

Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Tuesday, 25 August 2015
Time: 14:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors Robert Chambers, John Davey, Paul Fairhurst, Richard Freeman, Eric Hicks, John Lodge, Janice Loughlin, Alan Mills, Vic Ranger (Chairman), Howard Ryles.

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest.**
To receive any apologies for absence and declarations of interest

- 2 Minutes of the meeting held on 29 July 2015** 5 - 22
To receive the minutes of the previous meeting

- 3 Matters Arising**
To consider matters arising from the minutes

- 4 Planning Applications**

- 4.1 UTT/15/1086 OP Takeley** 23 - 36
To consider application UTT/15/1086/OP Takeley

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4.7	UTT/15/1884/FUL Langley	99 - 106
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5	Any other items which the Chairman considers to be urgent	
	To receive any items that the Chairman considers to be urgent	

MEETINGS AND THE PUBLIC

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

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

Present: Councillor V Ranger (Chairman)
Councillors J Davey, P Fairhurst, E Hicks, J Lodge, J Loughlin
and A Mills.

Officers in attendance: E Allannah (Senior Planning Officer), N Brown
(Development Manager), K Denmark (Development Management
Team Leader), S Marshall (Planning Officer), L Mills (Planning
Officer), C Oliva (Solicitor), J Pine (Planning Policy/DM Liaison
Officer), A Rees (Democratic and Electoral Services Officer) and
S Stephenson (Planning Officer).

PC13 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors R Chambers, R Freeman
and H Ryles.

*Councillor Mills declared a non-pecuniary interest in UTT/15/1076/FUL as the
applicant was known to him. Councillor Ranger declared a non-pecuniary
interest in UTT/15/1046/FUL as he had been a guest at an event held by
Hastoe Housing Association in 2011.*

PC14 MINUTES OF THE PREVIOUS MEETING

The Chairman signed the minutes of the meeting held on 1 July 2015 as a
correct record.

PC15 MATTERS ARISING

(i) PC10 – Planning Applications

Councillor Lodge referred to an incident that had occurred at the last meeting
when Councillor Freeman had been approached by a member of the public
following the consideration of application of UTT/15/0623/FUL Henham. He was
advised that it was not appropriate to raise this issue under matters arising as
the Planning Committee was a regulatory committee and only planning matters
should be discussed.

PC16 PLANNING APPLICATIONS

(a) Approvals

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

UTT/15/1615/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

Daniel Ratson spoke in support of the application.

UTT/15/1467/DFO Radwinter - Details following outline application UTT/1042/12/OP (for the erection of 35 dwellings with vehicular access) - details for appearance, landscaping layout and scale - Land Off East View Close and Walden Road East View Close for Enterprise Property Group Limited

Subject to the following additional conditions

- 5 No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting throughout the site is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the adopted Local Plan (2005).
- 6 No development shall take place until a Biodiversity Management Plan/ Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - a. A description and evaluation of features to be managed;
 - b. Ecological trends and constraints on site that might influence management;
 - c. Aims and objectives of management;
 - d. Appropriate management options for achieving the aims and objectives of the project;
 - e. Prescriptions for management actions;
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g. Details of the body or organisation responsible for implementation of the plan;
 - h. On-going monitoring and remedial measures.

The Plan shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development hereby permitted shall be implemented in accordance with the approved plan.

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

- 7 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (October 2013 and subsequent amendments) and the following mitigation measures detailed within the Flood Risk Assessment.

These mitigation measures can be summarised as:

- i. Limiting the discharge from the site during a 1 in 1 year event to 2 l/s, during a 1 in 30 year event to 3l/s and during the 1 in 100 year event + climate change to 3.5l/s.
- ii. Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.
- iii. The appropriate level of treatment for all runoff leaving the site, in line with table 3.3 of the CIRIA SuDS guide (C697).

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 prevent the increased risk of flooding, both onsite and offsite, and minimize the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with Policy GEN3 of the adopted Local Plan (2005).

- 8 The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development in accordance with Policy GEN3 of the adopted Local Plan (2005).

JUSTIFICATION: The impact upon flood risk can be immediate so it is considered proportionate that a scheme be agreed prior to any development on the site.

- 9 No development shall take place until the prior approval of a detailed drainage design in the form of plans and written explanation, in compliance with the above conditions, showing drainage for the highway and the development. The development shall be completed in accordance with these approved submissions.
REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy GEN3 of the adopted Local Plan (2005).

JUSTIFICATION: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoil's during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development

- 10 Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.
REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy GEN3 of the adopted Local Plan (2005).

Adam Halford spoke in support of the application.

UTT/15/0362/FUL Elsenham - Proposed erection of 6 dwellings with associated access, parking provision and landscaping - Elsenham Goods Yard (North), Old Mead Lane, Elsenham for Mr H Schneck.

UTT/15/1201/FUL Takeley - Erection of new dwelling and associated work - Land East of Bellstock, Molehill Green, Takeley for Mr James Salmon.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local

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

REASON: In the interests of the appearance of the development in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005). This pre-commencement condition is required to ensure the development is constructed in appropriate materials.

- 3 Notwithstanding the submitted details, prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-
- i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. hard surfacing materials;
 - iv. Soft landscape works shall include planting plans; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - v. 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). This pre-commencement condition is required to ensure the development is carried out using appropriate landscaping taking into account the safe operation of Stansted Airport.

- 4 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, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Councillor Bagnall spoke against the application. James Salmon spoke in support of the application.

UTT/15/1193/FUL Great Chesterford - The erection of 1 no.3 bed dwelling and alteration to access - Land North of Dabbs House, London Road, Great Chesterford for Mr Scott Cranfield

Subject to an amendment to condition 6 below

- 6 No development shall take place until the proposed private drive has been widened to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

Gemma Dudley, Peter Leveridge and Philip Kratz spoke against the application. Hilary Lock spoke in support of the application.

UTT/15/1076/FUL High Easter - Conversion of redundant farm building to dwelling - Tarr Potts, Slough Road, High Easter for Mr P Johnson.

Subject to the following conditions

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

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

- 2 Prior to the commencement of the development hereby permitted, samples of the external materials shall be submitted to and discharged by the Local Planning Authority. The development shall be implemented in accordance with these agreed details.

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

- 3 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 accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the countryside location in accordance with GEN2 of the Uttlesford Local Plan (adopted 2005).

Mark Jackson spoke in support of the application.

UTT/15/1655/HHF Ugley - Proposed lost conversion and single ground floor link extension to connect garden room to main house. Retention of existing

garage but with roof rotated 90 degrees and a new infill extension to front to form front entrance porch - 7 Patmore Field, Ugley for Mr R Warry

Robin Stretton spoke in support of the application.

(b) Approval with legal obligation

UTT/14/0127/FUL Great Dunmow - Planning application for the erection of 99 dwellings, including 40 percent affordable housing, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a children's play area, green corridors, associated parking and landscaping - Land South of Ongar Road, Ongar Road, Great Dunmow for Taylor and Ms J R Mortimer, Ms S M Staines and Ms C A Stoneman

RESOLVED that conditional approval be granted the above application subject to

1 the following revised 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 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.
- 3 Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: It is imperative that the details of materials are agreed before the development is commenced.

- 4 Prior to the erection of the development hereby approved full details of both hard and soft landscape works consistent with the

approved Landscape Strategy Plan 13.1705.01E and the Soft landscaping proposals Plan 13.1705.02 shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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

JUSTIFICATION: The future landscaping of this site could be prejudiced if development occurs before landscaping is agreed

- 5 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, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 6 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by Hannah Reed & Associates, reference C211058/MH/January 2014, and the following mitigation measures:

1. Limiting the surface water run-off generated by the 1 in 100 year storm event, inclusive of an allowance for climate change, so that it will not exceed the current run-off from the site of 10.76l/s.
2. Provide surface water attenuation on site for a volume of 1200m. in accordance with drawing number C-211058/110P3.
REASON: To accommodate storm events up to and including the 1 in 100 year with climate change AND To mimic the current discharge rates to ensure flood risk is not increased off site, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

- 7 No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The ongoing maintenance of the SUDS system needs to be secured before development, as initial development works can prejudice ongoing SUDS works.

- 8 Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A120 has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any dwelling is occupied.
REASON: In the interests of the amenity in accordance with Policies GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 9 The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement contained within the Ecology Update Report dated July 2013 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).

JUSTIFICATION: It is imperative that noise measures are addressed to ensure that they are in place before first occupation of the development.

- 10 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.

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

JUSTIFICATION: Matters of archaeological /heritage importance can be prejudiced if an appropriate scheme is not secure before any ground works.

- 11 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 the NPPF.

JUSTIFICATION: Matters of archaeological /heritage importance can be prejudiced if an appropriate scheme is not secure before any ground works

- 12 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 the NPPF.

- 13 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 confirmation of:

- planting and plant maintenance in the perimeter of waterbodies;
- measures to limit access during the development stage e.g. goose proof fencing surrounding all waterbodies;
- signs deterring people from feeding the birds;
- access to the site for representatives of Stansted Airport as required for the purposes of monitoring bird activity.

The Bird Hazard Management Plan shall be implemented as approved, prior to the start of development and remain in force for the life of the development. 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.

JUSTIFICATION: Matters of aviation safety can be prejudiced if matters are not addressed before development takes place. As matters related to the construction process can prejudice highway safety.

- 14 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).
- 15 No site clearance, preparatory work (including archaeological investigations) 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 of the first occupation of the development, 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).

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.
REASON: In the interests of protecting the character and amenities of the locality in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
- 17 The dwellings shall not be occupied until a means of vehicular, pedestrian and/or cyclist access has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
- 18 The garages and car parking spaces hereby permitted and shown on Planning Layout Plan 12/030/111E shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
REASON: In the interests of the highway safety and ease of movement and in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the ECC Parking Standards (adopted 2009).
- 19 Before development commences, a Construction Management Plan including any phasing arrangements and which includes:
a. adequate turning and off loading facilities for delivery/construction vehicles within the limits of the site
b. an appropriate construction access
c. an adequate parking area clear of the highway for those employed in developing the site
d. wheel cleaning facilities
e. dust suppression measures
f. visitors and contractors parking facilities
g. secure on site storage facilities
shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented on commencement of development and maintained during the period of construction.

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

JUSTIFICATION: By definition all construction method processes need to be agreed before the commencement of development.

- 20 Before development commences details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

JUSTIFICATION: It is imperative that the required highway improvements are carried out before any other development is carried out. The highway improvements will also minimise the impact of the construction phase of the development.

- 21 Before development commences the highway works as shown in principle on drawing number ITB6214-GA-010 Rev. G, to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/Lukin's Drive Roundabout along with amendments to the access arrangements for 1-7 Clapton Hall Lane shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To provide safe access 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).

- 26 Before occupation of any dwelling, the bridleway as shown in principle on Architectus drawing number 12/030/11A running from Ongar Road along the western and southern boundaries shall be provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: In the interests of highway safety, efficiency and accessibility

- 27 Before development commences cross-sections of the site and adjoining land, including details of existing levels around the buildings hereby permitted and any changes in level proposed, together with the proposed floor levels within the buildings, shall be submitted to and approved by the local planning authority in

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

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

2 and a legal obligation as follows

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

- (i) the provision of 40% affordable housing split 70:30 between rented units and shared ownership units
- (ii) to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years
- (iii) Maintenance Plan of SUDS system (if not adopted by statutory undertaker)
- (iv) Primary education contribution of £294,013.00
- (v) Secondary education contribution of £289,854.00
- (vi) Highway contribution of £27,183 toward improvements of the Hobblings junction
- (vii) Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops
- (viii) Healthcare contribution of £16,800.00
- (ix) Travel Plan
- (x) Council's reasonable legal costs
- (xi) Monitoring contribution

(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 28 August 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) Lack of contributions to essential healthcare and primary and secondary education facilities
- (ii) Lack of provision of 40% affordable housing
- (iii) Lack of open space and play equipment
- (iv) Lack of improvements to Hobblings junction, local bus stops
- (v) Failure to provide a Travel Plan

(vi) Lack of securing of ongoing maintenance of SUDS system

A recorded vote was requested and the voting was as follows

For: Councillors Hicks, Loughlin, Mills and Ranger

Against: Councillors Davey, Fairhurst and Lodge

Alan Storah, Dr Smita Price, Ann Dazell, Sandra Lloyd, William Lloyd and Councillor Milne spoke against the application. Hayley Ellison spoke in support of the application.

UTT/15/1046/FUL Little Hallingbury - Affordable housing development comprising 16 no. dwellings and associated vehicular access, pedestrian access, field access, roads and landscaping - Land at Dell Lane, Little Hallingbury for Hastoe Housing Association

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

- 1 the conditions set out in the report, an amendment to condition 3 as below and the removal of condition 10, which was to appended as a note to the decision notice
- 3 Notwithstanding the submitted drawings, details of hard and soft landscaping (including planting, hard surfaces, boundary treatment, external lighting and retained landscape features) must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must 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 must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the rural character of the area and in the interest of good design, in accordance with Policy S3 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

- 2 and a legal obligation as follows

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

- (i) secure suitable provision of affordable housing
- (ii) pay Council's costs of monitoring the maintenance of the approved sustainable drainage system
- (iii) pay Council's reasonable legal 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 28 August 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) Lack of suitable provision of affordable housing
- (ii) Lack of payment of Council's costs of monitoring the maintenance of the approved sustainable drainage system

*Nigel Bennet, Ian Woods and John Cowper spoke against the application.
Freda Townsend and Ulrike Maccariello spoke in support of the application.*

(c) District Council Development

RESOLVED that pursuant to the Town and Country Planning (General) Regulations 1992, permission be granted/refused for the developments proposed subject to the conditions in the Officer's report

UTT/15/1745/NMA Saffron Walden - Non Material Amendment to UTT/14/2514 – Brick detail removed from brick plinth. Columns to porches removed - Garage site at Catons Lane, Saffron Walden

UTT/15/1722/LB Saffron Walden - The proposal seeks consent to cut out internal doorway in emergency centre wall, remove internal dividing wall and build new wall creating a larger office space - Council Offices, London Road, Saffron Walden, CB11 4ER

PC17

SECTION 106 OBLIGATIONS: FINANCIAL CONTRIBUTIONS HELD BY THE DISTRICT COUNCIL

The Planning Policy/DM Liaison Officer presented his report on the Section 106 financial contributions held by the Council. Since last year's report the Council had collected around £2.731 million in contributions from developers. Just over two thirds of this total was for education.

In March 2014, the previous Government issued Guidance which stated that contributions should not be sought from developments of 10 units or less. There were over 20 existing obligations for such developments where affordable housing contributions were required, but development had not yet started. The Council could no longer collect these contributions which would have totalled £1.57 million.

The Council had taken part in a Local Government Association survey which looked at the impact of the new thresholds. The responses to the survey were currently being analysed by the LGA and a report was due to be published shortly.

In response to a question, it was explained that the County Council was not always required to be a signatory, sometimes the District Council acted as the sole signatory in order to speed up the process. The Solicitor added that the County Council acted as a signatory when required to.

The report was noted.

PC18 **PLANNING AGREEMENTS**

The Committee received the list of outstanding Section 106 agreements.

The meeting ended at 4.45pm.

UTT/15/1086/OP - TAKELEY

MAJOR

PROPOSAL: Outline application for the erection of a multi-deck car park with all matters reserved

LOCATION: Site 500 Coopers End Road, Takeley

APPLICANT: Mr T Jurdon AP27 Limited

AGENT: Mr T Jurdon AP27 Limited

EXPIRY DATE: 22 July 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Within Airport Development Limits – area AIR3 – Development in the Southern Ancillary Area

2. DESCRIPTION OF SITE

2.1 The application site is located adjacent to Bassingbourn Roundabout between Thremhall Avenue and Bassingbourn Road. Endeavour House and an open air car park are located to the north east. On the opposite side of Bassingbourn Road there is mature hedging to the site served by Long Border Road and Taylors End Road, with the units on that site not being readily visible from Bassingbourn Road.

2.2 There is a large swathe of landscaped area adjacent to Thremhall Avenue with airport car parks beyond. To the south of Bassingbourn Roundabout are the Holiday Inn Express and Premier Inn hotels.

2.3 The application site is a grassed area with a bund adjacent to Bassingbourn Road and Thremhall Avenue. The site is 2.3 hectares and is a triangular shape. There is a hammer head into the site adjacent to Endeavour House, located at the end of Coopers End Road.

3. PROPOSAL

3.1 The proposal relates to and outline application for the erection of a multi-deck car park with all matters reserved. The indicative information submitted with the application indicates a “semi-elliptical shaped structure responding directly to the shape of the site and elegantly curving around the principal vista from the roundabout”. The indicative plans indicate that 682 standard parking bays could be provided over 6 floors. The building could be approximately 16 metres above ground level.

3.2 The indicative plans show that the earth bund and existing hedge would remain. There would be an office and bus pickup point on the ground floor.

4. APPLICANT'S CASE

4.1 The application has been submitted with the following documents:

- Planning, Design and Access Statement
- Habitat Survey
- Archaeological Evaluation
- Flood Risk Assessment
- Transport Assessment

4.2 Conclusion of Planning, Design and Access Statement

- The proposal accords with the principles of sustainable development as set out in the NPPF as well as the policies of the adopted development plan/recently withdrawn plan and should be considered favourably.
- The parallel application for an Endeavour House 2 airport office building within the car park of Endeavour House effectively frees up Site 500 for alternative airport use and makes more efficient use of land within the airport. The design and scale of the proposed car park would be determined at reserved matters stage and would be largely fringed by the existing bund around the boundaries to the main roads supplemented with tree, shrub and groundcover landscaping to provide a significant green screen to the building.
- Traffic using the site would be spread throughout the operating hours of the airport rather than being concentrated in the am and pm peak periods with access via the existing roundabout access off Coopers End Road. Provision of cheaper, convenient on-airport parking outside the control of the monopoly owner will assist in diverting airline passengers from the kiss and fly mode which is the most inefficient way of accessing the airport as it normally involves 4 journeys compared with 2 for car park users. The positive benefits of allowing an independent car park operator at Stansted Airport, where a near monopoly of airport car parks operates, are significant, and should be accorded appropriate weight in the determination of the application.

