



Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Wednesday, 21 October 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 ant apologies and declaration of interests

- 2 Minutes of previous meeting** 5 - 8
To consider the minutes of the meeting held on 16 September 2015

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

- 4 Planning Applications**

- 4.1 UTT/15/0726/FUL Felsted** 9 - 28
To consider application UTT/15/0726/FUL Felsted

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5	Land south of Ongar Road Great Dunmow To consider a replacement condition for application UTT/14/0127/FUL Great Dunmow	257 - 302
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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 16 SEPTEMBER 2015**

Present: Councillor J Loughlin – in the Chair
Councillors R Chambers, P Fairhurst, R Freeman, E Hicks, J Lodge and A Mills.

Officers in attendance: E Allannah (Senior Planning Officer), N Brown (Development Manager), M Cox (Democratic Services Officer), K Denmark (Development Management Team Leader), M Perry (Assistant Chief Executive - Legal), L Mills (Planning Officer), C Theobald (Planning Officer) and S Stephenson (Planning Officer),

PC22 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Davey, V Ranger and H Ryles.

Councillors R Freeman, Fairhurst and Lodge declared a pecuniary interest in applications UTT/15/1662/FUL Saffron Walden, UTT/15/1663/FUL Saffron Walden, UTT/15/1660/FUL Saffron Walden, UTT/15/1661/FUL Saffron Walden as they knew the freeholder of the property. They would leave the meeting for the consideration of these items.

Councillor Mills and Hicks declared a non – pecuniary interest in application UTT/15/0643/DFO Great Chesterford as they knew the agent. Councillor Hicks also declared an interest in application UTT/15/1541/FUL Thaxted as he knew the architect for the application.

PC23 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 25 August 2015 were agreed as a correct record.

PC24 PLANNING APPLICATIONS

(a) Approvals

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

UTT/15/1541/FUL Thaxted - Demolition of bungalow and garage and erection of 6 no. dwellings with landscaping and garaging (variation to approved scheme UTT/13/1678/FUL) - Artington, Orange Street, Thaxted for Shire Hall Homes Ltd

UTT/15/1884/FUL Langley – demolition of existing dwelling and erection of replacement dwelling and change of use of paddock to residential garden land – Long View, Waterwick Hill for Mr and Mrs C Wakerley.

Subject to the following additional conditions

- 5 The garage building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Longview.
REASON: To prevent the formation of a separate dwelling in this rural location in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).
- 6 Works involving any habitat clearance in the south western corner of 'Malachite Meadow' to accommodate the new garden shall be undertaken outside of the Scarlet Malachite Beetle active season, which is April - June inclusive.
Reason: To remove any risk of harm to a Section 41 Priority Species, in accordance with GEN7 of the Uttlesford Local Plan (adopted 2005).

Councillor Oliver and Joe Walsh spoke against the application.

UTT/15/1959/FUL THAXTED - Conversion of former children's nursery building into 7 no dwellings and the erection of a rear two storey extension comprising 2 no dwellings together with associated parking, external works and drainage - 25 Barnards Field, Thaxted for Mr C Hockley

UTT/15/1662/FUL SAFFRON WALDEN - Change of use from Class A3/A5 (restaurant/hot food takeaway) to Class A5 (hot food takeaway) including the installation of replacement extraction and ventilation equipment - 12 Hill Street Saffron Walden for Mr Joshi.

Subject to the amended condition (8) and new condition (9) below

- 8 The premises shall not be open to customers (including collections and deliveries to/for customers from the premises) outside of 11.00 to 23.00 on any day.
REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN2 of the adopted Local Plan.
- 9 There should be no deliveries to the site outside the hours of 0800 to 1800 Mondays to Saturdays with no deliveries to the site on Sundays and Bank Holidays.

Councillors Freeman, Fairhurst and Lodge left the meeting for the consideration of this item.

UTT/15/1663/FUL SAFFRON WALDEN - External alterations to the building including the replacement of the existing roof on existing lean-to; replacement of customer entrance door; removal of later fascia treatments and other minor alterations to the building - 12 Hill Street Saffron Walden For Mr Joshi.

