as follows;*
- (a) Necessary to make the development acceptable in planning terms;*
 - (b) directly relate to the development; and*
 - (c) fairly and reasonably relate in scale and kind to the development*
- 4.5 *The current application does not change the number or tenure of the units previously approved. Similarly, the application seeks to maintain the principle of the outline permissions and encourage pedestrian footpath accessibility into the village via the new dedicated footpath.*
- 4.6 *The proposed footpath will enable future occupiers to gain access to two bus stops along Rickling Green Road. Bus services operating from Rickling Green Road are No’s 62,322 and SB14 to Bishop Stortford, Old Harlow, Wicken Bonhunt and Elmond. Furthermore, these existing bus stops are located closer to our application site compared to the bus stop along B1389 Cambridge Road.*
- 4.7 *The additional obligation proposed by Essex County Council Highways will require the construction of a footpath 1 meter wide extending approximately 50 meters parallel to the B1383 Cambridge Road. Initial costs for such works are estimated between £20, 000 and £25,000.*

- 4.8 *Based on the package of obligations committed under the current proposal, it is considered that the additional obligation is not necessary to make the application acceptable in planning terms. For the reasons outlined above, there [are] more accessible bus stops in the village and resultantly the obligation fails to demonstrate that it is directly related to the development. Lastly, no footpath condition was appended to the outline planning permissions and the costs are not considered to be fairly and reasonably related to the scale and kind to the development”.*
- 4.9 Regarding the increase in the contribution for education there has not been a material change to the scheme and the increase in cost is unfounded and not Regulation 122 compliant.
- 4.10 With regards to comments on the bulk of the plots 1, 2, 3, 6, 7 and 10-14 a reviews of the design principles have been undertaken and approved parameter established by the outline permissions. The plans have been amended to include permissible heights. Additionally the garden sizes have been reviewed against those which have been approved. Plots 1 & 2 have been amended to reflect a Georgian Farm House. The changes would include lower, traditional, eaves and better the proportioned windows. To further assist in reducing the bulk, parapet to the garages are proposed in lieu of a pitched roof. Plot 3 has been reduced in height with the introduction of eaves to help reduce bulk. The height has been reduced below that of the approved parameters. Catslide dormers and weatherboarding has also been introduced to respond to local vernacular and enhance the character of the development.
- 4.11 Plots 6 & 7 have been reduced in width of the gable in front. The proposed terrace (Plots 10-14) has been broken up with varying roof forms and external materials to reflect cottages within Rickling Green. The materials will include a mix of facing bricks and weatherboarding. Whilst the original garden sizes of the approved scheme ranges from 90-110sqm, with the Essex Design Guide standards being 100sqm for a 3 bedroom dwelling plus the current scheme ranges between 92 and 102 sqm. The gardens are flexible and usable. Whilst deficient garden sizes were allowed under the outline application, the quality and privacy of the gardens will not cause negative impact on the occupiers or neighbouring occupiers.
- 4.12 The proposed scheme intends to remain sympathetic to the features and prevailing characteristics of the wider area, and will utilise the landscape setting to the site as a natural buffer to the adjoining properties and roads wherever possible.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0572/06/OP
Outline application for the erection of one dwelling adjacent to Foxley House refused June 2006 and allowed at appeal November 2006
- 5.2 UTT/2364/11/OP
Outline application for the erection of 4 dwellings on land to the rear of the primary school. Refused November 2011 and dismissed on appeal September 2012.
- 5.3 UTT/1359/12/OP
Outline permission for erection of 14 dwellings with some matters reserved except access, layout and scale. Granted August 2013

- 5.4 UTT/13/0026/FUL
Application for the change of use of a piece of land within the grounds attached to Foxley House to be used for educational purposes. Granted March 2013
- 5.5 UTT/13/0027/OP
Outline application for 5 affordable houses with adjoining area of land for a public play area and new access. Granted August 2013.
- 5.6 UTT/1929/04/FUL – Former Red Star Garage (Hallfield Development)
Erection of 14 dwellings with car parking. Alteration of existing access. Granted 2005

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy S7 - The Countryside
Policy GEN6 - Infrastructure Provision to Support Development
Policy GEN7 - Nature Conservation
Policy L3 – Community Facilities
Policy GEN1 - Access
Policy GEN2 - Design
Policy GEN8 - Vehicle Parking Standards
Policy H9 - Affordable Housing
Policy H10 - Housing mix
Policy H11 – Affordable Housing on “Exception Sites”

Supplementary Planning Document - "Accessible Homes and Playspace"

Essex Developers' Guide to Infrastructure Contributions (Adopted as Essex County Council Supplementary Guidance).

Essex Parking Standards (2009)
Uttlesford Local Parking Standards (2013)

7. PARISH COUNCIL COMMENTS

- 7.1 On the basis that the application and its various supporting documents are self-contradictory (Design and Access Statement) and contain a long list of inaccuracies we do not feel able to comment on it. Main concerns include, but are by no means limited to the following:
- In the application document, answers are given to two questions which are blatantly untrue, regarding proximity to a body of water and visibility of the site from the B1383.
 - The location of the playground changes between two sites depending on which document is studied. Neither of which is regarded as suitable by us on the grounds of safety from moving vehicles, of the children who will use it.

- The loss of two bedroom market houses from the main development, (Housing Mix).
- Speed should be amended;
- The playground should be located adjacent to the school playing field and the footpath;
- We have met with Cala twice and our objections have been ignored;
- There has been an increase in open market floorspace but not affordable floorspace, with no justification;
- Tandem parking;
- Sufficient trees should remain on site for screening;
- There should be a meaningful contribution to playground and equipment;
- Supply and install fencing around the school field;
- Permanent closure of access points to Foxley House;
- Affordable site to be exception needs;
- Whilst there is opposing the previous applications provision of smaller market 2 bedroom dwellings within the main development was an advantage;
- The scheme does not address the previous grounds of refusal of not being sustainable, limited public transport, little relationship with rest of village, insufficient early years and childcare in the village, no affordable housing provision, design of three bed housing being able to convert to 5 bedrooms

7.2 Further to our previous comments, we note that the ECC response relating to education states that all early years and childcare providers in the ward of Newport, and this would include Rickling school, are at capacity and would not be in a position to accommodate children from this development; and that there is a deficit of 112 secondary school places. This is further evidence of the unsustainability of this scale of development in this village.

7.3 We also note that in the revised plans the rear garden of plot 15, a three bedroom affordable unit, appears unchanged from the original, which the case officer advised us was too small to meet design standards. This is exacerbated by the irregular shape which renders a large portion of the garden unusable as play space.

8. CONSULTATIONS

ECC Highways Authority

8.1 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will

be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following amendments:

- a) Turning heads to be shown.
- b) All parking spaces which are parallel to the carriageway should be 6 metres in length.

If the above points are satisfied approval is recommended subject to condition.

N.B: Amended plans have since been submitted to address the above points.

Environment Agency

- 8.2 No Objection

Affinity Water

- 8.3 Site is located in a ground water protection zone. Construction works would need to be undertaken in accordance with British Standards in order to prevent ground water pollution.

Natural England

- 8.4 No objection.

ECC Ecology

- 8.5 No objections. However, Natural England should be consulted given the proximity of the SSSI. The recommendations set out in Section 6.0 of the Ecology Survey (September 2014) should be adhered to.

ECC Education

- 8.6 Early years and child care facilities are at capacity. Rickling Primary School has a 105 places. The school is forecast to be full by 2018/19 when the pupils from this development are taken into account. The land proposed for educational purposes would need to be fit for purpose, fenced and meet our education site suitability criteria. With regards to secondary provision forecast for 2018/19 there would be a deficit of 112 places. As the secondary school is over 3 miles away ECC are obliged to provide free school transport. In view of the above and in order to mitigate the development there is a requirement of £21,122 for early years and childcare, secondary school sum of £62,537, £14,449.50 for school transport.

- 8.7 ECC has the following comments in response to agent's letter regarding contribution:

- 8.8 “In respect of the above planning reference and the letter from Phillip Wright dated 2 February 2015, obviously Phillip is challenging the amounts in terms of contribution sought compared to the previous applications.
- 8.9 Our assessment is made at the time of the planning application, and based on the data available to us, bearing in mind that things on the ground may change. Taking first the early years and childcare contribution:
- 8.10 According to the current data available to us and advice we were given at the time of current application UTT/14/3662 all EY&C providers within the ward of Newport are at capacity and could not accommodate children from this development, regardless of any previous planning permission.
- 8.11 In terms of secondary places the data given to me at the time of this application was that there is a deficit of 112 places and therefore a contribution for secondary places is still required.
- 8.12 In regard to the request for secondary transport costs, it is our policy to request a contribution towards the cost of providing transport to a school which is over 3 miles the proposed development.

N.B: Since the above consultation response the contribution towards secondary provision has now been omitted as under the new CIL regulations only 5 different contributions can feed into one project. This has been confirmed by ECC Education.

Anglia Water

- 8.13 No objection subject to condition and informative.

Housing Enabling Officer

- 8.14 Shared Ownership is one method of enabling average or median income earners the opportunity to access home ownership. A recent scheme delivered in Arksden (Jan, 2014), required a total of £633.88 pcm based on purchasing 30% property, plus rent on the remaining equity and service charge. Not all schemes are able to offer such a low percentage of equity as it depends on the scheme’s viability. Rural Exception housing, which is what this scheme is, no longer attracts grant from central government.
- 8.15 The majority of shared ownership schemes offer equity shares at 50% which in the example of Arkesden equates to £738.55pcm and therefore may be above the budget of local residents in Quendon and Rickling.
- 8.16 This scheme is a rural exception site which will allocate homes on the basis of local connection and then need. For residents to access shared ownership they will need to be able to access a mortgage and the deposit required. Data from the Office National Statistics shows 60% Uttlesford residents earn below £30k, 40% earn below £20k and 30% earn below £15k.
- 8.17 Therefore, I would suggest 3 affordable rented properties and 2 shared ownership as per the applicant’s suggested mix.

N.B: It should be noted that this site is not a rural exception site.

Conservation Officer (comments on original plans)

- 8.18 The site subject of this application is outside development limits and immediately adjacent to Quendon and Ricking Conservation Areas. The proposal is the formation of 19 new dwellings at Rickling Green.
- 8.19 The principle characteristic of the locality is the openness of the green which is surrounded by selection of small predominantly plastered dwellings with occasional weatherboarding. The homes here are mostly storey and half and formed on a traditional narrow span. Lesser number of structures like the school and the pub are formed in traditional soft, handmade clay red brick. These occasional brick or brick and flint buildings successfully contribute to the architectural variety of the area.
- 8.20 It appears that the proposed development would consist mostly of two storey brick buildings of excessively wide span which would result in an unsightly and untraditional gable ends. The three storey units with disproportional number of windows and dormers and area of flat roof at the top would assume an air of prominence totally at odds with the rural unassuming characteristics of the Green. The units with the integral double garage would again result in the very wide and untraditional span of the gable cross wing be spoiling otherwise promising elevation. Finally the elevational treatment of the terrace houses interspaced by integral garages and overwhelming fenestration would result in monotonous and ugly street scene further denuding the scheme of any architectural merit.
- 8.21 In addition to the inappropriate overall form of the housing the Georgian-esque detailing consisting of small pain sealed units, probably nasty upvc windows, and totally misunderstood proportions would have an overpowering effect on this very rural locality. I suggest further negotiation leading to a development which would respond better to the local character in terms of scale materials and detailing.

N.B. Amended plans have since been submitted to address the above points.

Landscape Officer

- 8.22 The submitted Landscape Master Plan [Dwg. No.L1008-2.1-9000 Rev.B] shows, inter alia, the provision and general arrangement of new tree, hedge and shrub planting. The soft landscaping arrangement is in the most part considered to be appropriate. However, there are no submitted planting specification/planting plans allowing the scheme to be fully assessed. These further details are required to be submitted for approval.
- 8.23 In addition, I do have concern that on the B1383 frontage of the site the removal of 4 individual trees and sections of hedgerow, albeit all in relatively poor condition, will open up the development in views from the B1383. As part of the landscaping of the development native hedging should be sort to provide screening and enclosure along this frontage in order to maintain a sense of rurality along this section of the main road. In order to make sufficient room for such provision, the positioning of the proposed dwellings 1 and 2, and 18 and 19 would need to be adjusted. The proposed

boundary/garden fencing along this frontage is a combination of 1.8m high close board fencing, and 1.2m high close board fencing with 600mm high trellis on top. In order to soften and screen this fencing it is advised that it is set back from the boundary line to accommodate the planting of a mixed native species hedge in front.

- 8.24 The tree protection plan [Dwg. No.TRP1 Rev.1] for existing trees to be retained is considered satisfactory. In total some 30 individual trees are proposed to be felled [3 Norway spruce, 1 beech, 16 Leyland cypress, 3 ash, 2 sycamore, 3 elm, and 2 juniper]. None of these trees are considered to be of high amenity value.

9. REPRESENTATIONS

- 9.1 98 neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press. Three letters of representation have been received raising the following points;

- Opportunity to reduce speed limit;
- Site is close to conservation area;
- Height of proposed properties would enhance overlooking;
- Previously opposed the application;
- Concerned that the adjacent plot would be developed;
- Errors in statement submitted;
- Pedestrian and Highway safety;
- Unsustainable site;
- There are no services in the area to serve development;
- School is full;
- There are no businesses nearby that would provide employment;
- Loss of fields

10. APPRAISAL

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

- A Principle of development
- B Design
- C Highways
- D Infrastructure provision to support the development
- E Mix of Housing and Affordable Housing
- F Ecology
- G Other Considerations

A Principle of development

- 10.1 Whilst this application is a full planning application it is a submission incorporating the three previous applications for the affordable housing, the school land and the open market housing. The submission of a combined application ensures the security that the school land is transferred, affordable housing and playspace area would be provided, whether as previously the separate three applications were secured through a legal obligation to ensure their provision. It should be noted however that the previous granted consents are extant.

10.2 The principle of the development for all three elements has therefore been previously approved and accepted. Nonetheless, any material changes since the granting of the previous application need to be taken into consideration. In this respect, other than the withdrawal of the draft local plan which placed minimal weight on the determination of the previous applications, the level of weight afforded to the suitability of the site, its contribution towards the Council's 5 year land supply and community benefit are still relevant considerations. Hence, the principle of the development is still considered acceptable, in accordance with Local Plan Policy S7 and the NPPF.

B Design

10.3 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

10.4 As to whether the scheme would be compatible with the character of the settlement and countryside, the scheme would see development on the urban fringe of Quendon and Rickling Green. Built form is fundamentally in a ribbon form along the Cambridge Road. The area is characterised by large grass verges and predominately large dwellings which are set back from the road on large plots. There are elements of the more modest terrace houses within the village. There is a recent development in Hallfields which has been built to traditional design.

10.5 The outline application for the open market housing granted the access, layout and scale of the development, thereby only appearance and landscaping were reserved matters, whereas the application for the affordable housing granted the access, all other matters were reserved. It has been stated within the submission that the previously approved scheme was designed to a 'farm court yard' style implying a heavily hard surfaced courtyard. Whilst the principle of the design intend to continue with such a theme the scheme has evolved now proposing to provide greater landscaping and defined car parking provision, which would ultimately soften the design of the development. In turn this would be more in keeping with the surrounding wider area.

10.6 The proposed scheme would be a mixture of detached, semi-detached, and terrace housing between 2 and 2 ½ storeys with traditional pitched roofs reflecting the locality. The ridge height of the dwellings located to the front of the site adjacent to Cambridge Road have been reduced from 9.8m & 10m in height to 9.5m facilitating in reducing the level of bulk and mass of those properties that would be the most prominent even though the site would be set behind existing landscaping. Even though the proposed terrace (Plots 10-14) would see a height increase from 7.2m to 8.8m this is considered to be acceptable, still maintaining low in height and a modest appearance it would not be dominant within the streetscene. The dwellings would be broken up in its massing through having set back and subordinate roof elements. The amendments following the Conservation Officers advice is now considered to address the concerns. This is acceptable and would be in keeping with the existing design principles of the surrounding area, in accordance with Local Plan Policy GEN2 and the NPPF. The proposal would also continue to protect and enhance the character and appearance of

the adjacent Conservation Area in accordance with Local Plan Policy ENV1.

- 10.7 The site backs onto a number of Listed Buildings such as Tudor Cottage, The Thatch, and opposite Woodmans Cottage and near The Cricketers Arms. No detrimental impact is considered upon the setting of the Listed Buildings due to the size, scale, design and orientation of the proposed dwellings. This is also considered the case as the principle of development has already been previously accepted. No objections have been raised by the Conservation Officer in this respect. This is in accordance with Local Plan Policy ENV2.
- 10.8 Details of materials would need to be conditioned in order to protect the character and appearance of the surrounding area, the adjacent Conservation Area and the setting of the neighbouring Listed Buildings should planning permission be granted.
- 10.9 The existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing, in accordance with Local Plan Policy GEN2. This complies with the 25m back to back distances which are sought under the Essex Design Guide (2005).
- 10.10 No loss of light or outlook are considered would result from the scheme both in terms of the existing surrounding neighbouring occupiers and for the future occupiers of the site. The proposed heights of the scheme have been designed to respect the existing neighbouring dwellings and minimise impact. The proposed development would not result in detrimental impact upon residential and visual amenity due to its design, siting and orientation of the properties, in accordance with Local Plan Policy GEN2 and GEN4.
- 10.11 Amenity space requirement for 3 bed plus dwellings should be at least 100 square metres and 1 and 2 bed dwellings at least 50 square metres. All of the proposed dwellings apart from Plot 11 meets or exceeds these criteria, which is 18sqm short. The proposed rear garden space for Plot 11 nonetheless is still considered to provide quality usable space. It should also be noted that Plot 11, whilst not private, also has the use of a small front garden which exceeds the amenity shortfall at 20sqm. On balance this element accords with Local Plan Policy GEN2 and the requirements of the Essex Design Guide.
- 10.12 It has been confirmed within the application submission that dwellings have been specifically designed to meet Lifetime Homes Standards and is capable of taking future adaptations to meet the specific needs of residents with one unit being fully wheelchair accessible, in accordance with Local Plan Policies GEN2 and GEN1.
- 10.13 The application submission states that “*The proposed development has been designed to achieve policy compliance with regards to sustainability, with the application to be accompanied by a completed ‘Sustainable Construction Pre-Application Checklist’.* Whilst the code of construction has not been specified and in consideration of emerging new guidance the proposed development would need to comply with current Building Regulations, therefore should planning permission be granted a condition would not be imposed. This is in accordance with Local Plan Policy GEN2, Paragraph 206 of the NPPF and the Planning Practice Guidance regarding conditions, Paragraph: 003 Reference ID: 21a-003-20140306.

10.14 Local Plan Policy ENV3 for Open Spaces and Trees states “*The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.*” There are an existing number of mature trees along the western, southern and eastern boundaries of the site, which facilitates in providing screening for the site. None of these trees are covered by Tree Preservation Orders. As part of the proposed development a number of lower grade trees are proposed to be removed. This is stated to be broadly similar to those which were approved as part of the outline application. However, replanting proposals together with landscaping measures have been included as part of the submission in order to fully mitigate against these loses. The Council’s Landscape Officer has raised concerns regarding the removal of trees along the eastern boundary and the increase in exposure of the site. Whilst he has sought the resiting of the proposed dwellings moving the away from the eastern boundary in order to allow for further planting this is considered to be achievable through a Grampian condition. Even though the planting concerned is located technically outside of the application redline the land is considered to be within the ownership of the applicant. It should be note nonetheless that this would need to be weighed against the need to retain visibility splays in the interest of pedestrian and highway safety. Thereby the scheme is considered acceptable in this respect subject to conditions relating to details of planting specification/planting plans, and boundary treatments should planning permission be granted, in accordance with Local Plan Policy ENV3.

10.15 An area of open space is proposed as part of the scheme which would provide an area of play for the local residents and surrounding area. Whilst the Parish Council have raised concerns stating that they want the open space to be located further south where Plots 15-17 are located, its position is considered more appropriate due to the level of natural surveillance that it would be afforded in order to design out crime, in accordance with Local Plan Policy GEN2.

C Highways

10.16 Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.*
- e) The development encourages movement by means other than driving a car.”*

10.17 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

10.18 As part of the application a public footpath would be retained and upgraded to provide a 1.5m access from the application site to Rickling Green village enabling easy access

to the village bus stop, school, Public House and the Village Green. The provision of this footpath has been previously agreed and secured through a Section 106 Agreement which would be transferred to this application should planning permission be granted. Whilst ECC Highways have previously sought to secure a further footpath from the application site to the Quendon side of the village on Cambridge Road this was considered at the time of the application as an unreasonable request in relation to the scale of the development.

10.19 It has been confirmed within the submission that the proposed scheme would accord with current local parking standards. The above table of accommodation, in Section 3.3, demonstrates that this would be the case. The scheme is therefore accords with Local Plan Policy GEN8 and both the Essex Parking Standards (adopted 2009) and the Local Residential Parking Standards adopted (February 2013).

10.20 A Transport Statement has been submitted as part of the application. This highlights that based on the scale of the proposed scheme there would be minimal impact upon the existing highway network and no mitigations measure are therefore required. No objections have been raised by the Highways Authority subject to conditions and S106 agreement.

10.21 In considering the above the proposed development is acceptable in terms of highways subject to conditions; it is also therefore in accordance with Policies GEN1, GEN2, and GEN8 of the adopted Local Plan (2005).

D Infrastructure provision to support the development

10.22 Policy GEN6 seeks for infrastructure provision to support development. The following is proposed to support the development in terms of infrastructure and mitigation.

Open space

10.23 The public open space including playspace areas situated within the residential part of the development to be transferred to the Parish Council or Management Company.