4.3 Conclusions of Phase 1 Habitat Survey

- The Phase 1 Habitat Survey identified the habitats present within the proposed extension red line boundary at Cooper End Road, Stansted Airport. The land largely consists of well-maintained poor semi-improved grassland with an intact well maintained hedgerow along the northern boundary. Two juvenile trees are also present within the hedgerow boundary. Areas of temporary flooding were observed on the site during the walkover as a result from the recent bad weather.
- The Phase 1 Habitat Survey identified habitats within the proposed extension land that were suitable for some protected species. However, the client has confirmed at the time of writing this report that habitats suitable for protected species would not be directly or indirectly affected by the proposed development.
- Measures are identified to safeguard suitable habitats on the extension site during construction/operational phases and protected species known to be within the local area.

5. RELEVANT SITE HISTORY

- 5.1 The application site is included in the extensive history associated with the development of Stansted Airport.

- 5.2 UTT/0717/06/FUL – Extension to the passenger terminal; provision of additional aircraft stands and taxiways, aircraft maintenance facilities, offices, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation; extension to the passenger terminal; alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure as permitted under application UTT/1000/01/OP but without complying with Condition MPPA1 and varying Condition ATM1 to 264,000 ATMs. Refused. Allowed on appeal
- 5.3 UTT/1000/01/OP – Extension to the passenger terminal; provision of additional aircraft stands and taxiways; aircraft maintenance. Conditional approval.
- 5.4 UTT/1320/98/DFO – Phase 2 expansion of Stansted Airport from 8 to about 15mppa incorporating terminal extensions, 2 satellite buildings, apron and taxiway extensions (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities, distributor roads and extra car parking. Conditional approval.
- 5.5 UTT/0511/98/FUL – Erection of office building and associated car parking. Conditional approval

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- AIR3 – Development in the Southern Ancillary Area
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

7.1 Objection.

- Extra parking is both unnecessary and an unwelcome development for local residents. The evidence given by the applicant for the need for extra parking appears slight. Approval already exists for 42,700 spaces within the airport perimeter - a figure which goes back to the 25mppa application and was not increased when approval was given for 35mppa because BAA did not ask for any increase.
- Shuttle buses would be necessary to transfer people to the terminal building from this proposed car park; therefore 'kiss and fly' is extremely unlikely to be reduced.
- It significantly does not provide the airport and the train station with any short term parking which could possibly be a benefit to local residents.
- TPC does not believe it would deter fly parking; the main cause of which is high parking charges compared with cheap flights at the airport and poor enforcement action, rather than any lack of parking.
- The proposed car park is a 16 metres high building on a 5.7 acre site with a footprint about 8 times larger than the adjacent Endeavour House. This is a major concentration of building development and an example of incremental airport expansion.

- The building will be a blot on the landscape.
- In view of its position on high ground, if approved, TPC would advocate a 'slab level' condition is imposed.
- Suitable landscaping should be employed to disguise the structure.
- A condition of any planning approval should ensure that the 'living wall' is properly maintained.

8. CONSULTATIONS

Airside OPS Limited

- 8.1 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.

Environment Agency

- 8.2 No comment to make.

ECC Education

- 8.3 A S106 education contribution will not be requested.

ECC Highways

- 8.4 This application is for an additional car park within Stansted Airport and the primary impact will be on the road network, which is the responsibility of the airport, and on the strategic network (M11 and A120), which is the responsibility of Highways England, who have been consulted separately. The impact on the roads that are the responsibility of the Essex Highway Authority will be more dispersed and therefore limited. It is argued in the transport assessment that there is potential for 'Kiss and Ride' trips to be reduced by this application and while the Highway Authority agrees that there is merit in this argument, there is also the potential for the proposal to reduce the use of sustainable travel to the airport therefore a condition is proposed that will support sustainable transport to the airport and help to offset any potential impact on the network.

Highways England

- 8.5 Offer no objection.

NATS (En-Route) plc

- 8.6 Following a technical assessment, NERL has determined that the development has the potential to affect the operation of its Secondary Surveillance Radar (SSR) located at Stansted Airport. This SSR is utilised by both Stansted Airport, as well as the NATS ATC centre located at Swanwick, Hants and which provides an En-route and a Terminal air traffic control service. NATS has assessed the proposal and is satisfied that the location and nature of the proposal has the potential to affect the SSR's operation. However, insufficient details are currently available to accurately model and formally respond to the Planning Authority either supporting or objecting to the development. As such, NATS believes that an acceptable way forwards would be to impose a planning condition on any outline consent. This approach will ensure that the safety of air traffic is not negatively affected as any impact due to the development can

either be discounted or identified and addressed together with the applicant. Accordingly, NATS has no objection to the development, subject to a condition requiring the submission of detailed plans of the proposed buildings and a scheme to mitigate any detrimental impact upon the Stansted S10 SSR Radar.

ECC Flood & Water Management

- 8.7 Having reviewed the revised FRA dated June 2015 undertaken by Cole Easdon Consultants Ltd in response to our original objection, it is now considered that a drainage scheme has been proposed which demonstrates surface water management is achievable in principle, without causing flooding on-site or elsewhere. We therefore support the granting of outline planning permission, subject to a condition requiring the submission of a detailed surface water drainage scheme for the site.

Essex Police

- 8.8 Essex Police would not have any intrinsic objections to this development. However, we would seek to recommend that when full application is made that in the interests of good order and crime prevention that the car park must achieve and retain accreditation to safer parking award (Park Mark) the safer parking scheme. This is a national crime prevention initiative of the Chief Police Officer of the UK; and is aimed directly at reducing both crime and the fear of crime within and around parking facilities. This would fall in line with all the other main car parks at the airport site which include long, short and mid stay car parks, hotel car parks as well as valet parking. The car park of Endeavour House alongside the site is also accredited to the scheme. It is the opinion of Essex Police that if this one site was not included in the scheme it would be more vulnerable to crime.

8.9 London Stansted Airport

No objection in principle. The applicant's justification for the car parking concerning issues of 'competition' at paragraph 6.9-6.12 in their statement is neither based on matters of fact nor fully substantiated. Competition itself is not a planning matter, nor is resolving competition issues a core principle of the NPPF as the applicant's state. Specifically, matters of competition in airport parking should not be blurred with 'need' in attempting to address sustainable access to the airport.

Any approval of this application should be subject to the transport levy that is applied to the on airport car parks. Irrespective of ownership, this will be an on-site car park; it will directly impact on initiatives that encourage the maximum number of passengers to utilise public transport. The application is made on the basis that it is '*likely* that meet and greet parking will predominate'. This is not certain and nor is the applicant proposing that the site will be restricted to such an operation; the car park could easily be used as a self-park site. The applicant has not approached the airport to discuss the matter either. As a result it is not possible to conclude that both the forecourt charge and levy would be paid, it follows that this is not a reason that the development should be exempt from a form of levy agreement.

The Aviation Policy Framework and the NPPF provide sustainable access policy basis for a levy for public transport. Reducing kiss and fly traffic at the airport is achieved through a combination of on-site car parking provision and quality public transport, as detailed in the airport's transport strategy. Continued investment and improvement in public transport is required to achieve the target of 50% mode share as passenger numbers increase. The granting of on-site car parks that do not contribute to public transport would undermine the ability to deliver the sustainable access strategy for the

airport. The car park should be subject to a S106 agreement for a levy as a result, the details of which will need to be resolved.

9. REPRESENTATIONS

- 9.1 This application has been advertised and no representations have been received. Notification period expired 21 May 2015.

10. APPRAISAL

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

- A Is the proposed development appropriate for this location (ULP Policy AIR3, GEN2; NPPF)
- B Access to the site is appropriate (ULP Policy GEN1)
- C Flood risk issues (ULP Policy GEN3; NPPF)
- D Ecological issues (ULP Policy GEN7; NPPF)

A Is the proposed development appropriate for this location (ULP Policy AIR3, GEN2; NPPF)

- 10.1 The application site is located within the area designated as AIR3 in the adopted Local Plan. This policy seeks to ensure development within this area is in relation to activities directly related to, or associated with the Airport. There are no implications to this policy in terms of its compatibility with the NPPF. Paragraph 19 of the NPPF seeks to ensure the planning system supports sustainable economic growth.
- 10.2 The London Stansted Airport “Sustainable Development Plan 2015: Land Use” and “Surface Access” documents set out the long term vision in respect of accessibility and parking for the airport. This sets out the hierarchy of preferred means of access to the airport with public transport the preferred means, followed by on-site parking and then ‘kiss and fly’.
- 10.3 The “Surface Access” document acknowledges that on-site parking generates half the road journeys of ‘kiss and fly’ or taxi trips. It can therefore help in managing road traffic and reducing congestion and carbon emissions. The “Land Use” document reiterates this point and the fact that the provision of adequate road access and an appropriate level of car parking within the airport boundary to meet future demand will be required.
- 10.4 Both documents state that in some cases parking on site competes with public transport; offering choice and competition. In other cases, it is the only viable alternative to kiss and fly and taxi. The airport’s long term strategy is to potentially consider one or two level decking of long stay car parks in order to handle the growth and demand and contain it within the site. Overall it is expected that the current parking provision of just over 26,200 passenger spaces will increase to between 45,000 and 55,000 spaces. This provision is likely to satisfy growth to both 35mppa and beyond to 40-45mppa.
- 10.5 As part of the surface access strategy the airport has created a transport fund which is funded by car park transactions within the airport. This fund is used to fund local transport development and increase public transport use by passengers and employees. As stated above, the use of public transport is the favoured form of surface access within the surface access hierarchy. This is due to the sustainability benefits of this means of access.

- 10.6 The applicant argues that the proposed car park would result in a reduction in the unsustainable 'kiss and fly' access to the airport. As acknowledge above, the increase in on-site parking provision can reduce this type of access choice. Currently the majority of parking provision within the airport boundary is operated by the airport operator.
- 10.7 The applicant also argues that the Council's adopted policies, in particular Policy T3, which seeks to prevent airport parking proposals outside of the airport boundary, prevent competition. This issue was considered by the Planning Inspector in relation to an unauthorised use operating at the M11 Business Park. The Inspector concluded, *"Even so, while I have had regard to the Appellants' wider evidence on such issues, there is insufficient (sic) before me to enable me to conclude that the application of Policy T3 is unfairly preventing competition with the airport operators' chosen providers."* This policy doesn't prevent competition within the boundary of the airport, it seeks to protect the character of the countryside and thus maintain the principle of Stansted Airport being an airport within the countryside.
- 10.8 The area designated under Policy AIR3 is for ancillary uses, including car parking. Therefore the principle of the development in this location is considered acceptable. However, any such parking provision would need to contribute towards the Airport's Sustainable Development Plan. Therefore, if planning permission were to be granted the applicant would need to contribute to the Passenger Transport Levy.
- 10.9 In terms of the design approach to the proposed car park, issues have been raised by NATS (En-Route) plc regarding the potential size and location of the building and the potential impacts on the safe operation of the radar. Therefore a condition would be required to ensure that a scheme is developed that would not result in adverse impacts on the radar, or appropriate mitigation measures are identified and incorporated into any reserved matters application.
- 10.10 The indicative proposals indicate a 6 storey decked car park with a living wall and potentially a media wall. As this is an outline application with all matters reserved the proposed indicative design approach may not follow through to a reserved matters application, particularly in view of the concerns raised by NATS (En-Route) plc.
- 10.11 Overall it is considered that the provision of a decked car park would represent an efficient way of increasing on-site parking provision, increase the range of services on offer, increasing competition, subject to an appropriate design and the applicant joining the transport fund.

B Access to the site is appropriate (ULP Policy GEN1)

- 10.12 The application site is located within the airport and access is via the airport road infrastructure which is accessed via the A120, M11 and other local roads. A Transport Assessment has been submitted with the application. This states that the introduction of a 4000 space multi-storey car park will actually result in a reduction of traffic on the road network as airline passenger parking at the airport generates a total of 2 trips (1 to and 1 from the airport) and that this will generally replace "kiss and fly" where taxis or friends or family drop off the passenger(s) for their departing flight and then return to pick them up from their return flight, resulting in a total of 4 trips to and from the airport.
- 10.13 The Transport Assessment then attempts to quantify the number of vehicular movements likely to be associated with the proposal. It is considered that arrivals and departures are likely to take place between 05.00 and 24.00 hours, around the scheduled departure and landing of passenger flights. The terminology within the

statement is ambiguous where it states that 1000 cars are likely to be parking and leaving the site each day. It is unclear whether this actually represents 2000 vehicular movements per day (1000 in and 1000 out).

10.14 The Transport Assessment has been considered by ECC Highways Department and Highways England who raise no objections to the proposals. ECC Highways have requested a condition requiring the applicant/operator to make contributions to the sustainable transport fund.

10.15 The Aviation Policy Framework sets out the following requirements:

- 1.96 – greater use of low carbon modes to access airports also has the potential to reduce CO2 emissions, as well as leading to less congestion and improved air quality
- 4.17 – The primary role of Airport Transport Forums is to serve local communities through
 - Identifying short and long term targets for increasing the proportion of journeys made to airports by public transport
 - Devising a strategy for meeting these targets; and
 - Overseeing the implementation of the strategy
- 4.20 – Recommends that ATFs produce airport surface strategies to set out the above

10.16 The Airport's Sustainable Development Plan "Surface Access" identifies that Stansted is a leading UK airport for public transport use. The Airport operators are committed to working jointly with their partners through the Stansted Area Transport Forum to support the delivery of national and local policies that seek to encourage travel by the most sustainable mode. As previously discussed, the Surface Access document sets out the hierarchy for access to the airport with public transport the most favoured, followed by on-site parking and then "kiss and fly".

10.17 In order to deliver the Airport Surface Access Strategy a Passenger Transport Levy has been established which collects an average of 21p per public car parking transaction plus £10 per employee parking pass issued. These funds are used by the Airport Transport Forum to fund specific transport infrastructure schemes.

10.18 Without the applicant/operator signing up to the sustainable transport fund there would be a competition advantage which would do little to reduce the less sustainable means of accessing the airport. Without contributing to the sustainable transport fund there would be no mitigation for the increased on-site parking, despite the fact that the applicants claim that this would significantly reduce the least sustainable form of access by "kiss and fly".

10.19 It is considered appropriate to require the applicant/operator to contribute to the sustainable transport fund, and this can be secured by S106 Legal Obligation. On this basis the proposal is considered to comply with Policy GEN1.

C Flood risk issues (ULP Policy GEN3; NPPF)

10.20 The application site is located within Flood Zone 1 and therefore has a low risk of flooding. The site is predominantly brownfield land and the Flood Risk Assessment states that the proposed development will not introduce additional impermeable surfaces.

10.21 The scheme has been designed around the principle of incorporating SUDS within the proposals, including a gravel filled trench around the car park perimeter discharging to a below ground storage tank which will be designed to attenuate and convey post development runoff to the existing airport surface water drainage system.

10.22 The proposals have been considered by the ECC Flood and Water Management Team who raise no objections subject to a condition requiring the submission of a detailed drainage scheme at reserved matters stage. The proposals therefore comply with Policy GEN3.

D Ecological issues (ULP Policy GEN7; NPPF)

10.23 The application site is predominantly a managed greenfield site with a grassed bund around two sides and a hedgerow adjacent to Coopers End Road. These two elements have the potential to support some protected species. Recommendations are set out in the Phase 1 Habitat Survey for mitigating any potential, albeit slight, impacts on protected species.

10.24 Following the advice set out in Natural England's Standing Advice for protected species it is not considered that the proposals would result in adverse harm. Therefore, subject to the implementation of the mitigation measures as set out in the Phase 1 Habitat Survey, the proposals comply with Policy GEN7.

11. CONCLUSION

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

- A Overall it is considered that the provision of a decked car park would represent an efficient way of increasing on-site parking provision, increase the range of services on offer, increasing competition, subject to an appropriate design and the applicant joining the transport fund.
- B The proposals are considered acceptable by Highways England and ECC Highways, subject to the applicant/operator signing up to the sustainable transport fund, which can be secured by way of a S106 Legal Obligation.
- C The proposals have been considered by the ECC Flood and Water Management Team who raise no objections subject to a condition requiring the submission of a detailed drainage scheme at reserved matters stage.
- D The proposals would not result in adverse harm on protected species, subject to the implementation of the recommendations set out in the Phase 1 Habitat Survey.

12 RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder enters into a binding obligation to cover the matter set out below under S106 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) Committing to paying the Passenger Transport Levy**
- (ii) Pay the Council's reasonable legal 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 23 September 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reason:
- (i) Lack of commitment to pay the Passenger Transport Levy

Conditions/reasons

1. Approval of the details of the layout, access, 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. Development shall not commence until a construction management strategy has been 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 <http://www.aoa.org.uk/wp-content/uploads/2014/02/AN04-Cranes-August-2006.pdf>).
- Control of activities likely to produce dust and smoke
- Details of temporary lighting – such details shall comply with Advice Note 2 ‘Lighting near aerodromes’ (available at <http://www.aoa.org.uk/wp-content/uploads/2014/02/AN02-Lighting-August-2006.pdf>)
- Control and disposal of putrescible waste to prevent the attraction of birds
- Monitoring and control of bird activity on site. Earth working during construction has the potential to attract foraging birds, which would result in an increase in bird activity very close to the runway. Controls would be needed during the construction period to minimise the bird strike hazard.

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/or endanger aircraft movements and the safe operation of the aerodrome through the attraction of birds.

STATEMENT: The pre-commencement condition is necessary to ensure the safe operation of Stansted Airport.

4. 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:

- Management of any flat/shallow pitched/green 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 <http://www.aoa.org.uk/wp-content/uploads/2014/02/AN08-Birds-Building-Design-Oct-2007.pdf>)

The Bird Hazard Management Plan must ensure that flat/shallow pitched/green roofs are constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls to nest, roost, or loaf on a building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting; roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Stansted Airport Ltd (STAL) Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

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.

STATEMENT: The pre-commencement condition is necessary to ensure the safe operation of Stansted Airport.

5. No development shall take place in any individual phase of the development hereby approved, unless there has been submitted to and approved in writing by the planning authority and by the radar operator – NATS (En-route) plc, either:

- Detailed plans for the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the Stansted S10 SSR Radar; or,
- Details of a scheme to mitigate any detrimental impact upon the Stansted S10 SSR Radar.

Development shall not take place other than in complete accordance with such a scheme as so approved unless the planning authority or Planning Inspectorate and NATS (En-route) plc have given written consent for a variation.