Councillors Freeman, Fairhurst and Lodge left the meeting for the consideration of this item

UTT/15/1660/LB SAFFRON WALDEN - Installation of a replacement extract duct (including removal of existing air condensing units; new fresh air intake; and air condensing unit - 12 Hill Street for Mr Joshi

Councillors Freeman, Fairhurst and Lodge left the meeting for the consideration of this item

UTT/15/1661/LB SAFFRON WALDEN - Proposed replacement of the existing roof on existing lean-to, replacement of customer entrance door, removal of later fascia treatments and other minor alterations to the building. Proposal also includes minor internal alterations to existing building -12 Hill Street Saffron Walden for Mr Joshi

Councillors Freeman, Fairhurst and Lodge left the meeting for the consideration of this item

UTT/15/2373/FUL THAXTED - Proposed change of use to residential dwelling - Clarence House, Watling Street for Mrs K O'Donnell.

Edward Morgan, Michael Culkin and Ben O'Donnell spoke in support of the application.

UTT/15/2218/LB Saffron Walden -New external signage and branding and replacement of 1 no. External ATM machine. Internal alterations. New external signage, 1 no. Fascia sign, 1 no. hanging sign, 1 no. Light Pocket, 3 no. Vinyls, 1 No, nameplate and 1 no. suspended chevron - Natwest 3 Market Place for Mr Alan Finlayson

Subject to an additional condition that the Natwest suspended chevron should not be illuminated

UTT/15/2220/FUL Saffron Walden - External ATM machine - Nat West 3 Market Place Saffron Walden for Mr Alan Finlayson

UTT/15/2221/AV Saffron Walden - New external signage and branding and replacement of 1 no. External ATM machine Internal alterations. New external signage, 1 no. Fascia sign, 1 no. hanging sign, 1 no. Light Pocket, 3 no. Vinyls, 1 No, nameplate and 1 no. suspended chevron - Nat West 3 Market Place Saffron Walden for Mr Alan Finlayson.

Subject to an additional condition that the Natwest suspended chevron should not be illuminated.

UTT/15/1844/FUL SAFFRON WALDEN - Application to vary condition C 3 1 ('the development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans... ') attached to UTT/0693/07/FUL (Construction of 4 No. commercial units (B1, B2, B8 uses) and extension to existing building) - Amending the elevational treatment to improve the internal environment of the building and the external street scene - Dencora Park, Shire Hill, for Mr S Wingham c/o GCA Limited.

(b) Deferment

UTT/15/0643/DFO Great Chesterford - Details following outline application UTT/14/0425/OP for 14 residential dwellings – details of access, scale and layout for 12 no. dwellings - Land North of Bartholomew Close Great Chesterford for Michael and Andrew Hamilton

Reason: For further consideration of highway matters.

Councillor Redfern, Andrew Leclercq, Anne Ross – Greetham, Victoria Choat and Collette Altaparmakova spoke against the application. Paul Sutton spoke in support of the application.

(b) District Council Development

RESOLVED that pursuant to the Town and Country Planning (General) Regulations 1992, permission be granted/refused for the following development subject to the conditions in the officer's report.

UTT/15/2413/LB (SAFFRON WALDEN) - replace the top floor galvanised window units with identical units - Council Offices, London Road, Saffron Walden for Adrian Webb.

PC25

NOTIFICATION OF WORKS TO TREES - UTT/15/2572/TCA SAFFRON WALDEN

The committee considered proposed works to pollard 3 lime trees and 1 sycamore and to fell 2 yew trees within a conservation area at Walden Place, Freshwell Street, Saffron Walden. The trees had been inspected by the Landscape Officer and the work was considered to be appropriate.

RESOLVED that no objection be raised to the proposed tree works.

PC26

PLANNING AGREEMENTS

The Committee received the list of outstanding section 106 agreements

The meeting ended at 4.30 pm

UTT/15/0726/FUL - FELSTED

(More than five dwellings)

PROPOSAL:	Residential development comprising 22 dwellings and associated garages, roads, parking, open space and part demolition of existing buildings
LOCATION:	Former Ridleys Brewery, Mill Lane, Hartford End
APPLICANT:	Stockplace Hartford Ltd
AGENT:	Pomery Planning Consultants Ltd
EXPIRY DATE:	11 June 2015 – Agreed Extension of Time 23 October 2015
CASE OFFICER:	Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The application site is located off Chelmsford Road, to the south of Hartford End. It accommodates a number of industrial buildings with a combined footprint of approximately 5350 sq m.