Highways

10.24 Whilst the highway implications have been discussed above in Section C, in terms of mitigating the proposed development and providing in some areas betterment, the following proposed works and contributions are proposed;

10.25 Improvement and provision of public footpath from the application site to access the bus stop in Rickling Green.

Education

10.26 A payment of an education contribution relating to the number of school places generated by the application has been confirmed will be paid. This will address the education capacity issues that have been raised. The contribution towards secondary provision has now been omitted as under the new CIL regulations only 5 different contributions can feed into one project.

10.27 In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development, in accordance with Policy GEN6 of the Local Plan, and the NPPF.

E Mix of Housing and Affordable Housing

10.28 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. The proposed development would provide five affordable housing units which would be 40% of the total of 19 units which is proposed to be provided in accordance with Local Plan Policy.

10.29 The scheme has been designed to provide a balanced mix of 2, 3, 4 and 5 bedroom dwellings, in accordance with Local Plan Policy H10.

10.30 No objections have been raised by the Council's Housing Enabling Officer regarding the proposed dwelling mix or affordable housing provision.

F Ecology

10.31 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

10.32 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*" This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

10.33 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

- The consented operation must be for "*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*"; and
- There must be "*no satisfactory alternative*"; and
- The action authorised "*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*".

10.34 Owing to the site's siting in relation to Quendon Woods, which is a designated SSSI an Extended Phase 1 Habitat Survey has been undertaken. This identified that the SSSI which is located to the east of the site is separated by a major road, and it is

considered that the development would not have a negative impact on this site. The main protected species identified and relevant were records of 2 species of bat within the local area. The ecological survey undertaken on the site in 2014 did not raise any issues in relation to ecology at the site, but did identify the value of the mature tree boundaries for the bats. A number of recommendations and mitigation/enhancement measure have been identified within the report. ECC Ecology has raised no objections subject to conditioning the recommendations set out in Section 6.0 of the Ecology Survey (September 2014) should be adhered to. Natural England has also raised no objections based on the sites proximity to the SSSI. This is in accordance with Local Plan Policy GEN7, and the NPPF.

G Other Considerations

10.35 The Flood Risk Assessment which has been undertaken as the site falls within Flood Risk Zone 1 where there is low probability of flooding from tidal or fluvial sources. The site falls below the 1 ha area whereby a FRA is actually required. The Environment Agency has raised no objection on flood risk grounds. Anglia Water has also raised no objection subject to a drainage management condition. This is in accordance with Local Plan Policy GEN3.

11. Conclusion

- 11.1 The principle of the development is considered to be acceptable. Outline planning permission has been previously granted in this site which is extant. There are no material changes since the granting of the previous consent to alter the decision. The level of weight afforded to the suitability of the site, its contribution towards the Council's 5 year land supply and community benefit are still relevant considerations. The principle is in accordance with Local Plan Policy S7 and the NPPF.
- 11.2 The proposed design, layout, size and scale of the proposed development are considered sensitively designed and acceptable. The scheme would not have a detrimental impact upon the residential and visual amenity of neighbouring residential occupiers. No impact is considered upon the character and appearance of the adjacent Conservation Area or the setting of neighbouring Listed Buildings. This is in accordance with Local Plan Policies GEN1, GEN2, GEN4, ENV1 and ENV2.
- 11.3 The scheme would provide sufficient amenity space in accordance with Local Plan Policy GEN2 and the NPPF. The concern regarding the loss of landscaping and the ability to seek replacement planting can be conditioned should planning permission be granted. This is in accordance with Local Plan Policy ENV3.
- 11.4 Sufficient parking has been provided in accordance with parking standards. No objections have been raised by the Highways Authority regarding this or the trip vehicle movement implications upon the existing highway network subject to conditions. This accords with Local Plan Policy GEN1, GEN2, GEN8 and the ECC Parking Standards (adopted 2009), and locally amended March 2013.
- 11.5 In terms of infrastructure with respect of securing the affordable housing, open space, school land transfer, education contribution and provision of footpath this would be undertaken through a Section 106 Obligation in accordance with Local Plan Policy GEN6 and the NPPF.

- 11.6 With regards to ecology a number of recommendations and mitigation/enhancement measure have been identified within the Extended Phase 1 Ecology report submitted as part of the application. ECC Ecology has raised no objections subject to conditioning the recommendations set out in Section 6.0 of the Ecology Survey (September 2014) should be adhered to. Natural England has also raised no objections based on the sites proximity to the SSSI. This is in accordance with Local Plan Policy GEN7, and the NPPF.
- 11.7 There are no flood risk issues which are raised as part of this application, in accordance with Local Plan Policy GEN3. The Environment Agency has raised no objection on flood risk grounds. Anglia Water has also raised no objection subject to a drainage management condition.

12. 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 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) Education contribution**
 - (ii) Provision of playground and its transfer**
 - (iii) Provision of footpath**
 - (iv) Transfer of land for educational purposes**
 - (v) Provision of 40% affordable housing**
 - (vi) Payment of monitoring fee**
 - (vii) 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 1 July 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 Education contribution**
 - (ii) Lack of Provision of playground and transfer**
 - (iii) Lack of Provision of footpath**
 - (iv) Lack of Transfer of land for educational purposes**
 - (v) Lack if Provision of 40% affordable housing**

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 commencement of any development, details of the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel and under body cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site shall be submitted to and agreed in writing with the Planning Authority. Thereafter the approved details shall be implemented and retained during the duration of the construction works.

REASON: In the interests of highway safety and efficiency, also the amenity of the locality in accordance with Policies GEN1 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

Justification: The access into the site would be first part of the development that would be implemented as the site is landlocked at present and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

3. The vehicular access to the site 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 5.5 metres and shall be provided with 8 metre radius kerbs.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policies GEN1 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

4. The proposed development hereby permitted shall be implemented in accordance with the recommendations set out in Section 6.0 of the Ecology Survey (September 2014).

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

5. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

6. 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 [for example]:-

- i. hard surfacing materials;
- ii. means of enclosure, including boundary treatment for the land to be transferred over to the school;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. location and design of refuse bins

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 and maintenance 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, and ENV3 of the Uttlesford Local Plan (adopted 2005).

Justification: The removal of landscaping would be first part of the development that would be implemented and therefore it is essential that these details are submitted for approval in advance of the works being undertaken to ensure there long term protection.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, and ENV3 of the Uttlesford Local Plan (adopted 2005).

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

REASON: In order to minimise the visual impact of the development in the street scene, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Justification: The details of the heights of the buildings would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

9. No external floodlighting or other illumination shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights (specified in Lux levels), and spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare and the time when such lights would be illuminated. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of local amenity and highway safety, in accordance with

Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

10. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Justification: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

11. The plans and particulars submitted in accordance with condition 6 above shall include:

(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

(b) and in relation to every tree identified a schedule listing:

- i. information as specified in paragraph 4.2.6 of British Standard BS5837 - Trees in Relation to Construction - Recommendations);
- ii. any proposed pruning, felling or other work;

(c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.2.2 of BS5837)
- ii. all appropriate tree protection measures required before and during the course of development (in accordance with Clause 7 of BS5837)

(d) areas of existing landscaping to be protected from construction operations and the method of protection.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

12. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the local planning authority. The scheme shall include:

(a) All tree work shall be carried out in accordance with British Standard BS3998 -

Recommendations for Tree Work.

(b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

(c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition 6, at such time as may be specified in writing by the local planning authority,

(d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

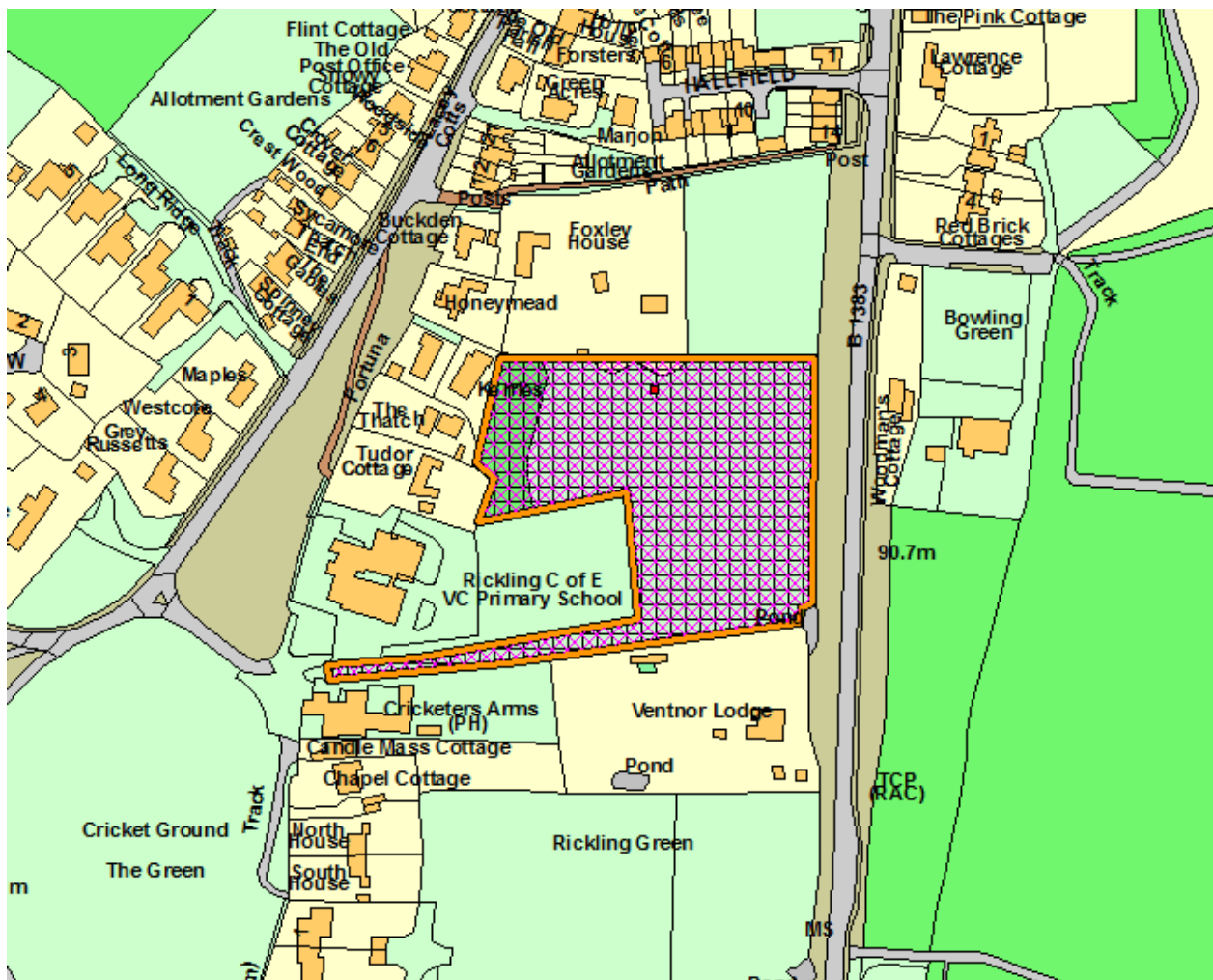
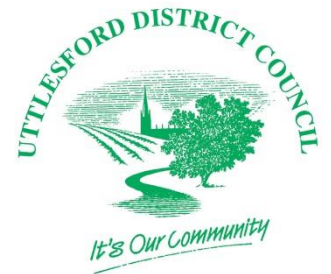
(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/3662/FUL

Address: Land South of Foxley House, Rickling Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/15/1036/FUL – TAKELEY

(MAJOR)

PROPOSAL: Development is an eight storey, 12,842sqm (GEA) quality hotel consisting of a net accommodation area of 8,159sqm, with ancillary restaurant and gym, vehicle parking and access

LOCATION: Land south west of Enterprise House, Stansted Airport, Takeley

APPLICANT: Terrace Hill (Property Developments) No 2 Limited

AGENT: Mr Alistair Andrew (Stansted Airport)

EXPIRY DATE: 9 July 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Within Development Limits/Policy AIR1: Development in the Terminal Support Area.

2. DESCRIPTION OF SITE

2.1 The application site is located to the south west of Enterprise House. It comprises the majority of what is currently the upper section of the staff car park, which currently accommodates 339 car parking spaces. There are some small trees planted within the car parking area but these are still very immature. To the north west boundary is the operational airfield. To the north east are Enterprise House, a glazed office building, and then the terminal building. To the south west is the lower section of the staff car park and the control tower beyond. To the south east are Bassingbourn Road and Coopers End Road/Terminal Road North, with the railway line running between the two roads. There is a grassed area and footpath along the south eastern side of Bassingbourn Road. There is a "temporary" staircase providing pedestrian access to the operational level of the terminal building and the bus station.

3. PROPOSAL

3.1 The proposal relates to the erection of an 8 storey terminal linked quality hotel. The frontage would be approximately 65m and the depth of the building would be approximately 32.8m. The height of the building would be 24.2m, with the associated plant equipment on the roof taking the overall height to 26m.

3.2 The proposed building would have its frontage parallel to Bassingbourn Road. It would be a U shaped building, with the upper floors recessed to form the U shape. It would be a series of modular bays, taking its design inspiration from the adjoining office building, Enterprise House, and the terminal. The finish of the building would be a ceramic granite rain screen system with a stone finish.

3.3 The proposed capacity of the hotel would be 360 bedrooms. In addition ancillary facilities would be provided on the ground floor. This would include meeting rooms, breakfast area, a living zone, gathering zone, working zone, toilets, food preparation and storage areas, general housekeeping, staff locker and break rooms, toilets and ancillary storage areas. A gym is proposed on the first floor. Each floor would have

fully accessible rooms and there would be 3 lifts for customer use, plus a staff lift in another area of the building.

- 3.4 The proposal would result in the loss of 339 staff car parking spaces, but 150 would be created for the proposed hotel use. The loss of the staff car parking spaces has previously been dealt with in relation to the outline consent granted under reference UTT/14/2812/OP, and as amended by UTT/14/3730/FUL. Replacement staff car parking would be provided under permitted development rights on land between the end of the existing car park and the control tower. However, should this replacement car parking not be available at the time work commences on the proposed hotel then alternative parking arrangements would be made on another part of the airport site and a shuttle bus provided for staff. However, control over this aspect is outside of the control of the applicant in respect of this application.
- 3.5 It is proposed that there would be a pedestrian link from the existing staff car park, through the site and through to Enterprise House. A further pedestrian link would be created to the proposed covered walkway to the terminal building. The covered walkway would be provided under permitted development rights by the airport operator.
- 3.6 The proposed hotel would have 150 parking spaces, including 10 disabled spaces. Parking spaces will need to be pre-booked and by proposed customers and if none are available they would be directed to other parking options within the airport.
- 3.7 Vehicular access into and out of the site would be from Bassingbourn Road, prior to the barriers to the secure area on the approach to the terminal building. There would be a drop-off point in front of the building for coaches or other users of the hotel who may have mobility issues.

4. APPLICANT'S CASE

4.1 The application has been submitted accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Preliminary Ecological Appraisal Report
- Transport Statement
- Travel Plan
- Drainage Rationale

4.2 Summary and conclusions of Planning Statement:

- It is proposed to develop the hotel to add supply to the on-site airport stock in order to meet an identified need and to provide additional competition and choice for passengers. There are no sequentially preferable locations for a hotel that is terminal linked. Given the airport is planned to grow to 35 million passengers and it has returned to annual passenger growth, the hotel will add much needed ancillary infrastructure capacity, without having a significantly adverse impact on any local centre.
- It has been demonstrated that the development has no significant environmental effects. Some short term impacts of lost landscaping will be redressed by replacement landscaping, designed to reflect the high quality development proposed.
- The design of the hotel will fit within the scale and visual setting created by the existing buildings close to the application site; particularly the terminal. Design cues

have been adopted into the proposal to ensure compliance through material selection and elevation detailing.

- The development of the hotel is wholly consistent with the adopted local policy and reflects the aims of the airport as set out in its Sustainable Development Plan.
- As such, with respect of the planning policies contained within the 2005 Local Plan as well as the policies and principles of the NPPF, full planning permission should be granted.

5. RELEVANT SITE HISTORY

- 5.1 UTT/14/3730/FUL: 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". Conditionally approved 13 March 2015.
- 5.2 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. Conditionally approved 17 November 2014.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

AIR1 - Development in the Terminal Support Area

GEN1 - Access

GEN2 - Design

GEN3 - Flood Protection

GEN7- Nature Conservation

GEN8 -Vehicle Parking Standards

E3 - Access to Workplaces

ENV10 - Noise Sensitive Development and Disturbance from Aircraft

LC2 - Access to Leisure and Cultural Facilities

LC5 - Hotel and Bed and Breakfast Accommodation

7. PARISH COUNCIL COMMENTS

- 7.1 Takeley Parish Council are disappointed with the uninspiring design of this prominent building. If approved request conditions/measures to ensure that light pollution is minimized.

8. CONSULTATIONS

Environment Agency

- 8.1 No comment.

ECC Ecology

- 8.2 No objections. The site is already developed and is therefore dominated by built form and habitats of negligible ecological interest.

ECC Highways

- 8.3 From an airport and highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to a condition requiring the development to join the airport wide travel plan.

ECC Education

- 8.4 Early years and childcare places in surrounding wards are at over 80% capacity. Request financial contribution for additional places.

ECC Minerals and Waste

- 8.5 No comments.

ECC Flood and Water Management

- 8.6 Holding objection due to inadequate drainage strategy.
- 8.7 Revised comments: Having reviewed the drainage responses that were submitted answering our earlier objection, we now consider that full planning permission could be granted to the proposed development. The drainage from the proposed hotel building will be connected to the existing on-site drainage system coupled with the use of rainwater harvesting techniques, with the water re-used in the hotel. This will ultimately reduce the volume of water discharged into the existing drainage network. The on-site drainage system will continue to be maintained by the airport management company.

Highways England

- 8.8 No objection.

NATS Safeguarding

- 8.9 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. No objections to the proposal.

Airside OPS Limited

- 8.10 The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions relating to the submission of a construction management strategy and a bird hazard management plan.

Network Rail

- 8.11 No objection or further observations.

Thames Water

- 8.12 With regard to sewerage infrastructure capacity, we would not have any objection to the proposal.

Access Officer

- 8.13 The Design and Access Statement makes some strong commitments on inclusive design and as long as this is adhered to within the design and construction there are no issues.

9 REPRESENTATIONS

- 9.1 This application has been advertised and one representation has been received. Notification period expired 15 May 2015.
- Take it application is merely a formality and objecting is futile
 - An eight storey hotel would be totally out of place
 - Would reduce visibility from control tower
 - Would deprive key workers of their car park and consume ever more resources
 - Noise – seems impossible that any materials could block the sound of runway from guests
 - If design is similar to recent hotel facing A120 it will be an eyesore for generations to come

10 APPRAISAL

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

- A The development of a hotel in this location is appropriate (ULP Policies S4, AIR1, ENV10; NPPF)
- B The scale and layout of the proposals is acceptable (ULP Policy GEN2)
- C Access and parking issues are acceptable (ULP Policies GEN1, GEN8, E3, LC2)
- D Whether there are any potential flood risk issues (ULP Policy GEN3; NPPF)
- E Whether there are any potential ecological issues (ULP Policy GEN7; NPPF)
- E Any other material conditions

A The development of a hotel in this location is appropriate (ULP Policies S4, AIR1, ENV10; NPPF)

- 10.1 The application site is located within the airport boundary adjacent to Enterprise House. Policy S4 permits development directly related or associated with Stansted Airport. Policy AIR1 sets out the types of development that would be acceptable in the Terminal Support Area, including a hotel.
- 10.2 The proposal relates to the erection of a hotel, a use clearly associated with the airport and its operations. It is intended that the airport would be “terminal linked” by a pedestrian walkway and lift. The walkway would utilise an existing grass verge adjacent to the site and Enterprise House, running alongside Bassingbourn Road.
- 10.3 The scale of the proposed hotel is indicated as being 24.3m, increasing to 26m when the rooftop plant is taken into consideration, fractionally higher than the existing terminal building, but 8.4 – 10.1m higher than Enterprise House. Outline planning

permission has previously been granted for a hotel on this site, with the scale of the building being set at 23.9m.

- 10.4 Although there is an 8m difference in height between Enterprise House and the terminal building, due to the scale of the buildings and the separation distance this is not immediately apparent in views of the buildings. It is acknowledged that a taller structure immediately adjacent to Enterprise House will appear noticeably taller in some views. However, given the scale of the buildings this should not appear to be overbearing or dominant. In addition, the taller structure allows for a more efficient use of land and allows the hotel to have a smaller footprint.
- 10.5 The site is located in very close proximity to the boundary with the airside section of the airport. As such the location is subject to significant noise levels. This would not preclude the construction of a hotel in this location. The original outline consent related to a hotel that would have been side on to the airfield. This revised layout now has the hotel with its rear elevation to the airfield. This creates a buffer zone between the airfield and the nearest elevation of the hotel and helps reduce the impact of noise pollution.

B The scale and layout of the proposals is acceptable (ULP Policy GEN2)

- 10.6 As discussed in paragraph 10.3 above, the proposed building would be between 8.4 and 10.1m taller than Enterprise House. There would be approximately 11m separation distance between the two buildings. Enterprise House is an office building and therefore there are no habitable rooms that would be adversely affected by the proposals. The scale of the building is therefore considered appropriate.
- 10.7 The reorientation of the proposed hotel, compared to that granted outline planning permission, results in a building having a defined road frontage. This would be on the same orientation as Enterprise House and the terminal building and would respond better to the street scene.
- 10.8 The proposed building has drawn on design cues from Enterprise House and the terminal building by being a building with modular bays. It is proposed to clad the building with ceramic granite, a type of material that would be in keeping with the design of nearby buildings.