REASON: In the interests of aircraft safety and the operations of Stansted Airport and NATS En-Route.

STATEMENT: The pre-commencement condition is necessary to ensure the safe operation of Stansted Airport.

6. Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented 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.

The scheme shall include:

- Infiltration testing in line with BRE 365. If infiltration is found unviable then run-off rates from the site generated by all storm events up to the 1 in 100 year + 30% should be limited to the 1 in 1 greenfield rate
- Storage which will cater for the 1 in 100 year critical storm inclusive of climate change
- An appropriate level of treatment for all runoff leaving the site, in line with table 3.3 of the CIRIA SuDS guide
- Groundwater testing
- A maintenance schedule for all aspects of the drainage scheme

REASON: To prevent the increased risk of flooding, both onsite and offsite, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

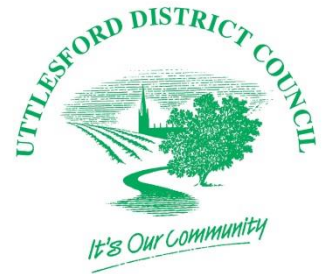
STATEMENT: The pre-commencement condition is necessary as the design of the SuDS system will potentially affect the layout of the site.

7. The reserved matters to be submitted in accordance with condition 1 above shall include the provision of a number of electric vehicle charging point and these associated parking spaces shall be provided within the car park.

REASON: In the interests of promoting sustainable transport in accordance with NPPF paragraph 35.

Application number: UTT/15/1086/OP

Address: Site 500 Coopers End Roundabout Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 7 August 2015

SLA Number: 100018688

UTT/15/1085/OP – TAKELEY

MAJOR

PROPOSAL: Outline application with all matters reserved for the erection of an office building and ancillary single deck car park

LOCATION: Endeavour House, Coopers End Road, Takeley

APPLICANT: Mr Tim Jourdan AP26 Limited

AGENT: Mr Tim Jourdan AP26 Limited

EXPIRY DATE: 22 July 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Within Airport Development Limits – area AIR3 – Development in the Southern Ancillary Area

2. DESCRIPTION OF SITE

2.1 The application site includes Endeavour House and its associated car park. The car park is laid out in three sections to the north east of Endeavour House. Currently around one third of the car park is being used for Meet and Greet parking, not related to an occupier of Endeavour House.

2.2 The car park is all hardstanding, with planting separating the three sections. The entrance to the site is to the north of Endeavour House.

3. PROPOSAL

3.1 The application is an outline application with all matters reserved for the erection of an office building and ancillary single deck car park.

3.2 The indicative plans show a four storey office block duplicating the size and shape of Endeavour House. This would occupy approximately half of two sections of the car park. The proposed decked car park would be located on the area currently used by the Meet and Greet service. These details are purely indicative as all matters are reserved.

4. APPLICANT'S CASE

4.1 The application has been submitted with the following documents:

- Planning, Design and Access Statement
- Transport Assessment
- Drainage Strategy
- Flood Risk Assessment

4.2 Summary of Planning, Design and Access Statement:

- The proposal accords with the key principles of sustainable development as set out in the NPPF as well as the key policies of the development plan and should be considered favourably.
- The implementation of a second Endeavour House building within the existing car park is 100% more efficient than using a greenfield site as it is effectively a brownfield windfall site and represents sustainable development.
- Switching the provision of a second Endeavour House from Site 500 should have no additional external impacts not already accounted for as part of the original consent for Endeavour House 2. Visually, the proposed 4 storey building would share the same building set back from Coopers End Road as the existing office building creating an appropriate visual relationship compatible with the character and appearance of the surrounding area.

5. RELEVANT SITE HISTORY

- 5.1 The application site is included in the extensive history associated with the development of Stansted Airport.
- 5.2 UTT/1552/10/FUL – Temporary variation for 6 years of condition C.90A of planning permission UTT/0511/98/FUL to allow occupation of up to 1,490sqm floorspace by non-airport related B1 office users. Refused. Dismissed on appeal
- 5.3 UTT/0717/06/FUL – Extension to the passenger terminal; provision of additional aircraft stands and taxiways, aircraft maintenance facilities, offices, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation; extension to the passenger terminal; alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure as permitted under application UTT/1000/01/OP but without complying with Condition MPPA1 and varying Condition ATM1 to 264,000 ATMs. Refused. Allowed on appeal
- 5.4 UTT/1000/01/OP – Extension to the passenger terminal; provision of additional aircraft stands and taxiways; aircraft maintenance. Conditional approval.
- 5.5 UTT/1320/98/DFO – Phase 2 expansion of Stansted Airport from 8 to about 15mppa incorporating terminal extensions, 2 satellite buildings, apron and taxiway extensions (including the widening of a proposed taxiway to be used as an emergency runway), associated facilities, distributor roads and extra car parking. Conditional approval.
- 5.6 UTT/0511/98/FUL – Erection of office building and associated car parking. Conditional approval

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- AIR3 – Development in the Southern Ancillary Area
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN7 – Nature Conservation

- ENV10 – Noise Sensitive Development and Disturbance from Aircraft
- ENV4 – Ancient Monuments and Sites of Archaeological Importance

7. PARISH COUNCIL COMMENTS

7.1 No comment.

8. CONSULTATIONS

Airside OPS Limited

8.1 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.

Environment Agency

8.2 No comment to make.

ECC - Archaeology

8.3 Recommend a condition relating to a programme of trial trenching followed by open area excavation.

ECC Education

8.4 According to the latest information available to Essex County Council's Early Years and Childcare places in the Takeley and Canfields, and surrounding wards are at over 80% capacity. Therefore I request on behalf of Essex County Council that any permission for this development is granted subject to a Section 106 agreement to mitigate its impact on education.

ECC Highways

8.5 It is noted that this application is related to application UTT/15/1086/OP (multi storey car park) and that it is intended to replace the office space element of the extant planning permission UTT/0511/98/FUL for airport related development. If the application is in addition to the extant application or not for airport related employment then further information is required in order to demonstrate the impact of the development on the highway and whether any mitigation is required. On the basis that this replaces the extant application from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to a condition requiring the developer/occupier to become members of the airport wide travel plan.

Highways England

8.6 Offer no objection.

NATS (En-Route) plc

8.7 First response: The proposed development has been examined from an en-route infrastructure technical safeguarding perspective and the findings show that it will infringe NERL safeguarding criteria due to the proximity, physical size and relative

orientation of the development is sufficient to generate false tracks on the Stansted Secondary Surveillance Radar.

- 8.8 Second response: Following a technical assessment, NERL has determined that the development has the potential to affect the operation of its Secondary Surveillance Radar (SSR) located at Stansted Airport. This SSR is utilised by both Stansted Airport, as well as the NATS ATC centre located at Swanwick, Hants and which provides an En-route and a Terminal air traffic control service. NATS has assessed the proposal and is satisfied that the location and nature of the proposal has the potential to affect the SSR's operation. However, insufficient details are currently available to accurately model and formally respond to the Planning Authority either supporting or objecting to the development. As such, NATS believes that an acceptable way forwards would be to impose a planning condition on any outline consent. This approach will ensure that the safety of air traffic is not negatively affected as any impact due to the development can either be discounted or identified and addressed together with the applicant. Accordingly, NATS has no objection to the development, subject to a condition requiring the submission of detailed plans of the proposed buildings and a scheme to mitigate any detrimental impact upon the Stansted S10 SSR Radar.

Natural England

- 8.9 This application is approximately 1.2km from Hatfield Forest SSSI and NNR. This proximity to the SSSI has been recorded in the applicant's Biodiversity Checklist. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Please refer to Standing Advice for impacts on Protected Species.

Thames Water

- 8.10 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Environmental Health

- 8.11 No comments.

ECC Flood & Water Management

- 8.12 Having reviewed the revised FRA dated June 2015 undertaken by Cole Easdon Consultants Ltd in response to our original objection, it is now considered that a drainage scheme has been proposed which demonstrates surface water management is achievable in principle, without causing flooding on-site or elsewhere. We therefore support the granting of outline planning permission, subject to a condition requiring the submission of a detailed surface water drainage scheme for the site.

9. REPRESENTATIONS

- 9.1 This application has been advertised and 1 letter of representation has been received. Notification period expired 21 July 2015.
- 9.2 I regularly pass this building and it always seems to be advertising office space. It is unclear why more space is needed when it clearly finds it hard to attract tenants as it is. Stansted Airport was designed not to be a visual blight on the surrounding area, but

more and more building is destroying Norman Foster's vision. I urge the Council to reject this application.

10. APPRAISAL

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

- A Is the proposed development appropriate for this location (ULP Policy AIR3, GEN2, ENV10; NPPF)
- B Access to the site is appropriate (ULP Policy GEN1)
- C Flood risk issues (ULP Policy GEN3; NPPF)
- D Ecological issues (ULP Policy GEN7; NPPF)
- E Impacts on heritage assets (ULP Policy ENV4; NPPF)

A Is the proposed development appropriate for this location (ULP Policy AIR3, GEN2, ENV10; NPPF)

10.1 The application site is located within the area designated as AIR3 in the adopted Local Plan. This policy seeks to ensure development within this area is in relation to activities directly related to, or associated with the Airport. There are no implications to this policy in terms of its compatibility with the NPPF. Paragraph 19 of the NPPF seeks to ensure the planning system supports sustainable economic growth.

10.2 The London Stansted Airport "Sustainable Development Plan 2015: Land Use" document identifies current vacancy rates in offices at the airport. As of 2015 there was 11% vacancy at Enterprise House, 20% at Endeavour House, 56% at Stansted House and 100% at Airways House. Airways House is located on the north side of the airport which is scheduled for redevelopment. The document states, "*As the economy recovers and business confidence continues to build, we have seen an increase in enquiries for accommodation on-airport. It is anticipated that the remaining on-airport stock of office accommodation could be let within the next five to seven years. As a result, further demand would require office development to ensure there is adequate supply.*"

10.3 Office use associated with airport activities falls within the criteria of Policy AIR3. Therefore the proposed use is considered acceptable in principle.

10.4 As the application is an outline application with all matters reserved there is very little information with regards to the proposed development. The Planning, Design and Access Statement states that the size of the proposed building is to be the same as the existing Endeavour House (7,500m² GEA) and the car parking provision is calculated not to exceed the existing 510 spaces which would equate to a parking ratio of 1 space per 29.4m² (GEA). In terms of quantum the proposed development is considered acceptable.

10.5 The proposals have been considered by statutory consultees, including NATS (En route) who initially identified concerns with the proposals and their potential to impact on the safe operation of the radar at the airport. The application is an outline application with all matters reserved and as such the scale and location of the building can be designed to mitigate any potential impacts. This approach has been accepted by NATS (En-Route) and they have proposed a condition to mitigate their concerns.

10.6 The application site is located in an area affected by aircraft noise. Paragraph 109 seeks to prevent development in locations where it would be adversely affected by noise pollution. However, to ensure the effective operation of businesses associated

with the airport their location will naturally be affected by noise. This can be mitigated by appropriate design to ensure the users of the building would not be adversely affected by noise. The proposal therefore complies with Policy ENV10.

B Access to the site is appropriate (ULP Policy GEN1)

10.7 The application site is located within the airport and access is via the airport road infrastructure which is accessed via the A120, M11 and other local roads. A Transport Assessment has been submitted with the application. This identifies the fact that Site 500, adjacent to the application site, currently has the benefit of planning permission for an office block which expires in 2016. As such it is argued that the proposal would not result in any increase in vehicular movements above those already predicted to arise from committed development.

10.8 The Transport Assessment has been considered by ECC Highways Department and Highways England who raise no objections to the proposals. ECC Highways have requested a condition requiring the developer/occupier to become members of the airport wide travel plan. On this basis the proposal is considered to comply with Policy GEN1.

C Flood risk issues (ULP Policy GEN3; NPPF)

10.9 The application site is located within Flood Zone 1 and therefore has a low risk of flooding. The site is predominantly brownfield land and the Flood Risk Assessment states that the proposed development will not introduce additional impermeable surfaces.

10.10 The scheme has been designed around the principle of incorporating SUDS within the proposals, including a green roof to the office block. Drainage from the decked car park would drain via the existing system of the current car park which feeds into the airport wide drainage system.

10.11 The proposals have been considered by the ECC Flood and Water Management Team who raise no objections subject to a condition requiring the submission of a detailed drainage scheme at reserved matters stage. The proposals therefore comply with Policy GEN3.

D Ecological issues (ULP Policy GEN7; NPPF)

10.12 The application site is predominantly hardstanding although there are rows of planting separating the different sections of the car park. Whilst the application relates to an outline proposal and the final details of the location of the office building and decked car park have yet to be established, it is highly probable that some elements of the existing landscaping would be removed.

10.13 The impact of the proposals on protected species is likely to be minimal due to the nature of the existing site and the connectivity of the hedgerows to other habitats within the airport. Following the advice set out in Natural England's Standing Advice for protected species it is not considered that the proposals would result in adverse harm and as such the proposals comply with Policy GEN7.

10.14 The site is located within 2km of a SSSI and the advice from Natural England is that the proposals are unlikely to result in adverse harm to the SSSI.

E Impacts on heritage assets (ULP Policy ENV4; NPPF)

10.15 The application site is located in a sensitive area with regards to archaeological deposits. ECC Archaeologist advises that within the area of the mid-term car park to the east of the development area produced multi-period extensive archaeological deposits. This comprises a Bronze Age settlement, Iron Age field system, Late Iron Age and Roman settlement and medieval settlement with a windmill. To the west of the development area quantities of Roman finds are recorded within an area of the airport remaining undeveloped. The development area therefore has a high potential of surviving multi-period deposits, and possibly evidence of earlier occupation.

10.16 Policy ENV4 seeks to ensure preservation in situ, unless the need for the development outweighs the importance of the archaeology. In this instance the County Archaeologist has recommended a condition be imposed requiring trial trenching followed by open area excavation. This is considered to be appropriate mitigation for any potential impacts on heritage assets and as such the proposals comply with Policy ENV4.

11. CONCLUSION

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

- A The proposed development of the site for offices falls within the criteria of Policy AIR3. Whilst concerns have been raised about potential impacts on the safety of operation of the radar at the airport a condition can be imposed ensuring that the development can be designed and located in an appropriate location. Mitigation measures can be incorporated into the design of the proposed building to ensure users are not subjected to adverse impacts from aircraft noise.
- B A Transport Assessment has been submitted with the application which demonstrates that the proposal would not result in increased vehicular movements above those already consented. A condition would be required to ensure the developer/operator becomes a member of the airport wide travel plan.
- C The proposal would not give rise to any significant flood risk issues. A condition would be required to ensure the submission of a detailed drainage strategy at reserved matters stage.
- D The proposals would not result in adverse impacts on protected species. In addition it is unlikely to have an adverse impact on the SSSI.
- E Impacts on heritage assets can be mitigated by way of a condition requiring trial trenching followed by open area excavation.

RECOMMENDATION – CONDITIONAL APPROVAL AND S106 LEGAL OBLIGATION

(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder enters into a binding obligation to cover the matter set out below under S106 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) Pay the monitoring fee in relation to the airport wide Travel Plan**

- (ii) **Pay the Council's reasonable legal 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 23 September 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reason:**
- (i) **Lack of payment of monitoring fee in relation to the airport wide Travel Plan**

Conditions/reasons

1. Approval of the details of the layout, access, 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. Development shall not commence until a construction management strategy has been 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 <http://www.aoa.org.uk/wp-content/uploads/2014/02/AN04-Cranes-August-2006.pdf>).
- Control of activities likely to produce dust and smoke
- Details of temporary lighting – such details shall comply with Advice Note 2 'Lighting near aerodromes' (available at <http://www.aoa.org.uk/wp-content/uploads/2014/02/AN02-Lighting-August-2006.pdf>)
- Control and disposal of putrescible waste to prevent the attraction of birds
- Monitoring and control of bird activity on site. Earth working during construction has the potential to attract foraging birds, which would result in an increase in bird activity very close to the runway. Controls would be needed during the construction period to minimise the bird strike hazard.

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/or endanger aircraft movements and the safe operation of the aerodrome through the attraction of birds.

STATEMENT: The pre-commencement condition is necessary to ensure the safe operation of Stansted Airport.

4. 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:
 - Management of any flat/shallow pitched/green 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 <http://www.aoa.org.uk/wp-content/uploads/2014/02/AN08-Birds-Building-Design-Oct-2007.pdf>)

The Bird Hazard Management Plan must ensure that flat/shallow pitched/green roofs are constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls to nest, roost, or loaf on a building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Stansted Airport Ltd (STAL) Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

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.

STATEMENT: The pre-commencement condition is necessary to ensure the safe operation of Stansted Airport.

5.
 1. No development or preliminary groundworks shall 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 in writing 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 and prior to the submission of reserved matters.
 3. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as

detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

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

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

STATEMENT: The pre-commencement condition is necessary to ensure the protection of heritage assets.

6. Prior to the occupation of the proposed development the developer and/or subsequent occupiers shall become members of the existing airport wide travel plan and implement the measures therein during occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

7. No development shall take place in any individual phase of the development hereby approved, unless there has been submitted to and approved in writing by the planning authority and by the radar operator – NATS (En-route) plc, either:

- Detailed plans for the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the Stansted S10 SSR Radar; or,
- Details of a scheme to mitigate any detrimental impact upon the Stansted S10 SSR Radar.

