

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.

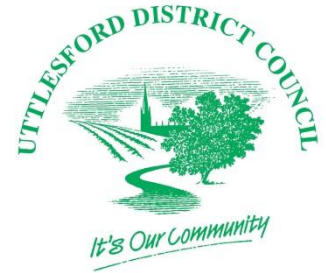
REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential 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).

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).

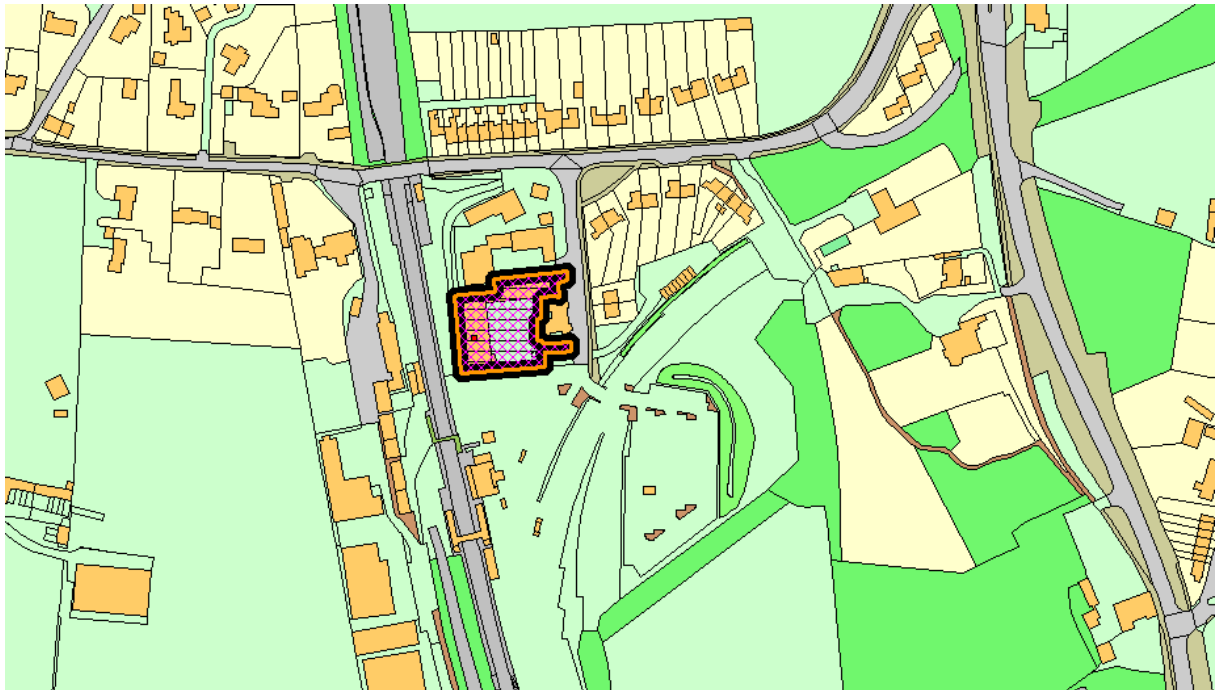
10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. 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

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