C Access and parking issues are acceptable (ULP Policies GEN1, GEN8, E3, LC2; DLP Policies SP12, TA1)

- 10.9 Access to the site would be via a new access point prior to the barriers on Bassingbourn Road. No objections are raised in respect of the location or design of the access point.
- 10.10 The building will be required to have level access and full access for all potential users, including those with limited mobility. The plans indicate a level access from the car parking area. Disabled car parking spaces are proposed within 10m of the side entrance to the building. Lifts are shown to each floor and there are disabled toilets and hotel rooms included within the scheme
- 10.11 The application site currently forms part of the staff car park and this would result in the loss of 339 spaces, although 150 would be retained for use for the proposed hotel. The loss of staff car parking is an issue that has previously been addressed under application reference UTT/14/3730/FUL. The owners of the airport have informed the Council of their intention to construct replacement staff car parking in the area around

the control tower under permitted development rights. However, should this not be completed prior to work commencing on the approved hotel development alternative arrangements have been granted consent. This would involve the use of an area of hardstanding to the north of the runway with a shuttle bus service.

10.12 Parking provision for hotels are maximum standards which is 1 space per bedroom. However, in this instance consideration must be given to the location of the hotel and its function as a terminal linked facility. The airport has a sustainable transport strategy which encourages people to use public transport to access the site. The hotel is within walking distance of the train station and bus station and is most likely to be used by people staying over prior or after their flight.

10.13 The Design and Access Statement sets out the policy for the proposed hotel in allocating parking. Parking would be required to be booked at the same time as the room and would be available on a first come first served basis. Should parking spaces not be available the proposed customers would be directed to on-airport parking provision. On this basis it is considered that the proposed parking provision would be appropriate and in accordance with Policy GEN8.

D Whether there are any potential flood risk issues (ULP Policy GEN3; NPPF)

10.14 The existing site is hardstanding, except for a few immature trees. The proposed development would not significantly increase the flood risk within the site or on adjoining land. The airport has its own integrated drainage system and there is adequate capacity within this to accommodate the surface water drainage. It is considered that the proposals are acceptable and in accordance with Policy GEN3.

E Whether there are any potential ecological issues (ULP Policy GEN7; NPPF)

10.15 The proposals would involve the loss of trees within the site. These are immature trees and do not provide any potential habitat for protected species. The existing site is hardstanding and as such is unlikely to provide any suitable habitats. The proposals are in accordance with Policy GEN7.

F Any other material conditions

10.16 Essex County Council Education has requested a financial contribution towards additional early years and child care provision in the locality. However, it should be noted that this requirement was not part of the outline planning permission previously granted. As such it would not be appropriate to request the financial contribution in respect of this proposal.

11. CONCLUSION

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

- A The principle of a hotel on this site has previously been agreed, with the outline planning permission setting the height at 23.9m. Whilst this proposal would be for a taller building it is considered that the visual impact would be acceptable and no adverse amenity issues would arise as a result.
- B The scale and location of the building are acceptable. It is considered that the design concept and proposed materials would be appropriate and comply with policy.

- C The access and parking arrangements are considered appropriate, subject to the works to the staff car park, which are permitted development, are carried out prior to work commencing on site. Failing this, the alternative arrangements for parking as agreed under planning application UTT/14/3730/FUL must be put into place.
- D There are no flood risk issues arising from the proposals.
- E There are no ecological issues arising from the proposals.

12. RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. Prior to the commencement of the development hereby permitted a construction management strategy shall be submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- *details of cranes and other tall construction equipment (including the details of obstacle lighting) – Such schemes shall comply with Advice Note 4 ‘Cranes and Other Construction Issues’ (available at www.aoa.org.uk/policy-campaigns/operations-safety/).*
- *control of activities likely to produce dust and smoke etc.*
- *details of temporary lighting – Such details shall comply with Advice Note 2 ‘Lighting Near Aerodromes’ (available at www.aoa.org.uk/policy-campaigns/operations-safety/).*
- *control and disposal of putrescible waste to prevent the attraction of birds*

The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

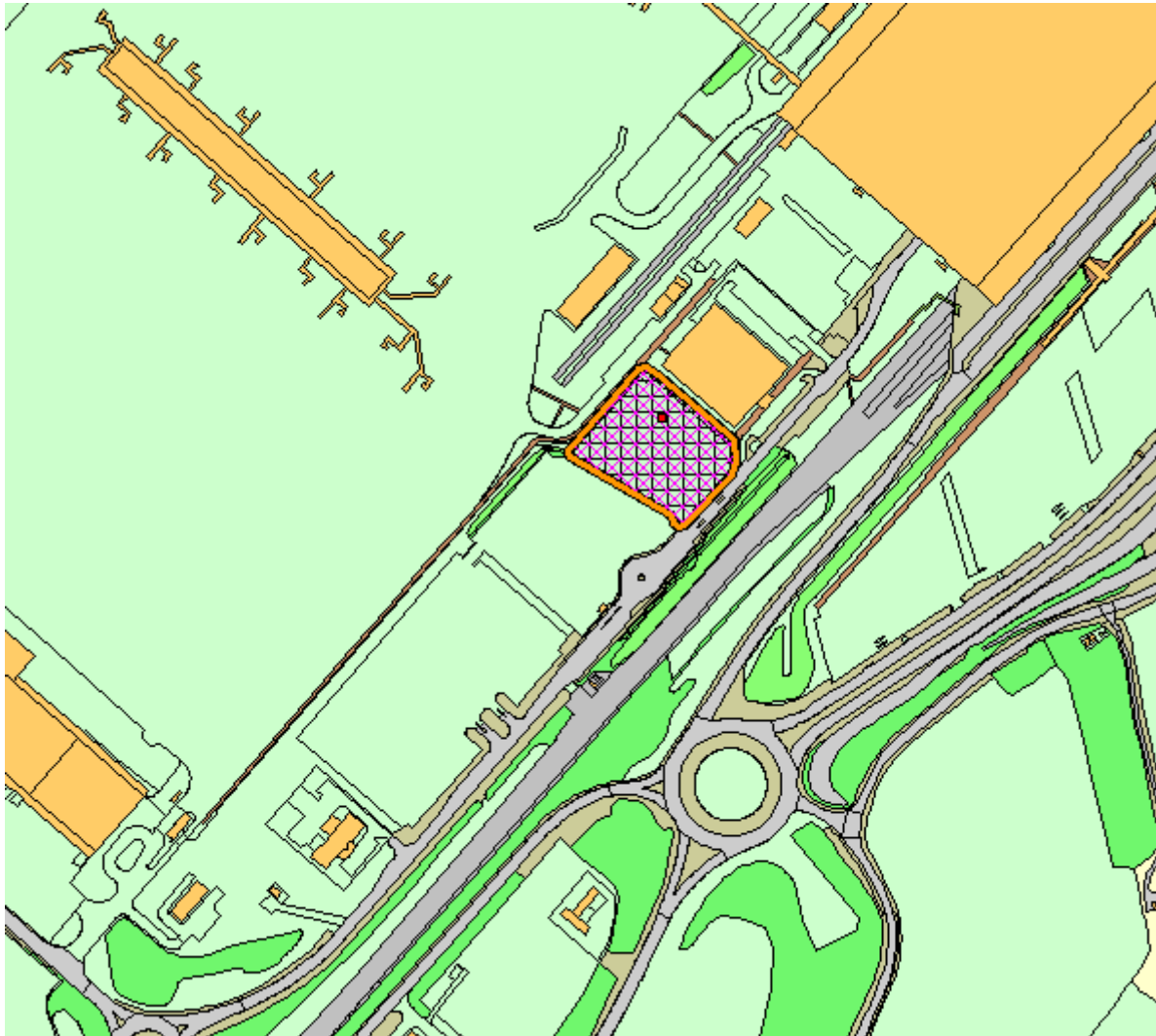
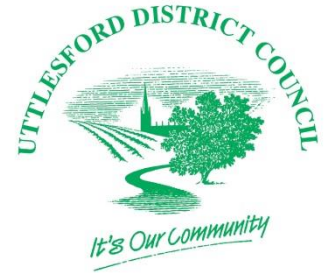
REASON: To ensure that construction work and construction equipment on the site and adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Stansted Airport and to ensure that the development does not endanger the safe movement of aircraft or the operation of Stansted Airport through interference with communication, navigational aids and surveillance equipment.

3. Prior to the commencement of the development hereby permitted a Bird Hazard Management Plan shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’ (available at www.aoa.org.uk/policy-campaigns/operation-safety/). The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority.

REASON: It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

Application no.: UTT/15/1036/FUL

Address: Land West of Enterprise House, Stansted Airport



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/ 14/2230/FUL (WHITE RODING)

(MAJOR)

PROPOSAL: Variation of Condition 10 of Planning Permission UTT/0678/12/FUL (the premises shall not be open to the public other than between the hours of 7.30 hours and 23.30 hours for no more than 80 days in one year) in order to allow opening hours between 7.30 hours and 00.30 hours except for overnight residents, and to allow events/functions to take place on no more than 180 days in one year.

LOCATION: Colville Hall, Chelmsford Road, White Roding

APPLICANT: Mrs Philippa Wisbey

AGENT: Mr. Philip Kratz

EXPIRY DATE: 24 October 2014

CASE OFFICER: Nigel Brown

1. NOTATION

1.1 The site lies outside of any defined Development Limits. Within the Metropolitan Green Belt. The application site includes Grade I, II & II* Listed Buildings and Ancient Monument. Tree Preservation Orders. Within Flood Plain 1, 2 & 3.

2. DESCRIPTION OF SITE

2.1 Colville Hall is located on the southern side of the A1060 between Hatfield Heath and White Roding in a rural location, surrounded by mostly arable farmland. Colville Hall, the main farmhouse, is a Grade II* listed building with Grade 1 listed barns, Grade II* and Grade II listed buildings the complex is surrounded by countryside with an access lane to the north leading to the A1060 past a pair of semi-detached cottages. The site has several trees that are subject to Tree Preservation Orders.

3. PROPOSAL

3.1 Planning permission was approved by this Committee on 25 July 2012 for

Change of use of 4 No. barns from agricultural to form a wedding venue. Demolition of lean-to extension and erection of single storey extension. Creation of new vehicular access and car park. Demolition of 3 No. outbuildings. Change of use of 1 no. barn from agricultural to D1 use

3.2 Permission was approved subject to a number of Conditions including

10. The premises shall not be open to the public other than between the hours 7.30 hours to 23.30 hours for no more than 80 days in one year.

3.3 The proposal is to vary Condition 10 to read:

Events/Function shall take place at the site no more than 180 days per year, of which no more than 140 will involve the use of amplified music. Except for overnight residents, persons attending events/functions as a visitor or guest shall only be on the site between 7.30 hours and 00.30 hours the following morning.

4. APPLICANT'S CASE

- 4.1 The applicant's agent has provided a Planning Supporting Statement a Noise Survey, and a Financial Business Plan. Summarising points being:
- 4.2 Colville Hall itself, the main farmhouse is a Grade II* listed building, with associated Grade listed barns and other Grade II* & Grade II listed buildings. The complex is a scheduled ancient monument dating back to the 13th Century. It has an access lane to the north leading to the A1060 past a pair of semi-detached cottages. The junction with the A1060 has been improved and an approved alternative access road has been constructed.
- 4.3 The Applicant purchased the Site relatively recently as her family home. The listed buildings had been unused and in neglect for many years, and the applicant was keen to bring these back into beneficial use, which would fund their restoration and thereafter sustain their preservation for the foreseeable future.
- 4.4 In that context, conditional planning permission was granted for the original permission on 31 August 2012.
- 4.5 Following the grant of the original permission, on taking further advice for a business plan to support the financing of the project it became apparent that the condition rendered the proposal unviable.
- 4.6 To put the current application proposal in the context of other wedding venues in the locality, none have such restrictive limitations on hours or days of opening.
- 4.7 Condition 10 therefore not only puts the site in an unfair position in a competitive market, the obvious impact on revenue-ostensibly making the proposal unviable- has the impact of deterring bank or other funder from financing the project at all, preventing the restoration or bringing these buildings into beneficial use.
- 4.8 The material considerations for this application are (1) the financial need for the variation and (2) neighbour impact., the relevant questions being (a) what the material difference in terms of impact between 23;30 and 00.30 hours and (b) the material difference in terms of impact between 80 and 180 days (of which only 140 days would involve amplified music)?

5. RELEVANT SITE HISTORY

- 5.1 UTT/0678/12/FUL, Change of use of 4 No. barns from agricultural to form a wedding venue. Demolition of lean-to extension and erection of single storey extension. Creation of new vehicular access and car park. Demolition of 3 No. Outbuildings. Change of use of 1 no. barn from agricultural to D1 use. Approved 31.8.12.
- 5.2 UTT/13/1365/FUL, Variation of Condition 10 to read: The premises shall not be open to the public other than between the hours of 7.30 hours to 00.30 hours(except for overnight residents) and to allow the approved use under planning application to take place no more than 180 days in any one year. Refused 16.8.13; Appeal dismissed 13.5.14.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy S6 - Metropolitan Green Belt -

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Neighbourliness

Policy GEN5 – Light Pollution

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy E3 – Access to workplaces

Policy E4 – Farm Diversification – Alternative use of Farmland

Policy E5- Re-use of Rural Buildings

Policy ENV2 – Development affecting Listed Buildings

Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

Policy ENV14 – Contaminated Land

Policy LC5 – Bed and Breakfast Accommodation

Policy RS1- Access to Retailing and Services

7. PARISH COUNCIL COMMENTS

- 7.1 The earlier planning application UTT/0678/12/FUL Colville Hall was referred to the Planning Inspectorate. Condition 10 to the proposal was only 80 days per annum. An appeal to the Planning Inspectorate was dismissed.
- 7.2 The main reason for the dismissal being: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).
- 7.3 With the planning application for the 80 days proposal having been refused the Parish Council fail to see why another fresh application, (that differs only in the number of venue days; a proposed increase from 80 days to 180 days) which would not be in the interest of GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) is being considered.
- 7.4 The applicants also caused a significant amount of stress amongst the local community when making the UTT/0678/12/FUL application for variation last year.
- 7.5 The fact that the variation was refused and another with over double the number of days per annum has now been applied for, shows a callous disregard for the local community who, if the application is successful will have to endure a major impact to the local community especially the environmental pollution aspect concerning noise and traffic.
- 7.6 The A1060, the main road through White Roding, will see a noticeable increase in traffic if this planning application is allowed and there are also grave concerns that the bend in the A1060, where the entrance and exit for vehicles using the Colville Hall

premises is situated, has such bad sight lines that an increase in road traffic accidents seems to be inevitable.

8. CONSULTATIONS

UDC Environmental Health

- 8.1 The supplementary report concludes that there will be no difference in noise impact from the proposed increase in permitted hours and no increase in noise impact from the increase in days from 80 to 180. This is correct when viewed in accordance with the proposed assessment criteria. However, it can be argued that with the proposed increased use, there is the potential for greater number of disturbances. That said, having read the original report accompanying the planning application ref 11026-002 Revision A, noise impact will be low and on this basis I have no objection to the proposal providing that the applicant adopts the noise mitigation measures as detailed within S.8 of the above mentioned report. It is therefore recommended that should consent be granted the following additional conditions should be applied to protect residential amenity.

English Heritage

- 8.2 Our specialist staff have considered the information and we do not wish to offer any comments on this occasion.

ECC Highways

- 8.3 The Highway Authority has no objections to 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.

The improvements to the junction with Chelmsford Road A1060 have been implemented in accordance with the consent granted under UTT/0678/12/FUL following the submission of detailed drawings which were checked for compliance with the standard Essex County Council construction specification. The highway authority is satisfied that the proposed increase in days of operation from 80 to 180 will have no significant impact on the highway network in terms of highway safety and capacity.

9. REPRESENTATIONS

- 9.1 26 Letters received objecting to the application raising the following issues

- Noise
- Flood Risk
- Traffic/access
- Principle of Use
- Alternative uses for heritage assets
- Too many wedding venues.

10. APPRAISAL

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

- A Noise and Disturbance from extended hours/days (Local Plan Policies GEN4 & ENV11)
- B Traffic and Transport (Local Plan Policy GEN1)
- C Impact on Heritage Assets (Local Plan Policy ENV2 & ENV4 NPPF)

A Noise and Disturbance from extended hours/days (Local Plan Policies GEN4 & ENV11)

- 10.1 The principle of the change of use of the conversion of these important heritage assets has already been accepted by this Committee through Planning Permission UTT/0678/12/FUL dated 31 August 2012. By virtue of the required junction improvements having been completed the permission has been implemented and therefore remains extant.
- 10.2 The proposed variations request the extension of the approved activities for an additional hour from 23.30 to 00.30 with the increase in days from the approved 80 to 180 (with only 140 involving amplified music).
- 10.3 The applicant has submitted a revised noise survey indicating the proposed increase in activities for the additional hour. The submitted noise survey has confirmed to the Council's Environmental Health Officer that the additional hour's operation would have no effect upon the noise levels from the premises. Although satisfied that the approved development with the existing noise controls would result in no harm to the residential amenities of nearby properties he has requested further conditions to ensure that there would no impact upon residential amenity.
- 10.4 Within the previous dismissed appeal (UTT/13/1365/FUL) the Inspector raised concerns over the quality of the previously submitted noise survey. In dismissing the appeal the Inspector was not satisfied that the evidence submitted at that appeal appropriately addressed the issue over noise. The current re-submission does that.
- 10.5 It is therefore concluded that the submitted noise survey and suggested mitigation measures (secured by additional conditions), appropriately protects the amenities of nearby residents, and that an objection on these grounds cannot be sustained.
- 10.6 It should also be highlighted that the proposed access to the facility would be by way of a new alternative access from the main junction that would move service and guest traffic further to the east from residential properties, so there would be little if any disturbance from guests leaving by motor vehicle late at night.
- 10.7 In light of the fact that the applicant has now demonstrated that there would be potentially no impacts on the amenities of nearby residents, it is questionable whether a restriction in days is considered appropriate. A restriction in the number of activities is more appropriate when considering noisy activities (such as motorsport), where there is an accepted detrimental impact on amenity and a restriction in days is necessary to provide respite. This is not the case here. On this basis, it is questionable whether any restriction in days is considered a reasonable and necessary condition under guidance within the NPPG. However, throughout, the applicant has volunteered a restriction in days.
- 10.8 The applicant has provided a financial submission to demonstrate the lack of viability of a restriction of 80 days. The lack of viability of 80 days has been accepted by the Council's advisor on the basis of the submission. The Council's advisor has also accepted that it would be a challenge on the basis of the suggested days. However, the Local Planning Authority must accept the applicant's confidence on this matter, based

upon her own finance arrangements which are not for this Council to consider. It is therefore accepted that an increase to 180 days (with the restriction to 140 with amplified music) is considered acceptable to allow this reuse of important heritage assets to progress.

B Traffic and Transport (Local Plan Policy GEN1)

10.9 The Local Highway Authority has no objections to this proposal. The requirements of the 2012 planning permission were for the junction on the A1060 to be improved. This has been completed to the satisfaction of the Local Highway Authority. There is no evidence that the increased in hours or days of activity will result in any detriment to highway safety.

C Impact on Heritage Assets (Local Plan Policy ENV2 & ENV4)

10.10 It should not be lost that the approval of this principle of this use in 2012 was with the primary aim of bringing these important heritage assets into use including public access. This use was supported strongly by the English Heritage and the Council's Conservation Officer.

10.11 The Council's Conservation Officer is content with the additional requirement suggested by the Environmental Health Officer, none of which will prejudice these important heritage assets.

11 CONCLUSION

11.1 The applicant has revised the noise survey previously rejected by the Planning Inspector under Planning Reference UTT/13/1365/FUL and has demonstrated that the increase in the additional hour would not cause additional noise disturbance to nearby residents. This submission, coupled with additional conditions recommended by the Environmental Health Officer, has resulted in development that would cause no harm to the amenity of residents. As such the increase by a further hour is considered acceptable to officers.

11.2 In the absence of any amenity issues from the use of the building through appropriate conditions and the location of the new access further to the east it is questionable whether any restriction on days is considered appropriate and in accordance with the NPPG in terms of use of conditions (i.e. reasonable and necessary), however in light of the fact that the applicant has volunteered a restriction in days it is considered that the increase from 80 to 180 (with no more than 140 with amplified music), is considered appropriate. The proposal is clearly not viable with 80 days and to extend it to 180 with the inclusion of other non-party type events (such as corporate events and conferences) it is considered clearly that the proposal is more viable to allow the reuse of these heritage assets.

12. RECOMMENDATION APPROVAL SUBJECT TO CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the approved plans 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.

- 2 The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6029/DOC approved 10.1.13

REASON: To comply with policy ENV4 of the Uttlesford Adopted Local Plan 2005.

- 3 The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).

4. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/13/2361/DOC dated 1.11.13

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

5. Demolition or construction works (including deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

6. No deliveries shall be taken at or despatched from the site outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

7. Events/Function shall take place at the site no more than 180 days per year, of which no more than 140 will involve the use of amplified music. Except for overnight residents, persons attending events/functions as a visitor or guest shall only be on the site between 7.30 hours and 00.30 hours the following morning.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

8. All hard and soft works shall be carried out in accordance with the full implementation of the recommendations as set out in Arboricultural Impact Assessment.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Uttlesford Local Plan Policy GEN7.

9. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/13/1749/DOC dated 18.10.13.

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 Uttlesford Local Plan 2005 policy ENV2.

10. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6040/DOC dated 12.4.13.

REASON: To ensure a higher quality of development which is compatible with the character and amenity of its surroundings in accordance with Uttlesford Local Plan ENV2?