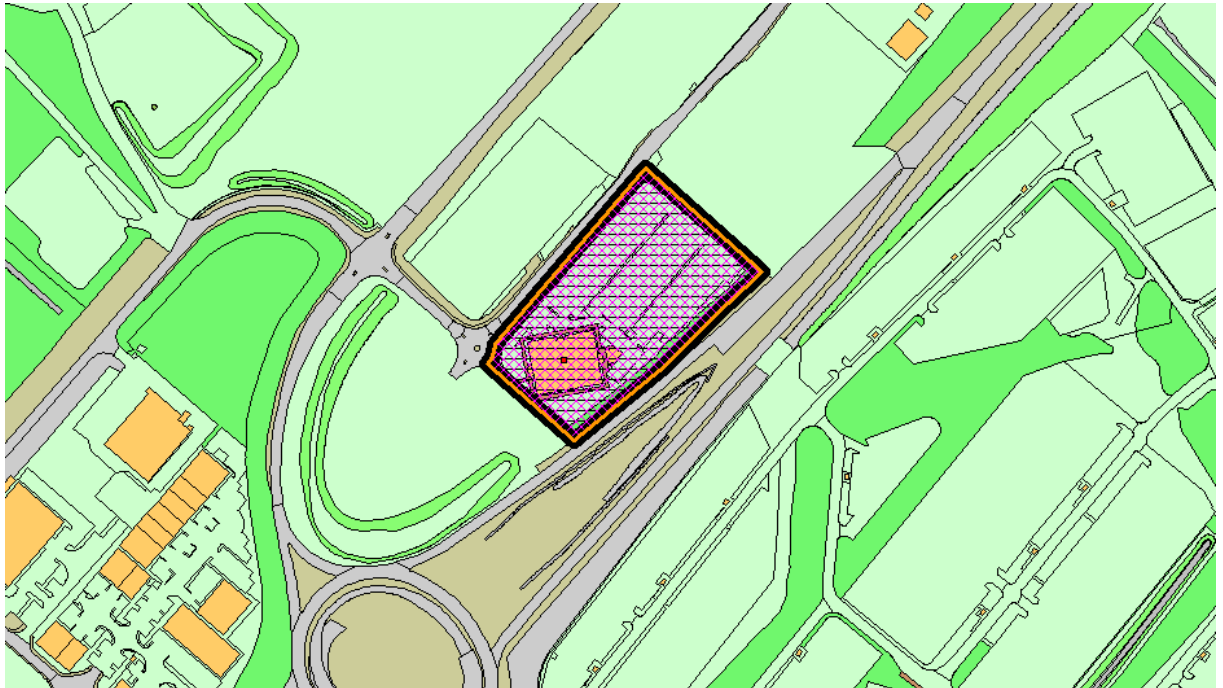
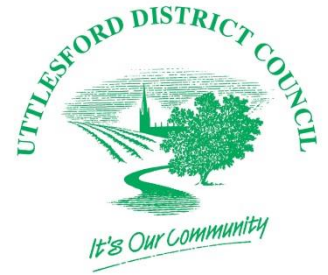
Development shall not take place other than in complete accordance with such a scheme as so approved unless the planning authority or Planning Inspectorate and NATS (En-route) plc have given written consent for a variation.

REASON: In the interests of aircraft safety and the operations of Stansted Airport and NATS En-Route.

STATEMENT: The pre-commencement condition is necessary to ensure the safe operation of Stansted Airport.

Application number: UTT/15/1085/OP

Address: Endeavour House Coopers End Road Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 7 August 2015

SLA Number: 100018688

UTT/15/1732/FUL (GREAT CANFIELD)

(Referred to Committee by Cllr K Artus. Reason: The issues need to be fully discussed by the committee.)

PROPOSAL: Demolition of existing buildings and erection of 7 no. detached dwellings with garages and associated landscaping

LOCATION: Canfield Nursery, Bullocks Lane, Takeley

APPLICANT: Ms Jopson

AGENT: Mr M McGarr (English Architectural)

EXPIRY DATE: 28 August 2015

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The application site is located off Bullocks Lane in the hamlet of Hope End. It comprises a former nursery, which contains redundant greenhouses and workshop buildings.

3. PROPOSAL

3.1 The application is for planning permission to demolish the existing buildings and erect 7 detached dwellings, with associated garaging. Also part of the proposal is a new vehicular access, a meadow and a wildlife refuge.

4. APPLICANT'S CASE

4.1 It is suggested in the applicant's statement that:

- The proposal would make a positive contribution to the character and appearance of the area
- The proposal utilises previously developed land
- The Parish Council was engaged early in the process

5. RELEVANT SITE HISTORY

5.1 Planning permission was refused under application number UTT/14/3347/FUL for the redevelopment of the site to erect two dwellings.

5.2 Since the above decision, a Lawful Development Certificate has been granted under UTT/15/0429/CLE for the industrial/commercial use of buildings and land in the northern part of the site.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV14 – Contaminated Land
- Policy H1 – Housing Development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

6.3 Guidance

- SPD Accessible Homes and Playspace
- Parking Standards: Design and Good Practice
- Local Residential Parking Standards
- Developer Contributions Guidance
- The Essex Design Guide
- Great Canfield Village Design Statement

7. PARISH COUNCIL COMMENTS

7.1 Great Canfield Parish Council supports the application, citing the following reasons:

- Appropriate use of land associated with a now-redundant business use
- The Parish Council has negotiated the access arrangements

7.2 The Parish Council requests that a condition be used to remove permitted development rights from all seven dwellings. It also requests the use of a legal agreement to prevent further development on the land proposed as grazing meadow and wildlife refuge.

8. CONSULTATIONS

Thames Water

8.1 No objection.

Highway Authority

8.2 No objection, subject to conditions relating to:

- Construction traffic
- Widening and construction of vehicular access prior to occupation of development
- Surface water runoff
- Surface treatment
- Compliance with parking standards
- Compliance with parking space standards

- 8.3 A further comment was made, that compared to what the lawful use of the site and the associated vehicles and movements could generate, the proposed development would reduce the vehicle sizes and movements to and from the site to the benefit of all users of the highway.

Essex County Council Ecological Consultant

- 8.4 No objection, subject to conditions relating to:
- Construction Environmental Management Plan
 - Biodiversity Management Plan

Stansted Airport

- 8.5 No objection, subject to conditions relating to:
- Landscaping scheme
 - Sustainable drainage system details

Access and Equalities Officer

- 8.6 The proposal complies with the SPD entitled 'Accessible Homes and Playspace'.

9. REPRESENTATIONS

- 9.1 Neighbours were notified of the application by letter and a notice was displayed near the site.

- 9.2 The submitted representations indicate that there is considerable support for the proposal. The following points have been raised:

- Valuable contribution to local housing supply
- The proposal would improve the appearance of the site
- The proposal is well designed
- The proposal would make use of previously developed land rather than open countryside
- Positive effect on local economy
- A financial contribution would be paid to the Parish Council for access to the site, having a positive effect on the community
- Public open space would be beneficial to the community
- Other former nursery sites in the District have been redeveloped to provide housing
- Housing is preferable to commercial uses
- Fewer vehicle movements than nursery use
- The proposal is preferable to the alternative of a gypsy/traveller site
- The alternative of a gypsy/traveller site would not comply with planning policies
- The site is suitable for housing or a gypsy/traveller site

- 9.3 The letters written in support of the application also raise the following concerns:

- The land between Ashcroft, Lime Tree Cottage and Plot 5 should be secured as public open space
- The new access should not join the existing access road
- No further, high-density development should be permitted
- Loss of trees to facilitate new access

- Safety of vehicular access
- Lack of security as a result of the new access
- Damage to highway verges from construction traffic
- The site is not currently an eyesore

9.4 For the avoidance of doubt, the alleged alternative use of the site as a gypsy/traveller site is not a material consideration in the determination of this application. Planning permission is required for such a use and no application has been submitted. In any event, all planning applications must be assessed on their own merits so the possibility of another development coming forward should have no bearing on this decision.

10. APPRAISAL

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

- A Accordance with the development plan
- B Material considerations

A Accordance with the development plan

Location of housing

10.1 Policy H1 indicates where housing should be located during the Plan period, including sites within development limits, previously developed land and allocated sites beyond development limits. Policy S7 prevents most housing beyond development limits, in order to protect the countryside by restricting development to that which is necessary or appropriate in a rural area. The proposal breaches these policies by introducing housing, an urban form of development, to a countryside location.

Sustainable transport

10.2 Policy GEN1 requires development to encourage movement by means other than driving a car. The nearest settlement with services, facilities and employment opportunities is Takeley, the centre of which is a 1.6 km journey to the north-west. It is considered that the lack of footpaths and street lighting along Bullocks Lane and Great Canfield Road, which account for approximately 1 km of the journey, would discourage walking. However, there is a reasonable probability that occupiers would cycle. Furthermore, regular bus services operate from the B1256 in Takeley to Bishop's Stortford, Stansted Airport and Great Dunmow. Overall, it is considered that there would be a realistic choice of sustainable transport modes. This conclusion is consistent with appeal decisions on application numbers UTT/1044/06/OP and UTT/12/5809/FUL, which relate to nearby sites.

Road safety

10.3 Policy GEN1 includes a number of requirements in the interests of road safety. The proposal includes a new vehicular access off Bullocks Lane, which would join a shared driveway within the site which would also connect to the existing access. Taking into account the comments of the Highway Authority, it is considered that the proposal would not compromise road safety. The suggested road safety conditions are generally appropriate.

Design

- 10.4 Policy GEN2 requires compatibility with the design of surrounding buildings. While the dwellings are scattered within the site, compared with the existing linear pattern of development, they would be laid out at a low density with similar building and plot sizes. They would not have a significant effect on views from the street, but would in any event be compatible with the varied designs of surrounding buildings. The dwellings would reflect local distinctiveness with respect to their form, use of dormer windows and the selection of materials including brick, weatherboard, render, plain clay tiles and slates.
- 10.5 Policy GEN2 requires developments to provide an environment which meets the reasonable needs of all potential users, and requires compliance with supplementary planning guidance. This includes the Supplementary Planning Document entitled 'Accessible Homes and Playspace'. Taking into account the comments of the Access and Equalities Officer, it is considered that the proposal complies with the accessibility requirements of the SPD.
- 10.6 Policy GEN2 requires development to have regard to guidance on layout and design adopted as supplementary planning guidance. The Essex Design Guide provides such guidance, including on garden sizes and loss of privacy and daylight affecting residential occupiers. The proposed gardens would far exceed the minimum standard of 100 sq m, and the dwellings would be designed and laid out to prevent contravention of the guidance on loss of privacy and daylight.

Biodiversity

- 10.7 Policy GEN7 seeks to avoid harmful effects on wildlife. Taking into account the comments of the Ecological Consultant, it is considered unlikely that the proposal would cause harm to wildlife. Conditions should be used to secure appropriate consideration of biodiversity during construction and in the design of the development.

Vehicle parking

- 10.8 Policy GEN8 requires vehicle parking provision in accordance with the Council's adopted standards. These are contained in 'Parking Standards: Design and Good Practice' and 'Local Residential Parking Standards'. The standards indicate that the 3-bed dwellings should be served by at least 2 parking spaces, and that the 4-bed dwellings should have at least 3 spaces. The proposed garages meet the minimum size standards of 3 x 7 m. Taking into account the proposed garaging and large driveways, the minimum standards would be met. While the Highway Authority has suggested conditions in relation to vehicle parking, these are considered unnecessary because the submitted plans demonstrate compliance.

Contaminated land

- 10.9 Policy ENV14 requires appropriate investigation where it is known or strongly suspected that a site is contaminated. Taking into account the comments from the Environmental Health Officer on the previous application, it is considered that the site may be contaminated. It is therefore considered appropriate to use a condition to secure appropriate investigation and, if necessary, remediation.

Affordable housing

10.10 Policy H9 states that the Council will seek to negotiate on a site by site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations. The most recent evidence on affordable housing provision is contained in the Council's 'Developer Contributions Guidance Document', which requires developments of fewer than 10 dwellings with a gross floor space exceeding 1000 sq m to make a financial contribution of £250,000 towards affordable housing provision. This applies to the proposed development so a legal agreement would be necessary to secure payment.

Housing mix

10.11 Policy H10 indicates that the development must provide a significant proportion of market housing comprising small properties. Small properties are those with 2 or 3 bedrooms. Only 2 of the 7 dwellings would have three bedrooms or less, in breach of this policy.

B Material Considerations

Strategic Housing Market Assessment

10.12 The latest Strategic Housing Market Assessment was published in March 2013. It indicates on page 35 that the size mix of housing requirement in Uttlesford is mainly 3 or 4 bedrooms, with some requirement for 5-bed dwellings. It is considered that the proposal is in accordance with this required mix, overcoming the above breach of Policy H10.

Great Canfield Village Design Statement

10.13 The Village Design Statement identifies that Hope End is the largest; most densely occupied and most stylistically mixed part of Great Canfield. It identifies that traffic and pressure from both business and residential development threaten the integrity of the hamlet, and notes concerns over the future of the nursery site. Taking into account the above design assessment, it is considered that the proposal respects its surroundings and accords with the design guidelines for new buildings. These include a requirement to use traditional materials, and an encouragement for the use of chimneys.

National Planning Policy Framework (NPPF)

10.14 Paragraph 14 explains that at the heart of the NPPF is a presumption in favour of sustainable development. This states that, where relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

10.15 Policy H1, which identifies locations for housing, is out of date because it only relates to the period 2000 – 2011. Related to this, Policy S7 contains an 'in principle' restriction on certain types of development in the countryside, including housing. It is therefore considered that these relevant policies are out of date with respect to this proposal. The other relevant policies have varying degrees of consistency with the NPPF.

10.16 An assessment against the policies of the NPPF is made below.

- Core planning principles:

10.17 Paragraph 17 states that planning should recognise the intrinsic character and beauty of the countryside. It is considered that the proposal would have both positive and negative effects on the character of its countryside setting.

10.18 The positive effects would be the reduction in visual impact of the buildings compared with the existing greenhouses and workshop buildings, and the provision of a meadow, wildlife refuge and woodland which would assimilate the development into its rural surroundings better than the existing site. Full details of the landscaping would need to be secured using a condition.

10.19 The negative effect arises from the change in character of the site, from a rural enterprise which has an inherent association with the countryside to a more urban form of development which could be located in a town or village. This would be mitigated to some extent by the low density of development, which is compatible with the character of the surrounding area, and its location adjacent to an existing hamlet.

- Promoting sustainable transport:

10.20 Paragraph 34 encourages the use of sustainable modes of transport, although it accepts that opportunities are more limited in rural areas. It is considered that this policy is no more onerous than Policy GEN1 above, so the above assessment demonstrates compliance.

10.21 Paragraph 39 updates national policy on parking standards. It does not significantly alter the approach which should be taken to setting residential parking standards so it is considered that the above assessment in relation to Policy GEN8 demonstrates compliance.

10.22 Paragraph 41 requires identification and protection of sites and routes which could be critical in developing infrastructure to widen transport choice. Taking into account the comments of Stansted Airport, it is considered that landscaping on the site could affect aerodrome safeguarding. Relevant wording could be inserted into the landscaping condition to ensure this issue is adequately addressed. While the comments refer to a potential sustainable drainage system, this does not form part of the proposal.

- Delivering a wide choice of high quality homes:

10.23 Paragraph 55 aims to steer rural housing to locations which would enhance or maintain the vitality of rural communities, and to avoid new isolated homes in the countryside. Taking into account the above assessment in relation to local services and facilities, and the location of the site adjacent to a hamlet, it is considered that the proposal complies with paragraph 55.

- Requiring good design:

10.24 Paragraph 58 includes a number of design criteria, which should be met. Taking into account the above assessment of design, it is considered that the proposal would meet the criteria in relation to design and layout, and the creation of a safe and accessible environment.

- Conserving and enhancing the natural environment:

10.25 Paragraph 111 encourages the re-use of land that has been previously developed. The workshop buildings and associated land in the northern part of the site have a lawful industrial/commercial use. Therefore, development on this land is supported by the NPPF.

10.26 Paragraph 118 is permissive of development if significant harm to biodiversity can be adequately mitigated. Taking into account the above assessment in relation to Policy GEN7, it is considered that this requirement would be met.

10.27 Paragraphs 120 and 121 seek to prevent unacceptable risks from pollution, and remediation of contaminated land. Taking into account the above assessment in relation to Policy ENV14, it is considered that the proposal complies with this policy subject to appropriate conditions.

- Facilitating the sustainable use of minerals:

10.28 Paragraph 144 indicates the development should not normally be permitted if it might constrain future mineral workings. A site at Little Bullocks Farm (Ref: A23) has been identified in the Minerals Local Plan as an extension to the Crumps Farm Quarry, approximately 90 m to the east of the application site. Taking into account the comments of the Minerals Planning Authority on application number UTT/12/5809/FUL, it is considered that landscaping could be used to reduce the visual impact of the quarry extension. This can be achieved with some relevant wording within a landscaping condition. It is likely that any planning permission for the quarry extension would suitably control noise and dust impacts, taking into account the survey undertaken in connection with application number UTT/12/5809/FUL during the appeal process.

11. CONCLUSION

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

- A The proposal does not accord with the development plan, and it is necessary to consider whether material considerations indicate that permission should be granted.
- B As relevant policies in the development plan are out of date, the presumption in favour of sustainable development as set out in the National Planning Policy Framework applies. There would be a negative effect on the character of the countryside from the replacement of rural buildings with housing. However, there would be positive effects from a reduction in visual impact, the introduction of appropriate rural landscaping and the use of some previously developed land. The adverse impacts do not significantly and demonstrably outweigh the benefits so planning permission should be granted in accordance with the presumption in favour of sustainable development.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL AGREEMENT:

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared**

by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) secure a financial contribution of £250,000 towards the provision of affordable housing**
- (ii) pay Council's reasonable legal 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 29 September 2015 the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) Lack of suitable provision of 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 the development, details of the external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S3 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

3. Prior to commencement of the development, details of hard and soft landscaping (including retained landscape features, planting, hard surfaces and boundary treatment) must be submitted to and approved in writing by the Local Planning Authority. The landscaping should take account of the visual impact associated with Site A23 in the Essex Minerals Local Plan. All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must 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 must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area and in the interests of aerodrome safeguarding, in accordance with the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. No development 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 must assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination

- (ii) an assessment of the potential risks to: human health, service lines and pipes, adjoining land, and the water environment

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the Essex Technical Guidance for the redevelopment of land affected by contamination third edition.

REASON: To ensure that site is suitable for residential habitation, in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' because contamination is an important issue which may require further works to the site prior to the implementation of the scheme and details of an investigation is required to be submitted and approved by the authority.

5. Should the details approved under Condition 4 identify that remediation is required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, site management procedures and a timetable of works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that site is suitable for residential habitation, in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' because contamination is an important issue which may require further works to the site prior to the implementation of the scheme and details of an investigation is required to be submitted and approved by the authority.

6. Should a remediation scheme be approved in accordance with Condition 5, the approved remediation scheme must be implemented in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005)

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of Condition 4, 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 in accordance with the requirements of Condition 5. 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 Condition 6.

REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005)

8. No development shall take place (including demolition, groundworks, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and for compliance with Local Plan Policies. This condition must be 'pre-commencement' to ensure that the construction process is carried out in accordance with the approved details.