3. PROPOSAL

3.1 The application is for planning permission to demolish all buildings, with the exception of the facade of the original brewery building which would be converted to accommodate 1 house and 8 flats. A further 13 houses would be erected with associated garages, roads, parking and open space.

A schedule of accommodation is contained in Appendix A of this report.

4. APPLICANT'S CASE

4.1 It is suggested in the Planning Statement that:

- the principle of residential development is acceptable, given that previously developed land would be used
- the high quality design makes the best use of the buildings of character
- measures have been taken to minimise and alleviate flood risk
- parking provision exceeds the Council's minimum standards
- private garden sizes exceed the Council's minimum standards
- a generous amount of public open space is included
- the development cannot support any affordable housing or financial contributions towards infrastructure
- the site does not contain any protected species
- the development would enhance the local landscape
- the submitted contamination report makes recommendations which can be addressed using planning conditions

- the number of associated vehicle movements would be lower than the previous planning permission

5. RELEVANT SITE HISTORY

- 5.1 In October 2009, outline planning permission was granted under application number UTT/0645/09/OP for a wellbeing village comprising 34 care home rooms, 50 assisted living apartments, 3 guest bedrooms, warden's flat, restaurant and shopping and recreational facilities.
- 5.2 In February 2012, planning permission was granted under application number UTT/2310/10/FUL for a mixed use development comprising 36 apartments, 7 houses and offices.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF)
- House of Commons: Written Statement (HCWS161) – Sustainable drainage systems
- Planning Update: Written statement - HCWS488

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development affecting Listed Buildings
- Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
- Policy ENV5 – Protection of Agricultural Land
- Policy ENV12 – Protection of Water Resources
- Policy ENV14 – Contaminated Land
- Policy H1 – Housing Development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

6.3 Supplementary Planning Documents and Guidance

- SPD Accessible Homes and Playspace
- Parking Standards: Design and Good Practice
- Local Residential Parking Standards
- The Essex Design Guide
- Developer Contributions Guidance Document
- Strategic Housing Market Assessment
- Felsted Parish Plan

7. PARISH COUNCIL COMMENTS

- 7.1 Felsted Parish Council has commented that the proposal is a good scheme in general, although it has the following reservations:

- A full bus stop, with disabled access, should be provided
- Plots 15 and 16 require more than three parking spaces
- The associated affordable housing solution is unclear

8. CONSULTATIONS

Anglian Water

8.1 The nearest connection point is 900 m away.

Natural England

8.2 No comments.

Highway Authority

8.3 No objection, subject to the use of planning conditions regarding:

- construction traffic
- vehicular access design
- closure of existing vehicular access
- completion of parking area prior to occupation of the dwellings
- cycle parking provision
- provision of a sustainable transport information pack

ECC Historic Environment

8.4 No objection, subject to the use of a planning condition regarding archaeological trial trenching and excavation.

ECC Ecology

8.5 No objection, following initial objection. Planning conditions should be used regarding:

- further information on bat activity
- minimising the impact on biodiversity during construction
- conservation and enhancement of biodiversity

ECC Infrastructure Planning

8.6 A financial contribution of £69,380 must be made towards primary school education, on the basis of 19 dwellings with at least two bedrooms.

Lead Local Flood Authority

8.7 No objection, following initial objection. Planning conditions should be used regarding:

- compliance with proposed surface water drainage scheme
- approval of a surface water management scheme during construction
- long-term maintenance of the surface water drainage system

Housing Enabling Officer

- 8.8 The proposal should provide 40% of the dwellings as affordable housing, amounting to 9 dwellings.

Stansted Airport

- 8.9 No objection.

Environment Agency

- 8.10 No objection, subject to the use of planning conditions regarding:

- finished ground floor levels
- full details of the proposed flood wall
- full details of the proposed compensatory storage scheme
- remediation of contaminated land
- updated groundwater samples
- long-term monitoring and maintenance of contamination

Chelmsford City Council

- 8.11 No objection, subject to the resolution of surface water flooding and ecology issues, and the use of planning conditions requested by the Highway Authority and the Environment Agency.
- 8.12 The flood compensatory storage works to the south of the river form part of the application being dealt with by Chelmsford City Council under application number 15/00583/FUL.