13. No more than 150 people shall attend any function at one time.

REASON: In order to safeguard the amenities of local residents in accordance with Uttlesford Local Plan policies GEN2 and GEN4.

14. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6043/DOC dated 10.1.13.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Uttlesford Local Plan policy GEN7.

15. The proposed mitigation and other recommendations and enhancements within the ecological reports submitted with the application must be undertaken prior to occupation of the development. In addition the following mitigation is required :

- Foraging areas for badgers should be maintained or new foraging areas created.
- Access between setts and foraging/watering areas should be maintained or new ones created.
- Development that isolates a badger territory by surrounding it with roads or housing should be avoided as this can often result in problems such as increased road traffic collisions and badger damage to gardens and houses.
- If main setts need to be demolished, an artificial badger sett can be created as close to the original sett as possible, however this should only be considered as an option as a last resort as natural setts are usually favoured over artificial ones.
- Fires and chemicals should not be used within a 20m radius of a sett.
- Trees should be felled so that they fall away from active setts and badger paths should be cleared of felled timber and scrub wherever possible.
- Disturbances, such as loud noise or vibrations, that might agitate badgers occupying a sett should be avoided or limited to areas well away from the sett.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Uttlesford Local Plan GEN7.

16. 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 character of the area in accordance with Uttlesford Local Plan S8

17. All flood risk management measures identified in the approved Flood Risk Assessment shall be incorporated into the development prior to the occupation or first use of the development hereby permitted.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development.

18. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6044/DOC dated 10.1.13.

REASON: In the interests of highway safety and efficiency.

19. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6045/DOC dated 31.1.13

REASON: In the interests of highway safety and efficiency.

20. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/13/0301/DOC dated 19.4.13

REASON: In the interests of highway safety and efficiency.

21. The development shall be carried out in strict accordance with the details/scheme submitted and approved under Discharge of Condition Application UTT/12/6046/DOC dated 5.2.13

REASON: In the interests of highway safety and efficiency.

22. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: in the interests of highway safety and that appropriate parking is provided.

23. The public's rights and ease of passage over public bridleway no. 10, White Roding shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy DM11 Public Rights of Way contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1

24. The development hereby permitted shall not be used until a scheme for a noise limiter and details of how it shall be operated and maintained is submitted to and agreed in writing by the local planning authority prior to the commencement of development.

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4.

25. The use hereby permitted shall not commence until the glazing specification detail has been agreed and approved by the Local Planning Authority. The glazing specification as approved shall be fully fitted prior to the commencement of the approved use and not altered without prior approval. The windows shall remain closed during the playing of amplified music.

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4

26. The rating level of plant, machinery or equipment when assessed in accordance with the provisions of BS4142:2014 shall not exceed a level of 5dBA below the existing background level of 28dB LA90 (1hr) at a point 1 meter from façade of the nearest noise sensitive properties

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4

27. The use hereby permitted shall not commence until an acoustic door lobby has been fitted to the entrance to the Mill Pond Barn to the satisfaction of the Local Planning Authority.

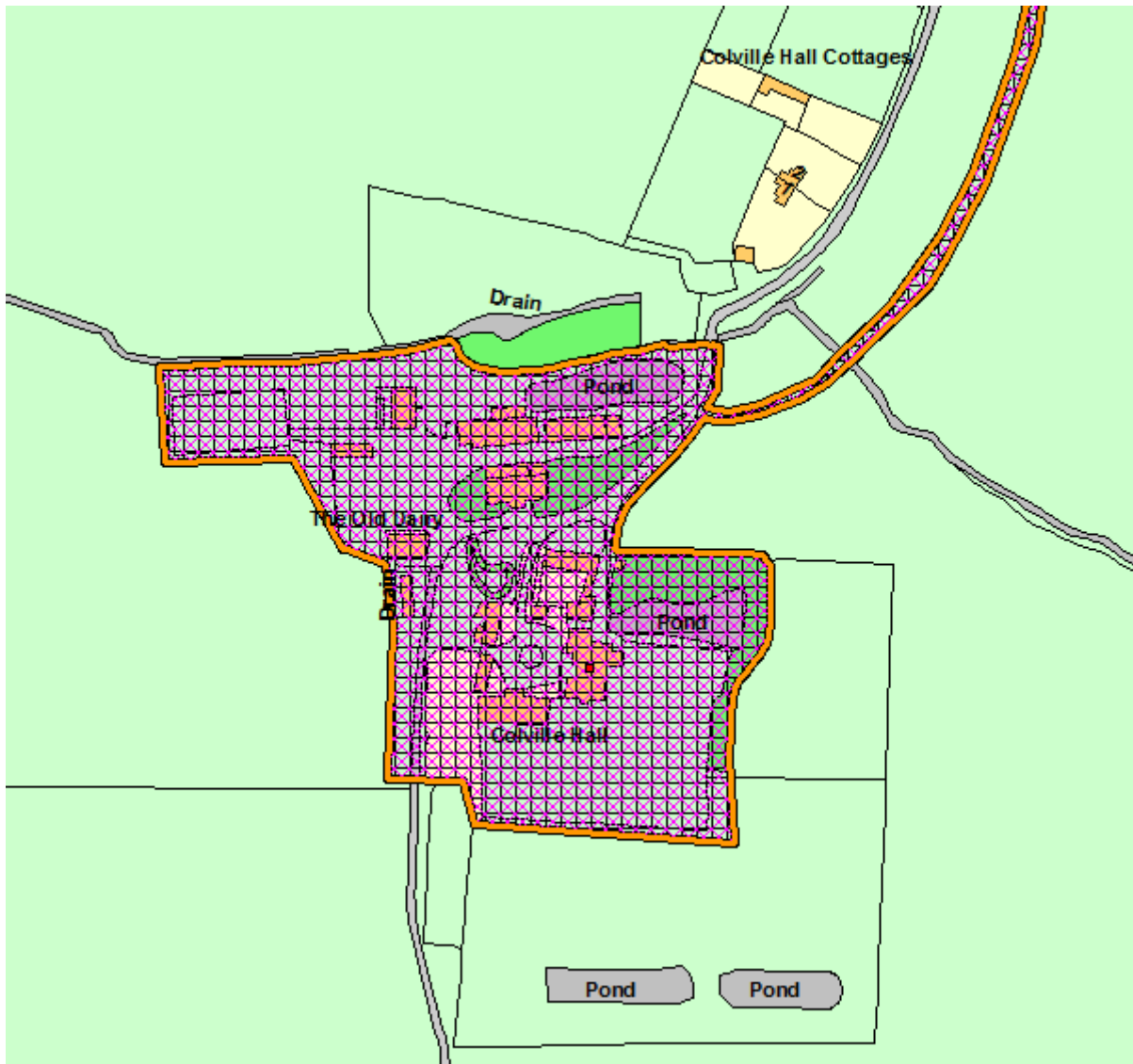
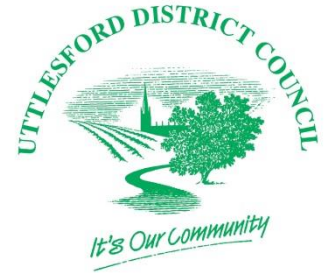
REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4.

28. The above scheme and sound reduction performance has been based on a sealed building, with all doors, windows and openings closed. It is recommended that an alternative ventilation strategy should be proposed to allow adequate ventilation to take place whilst at the same time preventing noise break out.

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan policy GEN4

Application no.: UTT/14/2230/FUL

Address: Colville Hall, Chelmsford Road, White Roding, Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/15/0972/FUL – GREAT HALLINGBURY

(MAJOR)

PROPOSAL: Erection of a single building for employment (B1, B2 and B8 use), associated access, parking and turning facilities (amended details for Block B approved under planning permission UTT/14/0138/FUL)

LOCATION: Land south of Dunmow Road, Great Hallingbury

APPLICANT: Vision Stansted Ltd

AGENT: PRC Architecture and Planning Limited

EXPIRY DATE: 2 July 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Countryside Protection Zone/Adjacent Grade II Listed Building/Adjacent County Wildlife Site.

2. DESCRIPTION OF SITE

- 2.1 The application relates to a site located to the south of the B1256, in close proximity to Junction 8 of the M11. The site is rectangular in shape and covers 2.3ha. It has mature screening to the majority of the boundaries, although this is slightly patchy along the eastern boundary. To the north of the site is the B1256 and a property known as Thatch Cottage, a Grade II listed building with a rural setting. Along the eastern and southern boundaries are public rights of way, with the southern forming the Fritch Way Linear Park and county wildlife site. Beyond the Fritch Way is agricultural land. Adjacent to the western boundary is the Stansted Distribution Centre.
- 2.2 There is an existing vehicular access into the site from the B1256 and there is a derelict building within the site. The site is very overgrown with brambles, weeds and shrubs. The land levels within the site are some 4-5 metres above the natural ground levels due to the site being used for the depositing of spoil from other developments.

3. PROPOSAL

- 3.1 The proposal relates to amendments to Block B which was part of a wider scheme for six units for B1, B2 and B8 use previously approved under reference UTT/14/0138/FUL. Block B was originally approved as two units (within one building). The current proposal seeks to amend the approved scheme so that Block B becomes a single modern commercial unit of 2,592sqm. This would be an increase in floorspace over the previously approved building of 448sqm.
- 3.2 The proposals include the provision of 24 parking spaces, including 2 disabled spaces. Two HGV spaces are also provided. Four PTWs and 10 cycle spaces are provided.
- 3.3 The layout would be reconfigured with the main office element at the west edge of the unit with 7 of the parking spaces, and a longer but narrower built form, with the

remainder of the car parking on the south side of the building. The service yard and turning area is to the east and is the same as previously approved except it will be 2.2m closer to Block A. The access to the main site remains the same as consented previously.

4. APPLICANT'S CASE

4.1 The application has been submitted with the following accompanying documents:

- Design and Access Statement
- Planning Statement
- Arboricultural Impact Statement
- Corr Safety Method Statement
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment
- Phase 1 Habitat Plan
- Site Investigation Report
- Transport Statement
- Tree Protection Plan

4.2 Summary of Planning Statement:

- Whilst the proposed development is a departure from current adopted policy, the site is shown as employment in the emerging policy. Notwithstanding this, the site has been consented for employment use under a previous planning consent (UTT/14/0138/FUL).
- The proposed development is for an amended commercial unit in Block B of the consented scheme, comprising 2,592sqm GEA for B1, B2 and B8 use.
- The changes between the amended Block B and that previously consented include a reshaped building unit, a single unit rather than two within the building, and the relocating and remodelling of the car parking areas, resulting in two additional car parking spaces and a reduction of two HGV spaces. In all other respects the proposal is the same as previously consented.
- The proposal will not have any undue increased impact on the Listed Building, retaining a significant gap between Blocks A and B and no increase in height from the original scheme.
- Accordingly, there is no planning reason why the application should not be approved.

5. RELEVANT SITE HISTORY

5.1 UTT/14/0138/FUL: Erection of 6 no. employment units within 3 no. buildings for B1, B2 and B8 use. Associated access, parking and turning facilities. Removal of spoil from site. Conditionally approved, with a S106 Legal Obligation on 23 September 2014.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy S7: The Countryside

Policy S8: The Countryside Protection Zone
Policy GEN1: Access
Policy GEN2: Design
Policy GEN3: Flood protection
Policy GEN4: Good neighbourliness
Policy GEN7: Nature conservation
Policy GEN8: Vehicle Parking Standards
Policy E3: Access to workplaces
Policy ENV2: Development affecting Listed Buildings
Policy ENV4: Ancient monuments and sites of archaeological importance
Policy ENV11: Noise generators
Policy ENV14: Contaminated land

7. PARISH COUNCIL COMMENTS

7.1 No objections.

8. CONSULTATIONS

Airside OPS Limited

8.1 Could conflict with safeguarding criteria unless conditions relating a Construction Management Strategy, obstacle lighting during construction period, control of lighting on proposed development, height limitation on trees and shrubs, submission of a landscaping scheme, and submission of a bird hazard management plan.

Environment Agency

8.2 No longer providing planning advice for developments over 1 hectare in size. (NB, the site area is actually less than 1ha and the EA is no longer a consultee for sites of this size)

ECC Ecology

8.3 Ecology issues were addressed as part of UTT/14/0138/FUL. Conditions relating to ecology on that consent should be appended to any new consent.

ECC Education

8.4 Confirm that we are satisfied that there is likely to be sufficient places to meet the requirements for early years and childcare.

ECC Highways

8.5 From a highway and transportation perspective the impact of the proposal is acceptable subject to conditions.

ECC Flood Management Team

8.6 We are not yet commenting on applications under 1ha.

Highways England

8.7 Offer no objection.

Natural England

- 8.8 Nature conservation sites – no objection. Satisfied the proposed development will not damage or destroy the interest features for which Hatfield Forest SSSI has been notified. Protected species – refer to standing advice.

Thames Water

- 8.9 Surface water drainage – responsibility of development to make proper provision for drainage to ground, water courses or a suitable sewer. Recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Environmental Health Officer

- 8.10 No comments.

9 REPRESENTATIONS

- 9.1 This application has been advertised and no representations have been received. Notification period expired 7 May 2015.

10 APPRAISAL

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

- A The principle of development in this location within the Countryside Protection Zone (ULP Policies S7, S8; NPPF)
- B The design of the proposals and the impact on the character of the rural area and the setting of the listed building and other heritage assets (ULP Policies GEN2, ENV2, ENV, E3; NPPF)
- C The impacts on neighbour's amenity (ULP Policies GEN4, ENV11; NPPF)
- D the access and parking arrangements are appropriate for the development (ULP Policies GEN1, GEN8; NPPF)
- E The proposals would have an adverse impact on biodiversity and protected species (ULP Policy GEN7; NPPF)
- F The proposals would increase flood risks on or off-site (ULP Policy GEN3; NPPF)
- G The proposals would result in the potential for contamination (ULP Policy ENV14; NPPF)

A The principle of development in this location within the Countryside Protection Zone (ULP Policies S7, S8; NPPF)

- 10.1 The application site is located outside the development limits in the adopted local plan and therefore the presumption in favour of protecting the character of the countryside for its own sake is applied. The site also falls within the Countryside Protection Zone and development which would result in coalescence will not be permitted. This proposal would result in the loss of a significant gap and result in coalescence between the existing commercial uses at the Stansted Distribution Centre and the small cluster of houses to the east. As such the proposals would be contrary to Policies S7 and S8. An assessment of the compatibility of Policy S7 has found it to be only partly consistent with the NPPF which has a positive approach rather than a protective one.

- 10.2 The NPPF set out the requirement for local authorities to favourably consider proposals for sustainable development. It also has a core principle of ensuring the delivery of employment uses, in particular the delivery of a prosperous rural economy.
- 10.3 A material planning consideration is the fact that planning permission has previously been granted for an industrial building on this site and this amendment relates to the requirements of the market in terms of size and scale of building. Therefore, it is considered that the proposals comply with the presumption in favour of sustainable development as set out in the NPPF.

B The design of the proposals and the impact on the character of the rural area and the setting of the listed building and other heritage assets (ULP Policies GEN2, ENV2, ENV, E3; NPPF)

- 10.4 The site currently forms part of a gap in the built form of the Stansted Distribution Centre and the small cluster of houses to the east. The ground levels within the site are approximately 4-5m higher than natural ground levels due to the site being used for the depositing of spoil from other developments. If development were to be carried out at current ground levels then the proposals would have a significant adverse impact on the character of the rural area. However, it is proposed to reduce the levels back to natural ground level which significantly reduces the potential impacts.
- 10.5 Units B 1 and 2, as originally approved, had been designed to have a lower eaves and ridge height in order to reduce the visual impact of the block where it sits adjacent to the highway. This helps to reduce the impact on the setting on the listed building on the opposite side of the road. These design concepts have been carried forward to the revised proposal in respect of building B. Whilst the development would have some negative impacts on the setting of the listed building it is considered that the benefits of the proposals and the fact that the area has been significantly developed commercially over a period of time minimise these impacts.
- 10.6 The proposals have the potential to impact on other heritage assets in the form of archaeology. There are no known archaeological sites within the application site but the area is rich in archaeology. No assessment has been made of potential impacts on archaeology within the application and Essex County Council Archaeologist has requested that a condition be imposed on any planning permission for a programme of trial trenching, in line with the condition imposed on the planning permission for the wider site. This would be considered acceptable and in accordance with Policy ENV4 and the NPPF.

C The impacts on neighbour's amenity (ULP Policies GEN2, GEN4, ENV11; Draft ULP Policies SP8, EN1; NPPF)

- 10.7 The nearest residential neighbours to this development are the occupiers of the listed building known as Thatched Cottage on the opposite side of the road and Old Tithe Hall to the east. The front elevation of Thatched Cottage is approximately 25m from the northern boundary of the site. Old Tithe Hall is located approximately 110m to the east of the eastern boundary of the overall site. This revision to block B would not result in loss of residential amenity due to overlooking, overshadowing or overbearing impacts.
- 10.8 The proposed use of the site is a mix of B1, B2 or B8 uses. B1 uses are appropriate within relatively close proximity to residential uses. B2 have the potential to cause some loss of amenity due to noise, fumes or smells. B8 relates to warehousing and is likely to result in larger vehicles calling at the site. Given the separation distance of the

site from the closest residential units, and the orientation of the units, it is unlikely that significant loss of residential amenity would result due to noise, fumes or smells, although the final uses of the site is not yet known. A condition preventing outdoor working would help to protect the residential amenity.

D The access and parking arrangements are appropriate for the development (ULP Policies GEN1, GEN8; NPPF)

10.9 The principle of the access into the site has already been determined under the planning permission granted under reference UTT/14/0138/FUL. It is not proposed to amend the access and therefore the access complies with Policy GEN1.

10.10 The previously approved unit B comprised two units of 905sqm of B2/B8 floorspace and 96sqm of B1 floorspace each. This revised proposal relates to a building of 2310sqm of B2/B8 floorspace with approximately 260sqm of B1 floorspace. The previous scheme included 22 parking spaces, including 4 disabled spaces for the two units. This revised scheme proposes 22 spaces plus 4 disabled spaces. Parking standards for commercial developments are maximum standards, and the maximum requirement for B8/B1 floorspace combination proposed would be 24 spaces. The maximum requirement for B2/B1 floorspace combination proposed would be 55.

10.11 The parking spaces shown on the submitted drawings are 5m x 2.5m and not the currently adopted standard of 2.9m x 5.5m. However, the size of bays shown on the drawing are considered acceptable in exceptional circumstances. This proposal relates to the erection of business units and the creation of parking spaces in accordance with the adopted sizes would result in less parking spaces being provided. A balance needs to be adopted between parking provision and the potential for parking problems to arise as a result of insufficient parking. ECC Highways has not raised any objections in relation to the size of the parking bays and in this instance it is considered that the provision would be acceptable.

E The proposals would have an adverse impact on biodiversity and protected species (ULP Policy GEN7; Draft ULP Policies SP11, EN1; NPPF)

10.12 Policy GEN7 seeks to prevent development which would result in harm to wildlife or geological features. The NPPF requires the impacts on biodiversity to be taken into consideration. In addition to biodiversity and protected species being material planning considerations, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 states that *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”* This includes local authorities carrying out their role in the consideration of planning applications. Similarly Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) states, *“A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive and Birds Directive so far as they may be affected by the exercise of those functions.”*

10.13 An Extended Phase 1 Survey was submitted with the previous application and resubmitted with this application. The previously completed surveys identified that the site supported reptiles and as such translocation measures would be required to prevent adverse harm to the species. A translocation site was identified by the applicant at Stow Maries, approximately 30 miles from Start Hill, and the translocation of reptiles to that site was secured by way of a S106 Legal Obligation on the previous consent. Due to there being an ongoing requirement for management of the

translocation site it will be necessary for the requirements of that Legal Obligation to be transferred to this consent should planning permission be granted. In addition, the conditions relating to ecology are required to be reimposed on this planning permission should consent be granted.

10.14 Whilst the proposals would result in harm to protected species it is considered that the mitigation measures proposed are acceptable and that the benefits of the scheme outweigh the harm to protected species. The proposals are therefore in accordance with Policy GEN7 and the NPPF.

F The proposals would increase flood risks on or off-site (ULP Policy GEN3; NPPF)

10.15A Flood Risk Assessment was submitted with the previous application and this identifies that the site falls within Flood Zone 1, therefore a site least likely to flood. The Assessment concludes that there would be a low risk of groundwater flooding. Sustainable drainage techniques are proposed to be incorporated into the scheme including permeable surfaces. Since the previous application was granted the responsibility for flood risk measures has been passed to Essex County Council. They have confirmed that, at this time, they are not commenting on proposals for less than 1ha, which this application relates to. In addition the Environment Agency has confirmed that they are no longer commenting on applications such as this. Given that planning permission has been granted for the development of the wider site and the previous drainage issues were considered satisfactory, it is considered that the proposals are in accordance with the relevant policies.

G The proposals would result in the potential for contamination (ULP Policy ENV14; NPPF)

10.16A site investigation has been carried out as part of the development proposals with regards to the potential for contamination. Trial pits were dug across the site down to natural ground levels and these identified various forms of debris which would require appropriate disposal prior to development commencing. It is estimated that between 60,000 and 80,000m³ of soils will be removed in order to return the site back to natural ground levels. Essex Minerals and Waste department previously confirmed that they do not require to be consulted on the application and that this is a matter for the district council to consider.

10.17 It is clear that the site needs to be cleared back to natural ground levels given the nature of the development. Whilst there would be some disruption during the removal of spoil this would be a short term nuisance and the site operator should incorporate Good Practice Standards when working on the site, including ensuring that lorries are covered on leaving the site. The Environment Agency has previously suggested that a condition be imposed to ensure that any unknown contamination is properly dealt with. The proposals comply with policy. Since the previous consent was granted the spoil has been assessed for potential contamination prior to the removal of the material from the site. This information has been submitted with the application and confirms that, apart from general debris such as wood and brick, the soil is not contaminated.