9. No development shall take place until a Biodiversity Mitigation and Compensation Plan and a Biodiversity Management Plan have been submitted to and approved in writing by the Local Planning Authority.

The Biodiversity Management Plan must include:

- a) A description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving the aims and objectives of the project;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) On-going monitoring and remedial measures.

The development hereby permitted must be implemented in accordance with the approved plan.

REASON: To conserve and enhance biodiversity, in accordance with the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

10. 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: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the construction process is carried out in accordance with the approved details.

11. Prior to occupation of the development, the existing vehicular access must be widened to 5.5 metres at its junction with the highway and must be retained at that width for 6 metres within the site and must be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

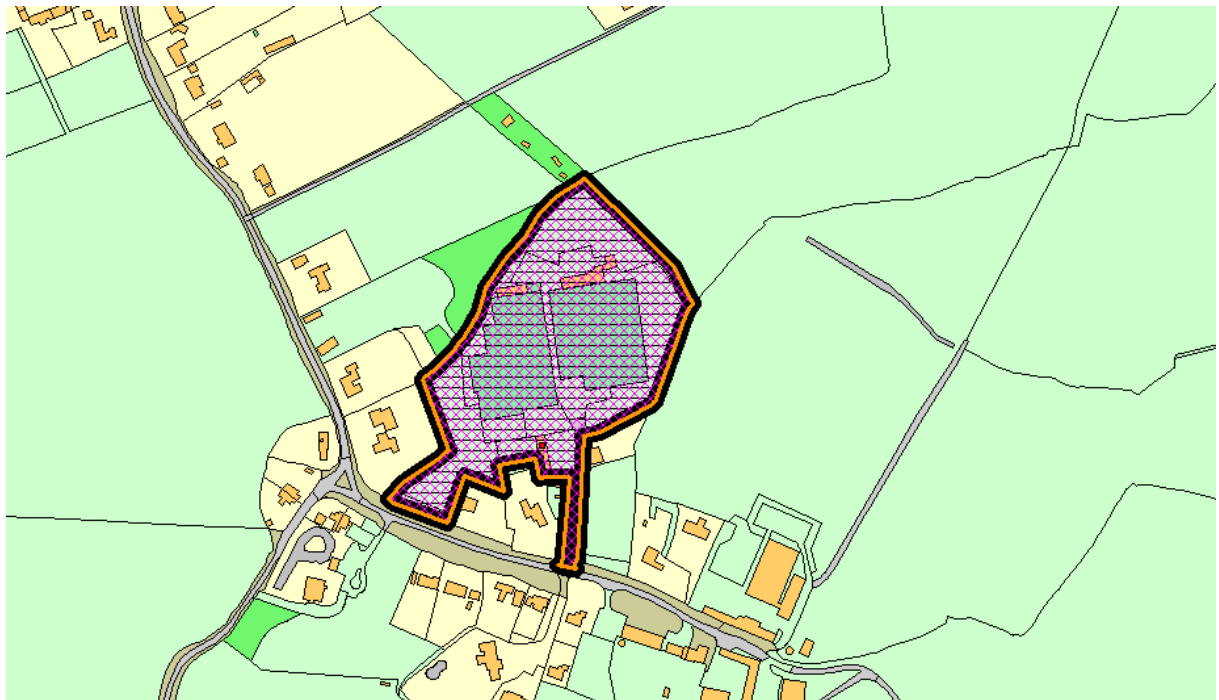
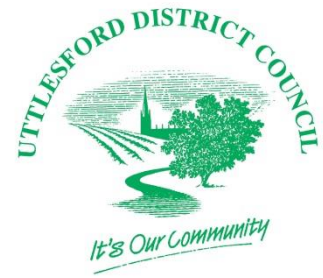
REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

12. Prior to occupation of the development, the proposed vehicular access must 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 must not be less than 5.5 metres, must be retained at that width for 6 metres within the site and must be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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

Application number: UTT/15/1732/FUL

Address: Canfield Nursery Bullocks Lane Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 7 August 2015

SLA Number: 100018688

UTT/15/0564/DFO (TAKELEY)

(MAJOR APPLICATION)

PROPOSAL: Reserved Matters Application Following Outline UTT/13/1393/OP-Details of Landscaping

LOCATION: Land South of Dunmow Road, Brewers End, Takeley

APPLICANT: Bovis Homes Limited

EXPIRY DATE: 29 May 2015

CASE OFFICER: Nigel Brown

1. NOTATION

1.1 Reserved Matters application following the approval of outline application, and subsequent reserved matters application.

2. DESCRIPTION OF SITE

2.1 The site comprises 9.7 hectares and occupies a roughly rectangular area of open land to the south of Dunmow Road on the western edge of Takeley. The northern frontage of the site extends along a section of Dunmow Road while the wider, eastern boundary is shared with another development site (application ref: UTT/1335/12/FUL) for 41 dwellings. The site narrows to the west, where it is bounded by the existing dwelling Southside and the land to the rear. To the south the site is bounded by the Flich Way public bridleway which is largely hidden from view by the intervening hedgerow and trees. Opposite the site on the north side of Dunmow Road is Church Lane and a listed building 'Millers', a dwelling that has curtilage buildings fronting the site.

2.2 The site was given outline planning permission under UTT/13/1393/OP for erection of up to 100 dwellings to include provision of 6.3 hectares of public open space, means of access was committed as part of this consent.

2.3 Subsequent consent for all other reserved matters (i.e. appearance, layout and design) was approved under planning application UTT/14/3295/DFO by this Committee on 11 February 2015. The only outstanding reserved matter is landscaping which is covered by this application. Although works are progressing on the site, it is considered by officers that this does not prejudice in any way the consideration or the subsequent implementation of the landscaping scheme.

3. PROPOSAL

3.1 This planning application is solely for the landscaping reserved matters.

3.2 The boundary of the adjacent development site (UTT/1335/12/FUL), being implemented by Countryside Developments, consists of existing substantial planting. This planting has been retained by the adjacent developers; as such minimal planting is required on this boundary by these applicants.

3.2 To the south of the site on the boundary with the Flich way, the intention is to retain this boundary with gapping up with a native mix of planting.

- 3.3 Currently there is minimal planting to the north of the site fronting Stortford Road, and to the west of the site bounding the proposed country park area. It is proposed to plant with significant native hedgerow planting. The applicant has revised their scheme to address the requirements of the Council's Trees & Landscape Officer namely:

60% Acer campestre [field maple]
15% Corylus avellana [hazel]
10% Viburnum opulus [guelder rose]
5% Cornus sanguinea [dogwood]
5% Ligustrum vulgare [common privet]
5% Rosa arvensis [field rose]

4. APPLICANT'S CASE

- 4.1 The applicant has submitted a Design & Access Statement with the application.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/1393/OP, Proposed residential planning application for erection of up to 100 dwellings, to include provision of 6.3 hectares of public open space, with all matters reserved except access. Approved subject to Section 106, 23.8.13.
- 5.2 UTT/14/0783/DFO, Details following outline application UTT/13/1393/OP, Proposed residential planning application for erection of up to 100 dwellings, to include provision of 6.3 hectares of public open space, details of appearance, landscaping, layout and scale. Refused 30.9.14
- 5.3 UTT/14/3295/DFO, Details following outline application UTT/13/1393/OP, Proposed residential planning application for erection of up to 100 dwellings, to include provision of 6.3 hectares of public open space, details of appearance, layout and scale. Approved 13.2.15

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S3 Other Settlement Boundaries
 - S7 The Countryside
 - GEN1 Access
 - GEN2 Design
 - GEN6 Infrastructure Provision to Support Development
 - GEN7 Nature Conservation
- Essex Design Guide

7. PARISH COUNCIL COMMENTS

7.1 Takeley Parish Council

Whilst TPC appreciate the changes that have already been proposed to the 'country

park' area the following concerns remain:

TPC recommends a condition to replace all planting that dies within the first 2 years. TPC recommends that the area where whips are to be planted should be fenced off to (a) protect from rabbit & deer and, (b) to prevent walkers and dogs travelling through these areas until the trees are established.

TPC suggest some fruit tree varieties e.g. crab apple, plum, cherry etc.

The prescribed maintenance programme of the young trees is unrealistic and uncoated (Page 20 - Bird Hazard Management Plan.)

The footpath material is described a 'planings'. These should be 20mm in size and rolled to compact it to make the surface stable and yet still allow drainage. It is imperative that the 'country park area' is provided with litter and dog bins. UDC approved Priors Green without litter and dog bins and the Parish Council has subsequently had to install them at a cost to local residents. It is unacceptable that a developer escapes from providing a necessary facility by merely referencing the ongoing cost of collections/emptying.

Bird Hazard Management Plan page 19 states: 'Consideration has been given to the long term maintenance & management cost of the park, acknowledging that the local Parish Council will be responsible for the area'. TPC is surprised by this statement. TPC is under no obligation to take on the long term maintenance of this area. Under no circumstances will TPC take on responsibility for the open space. This is the responsibility of the developer and Uttlesford DC (planning authority).

7.2 Hatfield Broad Oak Parish Council

No objection

8. **CONSULTATIONS**

Tress & Landscape Officer (UDC)

8.1 Dunmow Road frontage

The Dunmow Road frontage treatment with the provision of mixed native species hedging is considered appropriate. However, the hedge runs should have a dominant species in the mixture. It is recommended that the following mixture is used:

60% *Acer campestre* [field maple]
15% *Corylus avellana* [hazel]
10% *Viburnum opulus* [guelder rose]
5% *Cornus sanguinea* [dogwood]
5% *Ligustrum vulgare* [common privet]
5% *Rosa arvensis* [field rose]

The above mix excludes common holly as this is rarely found in field hedges in this area, except as a very occasional hedgerow tree. Adding a couple of holly trees to the hedge run would be acceptable. The proposed interplanting of field maple is appropriate, however, the use of the cultivar 'Elsrijk' is not considered entirely appropriate. Whilst this variety has greater regularity in its crown shape, the native species is consider more appropriate in this rural location.

The grassed areas adjacent to the site frontage are shown to be 'amenity grass' using the seed mix BAR 11 by Barenbrug. I consider that there is an opportunity here to

specify an herb/wild flower mixture which would be of greater ecological benefit and visual interest. It is advised that a specialist seed house provides advice on an appropriate seed mixture for this location and conditions.

Western boundary

The western boundary of the development should be delineated with a timber post and rail, or timber post and wire fence, of not more than 1.5m in height. A native species mix hedge is sort to be planted along this boundary using the species mixture recommended above for the Dunmow Road frontage.

The planting of *Betula pendula* [birch] along this boundary, as shown in the submitted plan, is not considered appropriate in this context. It is advised that the birch is substituted with *Acer campestre*, together with a couple of *Sorbus aucuparia* [rowan]. The liquidambar shown to be planted should be substituted for rowan. Whilst the liquidambar is a fine tree with splendid autumn leaf colour, is non-native and not considered appropriate in this context.

Eastern boundary

As part of the landscaping proposals for the Countryside development, presently under construction, a native species hedge is required to be planted along the length of the boundary with the Bovis development. Enclosure of the of the rear gardens of the Bovis site alongside this hedge run is sort be either timber post and rail, or timber post and wire fencing not exceeding 1.5m in height.

The proposed tree planting adjacent to the eastern boundary is considered to be appropriate.

Southern boundary

The proposed planting of common hornbeam [*Carpinus betulus*] as shown on the submitted plan is consider appropriate.

The enclosure of the southern boundary should be either with timber post and rail, or timer post and wire fencing not exceeding 1.5m in height.

Tree planting within garden areas

The proposed tree planting within garden areas, as shown on the submitted plan, is considered to be acceptable.

Shrub and hedge planting in front garden areas

Hedges are sought to be planted to the frontages of dwelling plots to provide garden enclosure and a unifying and softening element within the development. The recommended hedging species are *Carpinus betulus* [common hornbeam], and *Ligustrum vulgare* [common privet]. In addition, the submitted plan shows ornamental hedging [*Photinia*; *Escallonia*; *Euonymus*; *Lonicera*] it is advised that this hedging is substituted with common hornbeam or privet. Whilst it is recognised that hornbeam and privet hedges have high higher maintenance requirements, such hedges are less ornamental and more appropriate in the context of the site setting.

Revised scheme submitted fully accords with the requirements of the Trees & Landscape Officer

Airside OPS Limited

- 8.2 In response to previous consultations on this development Stansted Airport raised an objection due to the increased risk of bird-strike. However we also advised that we would be prepared to review that objection if certain measures could be incorporated into the landscaping strategy and proposed BHMP.

Amended details have been submitted which have been examined from an aerodrome safeguarding perspective. I can advise the submitted details now accord with safeguarding requirements. The scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Stansted Airport through the attraction of birds. Stansted Airport is prepared to remove its objection to this development provided:

All landscaping works including details of SUDS are carried out in accordance with the approved scheme and no alterations to the approved scheme are to take place unless submitted to and approved in writing by the Local Planning Authority

NATS Safeguarding

- 8.3 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En-Route Public Limited Company ("NERL")) has no safeguarding objection to the proposal.

Health and Safety Executive

- 8.4 HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

Place Services Ecology

- 8.5 It is clear that the proposals will have an overall positive impact on site ecology and I welcome the creation of wildflower grassland within the country park. The recommendations for mitigation and enhancements should be adhered to, to secure the long term ecological benefits.

There are no remaining protected species issues.

I have no further comments or objections.

ECC Flood and Water Management

- 8.6 Having reviewed the Bird Hazard Management Plan, we support the granting of planning permission as the information submitted appears acceptable.

Natural England

- 8.7 The application is in close proximity to the Hatfield Forest Site Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining the application.

ECC Minerals & Waste Planning

8.8 No comments

Sport England

8.9 Sport England does not wish to comment on this application.

Environment Agency

8.10 No comment

ECC Highways

8.11 No Comments

9 REPRESENTATIONS

One letter of representation received.

- Impact on residential amenity due to proximity of access to open space.
- Management of access to prevent illegal access to open space
- Security of open space
- Requirement for screening

10 APPRAISAL

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

- A The Design and Details of proposed landscaping to ensure development is assimilated into area. (Local Plan Policies GEN2 & ENV8)
- B The Design and Details of proposed landscaping to ensure no conflict with operations of the airport (GEN2)
- C Nature Conservation (GEN7)
- D Other Matters

A The Design and Details of proposed landscaping to ensure development is assimilated into area. (Local Plan Policies GEN2 & ENV8)

- 10.1 The submitted landscaping submission has been revised to take on all the matters raised by the Council's Trees & Landscape Officer.
- 10.2 The scheme includes a suitable choice, mix and standard or native hedgerow and trees to allow the development to assimilate appropriately into its edge of countryside location.
- 10.3 The scheme suitably protects and where required appropriately bolsters existing planting, especially on the southern boundary adjacent to the Flich Way.
- 10.4 An appropriate condition is recommended to ensure the timely implementation of the landscaping scheme, and the replacement where required of any planting that may die early on after the completion of the development.

B The Design and Details of proposed landscaping to ensure no conflict with operations of the airport (GEN2)

- 10.5 Stansted Airport through Airside OPS Ltd, have raised no objections to the revised landscaping scheme. The selection of species, including their distribution and proportions cause no concerns in terms of the encouragement of potential bird strikes.
- 10.6 It is noted that Takeley Parish Council have raised concerns at the absence of fruit trees from the scheme. The inclusion of fruit trees would have resulted in an objection from the airport as such trees would encourage birds.

C Nature Conservation (GEN7)

- 10.7 No objections have been raised from the Council's engaged ecologist, they have welcomed the provision of the open space secured through the planning application.
- 10.8 Natural England has considered the application with regards the proposal's relationship with the Hatfield Forest SSSI and has raised no objections.

D Other Matters

- 10.9 Takeley Parish Council has raised concerns regarding the ongoing management of the open space to the west of the site, including the applicant's assumption that the parish council would adopt the open space. Matters related to the management of the open space are covered with in the Section 106 included with the outline planning permission, UTT/13/1393/OP. Takeley Parish Council are quite correct that they are not obliged to adopt to the open space, but do have first refusal. If the parish council decide not to adopt the open space then it would default to a management company. Whatever the final destination for adoption/management of the open space then the standard of maintenance would be agreed beforehand and this would include the matters raised by the parish council.
- 10.10 Members will note that the Health & Safety Executive have advised against approval due to the proximity of the gas main under the public open space. This matter was considered in detail by the applicant at the outline stage and cannot be revisited at this stage.

11.0 CONCLUSION

- 11.1 It can be concluded that the landscaping submission is acceptable in terms of choice of species and distribution. The proposed scheme was also not conflict with the safe operations of the airport through the enhanced likelihood of bird strikes.