9. REPRESENTATIONS

- 9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. One representation has been received, which is generally supportive of the development but raises concerns regarding:
- necessary reduction in speed limit on Chelmsford Road
 - lack of bus stops at the site
 - a playground is required

10. APPRAISAL

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

- A Accordance with the development plan
- B Accordance with the National Planning Policy Framework (NPPF)

A Accordance with the development plan

Location of housing

- 10.1 Policy H1 identifies the proposed locations for housing development, which include locations outside urban areas where the development involves the re-use of existing buildings and previously developed land. These locations do not include undeveloped land beyond development limits. The majority of the application site comprises previously developed land, although some agricultural land would be used to provide landscaping. Overall, it is considered that the location of the development accords with the distribution strategy in Policy H1.

Character and appearance of the countryside

- 10.2 Policy S7 states that development will only be permitted in the countryside if it needs to take place there, or is appropriate to a rural area. Reading this policy alongside Policy H1 reveals that the proposed rural location is appropriate for housing development.
- 10.3 Policy S7 continues that development will only be permitted in the countryside if its appearance protects or enhances the particular character of the part of the countryside within which it is set, or there are special reasons why the development in the form proposed needs to be there.
- 10.4 The site has an industrial appearance and is immediately surrounded by open countryside, with the exception of Park Cottages on the opposite side of Chelmsford Road. The proposal would primarily re-use the developed land, although it would also encroach onto the surrounding agricultural land.
- 10.5 The buildings would be more evenly distributed across the site when compared with the existing concentration towards the south and east. However, this would not have a detrimental impact on the appearance of the site in long distance views, particularly because the landmark brewery building on the corner of Chelmsford Road and Mill Lane would be preserved. With suitable landscaping, the overall appearance of the site would remain as a cluster of buildings in a rural setting. The spaciousness of the development and the green spaces associated with the open space and sustainable drainage system would ensure compatibility with the rural landscape.

Sustainable transport and road safety

- 10.6 Policy GEN1 states that development will only be permitted if it encourages movement by means other than driving a car. The site is not in a town or village with services and facilities so occupants would need to travel. Walking is not a realistic option given the lack of street-lit paths over the distance of approximately 3.15 km (1.95 miles) to the centre of Felsted. Cycling is possible, although the lack of any cycle paths ensures that this is unlikely to account for the majority of journeys. Furthermore, Felsted would be the only realistic destination so cycling is unlikely to provide an option for travelling to work in the larger settlements, such as Great Dunmow, Braintree and Chelmsford. Bus stops approximately 350 m to the north of the site provide access to a limited service (Hedingham No.16), which includes Felsted and Chelmsford as destinations. The most likely mode of transport is the car, in conflict with Policy GEN1.
- 10.7 Policy GEN1 states that development will only be permitted if access to the main road network is capable of carrying the traffic generated by the development safely, and if its design would not compromise road safety and would take account of the needs of all road users. Taking into account the comments of the Highway Authority, it is considered that the proposal would comply with this policy provided that appropriate conditions would be used.

Design

- 10.8 Policy GEN2 states that development will not be permitted unless it is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Nearby housing comprises detached and semi-detached family housing with a variety of design approaches, although most buildings are finished in brick and chimneys are common features. It is considered that the proposed housing would appear compatible with the character of the area. The buildings in the south-east part of the site would respect the industrial heritage of the site, and the remainder of the buildings would generally follow the design principles set out in 'The Essex Design Guide'. External walls would be

finished in brick and render, and roofs in slates and clay tiles. Samples could be secured using a condition.