11 CONCLUSION

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

A Whilst the proposed development would be contrary to adopted countryside protection policies planning permission has previously been granted for the development of the

wider site for employment uses, in line with the principles of sustainable development as set out in the NPPF.

- B The design of the proposals has taken into account the rural location and the setting of the adjacent listed building and they are acceptable.
- C The proposals are not likely to result in loss of residential amenity due to overbearing, overlooking, overshadowing or through noise, smells and fumes.
- D The proposed access is considered appropriate and the parking standards are acceptable.
- E Adverse impacts on protected species were identified in respect of the wider development previously granted consent. In order to ensure the appropriate mitigation measures are adhered to the conditions and requirements of the S106 Legal Obligation need to be transferred to this consent.
- F It is not considered likely that the proposals would result in increased flood risks either on or off site, although a condition is required relating to the submission and approval of a surface water drainage scheme.
- G It has been demonstrated that the proposals would not result in risks arising from contamination.

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 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 agreement to secure the following:**
 - (i) The transportation of the requirements of the S106 Legal Obligation attached to planning permission granted under reference UTT/14/0138/FUL**
 - (ii) Council's reasonable legal costs**
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.**
- (III) If the freehold owner shall fail to enter into such an agreement by 29 June 2015, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
 - (i) The lack transportation of the requirements of the S106 Legal Obligation attached to planning permission granted under reference UTT/14/0138/FUL**

Conditions/reasons

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

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

2. Prior to the commencement of the development hereby permitted a construction management strategy shall be submitted to and approved in writing by the local

planning authority. This shall cover the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- Details of the area(s) subject to construction activity and the storage of materials and equipment
- Details of cranes and other tall construction equipment (including the details of obstacle lighting) – such schemes shall comply with Advice Note 4 ‘Cranes and other Construction Issues’ (available at www.aoa.org.uk/operations-safety)
- Control of activities likely to produce dust and smoke etc
- Details of temporary lighting – such details shall comply with Advice Note 2 ‘Lighting Near Aerodromes’ (available at www.aoa.org.uk/operations-safety)
- Height of storage areas for materials or equipment
- Control and disposal of putrescible waste to prevent attraction of birds

The approved strategy (or any variation approved in writing by the local planning authority) shall be implemented for the duration of the construction period.

REASON: To ensure that construction work and construction equipment on the site and adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Stansted Airport and endanger aircraft movements and the safe operation of the aerodrome. This condition is required to be a pre-commencement condition to ensure the safe operation of the airport.

3. Obstacle lights shall be placed on any construction equipment extending above 117metres AOD to be used in the development. The obstacle lighting scheme shall be implemented for the duration of the construction period. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk).

4. REASON: Permanently illuminated obstacle lighting is required for the duration of construction and on construction equipment to avoid endangering the safe movement of aircraft and the operation of Stansted Airport.
5. The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

REASON: To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

6. Prior to the erection of the development hereby approved full details of hard and soft landscape works and water landscaping 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. hard surfacing materials;
 - iii. minor artefacts and structures (e.g. refuse or other storage units, lighting, etc.);
 - iv. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports

- v. *the species, number and spacing of trees and shrubs* - details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at www.aoa.org.uk/operations-safety).
- vi. *details of any water features*
- vii. *drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at www.aoa.org.uk/operations-safety).*
 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.
 No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site. 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 GEN7 of the Uttlesford Local Plan (adopted 2005). This condition is required to be a pre-commencement condition because landscaping of this development is at the heart of this consent and to ensure the safe operation of the airport.

- 7. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Uttlesford Local Plan Policies GEN3 and GEN7 (adopted 2005). This condition is required to be a pre-commencement condition to ensure the drainage scheme is appropriate for the site due to the conflicting requirements of the safe operation of the airport and the drainage bodies.

- 8. Prior to the commencement of development a detailed scheme of mitigation and a monitoring strategy for bats shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme of mitigation and approved monitoring strategy and shall be retained as such thereafter.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and paragraph 9 of the NPPF. This condition is required to be a pre-commencement condition due to the statutory requirements relating to protected species.

- 9. The development hereby permitted shall be carried out in accordance with the detailed mitigation plan for reptiles as approved under reference UTT/15/0974/DOC.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and paragraph 9 of the NPPF.

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

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Chapter 12 of the NPPF. This condition is required to be a pre-commencement condition as archaeological works must be carried out prior to the development of the site.

11. Prior to first occupation of the development hereby permitted, the highway works as shown in principle on Intermodal drawing number IT1363/SK/02 Rev B dated October 2013, shall be carried out. These works shall provide a 7.3 metre wide access at right angles to B1256 Dunmow Road with 15 metre kerb radii, visibility splays of 120 metres x 4.5 metres x 120 metres, a 2 metre wide footway on the eastern side and a right turn ghost island on Dunmow Road. Details of the works shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority and shall subsequently be carried out as approved.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

12. Prior to the first occupation of the development hereby permitted the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Uttlesford Local Plan Policies GEN1 and GEN8 (adopted 2005).

13. No development shall take place, excluding the removal of the spoil on site back to natural ground levels, until a site investigation of the nature and extent of contamination

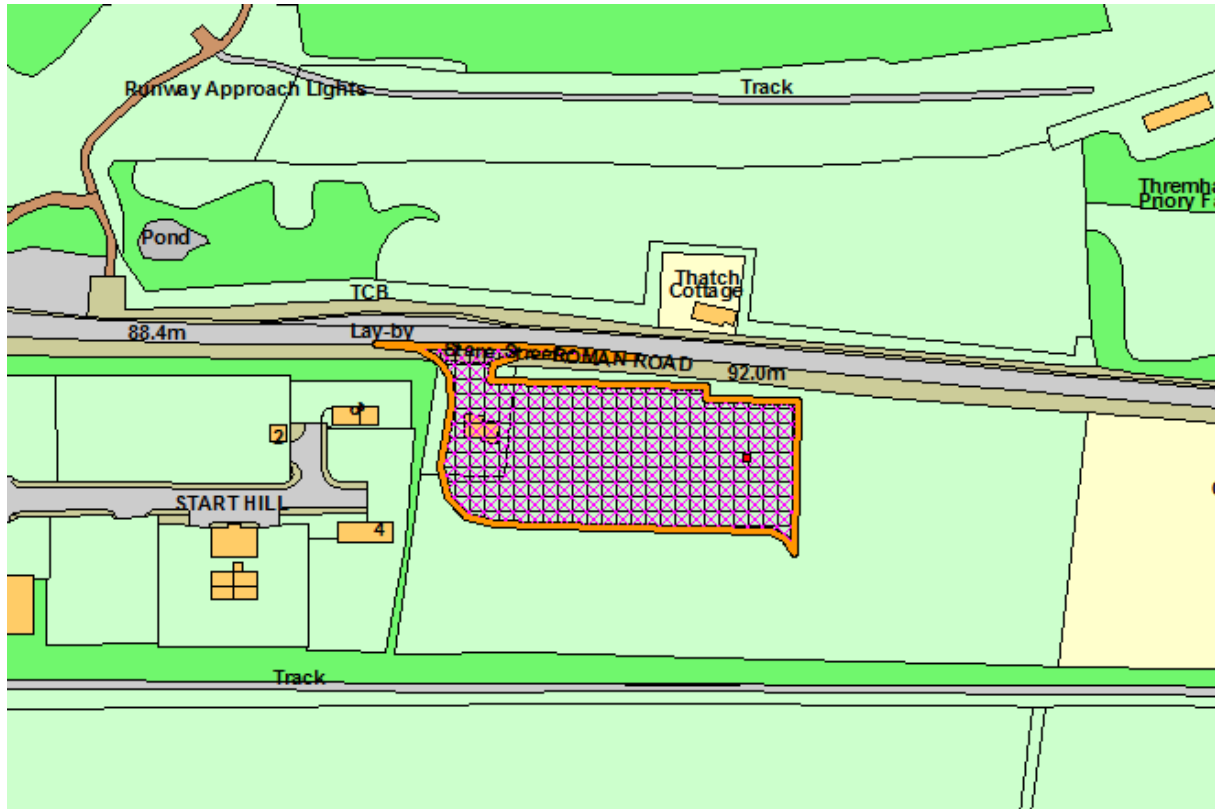
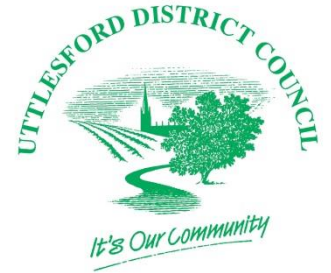
has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005). This condition is required to be a pre-commencement condition to ensure the final condition of the site is fit for the permitted end use.

Application no.: UTT/15/0972/FUL

Address: Land South of Dunmow Road, Great Hallingbury



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/15/0133/FUL – (FLITCH GREEN)

PROPOSAL: Removal of condition 17 attached to planning permission UTT/14/0005/OP for 98 dwellings, 2 no. football pitches, cricket square, pavilion, play and games area, youth shelter, car park, nature reserve, landscaping and erection of footbridge.

LOCATION: Land off Tanton Road, Tanton Road, Flitch Green.

APPLICANT: Enodis Property Development Limited

AGENT: Jessica Sparks

EXPIRY DATE: 27th April 2015

CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Within Development Limits, Oakwood Park Local Policy 1.

2. DESCRIPTION OF SITE

2.1 The site comprises the currently undeveloped land within Flitch Green which extends both sides of Tanton Road, to the north of the Stebbing Brook and to the east of the Primary School and the Community Building and car park. The site extends up to the banks of the Stebbing Brook and extends over the Brook to the south to include the land at the rear of the properties on Station Road.

3. PROPOSAL

3.1 Planning permission is sought to remove Condition 17 that was imposed on planning permission UTT/14/0005/FUL which was for “Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works and a detailed application with all matters considered for the construction of two football pitches, cricket square, pavilion, neighbourhood equipped play area, multi-use games area, youth shelter, car park, extending and re modelling of nature reserve, landscaping, erection of temporary bridge, erection of permanent footbridge over Stebbing Brook, earthworks and other associated works. Condition 17 states:

3.2 *The compensatory storage scheme shall be completed to the specification demonstrated in drawing number 02/109 within the submitted Flood Risk Assessment.*

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

3.3 It should be noted that works have just recently commence on the open space aspects of planning permission UTT/14/0005/OP that include the sports pitches and ancillary buildings and infrastructure. At the present time a reserve matters application for the approval of details for the housing part of the application has not been submitted.

4. APPLICANT'S CASE

- 4.1 The applicant states within the submitted application form that condition 17 is unnecessary as flooding mitigation measures are no longer required as the proposed sporting pitches are to be located north of the Brook rather than the south.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0302/96/OP Reclamation of despoiled land and demolition of redundant structures and redevelopment for residential purposes with associated local shopping, employment and recreational facilities, with associated works. Granted on appeal in 1998. The provision of the community facilities and the playing fields are regulated by a Section 106 tied to this permission.
- 5.2 UTT/0767/01/OP reclamation of despoiled land and redevelopment for up to 655 dwellings being a net addition of up to 170 dwellings to those previously approved together with community facilities, school, and open space. Appeal dismissed by the Secretary of State solely on the lack of sufficient affordable housing.
- 5.3 UTT/0023/03/OP reclamation of despoiled land and redevelopment for up to 216 dwellings (being a net addition of up to 160 dwellings following appeal decision) public house, associated highway, engineering works and landscaping. Increased the level of affordable housing in line with the Council's policy and therefore approved in 2004.
- 5.4 UTT/1816/05/OP - development of site for residential development and sports pitches. The Secretary of State dismissed the appeal in May 2007 and a High Court Challenged brought by the appellants was dismissed in October 2008. The findings of the Inspector and Secretary of State are dealt with in more detail under 'Appraisal'.
- 5.5 UTT/1110/07/FUL - Erection of 42 flats, 4 houses, 2 retail units, doctor's surgery, public house, and related parking on land identified in the Master plan as the Village Centre. This received a resolution to grant permission subject to a S106 Agreement, to secure the provision of the dwellings as affordable housing, in December 2007. The agreement remains unsigned because of the liquidation of the applicant company (Colonnade).
- 5.6 UTT/0365//9/OP - 168 residential units, multi-use games area, skate park, parkland, landscaping and associated works. Refused in April 2012 and dismissed at appeal in August 2013.
- 5.7 UTT/0190/09/FUL - Construction of two sports pitches, a cricket square, access bridge over Stebbing Brook, sports pavilion and associated landscaping. Refused in April 2012 and dismissed at appeal in August 2013.
- 5.8 UTT/13/1123/FUL - Erection of 9no. residential units and 1 no. retail unit (Use Class A1) with associated parking and access at Land at Webb Road and Hallett Road. Approved 03/07/2013 (replacing UTT/1403/10/OP)
- 5.9 UTT/14/005/OP - Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works. Detailed application with all matters considered for the construction of two football pitches, cricket square, pavilion, neighbourhood equipped play area, multi-use games area, youth shelter, car park, extending and re modelling of nature reserve, landscaping, erection of temporary bridge, erection of permanent footbridge over Stebbing Brook, earthworks and other associated works. Approved by committee June 2014.

- 5.10 UTT/14/3357/FUL – Erection of 25 dwellings with associated infrastructure. Application recommended for approval by committee on the 11/3/15 however still waiting for a legal obligation to be signed.

6. POLICIES

6.1 National Policies

Nation Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy S2 – Settlement boundaries for Oakwood Park
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
Policy ENV3 – Open space and trees
Policy ENV7 – The protection of the Natural Environment
Policy ENV8 – Other Landscape Elements of importance for nature conservation
Policy ENV12 – Groundwater Protection
Policy ENV14 – Contaminated Land
Policy LC2 – Access to Leisure and Cultural Facilities
Policy LC3 – Community Facilities
Oakwood Park Local Policy 1.

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 Flitch Green Parish Council:- No comments received at the time of writing this report.

8. CONSULTATIONS

Environmental Agency:

- 8.1 No objection – As far as we can see from our previous response and the submitted Flood Risk Assessment, we never advised a condition of compensatory storage, as the development is shown to be outside of flood zone 3. Therefore we have no further comment on this matter.

9. REPRESENTATIONS

9.1 The application was notified to 802 surrounding occupiers and a site notice displayed. Five objections letters has been received at the time of writing this report. The main concerns of objection are as follows:

- Unsure of what is a 'Compensatory storage scheme' and therefore could not comment on the proposed scheme.
- There has been no evidence provided as to why they wish to remove condition 17, if the Flood Risk Assessment deemed it necessary to provide compensation storage when the initial plan was passed why is it not needed now?
- Enquired whether it was possible to incorporate a basketball court within the play area.
- Based on that the developers can't be trusted, it is requested that the application is turned down by the Council.
- A detailed scale drawing of the houses have not been submitted and therefore we can't make any comments.

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 with the Town and Country Planning Act 1990, the Planning Practice Guidance and the National Planning Policy Framework.

A. Whether it was appropriate for the Local Planning Authority to impose the condition on the approved planning permission in accordance with the Town and Country Planning Act 1990, the Planning Practice Guidance and the National Planning Policy Framework.

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 Planning Practice Guidance on the use of conditions.

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 Officers consider that Condition 17 attached to planning permission UTT/14/0005/OP does not meet the above tests as the condition is deemed not to be necessary, relevant to the development, and unreasonable.
- 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 To understand how Condition 17 was imposed on planning application UTT/14/005/OP, it is important to take a step back and look at the history of planning application UTT/0190/09/FUL which was for the construction of two sports pitches, a cricket square, access bridge over Stebbing Brook, sports pavilion and associated landscaping.
- 10.11 Officers recommended at the time that application UTT/0190/09/FUL be approved subject to conditions. However this recommendation was overturned by the planning committee and the application was subsequently refused in April 2012 and then later dismissed at appeal in August 2013.
- 10.12 Condition 17 subject to this current application was one of many conditions in which officers suggested to be imposed on the final decision if permission was to granted consent. The reasoning behind the condition was to strengthen flood mitigation measures on the land south of the Brook as this was the proposed location for the sports pitches and ancillary facilities.
- 10.13 As a result of the refusal and subsequent dismissed appeal, the applicant lodged a fresh application ref: UTT/14/0005/OP in the attempt to overcome the reasons of refusals. Amongst other things, one of the main changes to the new application was to re-locate the sports pitches and ancillary facilities to the north of the Brook and provide a nature reserve on the land south of the brook.
- 10.14 When planning permission UTT/14/0005/OP was granted consent, a number of conditions including condition 17 subject to this application were replicated from the previous suggested conditions from the refuse application of UTT/0190/09.
- 10.15 However when permission was granted for application UTT/14/0005/OP, Condition 17 subject to this application should not have been replicated from the previous suggested conditions of the refused permission as there was no need for it to be imposed as the sports pitches were not being proposed south of the Brook and therefore no flood mitigations measures should have been required.

10.16 In short, the imposing of condition 17 on UTT/14/0005/OP was an oversight from both the Council and the developer at the time of granting permission and it has only been picked up now. As there is no need for it, it is not relevant to the development and is not reasonable for the applicant to carry out.

10.17 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.

11. CONCLUSION

11.1 The imposing of condition 17 on planning permission UTT/14/0005/FUL fails to meet the guidance of the tests set within the Town and Country Planning Act 1990 and the Nation Planning Policy Framework. In particular, it is considered that the condition is not necessary, not relevant to the development and is unreasonable. It is therefore recommended that the application be approved subject to the same conditions as previously imposed on planning permission UTT/14/0005//FUL apart from condition 17 which shall be removed.

12. RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

1. **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 8th July 2015 of being invited to do so 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 agreement to secure the following:**

- (i) Community payment for education, health care services and highways.**
- (ii) Provision of 40% affordable housing;**
- (iii) Transfer of land for education purposes**
- (iv) Provision and transfer of public open space, sports pitches, car park, MUGA, NEAP, Youth shelter, pavilion and maintenance shed.**
- (v) Contribution towards maintenance of open space for 20 years**
- (ii) Pay monitoring costs**
- (iii) Pay Councils' reasonable costs**

2. **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**

3. **If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:**

- (i) Lack of provision of community payment for education, health care services and highways.**
- (ii) Lack of affordable/social housing**
- (iii) Lack of provision of land for education purposes**
- (iv) Lack of provision of community facilities including public open space, sports pitches, car park, MUGA, NEAP, Youth shelter, pavilion and maintenance shed.**

(v) Lack of contribution towards maintenance of open space for 20 years

Conditions/reasons:

1. The development hereby permitted shall be carried out in accordance with the approved plans 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.

2. The NEAP, MUGA, Youth Shelter and pavilion shall be completed and made available for use within six months of removal of the 3 stockpiles identified in the Earthworks Strategy- Revision A dated May 2014 by Create Consulting Engineers unless otherwise agreed in writing with the local planning authority.

REASON: To ensure the early provision of community facilities for Flitch Green in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005).

3. The construction of the sports pitches hereby approved, shall commence in accordance with the approved programme of works contained at Appendix A in the Proposed Construction Programme dated September 2014 by Create Consulting Engineers and their construction shall follow the programme set out in Appendix A in the Construction Programme unless otherwise agreed in writing with the local planning authority.

REASON: To ensure the early provision of community facilities for Flitch Green in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005).

4. The external finishing materials of the pavilion hereby approved shall be constructed in accordance with the details that were approved under planning application UTT/14/3059/DOC unless otherwise agreed by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. The football and cricket pitches hereby approved shall not be brought into use until the sports pitch fencing has been constructed in accordance with the approved plans.

REASON: to ensure the safety of the general public and the users of the pitches in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. The storage shed hereby approved shall constructed in accordance with the details approved under planning application UTT/15/3072/DOC unless otherwise agreed in writing by the Local Planning Authority. The works shall be carried out as approved and the storage shed made available for use prior to the bringing into use of the sports pitches.

REASON: To ensure the early provision of community facilities for Flitch Green in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005).

7. Within 6 months of the date of this permission full details of the following 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 cycle parking; ii hard surfacing materials including the playing surface of the MUGA and pitch marking; iii minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, including road and footpath signs, lighting, etc.); iv proposed and existing functional services above and below ground (e.g. drainage, power)

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

8. 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 approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of this permission 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: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

9. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any lopping or topping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority
(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837 (2005) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs. In this condition 'retained tree or shrub' means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

10. The development hereby permitted shall be implemented in accordance with the scheme of biodiversity mitigation/enhancement and future maintenance as detailed in the Ecological Management Plan for Sports Pitches dated 4 June 2014 submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

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

11. No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to the site at any time on Sundays or Public Holidays, or before 8.00am or after 6.00pm on Monday to Friday or before 8.00am or after 1.00pm on Saturdays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2, GEN4 and GEN7 of the Uttlesford Local Plan (adopted 2005).

12. All construction work shall be carried out in accordance with the submitted Construction Management Plan dated September 2014 dated May 2014 by Create Consulting Engineers unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2, GEN4 and GEN7 of the Uttlesford Local Plan (adopted 2005).

13. No works shall be undertaken on the land to the south of Stebbing Brook until the Felsted Fen Site of Importance for Nature Conservation has been protected through the erection of fencing in accordance with BS 5837 (2005) and the approved plans. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the area to the south of Stebbing Brook. Nothing shall be stored or placed in the fenced area in accordance with this condition and the ground levels within that area shall not be altered or any excavation made, or any tree cut down, uprooted, damaged or destroyed without the written consent of the Local Planning Authority.