RECOMMENDATION – CONDITIONAL APPROVAL

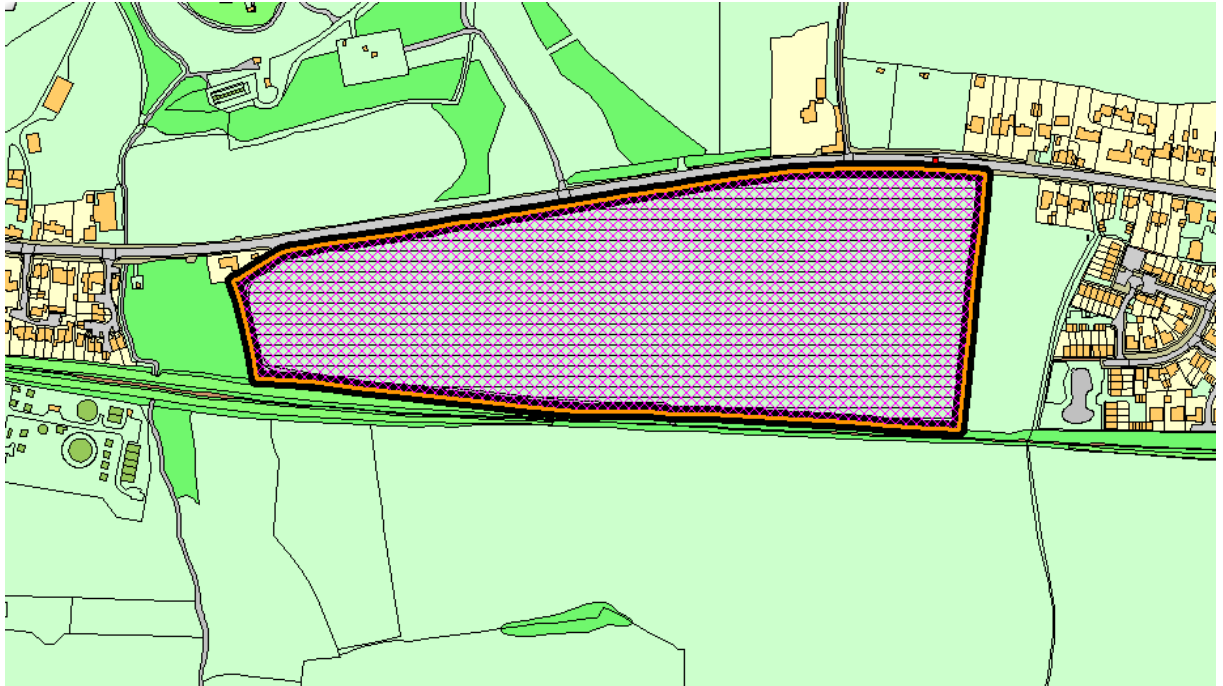
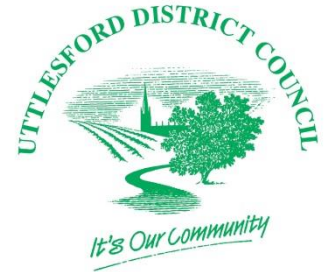
1. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings,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

authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

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

Application Number: UTT/15/0564/DFO

Address: Land South of Dunmow Road Brewers End Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 7 August 2015

SLA Number: 100018688

UTT/15/1665/OP (WENDENS AMBO)

(MAJOR)

PROPOSAL: Outline application with all matters reserved except access and scale for the demolition of existing buildings and the erection of 12 No. apartments with a mix of one and two bedroomed units.

LOCATION: Gresham Court, Station Road, Wendens Ambo.

APPLICANT: Mr J Billet.

AGENT: Hibbs and Walsh Associates Ltd.

EXPIRY DATE: 27 August 2015.

CASE OFFICER: Clive Theobald.

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is situated on the west side of the approach road into Audley End Station and comprises a roughly square courtyard range of 1960's built two storey whitewashed and weatherboarded light industrial, office and warehouse buildings (Gresham Court) backing onto the main railway line with staff and visitor parking area having a site area of 0.19 ha. The building complex also includes a hairdresser in the front NE corner of the site onto Station Road. An attractive two storey flint and red brick building (Neville House) stands in front of the site facing onto Station Road containing a small number of office suites, although this does not form part of the application site (within applicant's ownership). An MOT service centre and garage exist to the north of the site, whilst the surface car park to the railway station exists onto the site's southern boundary. The immediate area surrounding the site has a generally mixed use feel, albeit that a couple of cottages stand directly opposite the site with further dwellings facing onto Royston Road beyond.

3. PROPOSAL

3.1 This revised housing scheme proposal for the site relates to the demolition of all of the existing commercial buildings on the site and the erection of 12 No. apartments comprising 4 x 2 bed and 8 x 1 bedroomed units with all matters reserved except access and scale.

3.2 The indicative site layout plan submitted with the application shows an arrangement of 12 No. apartments accommodated around the edge of an amenity courtyard on two sides and the provision of 19 No. resident parking spaces accessed from the existing vehicular access point from Station Road. A separate pedestrian link would be provided into the site on the north side of Neville House, which is shown to have a total of 12 No. retained parking spaces for its own continued office use.

3.3 No elevational drawings have been submitted with the application at this outline stage showing the scale of the proposed development, although it is stated that the

apartments would all be at two storey height. The unit bedroom numbers and gross internal floorspace for the development is as follows:

Unit	No. of beds	Gross Floorspace
Unit 1	2	106 sqm
Unit 2	1	80 sqm
Unit 3	1	80 sqm
Unit 4	1	80 sqm
Unit 5	2	106 sqm
Unit 6	2	106 sqm
Unit 7	2	106 sqm
Unit 8	1	75 sqm
Unit 9	1	75 sqm
Unit 10	1	75 sqm
Unit 11	1	75 sqm
Unit 12	1	75 sqm

4. APPLICANT'S CASE

4.1 A revised joint Planning and Design and Access Statement has been prepared in support of the current revised application. The supporting statement makes the case that the site represents previously developed land (commercial), that the site is situated within a sustainable location next to the railway station and that residential development of the site would make the most efficient use of the land given that Gresham Court no longer has any commercial occupiers where commercial non-viability has been demonstrated by the updated marketing report accompanying the application.

4.2 The summary section of the statement states as follows:

“This revised proposal meets all the relevant national and local planning policies. It is hoped that the LPA can now support it and grant outline permission, subject to conditions covering the usual detailed matters, including noise mitigation measures from the railway, ecology, decontamination/remediation and ground water reports and a Section 106 Agreement/Unilateral Undertaking regarding Affordable Housing and possible Educational Contributions”.

5. RELEVANT SITE HISTORY

5.1 It is understood that Gresham Court was built in the 1960's as an electrical components/light assembly factory with associated office and warehousing space as a single site user, but that this use gradually gave way in circa the 1980's to the leasing out of some of the existing floorspace as separate office suites, albeit that some of the light assembly floorspace was retained through to more recently.

5.2 Outline planning permission with some matters reserved except access and scale refused under officer delegated powers on 9 March 2015 for the demolition of existing buildings at Gresham Court and the erection of 19 No. residential apartments comprising a mix of 1, 2 and 3 bedroomed units positioned around the site perimeter together with private and communal amenity and parking provision (UTT/14/3510/OP). The indicative drawings submitted with that application showed that the apartments would be provided at both two and three storey level, whilst resident parking would be

provided in the form of undercroft parking at the rear end of the site with ramped vehicular access leading up to the existing Station Road entrance.

5.3 The decision notice for that application read as follows:

“The change of use of this previously developed site from commercial to residential is considered acceptable in principle as the proposal would represent a sustainable form of development by reason of its location within village development limits and good transport connections where it has been satisfactorily demonstrated to the local authority that there is little if any prospect of the site remaining commercial viable and thus would make more effective use of the land. As such, the proposal would comply with the sustainability provisions of the NPPF and also ULP Policies S3 and E2 of the Uttlesford Local Plan (adopted 2005). However, the proposed scheme as submitted by reason of its overall indicated scale in terms of the number of dwellings proposed for the site would amount to overdevelopment as it would result in inadequate levels of parking and sub-standard vehicle manoeuvrability and would also result in a poor level of amenity for the occupants of the development where it is noted that a noise survey report has not been submitted as part of the application to assess background noise levels in view of the adjacent railway line. The proposal would therefore be contrary to ULP Policies GEN1, GEN2, GEN8 and ENV10 of the Uttlesford Local Plan (adopted 2005) and would be unacceptable”.

5.4 As will be seen from this decision, the principle of redeveloping this site for residential purposes was considered acceptable at this brownfield site location, although it was the scale and density of the proposed scheme, along with the very urban design approach adopted showing harsh elevational treatment which was considered to be inappropriate for this site, which in turn would have compromised on-site parking/turning manoeuvrability. A post-refusal meeting took place between Council Officers and the applicant in April 2015 to discussions revisions to the refused scheme where the main change agreed for a revised housing scheme at this site was a reduction in the number of residential units proposed from 19 to 12 No. units. The current application under consideration reflects these post-refusal discussions.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy E2 – Safeguarding Employment Land
- ULP Policy H1 – Housing Development
- ULP Policy H3 – Infilling with new houses
- ULP Policy H9 – Affordable Housing
- ULP Policy H10 – Housing Mix
- ULP Policy ENV10 – Noise Sensitive Development
- ULP Policy ENV12 – Groundwater Protection
- ULP Policy ENV14 – Contaminated Land
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN6 – Infrastructure Provision to Support Development
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

- 7.1 Wendens Ambo Parish Council wishes to object to this application on the grounds of over-development within the village of Wendens Ambo. The Parish Council are grateful to you for permitting the short extension to our consultation period.

8. CONSULTATIONS

Environment Agency

- 8.1 The site is underlain by superficial deposits comprising Glaciofluvial Sands and Gravels designated as a Secondary A Aquifer, which in turn overlie the solid geology of the New Pit Chalk Formation designated as a Principal Aquifer. The site is located within a groundwater source protection zone (SPZ), namely SPZ1 and SPZ2 (central and south-eastern parts of the site) and SPZ3 (the whole site) designated for a protection of public water supply abstraction at Uttlesford Bridge. The site location is therefore considered to be of high environmental sensitivity.

Our response and request for conditions regarding the previous application UTT/14/3510/OP, our reference AE/2014/118594, apply to this application. Please accept our letters of 29 December 2014 and 27 January 2015 as our response to this application.

Anglian Water

8.2 ASSETS

Section 1 - Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Wendens Ambo Water Recycling Centre, which currently does not have capacity to treat the flows from your development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Section 3 - Foul Sewerage Network

3.1 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

4.1 The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction

for comment and the Planning Authority will need to seek the views of the Environment Agency.

We request that the agreed strategy is conditioned in the planning approval.

Section 5 - Trade Effluent

5.1 Not applicable.

Affinity Water

- 8.3 You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Uttlesford Bridge 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.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Network Rail

- 8.4 Network Rail has no objection or further observations to make in relation to this planning application after reviewing the information provided within the application.

NATS

- 8.5 There are no safeguarding concerns for Stansted Airport.

ECC Highways

- 8.6 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to conditions.

Environmental Health Officer

- 8.7 I have been consulted on this application and am in receipt of the Noise Impact Assessment Report 12537.NIA.01 prepared by KP Acoustics.

The report is somewhat short on detail. The suggested glazing specification is designed to achieve a night time Leq of 30 dB (A) in the bedrooms and 45dB(A) LA max has also been "taken into consideration", but no calculations are included to show how this specification has been arrived at. I also have reservations about the exclusion of the monitoring data between 3 and 8 am. This only leaves 4 hours of night time data that has been used. If weather conditions were unsuitable, monitoring should be postponed. If they were suitable, the data should be usable.

Please provide night time Leq and LA max figures both including and excluding the 3-8 am data. I require calculations to show that the proposed SRI for the glazing will be

adequate to achieve a night time Leq of 30 dB(A) in the bedrooms of plots adjacent to the railway, and L_{Amax} of 45dB(A) when external noise events (I presume a passing goods train) reached approx. 84dB.

I assume the acoustic performance of the glazing is based on windows being kept closed. If this is the case, alternative means of ventilation will be required and the acoustic requirements of this also need to be assessed.

The report makes no mention of external amenity space, although the plans refer to roof gardens. Please demonstrate that 55dB Leq (day) can be achieved in the proposed external amenity areas.

Access & Equalities Officer

- 8.8 The proposed development will require one wheelchair accessible unit in compliance with the SPD on Accessible Homes and Playspace as the number of dwellings exceeds 10. The design and parking arrangements for such a unit will need to be met as well as the requirement for the Lifetime Homes Standard as set out in the SPD on Accessible Homes and Playspace.

9. REPRESENTATIONS

- 9.1 Notification period expired 25 June 2015. 1 representation received. Advertisement expired 2 July 2015. Site Notice expired 2 July 2015.

4 Station Road Wendens Ambo, Saffron Walden.

- There are existing parking problems within the village
- The development will result in a loss of residential amenity
- The development will erode the existing village ambience

10. APPRAISAL

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

- A Principle of development, including sustainability (NPPF and ULP Policies S3, E2, H1, H3, GEN6 and ENV10);
- B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);
- C Scale (ULP Policy GEN2);
- D Affordable Housing and Housing Mix (ULP Policies H9 and H10).
- E Whether the proposal would harm protected species (ULP Policy GEN7);
- F Previously contaminated land / Ground water protection (ULP Policies ENV12 and ENV14).
- G Other Matters: Noise (ULP Policy ENV10).

A Principle of development, including sustainability (NPPF and ULP Policies S3, E2, H1, H3, GEN6 and ENV10).

- 10.1 ULP Policy E2 of the adopted local plan states that the development of employment land within the district for other uses outside the key employment areas will be permitted if the employment use has been abandoned or the present use harms the character or amenities of the surrounding area, whilst the NPPF has a presumption in favour of sustainable development and encourages more effective use of land by the re-using of land that has previously been developed (brownfield land), providing it is not

of high environmental value.

- 10.2 The commercial buildings on the site are some fifty years old and are of no architectural merit, having a rather unsightly appearance within their setting, particularly when compared to Neville House situated to the front which has more architectural merit as a solidly constructed brick and flint Victorian building within this predominantly commercial setting along Station Road. The site currently is vacant with the last commercial user, a specialist public address system company, having vacated part of the floorspace of Gresham Court at the end of 2014 when its lease was not extended.
- 10.3 A marketing report was submitted by Snow Walker as part of a 2014 preliminary enquiry for the change of use of the site from commercial to residential use, which set out the marketing position for the site at that time. This appeared to bear out the problems identified by the applicant of not being able to attract and retain businesses at the site, particularly given the age and condition of the buildings, which are beginning to look tired from their 1960's construction and which were originally designed and built for light electric assembly as a single space user. The possibility of attracting a similar single user onto the site is considered highly unlikely given the nature of the internal floor layout of the building block where it is stated in the applicant's accompanying Planning, Design & Access Statement for the current application that *"The employment uses have now largely been abandoned and it is uneconomic for the owner to keep the majority of these units remaining empty for much longer. The buildings are not economic to insulate and rebuilding would not be commercially viable. A new Employment Site has recently been allocated in the Review Local Plan 2014 on the eastern edge of the village"*. An office To Let signboard is displayed at the front of the site advertising office floorspace at the site.
- 10.4 The original marketing report states that the premises comprise the larger space user floorspace as well as 4 No. additional leasehold units where the report adds that the first floor office suite comprising 3,140 sq ft has remained empty since 2007, whilst the first floor office suite comprising 800 sq ft has remained empty since April 2013. The report provides a comprehensive analysis of the marketing which has been carried out at the premises to attract commercial users and the methods by which this has been done with the intention of (a) investigating commercial interest for the premises in order to secure a tenant either in part or in whole for the site, (b) attempting to identify potential users and interested parties and (c) retaining an appropriate in-house record of marketing response. Marketing of the premises on the open market commenced in February 2013 to the present and has included advertising, marketing mailshots, prominent display at the offices of Snow Walker and also on the Snow Walker's website. It is stated that this marketing has in the main resulted in a low response with little interest being expressed, despite the best quality office suite on the premises being leased on a variable basis to attract more enquiries. As a result, the report concludes by saying that:
- "Taking into account the response to our marketing during a minimum ten month period, the only conclusion that we can make in respect of the holding is that in the present climate there is no demand for a property of this size, type and style at the local level in Wendens Ambo adjacent to a railway line on a leasehold basis. The buildings cannot be classed as appropriate, attractive or suitable office accommodation in the prevailing economic market, especially at a time when demand levels remain at an all-time low for this sector of the commercial marketplace".
- 10.5 An addendum marketing report has been submitted by Snow Walker to cover the marketing period April 2014 to present (April 2015), which states that marketing of Gresham Court has continued to be monitored since the preparation of the original

report in order to assess whether there is any commercial demand for the premises. It is stated from this that no interest has been expressed whatsoever in the premises during the intervening period even given the improvement in general open market conditions with the formal end of the recession and where the report concludes that:

“However, despite increased level of demand in the open market place, this type of accommodation is deemed to be outmoded, economically unviable, unattractive and not commercially viable. Enquiries have therefore been at nil. Taking into account the above, being an additional marketing period of 6 months, we reiterate that the only conclusion we can hold is that in the present economic climate there is no demand for a property of this size, type and style in the vicinity of Wendens Ambo”.

- 10.6 It is considered from the above marketing exercise that the applicant has satisfactorily demonstrated to the level required by the Council that the site has little prospect of being successfully re-let on any meaningful or viable basis. Whilst it cannot be said that the commercial use of the site has yet been abandoned, the very low occupancy rates demonstrated of the site over recent times are sufficient to show that the site is no longer fit for purpose in terms of what it originally represented and that the proposed change of use of the site from commercial to residential use would make more effective use of the land and would be in line with the relevant economic aims of the NPPF. The proposal would also comply with the provisions of ULP Policy E2 in this regard where it is considered that the present buildings do not positively contribute to the amenities of the area given their age, condition and general appearance. Neville House at the front of the site would still be retained for commercial purposes and thus maintaining a frontage whereby the building merits of this building would be enhanced through the re-development of the site to the rear.
- 10.7 The site is located within village development limits immediately adjacent to Audley End Station, which has railway links to London and Cambridge and which has a good local bus service connection to Saffron Walden town centre and beyond. In terms of sustainability and assessment against National Planning Policy Framework parameters (the three strands – social, economic and environmental), the proposal site is located very conveniently for both daily railway commuters and for local bus commuters to Saffron Walden. The site’s position within the village centre would mean that residents of the proposed development would be able to take advantage of local services and amenities, which include a village hall, newsagent and strong community groups, albeit that it does not benefit from a local primary school. It is considered from this that the site has good social connectivity. The removal of the existing office buildings and their replacement with a suitably designed residential scheme would mean that the site would result in an environmental improvement.
- 10.8 It is considered from this assessment against the three sustainability strands that the current application proposal would represent a presumption in favour of sustainable development where it should be noted that the Council’s response to the applicant’s 2014 preliminary enquiry for the residential redevelopment of the site was favourable in this respect when it remarked then that *“I would conclude from this that there is a presumption in favour of residential development at the site in terms of environmental sustainability where the site represents previously developed land providing the above issue on commercial viability can be successfully resolved”*. As will be seen from the above, it is considered that the issue of commercial non-viability has been satisfactorily demonstrated through the marketing submitted where the question arises from this as to what would happen to Gresham Court in the future as a redundant commercial site at this prominent location were it not to be redeveloped for residential purposes, which in all circumstances would appear to be the most favourable land use option in the

circumstances. It is considered therefore that the application proposal is acceptable in principle.