- 10.9 Policy GEN2 states that development will not be permitted unless it safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. The submitted Arboricultural Implications Assessment identifies that 8 trees would need to be removed to facilitate the development. These would generally be of low to poor amenity value, although one is of moderate amenity value. The trees identified in the report as T7 (Horse Chestnut) and T14 (Turkey Oak) are protected by Tree Preservation Orders. These would be retained, although a condition would be required to ensure that a detailed method statement would be agreed before the commencement of development. Overall, it is considered that the important environmental features on the site would be retained.
- 10.10 Policy GEN2 states that development will not be permitted unless it provides an environment which meets the reasonable needs of all potential users. The policy is supplemented by the SPD entitled 'Accessible Homes and Playspace', which requires compliance with the Lifetime Homes standards and the provision of wheelchair accessible dwellings. The proposal includes two wheelchair accessible dwellings, at Plots 2 and 18, in excess of the requirement for 1.1 such dwellings. Compliance with the SPD could be secured using a condition.
- 10.11 Policy GEN2 states that development will not be permitted unless it has regard to guidance on layout and design. The policy is supplemented by 'The Essex Design Guide', which includes guidance on the provision of private amenity space. The schedule of accommodation in Appendix A report shows that the proposal broadly complies with the minimum garden size standards. At 95 sq m, the garden serving Plot 17 is sufficiently close to the minimum standard of 100 sq m to ensure that an appropriate amount of amenity space would be provided.
- 10.12 Guidance on layout and design is also contained within the Developer Contributions Guidance Document. Based on a population of approximately 90 people, the guidance requires the provision of 180 sq m of children's play space and 720 sq m of amenity greenspace. The proposal includes 154 sq m of children's play space and 2694 sq m of amenity greenspace. This is considered an appropriate level of provision. The play space is not of a sufficient area to justify play equipment so it would serve as an open area for children's play. A condition could be used to secure details of the layout of both spaces, and a legal agreement could secure their long term maintenance by a management company.
- 10.13 Policy GEN2 states that development will not be permitted unless it would avoid materially adverse impacts on the reasonable occupation and enjoyment of a residential property. The policy is supplemented by 'The Essex Design Guide', which includes guidance on issues such as loss of privacy and loss of daylight. The proposed development has been designed to successfully avoid these adverse effects on living conditions.

Flood risk

- 10.14 Policy GEN3 states that buildings will not be permitted in the functional floodplain unless there is an exceptional need. The proposed development would straddle Flood Zones 1, 2, 3a and 3b, the latter being regarded as the functional floodplain. No evidence has been provided to demonstrate that there is an exceptional need for development to take place on the site. The proposal therefore breaches this policy.

Infrastructure

- 10.15 Policy GEN6 states that development will not be permitted unless it makes appropriate provision for infrastructure which it necessitates. Taking into account the comments of Essex County Council, it is considered that the development should make a financial contribution of £69,380 towards primary school education. This could be secured using a legal agreement.

Biodiversity

- 10.16 Policy GEN7 states that development which would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Information on biodiversity impacts is included in the submitted Ecology Reports and Protected Mammals Survey. Taking into account the comments of the Ecological Consultant, it is considered unlikely that the proposal would cause harm to protected species or valuable habitats.

Vehicle parking

- 10.17 Policy GEN8 states that development will not be permitted unless the number, design and layout of vehicle parking places are appropriate for the location. This policy is supplemented by 'Parking Standards: Design and Good Practice' and 'Local Residential Parking Standards', which set minimum parking standards to prevent on-street parking. The proposal generally complies with the minimum standards, although Plot 1 would be served by two spaces rather than the necessary three. Nevertheless, there would be an over-provision of unallocated residents' parking spaces adjacent to Plot 1 so this additional availability ensures that the provision is appropriate. Each of the existing four cottages would be provided with 2 parking spaces, which exceeds the current provision.

Setting of listed buildings

- 10.18 Policy ENV2 states that development will not be permitted if it would adversely affect the setting of a listed building. At the western end of Mill Lane are the former Mill and Mill House buildings, which are Grade II* and Grade II listed respectively. The proposed development would cause no material harm to the setting of these buildings. There is a substantial separation distance between the site and the heritage assets, and the visual impact of the development at the proposed scale would not be significant.

Archaeology

- 10.19 Policy ENV4 requires suitable assessment of archaeological remains before development commences. Taking into account the comments of the Historic Environment Advisor, it is considered that the proposal could affect below-ground remains relating both to the development of the brewery and previous occupation of the site. A condition would therefore be appropriate to ensure that suitable investigation would precede development of the site.

Agricultural land

- 10.20 Policy ENV5 states that development will only be permitted on the best and most versatile agricultural land where opportunities have been explored on previously developed land and within Development Limits. The Natural England Agricultural Land Classification Map indicates that the agricultural land affected by the development is predominantly classified as Grade 3, perhaps with some Grade 2. This is among the best and most versatile agricultural land. Nevertheless, it is considered that the amount of land affected is not significant in agricultural terms, at approximately 0.5 hectares, so limited weight may be given to the breach of policy.