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

14. The ground conditions of the playing fields hereby approved shall be carried out in accordance with the details approved under planning application UTT/14/3127/DOC unless otherwise agreed in writing by the Local Planning Authority. The approved detail shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that the site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field in accordance with Policy GEN2 and GEN6 of the Uttlesford Local Plan (adopted 2005).

15. The safeguarding of the section of footpath number 59 south of Stebbing Brook shall be carried out in accordance with the details approved under planning permission UTT/14/3071/DOC unless otherwise agreed in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved and remain in place for the duration that the haul road exists.

REASON: In the interests of the safety of all users of both the Public Right of Way and the haul road in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 16 The pavilion shall not be brought into use until the bicycle parking facilities have been constructed in accordance with the approved plans. The approved facility shall be retained at all times.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works

- 17 Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences except for earthworks hereby approved and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 18 Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. (B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 19 The development hereby permitted shall be implemented in accordance with the Ground Conditions and Remediation Strategy - Revision A dated May 2014 by Create Consulting Engineers Ltd and the Earthworks Strategy - Revision A dated May 2014 by Create Consulting Engineers Ltd. 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, an amendment to the 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 the approved details in the interests of protection of Controlled Waters in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 20 No work shall commence on the construction of any dwelling apart from necessary earthworks and drainage until the Sports pitches are levelled and seeded, the nature reserve formed and the NEAP, MUGA, pavilion, youth shelter, car park and footbridge are all complete and available for use.

REASON: To ensure a satisfactory form of development and in the interests of the

amenities of the residents of the area in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005) and the Council's Supplementary Planning Guidance - Accessible Homes and Playspace.

- 21 No development apart from earthworks shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- i proposed finished levels or contours;
 - ii means of enclosure;
 - iii cycle and pedestrian access and circulation areas;
 - iv hard surfacing materials
 - v minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, including street lighting etc.);
 - vi proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports).;
- 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).

- 22 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is brought into use and any dwelling is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 23 Before development of the dwellings hereby permitted takes place all the Stockpiles identified in the Earthworks Strategy - Revision A dated May 2014 by Create Consulting Engineers Ltd shall have been removed from the site and the land levelled in accordance with details to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and area in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 24 A schedule of maintenance of the trees until successfully established is to be submitted to and agreed in writing with the local planning authority prior to occupation of the development. The schedule shall include provision for replacement planting should establishment fail and be implemented in accordance with the approved details.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 25 If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the

same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 26 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 27 No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to the site at any time on Sundays or Public Holidays, or before 8.00am or after 6.00pm on Monday to Friday or before 8.00am or after 1.00pm on Saturdays. All building or construction materials shall be stored within the site and no materials deposited on the public highway.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2, GEN4 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 28 Before development of the dwellings commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.

REASON: To meet the requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 29 The dwellings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in the adopted SPD Accessible Homes and Playspace adopted November 2005.

- 30 No dwelling shall be occupied until works for the drainage/ sewage disposal works have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 Uttlesford Local Plan (adopted 2005).

- 31 Prior to the commencement of development details of the provision of suitable temporary construction access arrangements, including appropriate visibility splays and access, temporary traffic management/signage and wheel cleaning facilities to prevent

the deposition of mud or other debris onto the highway network/public areas, turning, offloading and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved for the duration of the construction phase.

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

- 32 Prior to the commencement of development details of how and when Condition Surveys are to be undertaken of any adopted estate roads that coincide with the site access route, including the junction of Tanton Road with Station Road shall be submitted to and approved in writing by the Local Planning Authority. Surveys to be undertaken by the developer/contractor with the Highway Authority present, to ensure any damage occurring to the existing roads as a result of construction traffic during development be made good by the developer, to be undertaken at the following stages: A "Before" survey before to the commencement of the development ii. An "After" survey following the completion of the construction stage of the development the measures shall subsequently be implemented as approved.

REASON: To avoid permanent damage to the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
Note: This is to be supported by a £50,000 bond for use in connection with the remedial measures required following completion of development.

- 33 Prior to the commencement of the dwellings hereby permitted details of bus stop upgrades to include flag, pole, timetable board and real time information to the three bus stops on Station Road in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved before first occupation of the development.

REASON: In the interests of promoting sustainable transport in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

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

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

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

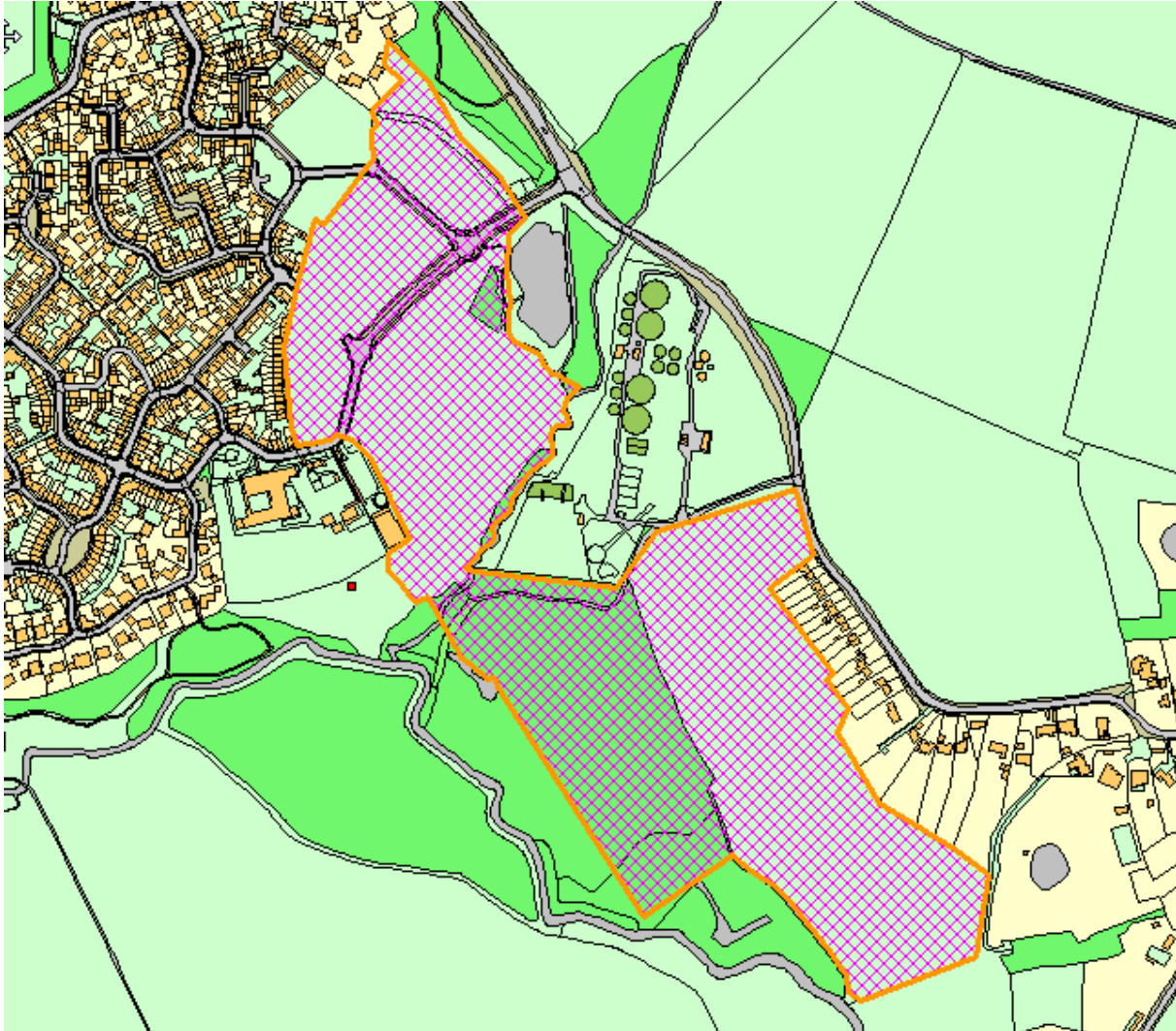
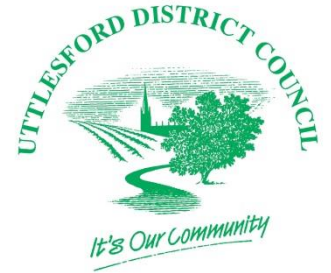
REASON: To enhance the sustainability of the development through efficient use of water resources, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

- 36 The development hereby permitted shall be implemented in accordance with the Ground Conditions and Remediation Strategy - Revision A dated May 2014 by Create Consulting Engineers Ltd and the Earthworks Strategy - Revision A dated May 2014 by Create Consulting Engineers Ltd. 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, an amendment to the 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 with the approved details in the interests of protection of Controlled Waters in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/0133/FUL

Address: Land off Tanton Road, Fritch Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/15/0684/FUL - CLAVERING

(Referred to Committee by Cllr Oliver. Reason: Property too large, out of keeping cart lodge extends over building line)

PROPOSAL: Proposed demolition of existing dwelling and erection of replacement dwelling.

LOCATION: Hill Green Farm Cottage, Clatterbury Lane, Clavering

APPLICANT: Mr E Hitchcock

AGENT: Mr C Hennem

EXPIRY DATE: 15 May 2015

CASE OFFICER: Samantha Stephenson

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises a 2 storey white rendered detached dwelling with off road parking for several vehicles. The dwelling is set well back from the road and forms part of an established group of dwellings on the eastern side of the B1038. The site is on level ground with neighbouring properties and is bounded by a mixture of hedging and fencing on the northern boundary with Springcroft a detached bungalow, close boarded fencing to the south with Wickets a detached two storey dwelling and hedging to the rear.

2.2 The dwellings on this side of the B1038 are of varying size and design with no uniformity. A replacement dwelling two plots to the south of this site was recently granted permission under UTT/13/0556/FUL and neighbouring properties have benefitted from extensions.

3. PROPOSAL

3.1 The application proposes the demolition of the existing dwelling and the erection of a replacement dwelling. The proposed house would be a 5 bedroom dwelling on two floors and will be sited slightly forward of the existing location to the existing with a larger footprint.

3.2 The scheme would have a maximum depth of approximately 13m and depth of 16.5m with a maximum ridge height of 7.4m, the dwelling will be broadly square in shape with a side projecting gable. Proposed materials are timber frame, painted render with clay tiles and timber fenestration and doors.

3.3 Four parking spaces are proposed to the front of the new dwelling with a rear garden exceeding 320m². The application originally proposed a cartlodge to the front of the dwelling however this has now been omitted.

4. APPLICANT'S CASE

4.1 Application supported by;

- Planning Statement
- Biodiversity supporting statement and questionnaire
- Report on condition and structure
- Sustainable construction statement and checklist
- Site Waste Management Plan
- Lifetimes Homes Statement None.

5. RELEVANT SITE HISTORY

5.1 UTT/0543/99/FUL Formation of vehicular access and detached garage, approved 02.07.99.

5.2 UTT/1050/04/REN Renewal of planning permission for formation of vehicular access and erection of detached garage reference UTT/0543/99, approved 29.07.04.

6. POLICIES

6.1 National Policies

National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

Policy S1 – Development limits for the Main Urban Areas

Policy H7 – Replacement Dwellings

Policy GEN1 - Access

Policy GEN2 - Design

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Uttlesford Local Parking Standards 2013

7. PARISH COUNCIL COMMENTS

7.1 Whilst Clavering Parish Council accepts that the existing building is off low quality and needs replacing with a modern and energy dwelling the size of the proposed replacement is too large. Having 5 bedrooms and 3 en-suites plus bathroom. The northern adjacent property is a bungalow and the southern property is a chalet style dwelling. The replacement building would overpower both neighbours and would visually dominate the corner site.

The proposed development is forward of the building line in relation to adjoining dwellings.

8. CONSULTATIONS

Access and Equalities Officer

8.1 Application meets the requirements of the SPD on Accessible Homes and Playspace. The revised proposed plans submitted with a date on the system on 9 April 2015 support this.

ECC Ecology

8.2 Thank you for consulting us on the above application. I have no objections.

The site comprises of an existing dwelling set in a managed garden. The building proposed for demolition is modern and appears to be intact, with very limited opportunities for bats to enter. I do not consider there to be a reasonable likelihood of bats using the property. In the unlikely event that bats are found during works to the building, an ecologist must be contacted immediately.

I welcome the opportunities for ecological enhancements post development.

ECC highways

8.3 The Highway Authority has no objections to this proposal as subject to conditions.

Thames Water

8.4 No objections.

9. REPRESENTATIONS

9.1 22 neighbours were informed. Consultation expired 16.04.15. 1 objection received.
Wickets

- 1) The proposed new property footprint is at least 100% larger than the existing property and is out of keeping with the other local residential buildings.
- 2) Approximately 50% of the proposed building extends beyond the building line.
- 3) The proposed cart lodge is, in addition to the new property, way beyond the building line.
- 4) There is a drainage ditch along the Northern boundary of the plot, not shown on the plan, which reduces the usable size of the building plot making the proposed new property even less practical/acceptable. As Uttlesford Council insisted our property, when it was built in 1986, must not extend beyond the building line I would expect the same rules to be applied to this application.

10. APPRAISAL

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

- A The principle of development of the site (ULP Policies S1 and H7);
- B Design and visual impact (ULP Policies H7 & GEN2);
- C Impact on adjacent residential amenity (ULP Policy GEN2).
- D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)
- E Nature Conservation (ULP Policy GEN7)

A The principle of development of the site (ULP Policies S1 and H7).

10.1 The site is located within the development limits for Clavering where, in principle, development will be permitted.

10.2 Policy GEN2 states that development should be compatible with the scale, form, layout and appearance of surrounding buildings and should have regard to guidance on layout and design adopted as supplementary planning guidance to the development plan. While Policy H7 states replacement dwelling will be permitted if in scale and character with neighbouring properties. The SPD on Replacement Dwellings expands on this and

specifies that dwellings must be lawful, structurally unsound or poorly constructed for a replacement dwelling to be acceptable. In addition replacement dwellings should be of a similar size to the dwelling to be replaced, take account of local character and the footprint should be similar.

10.3 The site accommodates an existing dwelling which is in a poor state of repair, is beyond economic repair and is not of historic or visual merit

10.4 In addition to the requirements of Policies GEN2 and H7 mentioned above the SPD also states that development should result in an enhanced building on the site. The proposed replacement dwelling is of modern construction using sustainable and renewable energy sources, in line with the SPD- Energy Efficiency and Renewable Energy Adopted October 2007 and the Code for Sustainable Homes.

B Design and visual impact (ULP Policies H7 & GEN2).

10.5 The proposed dwelling would be larger than the existing with a proposed ground floor footprint of approximately 170m². Whilst it is larger than the existing it is considered that given the allowance for extensions and development that would be allowed under permitted development rights, as well as the size of the plot and distances between neighbouring sites that the size is acceptable in this case.

10.6 The design of the new dwelling addresses the scale of the adjacent houses to the north and south, it would be set in from the boundaries and in particular on the boundary with Springcroft, which is a single storey dwelling, the dwelling has been designed to keep the height low at the point closest to it. The submitted street scene drawing demonstrates that the proposed dwelling would provide an appropriate transition between the neighbouring properties and would be compatible with the group as a whole.

10.7 The new dwelling has been set slightly forward however this follows the curvature of the road and remains broadly in-line with neighbouring properties. The plot is a deep one, the deepest in this group of dwellings and as such there is scope to re-position the dwelling. The large front garden remains and the general sense of space that exists in the street scene achieved by the separation between buildings and their deep open front gardens will be preserved.

10.8 The gables reflect the design details of the neighbouring dwellings and whilst the overall proposed design differs from the existing, it is of vernacular design and similar to neighbouring properties along this part of Hill Green. It is not considered therefore that the proposal is so out of keeping as to warrant refusal. Given the area is characterised by a mix of development styles with no conforming style, the proposed dwelling would not look out of place or be unduly prominent in the street scene. It would replace an unremarkable building with a more attractive property, more in keeping with nearby dwellings. It is considered that the design would not be out of keeping with the street scene or detrimental to the character and appearance of the street scene.

10.9 The Essex Design Guide recommends 100sqm of private amenity area for a dwelling of this size and this plot with a rear garden of 320m² is well in excess of that.

10.10 The site is sustainable with regard to the availability of public transport and services within walking distance. The erection of one replacement dwelling would not generate a volume of traffic that would impact on the surrounding transport network.

C Impact on adjacent residential amenity (ULP Policy GEN2).

10.11 With regard to the proposed replacement dwelling and its impact on residential amenity, the dwellings to both the north and south are at sufficient distance that there will be no overshadowing or overbearing impact. Apart from one first floor window on the side elevation, that serves an ensuite bathroom, there are no first floor windows proposed on the side elevations and while there are additional windows on the front and rear elevations it is considered that there is no significant detrimental impact on amenity with regard to overlooking, compared to what already exists.

D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)

10.12 The proposal would utilise the existing access into the site. Essex County Council Highways Department has no objection to the proposal subject to conditions. There is sufficient space within the site to provide sufficient parking to meet the Uttlesford Local Residential Parking Standards adopted December 2012.

E Nature Conservation (ULP Policy GEN7)

10.13 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. As part of the application a Biodiversity supporting statement and questionnaire was submitted and as part of the determination of the application the County Ecologist was consulted. The County Ecologist commented that the property to be affected is modern, appears tightly sealed and is unlikely to support bats and that there will be no impact on other habitats within the garden. The proposal complies with Policy GEN7.

11. CONCLUSION

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

A The proposed development is acceptable and complies with all relevant Development Plan policies.

12. RECOMMENDATION – APPROVAL WITH 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. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

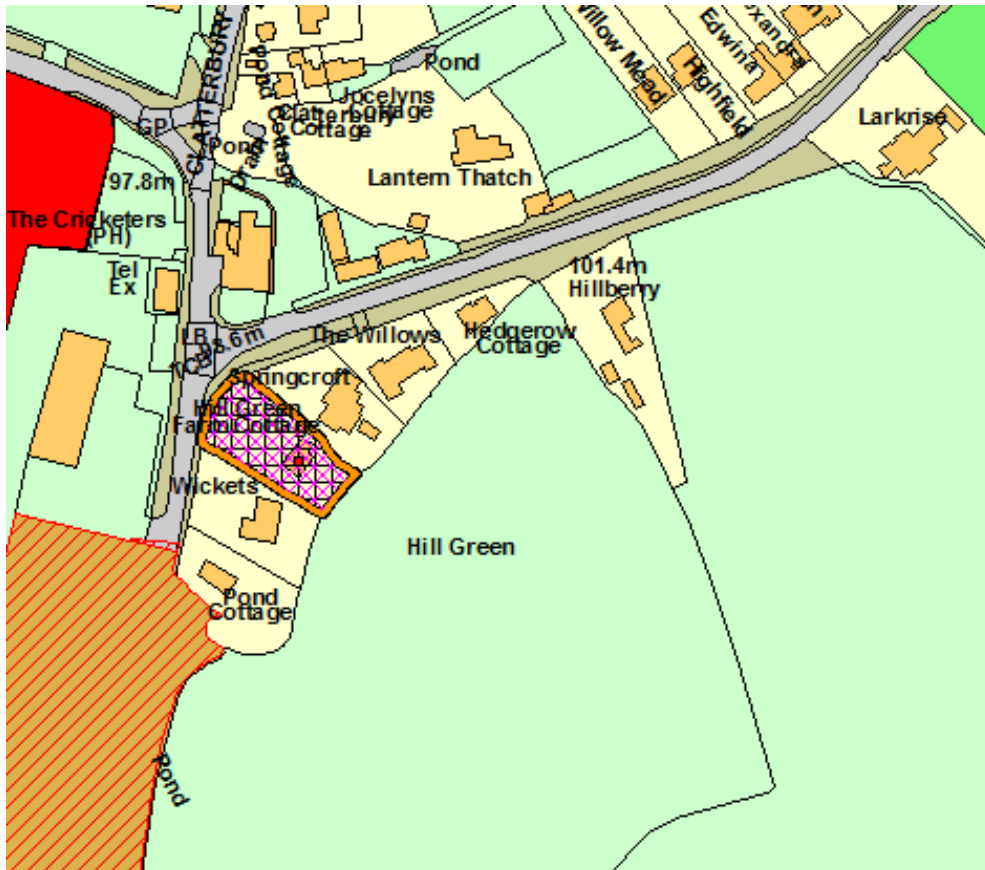
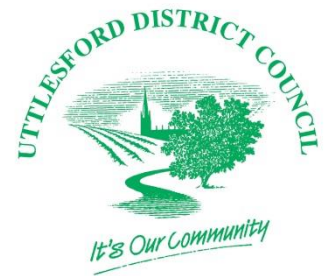
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005

3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

Application no.: UTT/15/0684/FUL

Address: Hill Green Cottage Farm, Clavering



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/15/0740/FUL – GREAT DUNMOW

Referred to Committee by Cllr Graham Barker: Concerns raised by businesses neighbouring the above site. Concerns raised that parking would not be adequate, resulting in overflow onto the road. Additionally, concerns were raised about the number of extra movements generated by the gym/physio.

PROPOSAL: Change of use from B2 Light Industrial to D2 Assembly and Leisure.

LOCATION: Unit 4, Zone A, Chelmsford Road Industrial Estate, Great Dunmow

APPLICANT: Mr Oliver Pemberton

EXPIRY DATE: 7th May 2015

CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Within development limits, Great Dunmow employment area.

2. DESCRIPTION OF SITE

2.1 The application site as outlined in red on the submitted block plan is located within the Chelmsford Road Industrial Estate within the town of Great Dunmow. Specifically the site is located along the northern boundary of the estate backing onto the residential properties located within Buckingham Court.

2.2 Located on the site is a modest size two bay double storey building externally finished from galvanised metal sheeting. The building is currently vacant although it has a lawful B2 (light industrial) use. Ancillary off street parking is located on the hard standing area to the front and side of the building.