B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8)

- 10.9 Means of access falls to be considered with this outline application. Vehicular access into the development site would be gained via the unaltered vehicular access on the south side of Neville House which currently serves Gresham Court. ECC Highways have not raised any highway objections to the use of this existing vehicular access point to serve the proposed development where sight lines are good in each direction along Station Road. No access objections are therefore raised under ULP Policy GEN1 subject to suitable recommended highway conditions.
- 10.10 The consultation comments received from the Council's Access Officer regarding the need for the proposed apartments to be Lifetime Homes compliant and the need to provide a wheelchair accessible unit for the scheme are noted given that the scheme involves more than 10 residential units. However, these matters can be satisfactorily addressed at reserved matters stage.
- 10.11 The revised site layout for the current application now deletes reference to the undercroft parking area for the residential units and associated ramp as shown for the previously refused scheme and now shows surface resident/visitor parking only. Whilst parking is strictly a reserved matter (Layout), the scheme shows that a total of 19 No. parking spaces would be provided for the scheme, including visitor parking, which would meet adopted parking standards for the number of units proposed (4 x 2 bed and 8 x 1 bed roomed units = 12 No.) and would allow 3 No. surplus spaces to be provided for visitor parking at the site. Parking bay sizes are shown at 5.5m x 2.9m and would therefore be parking bay compliant. The scheme as indicated would therefore appear to work satisfactory for this revised site layout and would comply with ULP Policy GEN8. A good level of cycle provision to encourage alternative means of transport other than the car is shown for the rear end of the site.

C Scale (ULP Policy GEN2)

- 10.12 The scale of the proposed development has been reduced both in terms of its overall housing density and the number of storeys indicated for the apartments where the number of units for this revised outline scheme has been reduced from 19 to 12 apartments and the height of the units has been reduced to two storey height only across the development.
- 10.13 The revised layout as indicated for the current application would have a more appropriate scale of development for the size of the site and in terms of the site's juxtaposition and physical relationship with adjoining premises and also because of its prominent position adjacent to Audley End Station whereby it would have less urban intensity than the over engineered scheme shown for UTT/14/3510/OP. Details of the elevational treatment of the apartments is a matter which is to be addressed at reserved matters stage (Appearance). No design objections relating to scale are therefore raised under ULP Policy GEN2.
- 10.14 Whilst layout is a reserved matter, the indicated site layout shows that 25 sqm private amenity areas would be provided for those residential apartments which would have allocated amenity space, whilst a communal area of 506 sqm would be provided within the middle of the site accessible to all units. This combined amenity provision would comply with Essex Design Guide amenity standards and would accord with ULP Policy

GEN2 in this respect. It should be noted that the revised indicative layout represents a layout improvement on the previously refused scheme under UTT/14/3510/OP whereupon site amenity has been improved, including the removal of a line of apartments previously shown for the southern boundary of the site which could have had “eye-eye” implications across the courtyard to the other apartments. Furthermore, reference to roof gardens has been omitted from the current scheme where they were shown for the previous scheme where these were considered by officers to represent poor residential amenity at this location for the occupants of the units adjacent to the railway line.

D Affordable Housing and Housing Mix (ULP Policies H9 and H10)

- 10.15 The Council’s Developer Contributions Guidance Document adopted as a “Material Consideration” in January 2015 states that a 20% affordable housing provision will be required for proposed developments of between 11 and 14 dwellings or on sites between 0.30ha and 0.49ha, or an equivalent financial contribution as advised by the District Council. The proposal is for 12 No. apartment units and is therefore liable to a 20% affordable housing provision, namely on 2.4 units (which would be reduced to 2 affordable units when rounded down). The mix of units has now been changed from the previous scheme whereby the apartments now comprise either 1 or 2 bed units with no 3 bed units as previously proposed, which is considered to be more appropriate for this site location in terms of housing mix under ULP Policy H10.
- 10.16 The Council’s Housing Enabling Officer has been consulted on this application who has stated that there is scope within the site layout for two shared ownership affordable housing units to be provided as part of the scheme rather than for the Council to receive an affordable housing financial contribution in the alternative. In this respect, it is considered that two of the smaller floorspace 1 bed units as shown in the proposed layout could be used for such accommodation purposes and that it would be the Council’s preference in this regard for Plots 11 and 12 to be the nominated affordable units subject to final agreement with the applicant (ULP Policy H9).

E Whether the proposal would harm protected species (ULP Policy GEN7)

- 10.17 The site comprises commercial premises made up of buildings and hardstanding areas with very little habitat value for ecology. This has been previously recognised by ECC Ecology and no ecology objections are raised under ULP Policy GEN7.

F Previously contaminated land / Ground water protection (ULP Policies ENV12 and ENV14).

- 10.18 The site is registered as an historic contaminated land use by the Council given its previous industrial use. According to the Council’s EHO, the submitted Phase I contamination assessment has not identified any pathways by which contamination might represent a risk to human health and the EHO has not raised any objections in this respect. The Environment Agency has now removed its holding objection subject to stringent conditions being imposed if planning permission is granted where ground waters would also have to be protected. No objections are therefore raised under ULP Policies ENV12 and ENV14.

G Other Matters: Noise (ULP Policy ENV10).

- 10.19 The application site backs onto the main London to Cambridge railway line. Consideration was given for the previously refused outline residential scheme for this site under UTT/14/3510/OP as to whether the proposed development, which is classed

as noise sensitive, would be compromised by train noise. The report findings contained within the Noise Impact Assessment Report submitted with the current application conclude that recommended mitigation measures would be sufficient to protect future occupants of the proposed development from external noise intrusion and to achieve internal noise conditions for the occupants which would be commensurate with current industry standards where measured noise levels have allowed for a robust glazing specification which would provide internal noise levels for all environmental environments of the development in the design range of BS8233. Whilst the Council's Environmental Health Officer has made some initial comments on this assessment report and has sought further clarification, it has been agreed that the final details of the noise reduction measures can be agreed at reserved matters stage whereupon further technical information can be submitted to the Council then if required through the detailed design submission. Notwithstanding this, the applicant has submitted further details for the Council's consideration. No noise objections are therefore raised at this outline stage under ULP Policy ENV10.

11. CONCLUSION

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

- A The redevelopment of this commercial site for residential purposes is considered acceptable in principle as the applicant has satisfactorily demonstrated through an extensive marketing exercise that there is no reasonable expectation of the site being used viably for commercial purposes in the foreseeable future and as the proposal would represent a presumption in favour of sustainable development given the site's location adjacent to Audley End railway station.
- B Access arrangements for the proposed development are considered satisfactory.
- C The indicate scale of the development is considered satisfactory where this represents a considerable scale improvement on the previously refused application for this site.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A S106 LEGAL AGREEMENT

- (I) The applicant be informed that the committee would be mindful 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) Provision of Affordable Housing**
 - (ii) Payment of contributions towards primary and secondary education provision as per the formula for calculating education contributions**
 - (iii) Pay the Council's reasonable costs**
 - (iv) Pay Monitoring charges**
- (II) In the event of such an agreement 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 agreement by 31 October 2015, 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**

Conditions/reasons

1. Approval of the details of the layout, appearance and landscaping (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. 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.

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. 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.

4. 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: 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 ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

5. Prior to each phase of development approved by this planning permission no development, or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local planning authority. The scheme shall be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with ULP Policies ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

This pre-commencement condition needs to be imposed as contamination issues need to be addressed prior to any works commencing on the site.

6. No occupation of any part of the permitted development/of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with ULP Policies ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

7. No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.

On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with ULP Policies ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

This pre-commencement condition needs to be imposed as contamination issues need to be addressed prior to any works commencing on the site.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

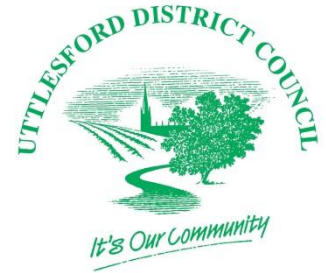
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9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment. The development shall be carried out in accordance with the approval details.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with ULP Policies ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with ULP Policies ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).



Application number: UTT/15/1665/OP

Address: Gresham Court Station Road Wendens Ambo



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Organisation: Uttlesford District Council

Department: Planning

Date: 7 August 2015

SLA Number: 100018688

UTT/15/1664/FUL (NEWPORT)

(MINOR APPLICATION)

Referred to Committee by Cllr Joanna Parry. Reason: On the grounds of highway issues, capacity of physical infrastructure and deficiencies in social facilities and lack of school places.

PROPOSAL: Removal of existing structures and erection of 2 no. detached dwellings and garages.

LOCATION: Land rear of Branksome Whiteditch Lane Newport Essex
CB113UD

APPLICANT: Mr P Frost

AGENT: Pelham Structure Ltd

EXPIRY DATE: 30 July 2015

CASE OFFICER: Emmanuel Allamah

1. NOTATION

1.1 Aerodrome Direction. SSSI Consultation Areas. Water Authority. Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises of the land at the rear of a dwelling house known as 'Branksome'. The land also comprised of existing stable buildings and large riding arenas which sits between the substantial outbuildings on both the neighbouring properties. In land use terms it is part of the designated area of open countryside.

3. PROPOSAL

3.1 The proposal would involve the removal of existing structures and erection of 2 no. detached dwellings and garages.

3.2 The application site comprised of two existing access serving Branksome. The south most point along the frontage would be retained to serve the existing house; and that to the north, which currently serves the stables and riding arenas, would be used for the two proposed dwellings.

4. APPLICANT'S CASE

4.1 The application is supported with Design and Access Statement justifying why the proposed development should be considered acceptable.

5. RELEVANT SITE HISTORY

5.1 UTT/007/95/FUL. Approve with condition. Single storey extension.

5.2 UTT/0235/74. Approve with condition. Erection of one detached dwelling.

- 5.3 UTT/0829/74. Approve with condition. Erection of residential bungalow at Part 0.61 Whiteditch Lane
- 5.4 UTT/14/1794/OP. Refuse. Outline application with all matters reserved for 15 residential units (incorporating alterations to access road and garage position previously approved dwelling under Ref: UTT/13/2973/FUL).
- 5.5 APP/C1570/W/15/3003038. Planning Appeal allowed for the development as 215 no. new build residential units (incorporating alterations to access road and garage position previously approved dwelling under Ref: UTT/13/2973/FUL).
- 5.6 UTT/1932/03/FUL. Approve with condition. Proposed rear garden room and insertion of front bat window.

6 POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 The Countryside
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN7 Nature Conservation
- Policy GEN8 Vehicle Parking Standards
- Policy ENV4 Ancient Monument and Sites of Archaeological Importance
- Policy ENV3 Open Spaces and Tress
- Policy ENV5 Protection of Agricultural Land
- Policy ENV8 Other landscape elements of importance for nature
- Policy ENV14 Contaminated land
- Policy H4 Backland development

7 PARISH COUNCIL COMMENTS

- 7.1 The proposed dwellings would be outside development limits and would be 1.5 and 2.5 storeys high behind a bungalow.
- 7.2 No new houses should be built until the road infrastructure is improved. Newport Parish Council's policy on any new applications, which involve School Lane and Bury Water Lane, has always been that no new houses should be built until the road is improved.
- 7.3 Additional housing will increase demands on the lane and lead to congestion.
- 7.4 There is no footpath or pavement in the lane which is extremely dangerous for pedestrians.
- 7.5 The distance to the Primary School and village amenities is considered unreasonable.
- 7.6 Each development is being considered separately rather than looking at the total; no upper limit has been placed on the number of houses that can be built on Whiteditch Lane or Bury Water Lane.
- 7.7 A proper foul water sewage system needs to be installed before any further development takes place.
- 7.8 There is a significant flood rias; earlier this year the junction of Bury Water Lane/School Lane was totally impassable.
- 7.9 Emergency vehicles would have problems accessing the Lane.
- 7.10 UDC plan for 50 "windfall2 houses per year. Newport seems to have had a very large share of these.

- 7.11 Please carry out a format site visit before making a decision on this application and ensure that the visit is on a day when the Joyce Frankland Academy is open.

8 CONSULTATIONS

ECC Highways Authority

- 8.1 No objection but recommended appropriate planning conditions.

ECC Ecologist Consultant

- 8.2 No objection. The site has been used as an equestrian facility for 30 years. The paddocks have been continually grazed and the stables are unsuitable for use by roosting bats because they are open to the frontage. The applicant should be aware of the legislation surrounding nesting birds and should not carry out any tree felling or building demolition between March and September unless the structure/tree has first been checked for nesting birds by ecologist. Active nests should be left alone with a sufficient buffer until the young have fledged.

BAA Aerodrome Safeguarding

- 8.3 There are no safeguarding concerns for Stansted Airport.

9 REPRESENTATIONS

- 9.1 Two letters of objection received based upon the following issues:

- 9.2 This development constitutes backfill as it sits to the rear of Branksome and neither house has direct frontage to the Lane. The proposed houses are situated further back from the byway than the average distance of other houses on the Lane. Previous applications in this locality have been withdrawn (at a cost to the applicants) on the basis that Officers advised that permission would not grant for backfill development in this location. This application would set a precedent for such backfill. If permission were to be granted then the Planning Authority would not be fulfilling its duties to be fair, consistent and non-bias in its application of the Planning regulations.

No flood risk assessment has been undertaken and this is a significant worry given that the Branksome site itself is prone to flooding. Current owners recognise this as they have built a lip to the entrance of their driveway to prevent water from the opposite farmers field, which is frequently waterlogged, flowing into their property. There is also substantial flooding on the Lane adjacent to the property during winter. The application makes great play of the fact that the two houses sit lower than the front property but does not explain how flooding will be prevented.

There is a knock on effect to this development should this flooding issue not be addressed as houses in Willow Vale frequently experience problems when the ford at the bottom of the Lane, Wicken Water (a water course not mentioned in the application) floods and sewage spills into their gardens. The application form for this development has sewage disposal unknown and therefore there is no indication as to how sewage will be prevented from spilling into adjacent properties.

Access on to the Lane by more than one property at the point shown in the site plan is dangerous as the applicants themselves indicate that there are a number of outstanding applications for development opposite and adjacent to Branksome. One such development, made by the applicants themselves and yet to be resolved at appeal, is for 14 houses, (surprisingly this is not referred to in this application- only reference is made to the single dwelling already approved).

This development alone would mean that immediately opposite the entrance to the proposed 2 houses another 30+ cars would be entering a single track BYWAY. Is this an acceptable traffic load at a single point adjacent to a blind bend?

Also only a few 10s of meters north of the proposed development another application is outstanding for 12 houses. The applicant's agent has been very selective in the use of the information regarding surrounding applications and their impact on the locality.

Essex Highways have recently made a statement as to the status of Whiteditch Lane to the effect that it is a Byway and therefore is suitable for pedestrians, horses, cyclists and light traffic only. Given that one proposed property is 6 bedroomed and the other is 4 this additional traffic load on the Lane would not appear to be sustainable and is not insignificant as stated by the applicant's agent. The inspector, reporting on a local planning appeal, states that the Planning Authority must take into account the cumulative effect of developments or proposed developments and not treat each application on its own. This would appear to be also applicable here.

Whiteditch Lane is a single track BYWAY and enters Bury Water Lane via a dangerous bend.

This road then passes through the local split site secondary school. There are no footpaths on Whiteditch Lane. Horse-riders, ramblers, dog walkers and joggers are frequent users. Any more development however small within this area will increase the danger to local people, particularly schools or just enjoying the rural countryside. The NPPF 2012 that the agent cites requires developments outside permitted limits to address social, economic need and not be detrimental to the environment. It also states that there needs to be suitable provision within the local infrastructure. There is no attempt within this application to contribute to the local infrastructure to alleviate shortfalls in the road systems or in local services. Essex Education Services have already stated that local children will soon need to be bussed to alternative primary and secondary schools due to the increase in population through developments already agreed. Anglian Water states that the sewage system within this area is already to capacity.

There is no social need within the village for 6 or 4 bedroomed houses and this application does not meet the demand for affordable homes. The contribution to the economic well-being of the locality will be short lived once the development finishes whilst if maintained as an equestrian facility may provide on-going employment.

The houses are not in-keeping with the locality, particularly the (effectively) 3- storey 6 bedroomed house, even if as the applicant suggests it is screened from the Lane by the existing bungalow.

The site is over developed in relation to other plots on the Lane. The site is situated in a rural position overlooking the River Cam valley with a view across to Shortgrove, a location of natural beauty. It is not as implied by the applicant's agent in an urban setting.

There also needs to be a longitudinal study of the impact on the local wildlife within the area and although the site does not sustain a bat habitat there are bats locally, as detailed in other surveys undertaken for planning permissions, that use the site as a food source, particularly as the equestrian usage produces a wealth of insect life. Also more recently, after years of no sightings, badgers and hedgehogs have been seen along this part of the Lane. This should be taken into account when considering this application. There does not appear to be an ecological survey undertaken to ascertain whether the local ditches, springs and water sources support newts or

Toads Given all these factors that have a negative impact on the current amenities, including health and safety, of local residents and Newport village as a whole, I request Officers and Members to reject this application.

10 APPRAISAL

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

- A Whether the principle of the proposal is sustainable (NPPF, ULP Policy S7)
- B The impact on the character of the open countryside (ULP Policies S7 and GEN2)
- C The Ecological impact (NPPF, ULP Policy GEN7)
- D The Heritage impact (ULP ENV4)
- E Access and Highways impact (ULP Policies GEN1 and GEN8)
- F Other matters

A Whether the principle of the proposal is sustainable (Paragraph 7 of the National Planning Policy Framework (NPPF) and ULP Policy S7)

- 10.1 Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.2 Paragraph 7 and 17 of the National; Planning Policy Framework set out the presumption that development which is sustainable should be approved without delay. The three dimensions to sustainable development are economic, social and environmental, and the NPPF stresses that these roles should not be undertaken in isolation. To achieve sustainable development, all three should be sought jointly and simultaneously through the planning system.
- 10.3 In land use terms the application site is outside development limits although in close proximity with other residential settlements, local services, train station and access to local bus routes.
- 10.4 The National Planning Policy Framework in paragraph 7 affirms that in order to achieve sustainable development, all three factors of economic, social and environmental roles of the planning system should be sought jointly and simultaneously.
- 10.5 In the case of the current proposed two dwellings the economic role is seen from the perspective where it would create a temporary job opportunity during construction stages only. And after the completion the occupiers will add to the number of those with purchasing power that would make use of the local services and infrastructure within the Newport area. For example; increase in the pupil school place, using local shops, Doctor Surgery and other services within Newport.
- 10.6 The Social role of the development include the increase of housing need in the local area of Newport and thereby adding to the housing stock required to support strong, vibrant and healthy communities in Newport. Such proposed two dwellings would not be prejudicial to the Five Year Housing Land Supply currently advocated by Uttlesford Council.
- 10.7 In terms of the environmental role the proposal would improve and enhance the natural environment through the proposed landscape strategy shown in the scheme which would help to support wildlife and biodiversity.
- 10.8 At the time of assessing this proposal, although each application is determined on their own merit my attention has been drawn to the recent Planning Appeal allowed (UTT/14/1794/OP) for 15 new dwellings incorporating alterations to access road and garage position of previously approved dwelling under reference UTT/13/2973/FUL. This is considered as a relevant planning consideration in weighing the benefit of this proposal against any harm.