Contamination of water

10.21 Policy ENV12 states that development will not be permitted if it would be liable to cause contamination of groundwater or surface water, unless effective safeguards are provided. Taking into account the comments of the Environment Agency, it is considered that any potential contamination risks could be suitably addressed using appropriate conditions.

Contaminated land

10.22 Policy ENV14 requires appropriate investigation where it is known or strongly suspected that a site is contaminated. Taking into account the comments of the Environment Agency, it is considered that any potential contamination risks could be suitably addressed using appropriate conditions.

Affordable housing

10.23 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 date Housing Needs Survey, market and site considerations. However, the Developer Contributions Guidance Document confirms that provision will not be sought if it can be evidenced that the requirement would render the development unviable. Following the submission of a Viability Assessment and its review by a Council-appointed independent consultant, it is considered that affordable housing provision would render the development unviable so the requirement should be waived in this instance.

Housing mix

10.24 Policy H10 states that developments on sites of 0.1 hectares and above, or of 3 or more dwellings, must provide a significant proportion of market housing comprising small properties. Small properties are those with 2 or 3 bedrooms. On the basis that rooms labelled 'Study' could realistically form a further bedroom, the proposal includes six small properties in the form of two-bedroom flats. At 27% of the total, this is not considered a significant proportion.

10.25 The Strategic Housing Market Assessment, published September 2015, forms the most up to date evidence base for housing mix in the District. It requires a housing mix skewed towards family houses of 3 or more bedrooms. The majority of the proposed units are large family houses, although there is also a significant element of 1 and 2 bedroom flats. This is considered appropriate, taking into account the importance in design terms of retaining the principal brewery building which lends itself to flats rather than houses.

Conclusion on the development plan

10.26 The proposal complies with most relevant policies and, while there is a breach of Policy ENV5 in relation to the loss of agricultural land, the weight given to this breach is limited. However, the location of the site and lack of regular public transport options means occupants would rely heavily on the car to access employment and day to day services and facilities. This represents a significant conflict with Policy GEN1, and ensures that the development does not accord with the development plan.

B Accordance with the National Planning Policy Framework (NPPF)

Character and appearance of the countryside

10.27 Paragraph 17 of the NPPF states that a core land-use planning principle is that planning should recognise the intrinsic character and beauty of the countryside. Taking into account the above conclusion on Policy S7, it is considered that the proposal would not harm the intrinsic character and beauty of its rural setting.

Sustainable transport

10.28 Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It recognises the need to take account of other policies in the NPPF, particularly in rural areas. Taking into account the conclusion on Policy GEN1, it is considered that the proposal would not successfully minimise the need to travel and maximise the use of sustainable transport modes. Nevertheless, account should also be taken of the below assessment in relation to paragraph 55, which relates to housing in rural areas.

Vehicle parking

10.29 Paragraph 39 of the NPPF sets a number of criteria which should be applied when setting local parking standards. Paragraph 39 is supplemented by 'Planning Update: Written statement - HCWS488', which states that local parking standards for residential and non-residential development should only be applied where there is clear and compelling justification that it is necessary to manage the local road network. Given the lack of available public transport options at the site, it is considered that the local minimum standards are applicable. Taking into account the above conclusion on Policy GEN8, it is considered that appropriate parking provision would be made.

Rural housing

10.30 Paragraph 55 of the NPPF states that rural housing should be located where it will enhance or maintain the vitality of rural communities, and that planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

10.31 The distant location of the nearest settlement with services and facilities ensures that the site is isolated and therefore not located where housing would enhance or maintain the vitality of rural communities. It is therefore necessary to consider whether any of the listed special circumstances apply, one of which is development which would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

10.32 The proposal would reuse buildings which are considered to be non-designated heritage assets. The main brewery building in the south-east corner of the site is prominent from the road and a locally distinctive feature. It was built in 1842 and was operational for over 160 years, forming a longstanding feature which contributes to the history of the development of the landscape. As demonstrated by the viability evidence, the site presents financial difficulties in terms of bringing forward redevelopment. It is therefore considered that the proposal offers a scheme that could secure the future of the heritage asset by retaining the prominent and distinctive facade of the original brewery, as well as the stack.

Design

10.33 Paragraph 58 of the NPPF includes a number of criteria to ensure that high quality design is achieved. Taking into account the above conclusion on Policy GEN2, it is considered that the proposal would achieve a high quality of design.