3. PROPOSAL

3.1 Planning permission is sought for the change of use from part of the existing building from B2 (light industrial) to D2 (assembly and leisure) for the purposes of using the building as a gymnasium. The existing building is split into two bays and the proposed application only relates to bay 1.

3.2 The proposed change of use would not result in any external alterations to the building. The internally layout would generally remain the same however some small changes would be needed to bring the building up to the required specification to accommodate the new use.

3.3 The proposal entails a small gym that will have a maximum of 4 clients at any one time that will be used for one to one personal or group training sessions. It is proposed that clients would book on-line prior to the session to ensure that sessions are not overbooked and thereby restricting the number of people using the facility at any one time. It is also proposed to sell and distribute health and medical products ancillary to the gymnasium.

- 3.4 The proposed opening times for the gymnasium would be 6:30am to 9:30pm on weekdays and 7:30am to 12:30pm on weekends and bank holidays. The equivalent numbers of staff employed would be 6. A total of 19 off street vehicle spaces have been provided.

4. APPLICANT'S CASE

- 4.1 Along with the submitted application form and relevant plans, the applicant has provided a planning statement in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.
- 4.2 The applicant concludes that the floor space and layout of the unit is ideal for the proposed business and that it would also be able to provide sufficient parking for staff and clients. In addition it would re-vitalise a current disused unit and would not result in harm to amenities.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0469/76 - Proposed building offices warehousing and printing to serve M & B (Felsted) Ltd (approved with conditions)
- 5.2 UTT/0448/82 - Proposed addition (approved with conditions)

6. POLICIES

6.1 National Policies

Nation Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy S1 – Settlement Boundaries for the Main Urban Areas
Policy GEN1 - Access
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN8 – Vehicle Parking Standards
Policy E2 – Safeguarding Employment Land
Policy GD7 – Safeguarding of Existing Employment Areas

6.3 Supplementary Planning Documents

ECC Parking Standards (September 2009)
Uttlesford Local Residential Parking Standards (February 2013)

7. TOWN COUNCIL COMMENTS

- 7.1 Great Dunmow Town Council: - Supports the application.

8. CONSULTATIONS

- 8.1 There was no statutory requirement to consult internal or external consultees.

9. REPRESENTATIONS

9.1 The application was notified to 23 surrounding occupiers. One letter of objection was received at the time of writing this report. The concerns raised are summarised below:

- The parking around the industrial estate is already at breaking point and the proposal for a gym would compound the issue resulting in traffic congestion on surrounding highways.

10. APPRAISAL

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

- A Whether the principle of the development is appropriate (ULP S1, E2, GD7 and the NPPF);
- B Whether the design and appearance of the proposal is appropriate (ULP Policy GEN2 and the NPPF);
- C Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)
- D Highway safety and parking (ULP Polices GEN1, GEN8 and NPPF)

A Whether the principle of the development is appropriate (ULP S1, GD7, E2 and the NPPF);

10.2 Great Dunmow is considered to be a principle centre within Councils town centre hierarchy sequence. Chelmsford Road Industrial Estate is recognised as a key employment area defined within local policy GD7 and comprises a range of employment uses ranging from offices, light industrial and storage and distribution centres.

10.3 Paragraph 22 of the NPPF states that planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purposes. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals to support sustainable local communities.

10.4 Local policy E2 states that key employment areas as identified on local plan maps over 1 hectare in size within main urban areas such as Great Dunmow will be safeguarded from redevelopment or change of use to other land uses.

10.5 The applicant has provided evidence that the business unit has been marketed for sale and let since February 2014 from an estate agent. Although not a statutory declaration in itself, the statement provided does state that eighteen separate viewings have taken place since the property was on the market without any great success. The main feedback from potential occupiers was that the property provided an inappropriate layout as it had too much office space compared to the available area for storage or industrial purposes.

10.7 As such it is considered that sufficient evidence has been demonstrated that there is not a reasonable prospect to retain the site for the purposes to provide employment to sustain light industrial use.

10.8 The proposed change of use is considered to be minor in this instance and not a large scale development.

10.9 It would maintain employment within the site although be it in a different use and it ensure that the vitality and viability of the industrial estate and the town of Great

Dunmow is sustained. In addition it would prevent any dead frontage throughout the day preventing any anti-social behaviour.

10.10 Furthermore, the proposed change of use is of one that is of a sustainable development and within a sustainable location. When considered in the round, against the three-stranded definition in the Framework, the proposal would comply with the economic, social and environmental dimensions to sustainable development.

B Whether the design and appearance of the proposal is appropriate (ULP Policy GEN2 and the NPPF);

10.11 As there are no external alterations proposed to the building to accommodate the proposed change of use, there would not be a material change in circumstances from those of existing conditions in relation to the appearance of the building.

10.12 As such the proposed change of use would not result in harm to the character and appearance of the surrounding locality and thereby is in accordance with local policy GEN2.

C Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)

10.13 Due consideration has been given in relation to the potential harm upon the amenities of adjoining property occupiers in accordance with policies GEN2 and GEN4 of the Local Plan.

10.14 In terms of noise and disturbance it is noted that music would be played throughout the sessions however it is considered that the noise generated from the new use would be less of a hindrance in relation to the current lawful light industrial use upon the amenities of adjoining property occupiers. The same opinion is made with noise and disturbance generated from vehicle coming and going from the site. Although there might be more traffic due to the new use, it would not involve heavy goods vehicles if the building remained in its existing use.

10.15 It is considered that no excessive harm would come about as a result of the proposed use and as such it would be in accordance with policies GEN2 and GEN4 of the local plan.

D Highway safety and parking (ULP Policy GEN1 & GEN8)

10.16 As a result of the proposed change of use the adopted parking standards states that a maximum of 4 off street vehicle spaces would be required for the remaining light industrial unit within bay 2 of the existing building and 25 spaces for the gymnasium. The maximum total would therefore be 29 off street vehicle spaces. 19 spaces are proposed to accommodate both uses.

10.17 It should be noted that this is a maximum requirement and not a minimum. Given the sites sustainable location and taking into consideration the business plan of the proposal, it is considered that there is sufficient off street parking to accommodate both uses within the building as to avoid any overspill onto surrounding highways. As such it is considered that there would be no excessive harm in terms of highways safety and that the proposal is in accordance with policies GEN1 and GEN8 of the Local Plan.

11. CONCLUSION

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

- A The principle of the proposal is acceptable in that the new use would still provide opportunities for local employment although be it of a different use and it would ensure that the vitality and viability of the industrial estate and the town of Great Dunmow is sustained.
- B The proposal would cause no harm to the design and appearance of the existing building, the street scene and the surrounding area.
- C The proposal would not result in excessive harm to the amenities enjoyed by adjoining property occupiers.
- D Sufficient off street parking has been provided as not to result in an excessive overspill onto surrounding highways. There would be no harm to highway safety as a result of the proposal.

12. RECOMMENDATION – CONDITIONAL APPROVAL

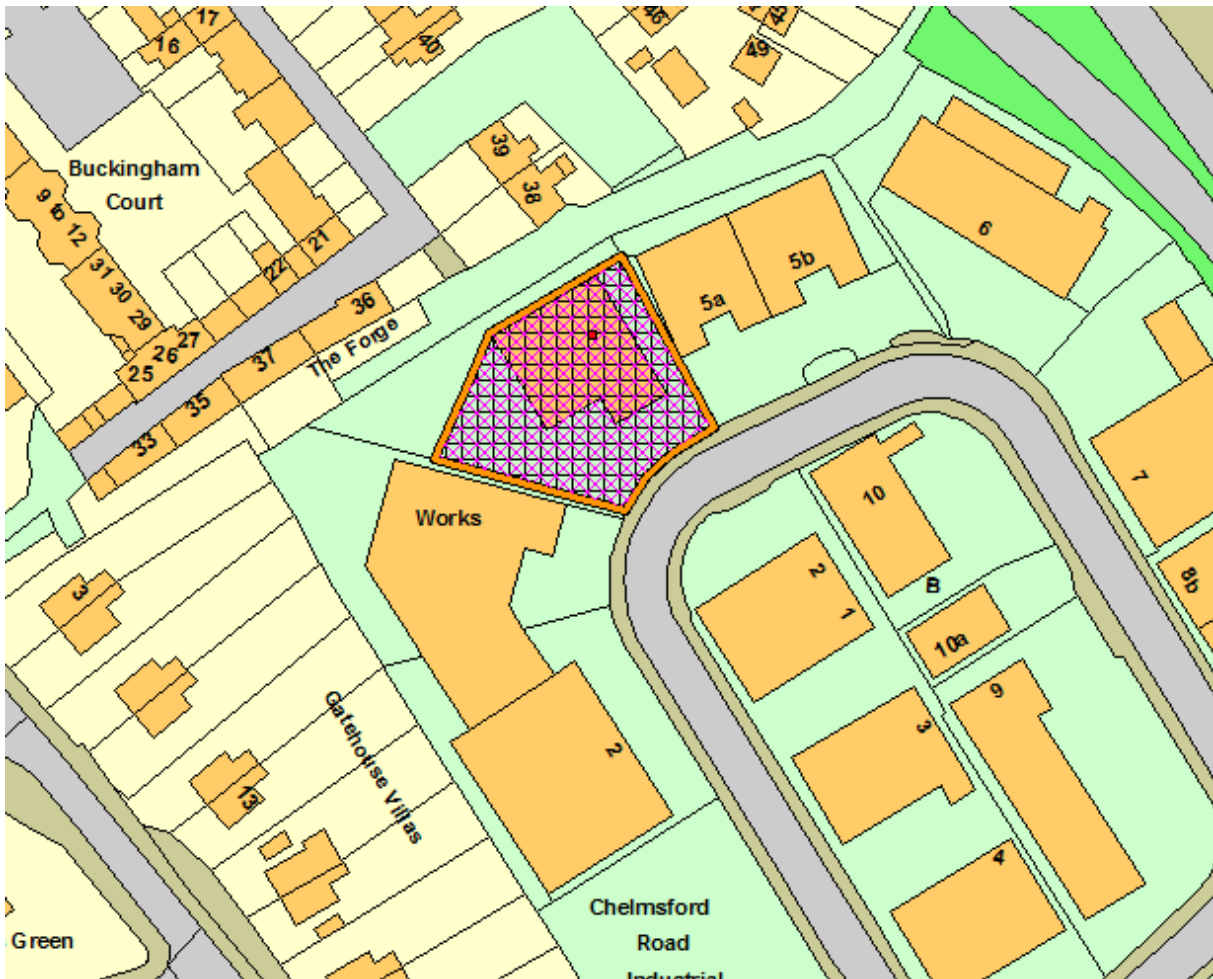
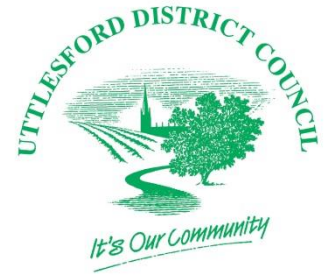
Conditions/reasons:

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

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

Application no.: UTT/15/0740/FUL

Address: Unit4, Zone A Chelmsford Road Industrial Estate, Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/15/0377/FUL (STANSTED)

(Referred to Committee by Cllr Salmon. Reason: Loss of light to neighbours, overshadowing, overbearing, tunnel effect, lack of parking provision, lack of amenity space)

PROPOSAL: Proposed partial demolition of 2 no. extensions, construction of 1 no. two storey extension and change of use from 1 no. residential unit and 1 no. shop to 3 no. apartments and 1 no. shop.

LOCATION: 42 Chapel Hill, Stansted.

APPLICANT: Mr Howard Berndes

AGENT: Mr James Coad

EXPIRY DATE: 7 April 2015, extension of time 17 June 2015

CASE OFFICER: Samantha Stephenson

1. NOTATION

1.1 Within Development Limits; Conservation Area.

2. DESCRIPTION OF SITE

2.1 The application site comprises a 2 storey red brick building located on the northern side of Chapel Hill on the corner of St. Johns Road. The building is a carpet shop with ancillary storage/office space to the rear on the ground floor and a residential unit on the first floor containing 3 No. bedrooms. The site frontage runs 7.5m along Chapel Hill and 25m up St. Johns Road. To the rear of the building are two extensions that are used as a garage and a small storage room off the kitchen. The site is on a hill and consequently the building is at a higher level compared to the neighbouring property No. 40.

3. PROPOSAL

3.1 The application proposes the partial demolition of 2 no. extensions, the construction of 1 no. two storey extension and change of use from 1 no. residential unit and 1 no. shop to 3 no. apartments and 1 no. shop. The proposal seeks to convert the building into 3 self-contained one bed apartments and retain the shop on the ground level. The side entrance will be retained allowing access for the private accommodation and will separate the shop from the rest of the property. This application has been revised following Officer advice to reduce the extension to the rear and to provide parking provision.

3.2 The scheme would have an additional ground floor footprint of approximately 6.7m² and an additional first floor footprint of approximately 34m². The footprint would be broadly in-line with the neighbouring dwelling No.40. The two storey structure would step down from the ridge height of the existing roof and matches the design of the original building with matching materials.

3.3 Four parking spaces are proposed to the rear of the building, one for the shop and three for the residential units, provision for cycle storage and bin store has also been

made. A rear garden for the ground floor flat is proposed with a rear garden approximately 30m².

4. APPLICANT'S CASE

4.1 Application supported by;

- Design and Access Statement
- Biodiversity questionnaire

5. RELEVANT SITE HISTORY

5.1 None.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

Policy S1 – Development limits for the Main Urban Areas

Policy H3 – New houses within development limits

Policy ENV1 – Design of Development within Conservation Areas

Policy RS2 – Town and Local Centres

Policy SM1 – Local Centres

Policy GEN1 - Access

Policy GEN2 - Design

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Uttlesford Local Parking Standards 2013

7. PARISH/TOWN COUNCIL COMMENTS

7.1 Members object strongly to this application on the following grounds:

1. No parking provision
2. Contrary to Policy GEN2 – Design, the proposal will have an adverse effect on the occupants of 40 Chapel Hill as a result of loss of daylight, over-bearing impact and over-shadowing.
3. We believe the development will create a “tunnelling” effect for the occupants of 40 Chapel Hill.
4. No outdoor amenity space for two of the apartments.
5. Out of keeping in the Conservation Area.
6. Potential over-looking of no. 4 St John’s Road.

For these reasons we believe that Cllr Salmon will call-in the application and request a site visit by members. We believe this is particularly important so that members will see the difference in ground levels between the application site and the neighbouring property at 40 Chapel Hill as we consider that this exacerbates the impact of the proposed development. Expired 21.4.15.

8. CONSULTATIONS

8.1 Access and Equalities Officer - As nothing has changed with regard to the internal layout from the original drawings since my comment, I would suggest that a condition for an accessibility drawing is provided prior to commencement to show compliance with the SPD on Accessible Homes and Playspace.
Expired 04.03.15.

8.2 ECC Highways - The Highway Authority has no objections to this proposal subject to conditions. Expired 04.03.15.

9. REPRESENTATIONS

9.1 27 neighbours were informed. Consultation expired 21.04.15. 7 objections received. Concerns regarding – lack of parking provision, design of extension, impact on amenity to no.40 Chapel Hill, impact of construction works on No.40 Chapel Hill, overlooking to no. 4 St. Johns Road, maintenance of private road, increase in volume of traffic, inadequate provision for waste and recycling for a commercial unit.

10. APPRAISAL

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

- A The principle of development of the site (ULP Policies S1, RS2, SM1 and H3);
- B Design and visual impact (ULP Policies H3, ENV1 & GEN2);
- C Impact on adjacent residential amenity (ULP Policy GEN2).
- D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)
- E Nature Conservation (ULP Policy GEN7)

A The principle of development of the site (ULP Policies S1, RS2, SM1 and H3).

10.1 The site is located within the development limits for Stansted and as such ULP Policies S1 and H3 apply. These are permissive policies where planning permission will be granted for development that is compatible with the settlements character.

10.2 In addition to this ULP Policy RS2 permits mix-use development including a residential element where

- a) It maintains or enhances their role as retail and service centres;
- b) It does not harm their historic and architectural character;
- c) It contributes to the diversity of retail and other commercial activity;
- d) It does not result in significant loss of houses or flats in the centres;
- e) It does not prejudice the effective use of upper floors as living or business accommodation.

While Policy SM1 enables development that would support Stansted's role as local centre and resists change of use of ground floor units to residential.

10.3 The proposal seeks to convert the building into 3 self-contained one bed apartments, one at ground floor and 2 at first floor and retain the shop on the ground level. Access to the shop will remain from Chapel Hill and the side entrance will be retained from St. Johns Road allowing access for the private accommodation, separating the shop from the rest of the property. The existing single storey extensions to the rear will be demolished to make way for a staggered two storey rear extension. Minor structural internal works to the existing building will be needed but no alterations to the front elevation will be made. It is considered that this proposal complies with Policies RS2 and SM1.

B Design and visual impact (ULP Policies H3, ENV1 & GEN2);

- 10.4 ULP Policy H3 requires, among other things, reasonable access to jobs, shops and services, this is a centrally located site and is considered to be a sustainable location. Although no amenity space is proposed for two of the 3 residential units, given the site's location in the near vicinity of green spaces and public amenity land this is considered to be acceptable in this instance. The proposed alterations to the exterior of the building to accommodate the apartments is considered to be compatible with the character of the settlement in this village centre location.
- 10.5 Policy GEN2 states that development should be compatible with the scale, form, layout and appearance of surrounding buildings and should have regard to guidance on layout and design adopted as supplementary planning guidance to the development plan. While Policy ENV1 permits development where it preserves or enhances the character and appearance of the Conservation Area. The existing rear extensions make little or no positive contribution to the Stansted Mountfitchet Conservation Area and are not of historic or visual merit, nor do they contribute to the appearance, character and setting of the original building. The proposed development of 42 Chapel Hill, with its matching design and materials will not only enhance the visible character of the existing building but improve the appearance of the building from St John's Road and tidy up this elevation. Views from the streetscene at Chapel Hill will be unaffected.
- 10.6 The gables reflect the design details of the neighbouring dwellings and whilst the overall proposed design differs from the existing, it is of vernacular design and similar to neighbouring properties along this part of Chapel Hill. It is not considered therefore that the proposal is so out of keeping as to warrant refusal. The proposed extension would not look out of place or be unduly prominent in the street scene. It would replace an unremarkable elevation with a more attractive one, more in keeping with nearby dwellings. It is considered that the design would not be out of keeping with the street scene or detrimental to the character and appearance of the street scene.
- 10.8 Taking all of the above into account, in this instance, it is not considered that the impact of the proposal on the visual amenities of the locality would be so great that permission could be refused on this basis.
- 10.9 The Essex Design Guide recommends 25sqm of private amenity area for a one bed apartment, the proposal allows a garden area for the ground floor flat of approximately 30m² which exceeds the standard. While there no amenity space proposed for two of the 3 residential units given the site's location in the near vicinity of green spaces and public amenity land this is considered to be acceptable in this instance.
- 10.10 The site is sustainable with regard to the availability of public transport and services within walking distance. The erection of one replacement dwelling would not generate a volume of traffic that would impact on the surrounding transport network.

C Impact on adjacent residential amenity (ULP Policy GEN2).

- 10.11 The design of the rear extension addresses the scale of the adjacent dwelling no. 40, and has been reduced in size and scale to minimise impact following Officer advice. The rear projection closest to the neighbour will not project further than the existing neighbours dwelling while the projection on the St Johns Road side extends no further than the neighbours rear projection. The application site is set higher than the neighbours with an existing tall wall on the boundary and there exists an element of overshadowing and loss of light currently, however the applicant has demonstrated by

use of the 45 degree rule that the extensions will not have a significant enough impact to warrant refusal in this case. While the neighbours ground floor window on the rear elevation will be affected there exists another window that serves this room that will be unaffected by the proposals. No additional windows are proposed on the side elevation facing no.40 (one rooflight is proposed) and while an additional window will be on the rear elevation at first floor level this is not considered to be significantly detrimental considering the existing situation on site, in addition any overlooking of any private garden area would be at an oblique angle.

10.12 With regard to the neighbour to the north, there is a distance of over 15m between elevations and while there is an additional rear first floor window it is considered that there is no significant detrimental impact on amenity with regard to overlooking, compared to what already exists.

D Access and Vehicle Parking Standards (ULP Policy GEN8 & GEN1)

10.13 The proposal would utilise the existing access into the site. Essex County Council Highways Department has no objection to the proposal subject to conditions. The proposal provides one parking space for the shop and three for the residential units, currently there is only the garage on site, the parking provision is therefore an improvement to the existing. Adequate parking provision is provided for all uses to meet the parking standard.

10.14 The site is sustainable with regard to the availability of public transport and services within walking distance. The provision of two additional residential units would not generate a volume of traffic that would impact on the surrounding transport network.

10.15 Neighbours comment on the congestion and parking issues that exist currently on Chapel Hill, this is an existing situation that the developer cannot address or indeed be expected to. It is considered that the parking provision provided on site is sufficient and that this proposal will not exacerbate this existing situation.

Furthermore, it is considered that the parking provision for the proposal is sufficient given its central location in the village, the fact that many customers would be local and therefore walk, the nearby public carpark and availability of public transport.

E Nature Conservation (ULP Policy GEN7)

10.16 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. As part of the application a Biodiversity questionnaire was submitted and the answers to the submitted biodiversity checklist and the Officer's site visit have shown that the proposed development would not have any impact on any protected species. The proposal complies with Policy GEN7.

11. CONCLUSION

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

A The proposed development is acceptable and complies with all relevant Development Plan policies.