B The impact on the character of the open countryside in terms of its scale, form, layout, appearance and materials (ULP Policies S7 and GEN2)

- 10.9 Policy S7 states that In the Countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why development in the form proposed needs to be there.
- 10.10 This is a full planning application involving the erection of 2 no. of dwellings with the proposed access and their respective layout, form, appearance, materials and design details in which policy GEN2 applies.
- 10.11 Policy GEN2 affirms that development will be permitted if the scale, form, layout, appearance and materials is compatible with surrounding buildings; and provided it would not harm the living condition of the adjoining occupiers.
- 10.12 The two proposed dwellings would be 1.5 storey high and the area is characterised by different form, layout, appearance, height, mass, materials and designs of residential buildings ranging from bungalows, two storey detached dwellings and 1.5 storey dwellings.
- 10.13 The topography of the surrounding area and features determines how each residential building is designed to respond to the character of the area. In the case of this two proposed 1.5 storey detached dwellings responded well to the topography of the area in terms of the proposed height because the rear of Branksome sloped down which provided opportunity to ensure that the proposed two dwellings height would not be higher compared to the Branksome dwelling.
- 10.14 Given the nature of different design approach and materials used in the construction of the surrounding buildings; in order to ensure the proposed development is sympathetic to the visual amenity of the area, the proposed houses would use vernacular materials of light painted render, boarding and clay tiles. All joinery would be of painted timber, with some exposed oak features, such as the porch on plot 2 and plot 1. These external facing materials would be condition so that the Council would ensure they respect the visual amenity or responded positively to the appearance of the existing nearby residential dwellings in accordance with Policy GEN2.
- 10.15 The distance of the two proposed two dwellings and in consideration with their height, layout and form would not harm the living condition of the adjoining occupiers in terms of overlooking, overbearing or overshadowing. The proposed landscape details and boundary treatment would help to safeguard the amenity of the adjoining occupiers.
- 10.16 The design approach embraced the sustainability element by providing and including ample space on site for secure cycle storage and refuse and recycling facilities. This is welcome because it is considered to be environmentally friendly in accordance with Policy GEN2.
- 10.17 Given that the proposed site is in sustainable location, the proposed design approach and scale of the two buildings are considered acceptable because they would not be in conflict with the character of this part of the open countryside subject to condition that would ensure that the proposed external facing materials would not harm the visual amenity or character or appearance of this part of open countryside which also comprised of other existing residential dwellings of different designs and scale.

10.18 In conclusion, considering that the site is located within a sustainable location as demonstrated through the three factors above namely economic, social and environmental on balance the proposal can therefore be considered to be sustainable in accordance with para. 7 of the NPPF. And the proposed two dwellings which need to be there to support the housing need required for Newport and its vibrant communities is not considered to harm the appearance or character of this part of the open countryside subject to the recommended planning conditions

10.19 Policy H4 states that development of a parcel of land that does not have a road frontage will be permitted subject to the criteria of this policy.

10.20 Despite the application site is located at the rear side of Branksome, overall it complies to all the policy criteria considering that the proposed development would make use of the existing access serving the stables. And given the location, form and design of the proposal it would not lead to overlooking, overbearing or cause disturbance to nearby properties.

C Ecological impact (Paragraph 118 of NPPF and ULP Policy GEN7)

10.21 Paragraph 118 of the NPPF affirms that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

10.22 Policy GEN7 affirms that development that would have harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the features to nature conservation.

10.23 The Essex County Council Ecologist Consultant did not raise objection to the proposal, although recommended appropriate measures to ensure wildlife are protected and this would be secured through planning condition.

D The Heritage impact (ULP ENV4)

10.24 The application site lies within an area of archaeological zone which might comprise of sensitive historical environment assets which paragraph 131 and 132 of the National Planning Policy Framework advocates in protecting and safeguarding.

10.25 In consultation with the Essex County Council Archaeological Officer advice that prior to the implementation of the approved development measures to safeguard the historical remains within the site should be secured and such mitigating measures would be secured through planning condition in accordance with Policy ENV4.

E Access and Highway impact (ULP Policy GEN1 and GEN8)

10.26 The submitted Planning Statement in addition with the proposed plans shows that there are two existing vehicular access points serving Branksome. The southernmost point along the frontage would be retained to serve the existing house; and that to the north, which currently serves the stables and riding arenas, would be used for the two proposed dwellings. And turning area would be provided within the curtilage of each property.

10.27 Having consulted the Highways Authority and they advised that they do not have any objection to the proposal instead recommended appropriate planning conditions to safeguard traffic in the area in accordance with Policies GEN1 and GEN8.

F Other matters

10.28 The application would involve the development of two dwellings with their respective off-street car parking facilities. A full consideration has been given to all the respective planning permissions for the development of residential dwellings in this immediate area in addition with the recent planning appeal allowed for 15 dwellings as illustrated above and in the opinion of your Planning Officer the proposed two dwellings would not adversely harm the local environment.

10.31 The proposed scheme is not within the threshold of Policy GEN6 that will enable the Planning Officer to secure funding for financial contribution towards education capacity that would be induced following the completion of the two dwellings and as the proposal is considered as a sustainable development it is not in conflict with para. 7 of the National Planning Policy Framework

10.32 Given that the site is currently in use as part of stables and horse riding arena and if the land is to be used for residential development information regarding the contamination state of the land would need to be submitted and approved by the Council prior to the implementation of the approved two dwellings; in order to protect the amenity of the future residents of the two houses. Such mitigation measures would be condition in accordance with Policy ENV14.

11 CONCLUSION

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

- A The principle of the proposal is considered acceptable because the development is easily accessible to local infrastructure such as school, Doctor's surgery, Train Station, Bus services, local shops and other community facilities; hence it can be considered to be a sustainable development in accordance with paragraph 7 of the National Planning Policy Framework.
- B The development would not adversely harm the character of this part of the open countryside considering its proximity to existing settlement; the layout, form, height, mass, appearance and materials are compatible with the surrounding buildings subject to the recommended planning conditions.
- C The proposal would not harm the ecological features of the area and with the use of the recommended planning condition any archaeological findings would be secured.
- D Given that the proposal only would involve the development of two dwellings which would use the existing access off Whiteditch Lane and with the recommended planning condition in place from the Highways Authority the proposal would not harm other road users. The number of the dwellings proposed would not adversely have any implication to education capacity.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/Refusal 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. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

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

JUSITIFCATION: 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.

- 3 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 to and approved by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies on the edge of the highly archaeologically sensitive area of the medieval town of Newport (Essex Historic Environment Record 376). The proposed development lies just outside the suggested limits of the medieval town, however, there is documentary evidence of a castle being in the vicinity (EHER 234). Initially thought to be in the area of the school, however, excavations here have failed to identify any remains. There is a wide range of prehistoric through to medieval deposits in the immediate area of Newport. Trial trenching on land to the west of the development area has recently identified evidence of Iron Age occupation which is likely to extend into the development area (EHER 48597).

JUSTIFICATION: The mitigation measures would need to be submitted for approval prior to the commencement of the development to ensure that any archaeological findings within the site are protected and safeguarded.

- 4 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 accordance with Policy GEN1 of the adopted Local Plan (2005).

JUSTIFICATION: In order to protect and safeguard other users.

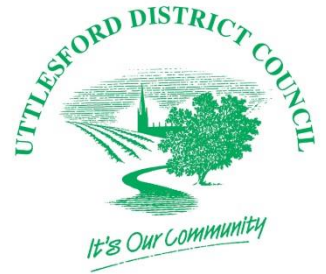
- 5 Construction of the development hereby permitted shall not commence until a scheme of brick walls and close-boarded fences at least 1.8m high has been submitted to and approved by the local planning authority in writing. The heights of these walls and fences shall be measured from whichever side the ground level is higher. Such walls and fences shall be erected in accordance with the approved scheme before any dwelling [building] [extension] is first occupied.

REASON: To protect the amenities of neighbours in accordance with Policy GEN2 of the adopted Local Plan (2005).

JUSITIFCATION: The details of materials of the proposed fence would need to be submitted for approval prior to the commencement of the development to ensure that the resulting height would not harm the amenity of the adjoining occupiers.

Application number: UTT/15/1664/FUL

Address: Land rear of Branksome Whiteditch Lane Newport



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Organisation: Uttlesford District Council

Department: Planning

Date: 7 August 2015

SLA Number: 100018688

UTT/15/1884/FUL (LANGLEY)

(Referred to Committee by Cllr Oliver. Reason: Size and design of outbuildings, incorporation of paddock land, removal of hedge, Scarlet Malachite Beetle)

PROPOSAL: **Demolition of existing dwelling and erection of replacement dwelling and change of use of paddock to residential garden land.**

LOCATION: **Long View, Waterwick Hill, Langley, Saffron Walden**

APPLICANT: **Mr & Mrs C Wakerley**

AGENT: **Mr A Frostick**

EXPIRY DATE: **20 August 2015**

CASE OFFICER: **Samantha Stephenson**

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises a 2 storey white rendered, on a brick plinth, detached dwelling with off road parking for several vehicles and a detached pitched roofed double garage building. The dwelling is set well back from the road and has established hedging to the road frontage and neighbouring boundary, remaining boundaries are bounded by a mixture of post and rain fencing and hedging. The dwelling is sited on a hill and set considerably lower than the nearest adjacent property which is sited over 40m away to the south. To the rear of the dwelling is open countryside and to the north east is paddock land which is within the applicant's ownership. The residential area of the site is approximately 0.53ha with the adjoining paddock at approximately 1.54ha.

The dwellings in the locality are of varying sizes and design with no uniformity.

3. PROPOSAL

3.1 The application proposes the demolition of the existing dwelling and the erection of a replacement dwelling and garage building with games/gym room. The proposed house would be a 5 bedroom dwelling on two floors and will be sited in the same place as the existing dwelling with a larger footprint.

3.2 The dwelling would have maximum dimensions of approximately 21m in depth and an approximate width of 17.5m with a maximum ridge height of approximately 7.2m. Proposed materials are bricks and weatherboarding with natural slate and clay pantiles and painted timber fenestration and doors. The dimensions of the garage building are 10.5m x 7.4m and 5.8m to the pitch with studio over and the adjoining gym room is proposed to be 7.3m x 3.8m and 4m to the ridge.

- 3.3 Three parking spaces are proposed in the garage building with additional off road parking provision within the curtilage of the dwelling. It is also proposed to convert a small corner of the adjacent paddock into residential garden land.

4. APPLICANT'S CASE

- 4.1 Application supported by;
- Design and Access Statement
 - Biodiversity questionnaire
 - Bat Survey
 - Sustainable construction checklist
 - Site Waste Management Plan

5. RELEVANT SITE HISTORY

- 5.1 N/A.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy H7 – Replacement Dwellings
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy ENV6 Change of use of Agricultural Land to Domestic Garden

- Uttlesford Local Parking Standards 2013

- SPD Replacement Dwellings

7. PARISH COUNCIL COMMENTS

- 7.1 At the meeting of the Parish Council on Tuesday 21st July planning application UTT/15/1884/FUL - Long View, Waterwick Hill, Langley was discussed and no objections were raised.

Although the Council are in favour of the development they would like to point out that the red line on the ordnance extract outlining the site does not demonstrate correct line of boundary as access to the property is over common land, for which a deed of grant will need to be given.

8. CONSULTATIONS

Access and Equalities Officer

- 8.1 I have reviewed the application and whilst there is no reference to compliance with the SPD on Accessible Homes and Playspace within the Design and Access Statement the

internal layout of the dwelling, because of its size will meet the requirements of the standard.

ECC Ecology

- 8.2 Thank you for consulting us. I have no objections. The bat survey undertaken by John Dobson in June 2015 found no evidence of bats in the property and deems no further surveys to be necessary.

ECC Highways

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

Thames Water

- 8.4 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application..

9. REPRESENTATIONS

- 9.1 16 neighbours were informed. 2 objections received.
Description of application not clear. Size and location of the proposed new outbuilding. inaccuracies on biodiversity questionnaire.

10. APPRAISAL

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

- A The principle of development of the site (ULP Policies S7 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 existing dwelling is located outside of the development limits and is therefore countryside for the purposes of the local plan where new dwellings are generally not permitted. However, the proposal is for a replacement dwelling and this would be acceptable in principle subject to it being in scale and character with neighbouring properties and through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set (ULP Policy H7).

- 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 of 1980's design and has little architectural merit either visually or materially and does nothing to enhance the countryside setting.
- 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 240m². 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 houses in the locality, it would be set in from the boundaries and is set lower than the existing (by 1m), the submitted south-eastern elevation drawing demonstrates this and shows that the proposed dwelling would provide an appropriate transition between the neighbouring properties and would be compatible with the group as a whole. Although the proposed garage building has moved closer to the boundary there remains sufficient distance between it and the existing boundary screening and as well as the distance between properties to ensure that there will be no detrimental visual impact.
- 10.7 The new dwelling has been positioned in the same location as the existing, the plot is a deep one with a large verge, the large gardens remain and the general sense of space that exists in the street scene achieved by the separation between buildings will be preserved.
- 10.8 The majority of landscaping and trees is proposed to be retained along the boundaries, and new indigenous planting will also be introduced to strengthen these boundaries. Therefore, the rural character of this locality can be adequately safeguarded and screening can be maintained, the imposition of landscaping conditions will help to ensure this.
- 10.9 The gables reflect the design details of the existing and neighbouring dwellings and whilst the overall proposed design differs from the existing, it is of vernacular design and similar to other dwellings in the locality. 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.
- 10.10 The Essex Design Guide recommends 100sqm of private amenity area for a dwelling of this size and this plot is well in excess of that.
- 10.11 The proposal to convert a small area of paddock land to residential garden land is considered to be compatible with ULP Policy ENV6 which states that this will be permitted if it does not result in a material change in the character and appearance of the surrounding countryside. The proposed area of the paddock is considered to be a

small unworkable corner and will not create a wedge of domestic garden intruding into an agricultural landscape. The applicant has proposed appropriate boundary treatment suitable for the rural location, which will not have the effect of urbanising the area or compromising the openness of the countryside.

10.12 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).

10.13 With regard to the proposed replacement dwelling and its impact on residential amenity, the dwelling to the south is at a sufficient distance to ensure that there will be no overshadowing, overbearing or overlooking impact. The proposed dwelling will be set lower than the existing by 1m so will have a reduced visual impact. Although the garage building is larger than the existing and is moved slightly closer to the boundary there still remains sufficient distance to minimise this impact and the dropped eaves line design minimises its visual impact.

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

10.14 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 proposed garage and additional off road parking provision within the curtilage of the site is sufficient to meet and exceed the Uttlesford Local Residential Parking Standards adopted December 2012.

E Nature Conservation (ULP Policy GEN7)

10.15 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. As part of the application a Bat Survey and biodiversity questionnaire was submitted and as part of the determination of the application the County Ecologist was consulted. The County Ecologist had no objections; 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.

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. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which

within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

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

- 3 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

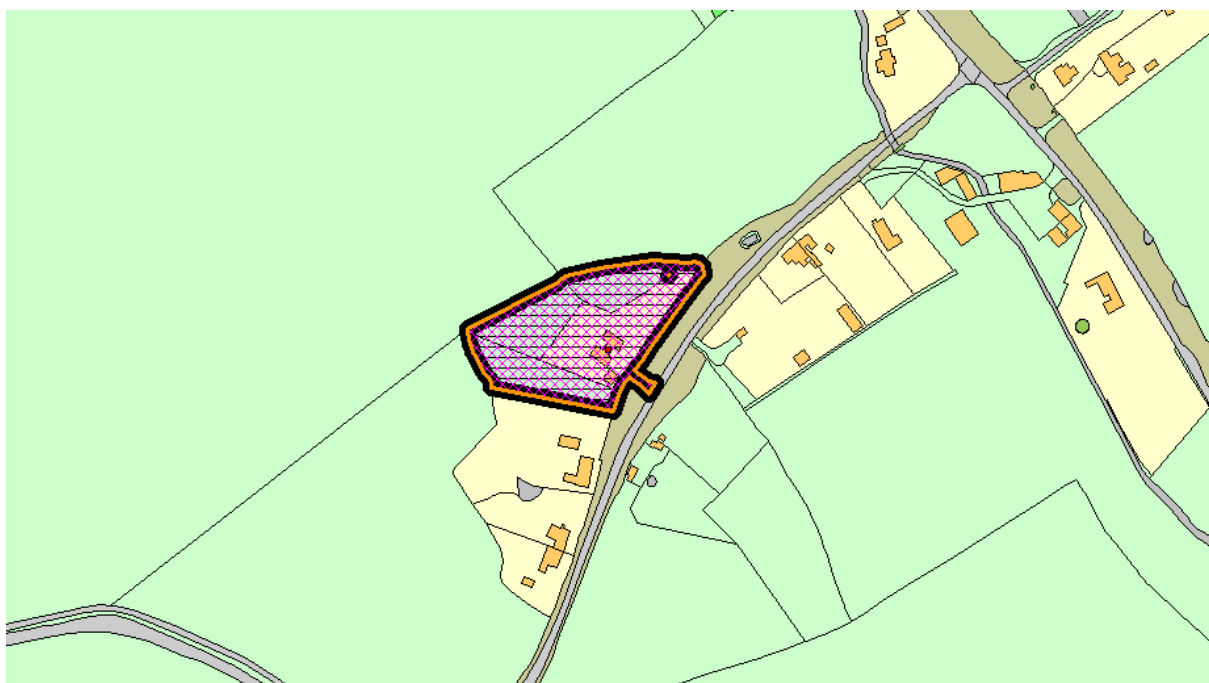
4. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

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



Application number: UTT/15/1884/FUL

Address: Longview Waterwick Hill Langley



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Organisation: Uttlesford District Council

Department: Planning

Date: 7 August 2015

SLA Number: 100018688