12. RECOMMENDATION – APPROVAL WITH 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 the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005

3. All new brickwork to be formed in hand made soft red clay bricks laid in Flemish bond in accordance with details that shall be submitted to and approved in writing by the local planning authority before development commences, and thereafter be implemented in accordance with the approved details, and subsequently, the materials shall not be changed without the prior written consent of the local planning

REASON: In order to protect the character and appearance of the essential features of the Conservation Area in accordance with ULP Policy ENV1 and the NPPF.

4. New roof to be natural slate in accordance with details that shall be submitted to and approved in writing by the local planning authority before development commences, and thereafter be implemented in accordance with the approved details, and subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

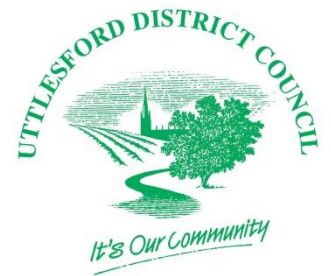
REASON: In order to protect the character and appearance of the essential features of the Conservation Area in accordance with ULP Policy ENV1 and the NPPF.

5. Before the development hereby permitted commences, an accessibility drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

Application no.: UTT/15/0377/FUL

Address: 42 Chapel Hill, Stansted



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

UTT/15/0782/HHF - RICKLING GREEN

(Referred to Committee by Cllr Parry Reason: if officers are minded to approve as this is a building in a Conservation Area. The proposed alterations will also result in a loss of privacy to neighbouring properties.)

PROPOSAL: Proposed first-floor rear and side extensions; dormer windows in front and rear elevations, rooflight in rear elevation and a new porch

LOCATION: Hedges, Rickling Green Road, Rickling Green

APPLICANT: Mr and Mrs C White

EXPIRY DATE: 5 June 2015

CASE OFFICER: Rosemary Clark

1. NOTATION

Within Development Limits, Conservation Area.

2. DESCRIPTION OF SITE

The application site comprises a single storey dwelling located to the rear of the properties that front Rickling Green Road. It is one of a pair of similar dwellings, attached by the garage buildings to the side. The property known as Pantiles (adjoined to application site) has been extended to the rear using the roof space to create first floor accommodation. Valentine Cottage further to the east is a more recently constructed dwelling granted permission in 2007. To the rear is the residential development of Hallfields, consisting of modest two storey dwellings, with the gardens backing onto the application site. There is a shared access drive with Pantiles and Valentine Cottage from Rickling Green Road. There is a parking space to the front of the garage and one across the front of the property. Mature hedging separates the application site from the properties fronting the road.

3. PROPOSAL

- 3.1 This application relates to proposed first-floor rear and side extensions. The rear extension will be jettied with a gable roof to provide a bedroom and the extension to the side will be built over the existing ground floor element to provide an ensuite. A rooflight is also proposed over the landing.
- 3.2 To the front roofslope two small dormer windows are proposed. One to serve a bedroom and one to serve an ensuite.
- 3.3 The application also includes the erection of an open porch.

4. APPLICANT'S CASE

- 4.1 No supporting statement was supplied with the application, however the applicant has responded to comments made regarding the application. Main points:-
- 2 Parking spaces will be provided, exclusive of garage space

- Height of roof of dormers and first floor extensions will not exceed the height of the existing roof
- No works proposed to a principle elevation that fronts a highway
- Distance and angles of dormers will ensure no substantial loss of privacy to neighbouring occupiers
- Two of the new dormers will serve non-habitable rooms and will be obscure glazed

5. RELEVANT SITE HISTORY

None

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- GEN2 – Design
- H8 – Home Extensions
- ENV1 – Conservation Area
- SPD1 – Supplementary Planning Document – Home Extensions
- GEN8 - Parking
- Uttlesford Parking Standards (adopted February 2013)

7. PARISH COUNCIL COMMENTS

- 7.1 The property sits within the conservation area and there appears to be no justification in the application for the scale of increase in accommodation.
- 7.2 There is inadequate parking and access. In particular, access for building contractors, if permission is granted, will be very difficult.
- 7.3 The proposed alterations will result in the property having an overbearing effect on the immediate neighbouring properties, which would also suffer a loss of privacy.
- 7.4 The proposal would result in a property of questionable appearance which, being within the conservation area is not appropriate.
- 7.5 We have received, we believe, contradictory advice from UDC regarding the absence of a DAS and for this reason we have requested that Cllr. Perry call in this application.

Officers Comments:

The issues raised will be dealt with in the report. However it should be noted that access for building contractors is not a material planning consideration.

8. CONSULTATIONS

Conservation Officer

- 8.1 Proposals are acceptable subject to confirmation of materials to be used. Property not overly visible from the highway thus there will be minimal impact on the character and appearance of the Conservation Area,

9. REPRESENTATIONS

9.1 11 Neighbours consulted – 2 responses received – main issues raised;

- Parking
- Loss of 2-3 bedroom properties
- Loss of privacy
- Impact of building works during construction

Officers Comments:

The issues raised will be dealt with in the report. However, the impact of building works during construction is not a material planning consideration.

10. APPRAISAL

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

- A Whether the proposed works would be of an appropriate design and scale, respecting the original dwelling and the Conservation Area (NPPF, ULP Policies GEN2, H8 and ENV1);
- B Whether the proposal would adversely affect the visual and residential amenity of neighbouring residents (NPPF, ULP Policies GEN2 and H8);
- C Whether the proposal would result in adequate parking provision (ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted February 2013))

A Whether the proposed works would be of an appropriate design and scale, respecting the original dwelling and the Conservation Area (NPPF, ULP Policies GEN2, H8 and ENV1)

10.1 Local Plan Policies H8 and GEN2 as well as the Supplementary Planning Document (SPD) – Home Extensions indicate that development should respect the appearance of the existing dwelling with regard to size, design and appearance, in addition the SPD requires that all development should respect the scale, height and proportions of the original house. Policy ENV1 permits development where it preserves or enhances the character and appearance of the conservation area.

10.2 The proposed works will only modestly increase the basic footprint of the dwelling with the addition of the porch to the front of the dwelling. The first floor rear extension will be jettied over the existing ground floor of the dwelling, and the side extension is to be constructed over the existing single storey ground floor element. The remainder of the increase in floor space will be incorporated in the existing roofspace, in the form of front and rear facing dormer windows.

10.3 The larger gabled dormer to the rear along with the smaller bonnet-gabled dormers have been simply designed and together with the addition of two gabled dormers to the front are considered to be subservient extensions to the original property.

Whilst the dwelling to the east is largely unchanged on the front elevation, it has been extensively enlarged to the rear. The adjacent property to Pantiles has similar styled dormers to the front and therefore these proposals would not be out of character with the surrounding properties, in accordance with Local Plan Policies H8 and GEN2.

10.4 Due to the location of the dwelling, tucked behind the properties fronting the highway on Rickling Green Road and the design of the proposals the development would not be harmful to the character and appearance of the Conservation Area in which it is located. The materials to be used will be controlled by condition to ensure they are suitable for a property within the Conservation Area, in accordance with Local Plan Policy ENV1 and NPPF.

B Whether the proposal would adversely affect amenity values of neighbouring residents (NPPF, ULP Policy GEN2 and H8)

10.5 Policies GEN2 and H8 of the Local Plan state that development should not have a materially adverse effect on the reasonable occupations and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

10.6 Due to the location and design of the proposal there are no concerns regarding overshadowing or overbearing impact on the occupiers of the neighbouring properties. Whilst the number of windows at first floor level will be increased, due to the distances and orientation of the properties to the front and rear the potential for overlooking will not be sufficient enough to warrant refusal of the application. The window in the west (side) gable will be omitted thus reducing the potential for overlooking or loss of privacy to the west, in accordance with Local Plan Policies GEN2 and H8.

10.7 Should the application be approved, the ensuite dormer window to the rear and bathroom window to the front roofslope would be conditioned to be obscure glazed thus further reducing the potential for overlooking.

C Whether the proposal would result in adequate parking provision (ULP Policy GEN8 and Uttlesford Local Parking Standards (adopted February 2013))

10.8 The plans indicate that the dwelling currently has the potential to be a 3 bedroomed property. As the existing bungalow has the capacity to be 3 bedroomed, there is no increase in the number of bedrooms in the proposed scheme. Therefore it considered that it would be unreasonable to request further details of parking provision. The existing garage is to remain, albeit not meeting the dimensions required by the Uttlesford Local Parking Standards (adopted February 2013), there is a parking space in front of the garage, as well as a gravelled area to the front, resulting in the required minimum of two parking spaces available within the site for a 3 bedroomed property. This is in accordance with the Local Plan Policy GEN8 and Uttlesford Parking Standards adopted February 2013.

11. CONCLUSION

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

- A The proposed extensions and alterations are subservient extensions respecting the original dwelling and would not be harmful to the character and setting of the conservation area and therefore are considered to meet the criteria of the relevant Local Plan Policies.
- B The proposals would not cause substantial overlooking or loss of privacy to occupiers of neighbouring residential properties in accordance with Policies GEN2 and H8 of the Uttlesford Local Plan (adopted 2005)

- C The proposals would be in accordance with the Uttlesford Local Parking Standards and Local Plan Policy GEN8 and it is considered that there would be adequate parking provision within the site.

12. RECOMMENDATION – CONDITIONAL APPROVAL

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 commencement of the development details of the materials to be used in the construction of the external surfaces of the proposal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

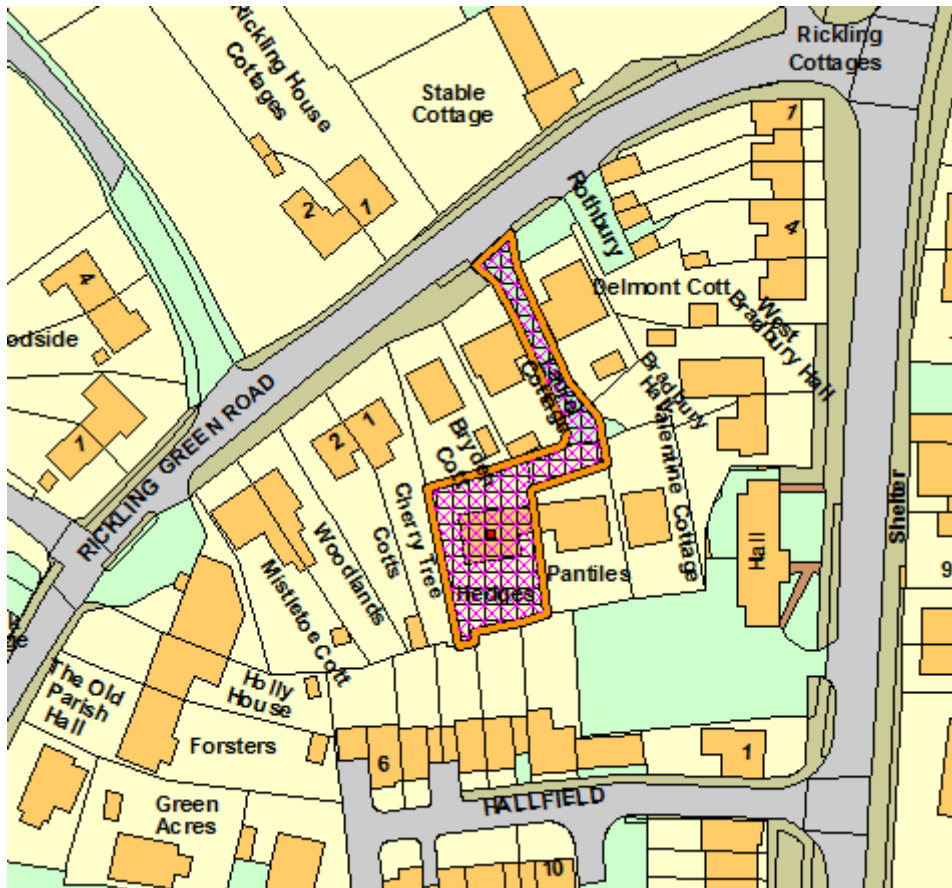
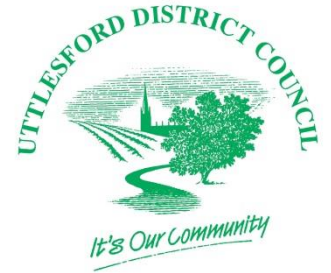
REASON: In the interest of the appearance of the development in accordance with Uttlesford Local Plan Policy GEN2 and ENV. It is considered that this pre-commencement condition goes to the heart of the grant of planning permission where it is essential that the details of materials are agreed prior to commencement of these works to ensure that no harm occurs to the character and appearance of the Conservation Area and in order to make the proposal acceptable, as it is not clear from the application what materials are to be used.

3. The windows to the bathroom and ensuite as indicated on drawing no CW/PL 05 Rev A shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

REASON: In the interest of the residential amenity of neighbouring properties in accordance with Uttlesford Local Plan Policies GEN2 and H8

Application no.: UTT/15/0782/HHF

Address: Hedges, Rickling Green Road, Rickling Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

SLA Number: 100018688

Committee: Planning

Agenda Item

Date: 3 June 2015

5

**Title: West of Woodside Way, Great Dunmow -
LPA ref UTT/13/2107/OP**

**Author: Andrew Taylor, Assistant Director Planning
and Building Control** Item for decision

Summary

1. Members will recall that this application was reported to Planning Committee on 29 April 2015 and before that on 12 February 2014. Members resolved to approve the planning permission subject to a S106 legal obligation.
2. At the last meeting the commencement condition was altered from 1 year to 3 years.
3. Since that meeting it has become clear that the condition as set out in the report was not in its full form and therefore for completeness the Committee is asked to consider the full condition 2 dealing with the commencement and submission of reserved matters.
4. The purpose of this report is to seek the Committees endorsement for this alteration.

Recommendations

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

It is recommended that condition 2 of the application read as follows:

(A) Application for approval of the first Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 year from the date of this permission.

(B) Application for the approval of further Reserved Matters for the subsequent phases of development as identified by the phasing plan shall be made to the local planning authority before the expiration of 9 years from the date of this permission. The subsequent phases of development hereby permitted shall be begun either before the expiration of 12 years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Financial Implications

- 5. None. There are no costs associated with the recommendation.

Background Papers

- 6. Report to Planning Committee 12 February 2014 and 29 April 2015.

Impact

7.

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

Situation

- 8. The matter was considered at Planning Committee on 29 April 2015 when the Committee resolved to grant planning permission for the development subject to a S106 legal obligation with a varied condition 2.
- 9. It has now become clear that the wording of the condition set before the Committee was not the full version. For clarity therefore the full condition is set out below and members are asked to consider this amendment.
- 10. The recommendation is that condition 2 be varied as follows to allow for the submission of the reserved matters to commence in accordance with the usual timescales and to be phased over a number of years due to the scale of the site:

- (A) Application for approval of the first Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 year from the date of this permission.
- (B) Application for the approval of further Reserved Matters for the subsequent phases of development as identified by the phasing plan shall be made to the local planning authority before the expiration of 9 years from the date of this permission. The subsequent phases of development hereby permitted shall be begun either before the expiration of 12 years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Conclusions

11. Officers consider that the clarification above provides a condition which is reasonable and that planning permission should now be issued, subject to the signing of the S106 obligation, with a varied condition 2.

Committee: Planning

Agenda Item

Date: 3rd June 2015

6

**Title: Tree Preservation Order No. 06/14
Elsenham Nurseries, Stansted Road,
Elsenham.**

**Author: Ben Smeeden
Landscape Officer**

Item for decision

Summary

This item seeks the Committee's consideration of objections received in respect of provisional Tree Preservation Order No. 06/14 Elsenham Nurseries, Stansted Road, Elsenham.

Recommendations

1. Tree Preservation Order No. 06/14 is confirmed with amendments.

Financial Implications

None

Background Papers

2. 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.

TPO No. 06/14 Elsenham.

Letters of objection dated 23rd and 30th December 2014.

Impact

- 3.

Communication/Consultation	Notice of TPO confirmation served on owner/occupier of land. Objectors advised of Committee decision.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

4. Provisional Tree Preservation Order No. 06/14 was made on 9th December 2015. The order covers woodland at Elsenham Nursery site [appendix 1].
5. The grounds of objection to the making of the order are summarised as follows: The full extent of the woodland as set out within the order does not have amenity value; there is no evidence that the site, or amenity value of the trees, were assessed prior to the order being made; 50% of the area covered by the woodland designation is open space; it is not expedient to make a TPO as the site is under good arboricultural management.
6. The site has been inspected by the Council's Landscape Officer and the amenity value of the trees assessed. It was considered expedient to make a provisional tree preservation order in the context of development proposals being brought forward for the site. There was found no evidence of active management of the woodland trees. Within parts of the woodland described in the order there are clearings. It is considered appropriate for the woodland designation to be amended to exclude these open areas and for two groups of trees, and two individual trees to be described [appendix 2].
7. The proposed amended first schedule of the TPO would include T1. Oak; T2. Oak; G1. 7 Oak, 1 Sycamore, 1 Ash, 5 Hawthorn; and W1. mixed deciduous woodland including Oak, Ash, Hornbeam, Cheery, Birch, and Beech.

8. 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.

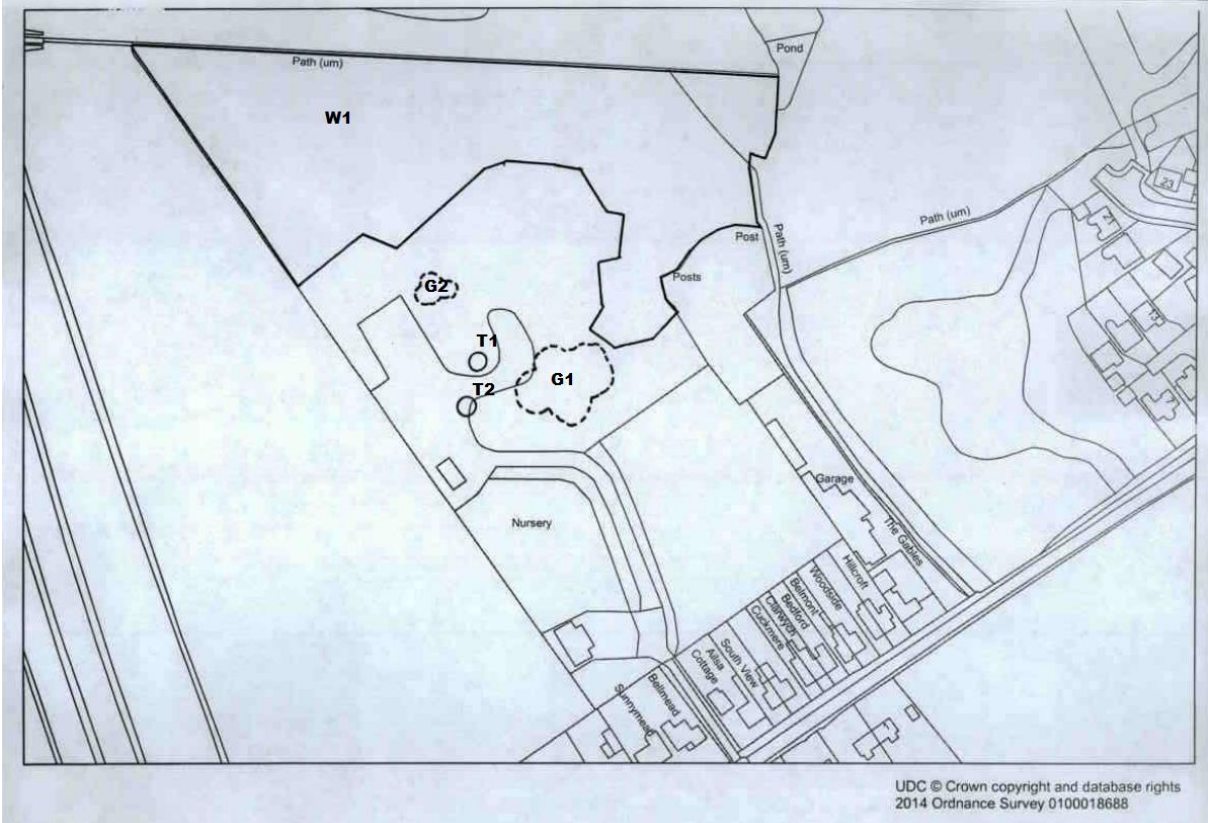
3 = Significant risk or impact – action required

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

Appendix 1: Location plan



Appendix 2: Amended TPO map.



Committee: Planning
Date: 3 June 2015
Agenda Item No: 7
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,	Application refused
2.	UTT/13/2839/FUL	16/01/2014	Mr and Mrs M Jones	Silverdale, The Street, Takeley	Planning obligation not required
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	Agreement sealed
5.	UTT/14/2003/FUL	15/10/2014	Ford Wells Development Ltd.	Moore's Garage, Thaxted Road, Saffron Walden	Application not being pursued at the moment
6.	UTT/14/3182/FUL	11/02/2015	East Thames Group	119 Radwinter Road, Saffron Walden	Negotiations continuing
7.	UTT/14/3357/FUL	11/03/2015	Pigeon Investment Management Ltd GAG373 ltd. GAG339 ltd	Land at Webb Road, Hallett Road, Flich Green	Draft agreement sent to applicant 1.5.2015
8.	UTT/14/3266/OP	11/03/2015	Ford-Wells Ltd	Wyndhams Croft, Whiteditch Lane, Newport	Agreement Sealed
9.	UTT/14/3770/FUL	08/04/2015	Bushmead Homes Ltd.	Stansted Motel & 2 Hamilton	Draft agreement sent to

				Road, Little Canfield	application 13.5.2015
10.	UTT/15/0395/FUL	29/04/2015	Churchill Retirement Living Ltd	Saffron Lodge, Radwinter Road, Saffron Walden	Negotiations continuing

Background Papers:

Planning Applications
Files relating to each application

FOR INFORMATION