Flood risk

10.34 Paragraph 101 of the NPPF describes the Sequential Test, the aim of which is to steer new development to areas with the lowest probability of flooding. As the application site includes land within Flood Zones 2 and 3, the policy indicates that evidence should be submitted to demonstrate that the development could not be located in Flood Zone 1. However, the Sequential Test is not necessary for changes of

use only, or for alterations which do not increase floorspace. Therefore, the proposed change of use to residential should have no bearing on the need for a Sequential Test, and the replacement of the existing buildings in Flood Zones 2 and 3 with buildings of a smaller overall size should also not necessitate the test.

10.35 In accordance with paragraph 103 of the NPPF, a flood risk assessment has been submitted with the application. Taking into account the comments of the Environment Agency, it is considered that the proposal suitably addresses flood risk issues provided that appropriate conditions would be used.

10.36 House of Commons: Written Statement (HCWS161) requires decisions on planning applications relating to major development to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. Taking into account the comments of the Lead Local Flood Authority, it is considered that the proposal includes a suitable sustainable drainage system provided that appropriate conditions would be used. A legal agreement could be used to secure appropriate long-term maintenance of the system by a management company.

Biodiversity

10.37 Paragraph 109 of the NPPF states that planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Taking into account the above conclusion on Policy GEN7, it is considered that biodiversity impacts would be successfully mitigated and enhancements achieved, subject to the use of appropriate conditions.

Previously developed land

10.38 Paragraph 111 of the NPPF states that plans and decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. The proposal would mainly use previously developed land so it gains support from this policy.

Loss of agricultural land

10.39 Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is necessary, the use of poorer quality land should be sought in preference to that of a higher quality. Taking into account the above conclusion on Policy ENV5, it is considered that the proposal would cause limited harm from the loss of agricultural land because the area of land is not significant in agricultural terms.

Conclusion on the NPPF

10.40 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.

10.41 Policy H1, which identifies locations for housing, is out of date because it only relates to the period 2000 - 2011. The restrictive nature of Policy S7 also forms part of this spatial strategy. It is therefore necessary to assess the proposal in the context of the presumption in favour of sustainable development.

10.42 The proposal complies with most relevant policies in the NPPF. While there is limited conflict with paragraph 112 regarding the loss of agricultural land, the degree of harm would be limited.

10.43 The proposal conflicts with the sustainable transport policy at paragraph 34, although the policy accepts that rural housing has limited opportunities in this regard. As the proposal includes the redevelopment of previously developed land and secures the future of a heritage asset, it is considered that the adverse impacts are outweighed by the benefits. The proposal is therefore regarded as sustainable development, for which planning permission should be granted.

11. CONCLUSION

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

A The proposal does not accord with the development plan. Nevertheless, relevant policies are out of date so it is necessary to apply the presumption in favour of sustainable development, as set out in the National Planning Policy Framework. Taking into account the policies of the Framework, it is concluded that the proposal represents sustainable development for which planning permission should be granted.

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) financial contribution of £69,380 towards education provision

(ii) ongoing maintenance by a management company of:

- sustainable drainage system
- landscaping and open space
- flood defence infrastructure

(iii) payment of the Council's costs of monitoring

(iv) payment of 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 21 November 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 financial contribution towards education provision

(ii) Lack of arrangement for the ongoing maintenance by a management company of:

- sustainable drainage system
- landscaping and open space
- flood defence infrastructure

Conditions

1. The development hereby permitted must 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 S7 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 planting, hard surfaces and boundary treatment) must be submitted to and approved in writing by the Local Planning Authority. 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, in accordance with Policy S7 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.

4. 5% of the dwellings approved by this permission must be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission must be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON : To ensure compliance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the SPD on Accessible Homes and Playspace.

5. Prior to the occupation of any dwelling, details of the design and layout of the open space and play space must be submitted to and approved in writing by the Local Planning Authority. The open space and play space must be formed in accordance with the approved details prior to the occupation of any dwelling.

REASON: To ensure appropriate provision is made for open space and play space, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the Developer Contributions Guidance Document.

6. Prior to commencement of the development, a written scheme of investigation including a programme of archaeological trial trenching must be submitted to and approved in writing by the Local Planning Authority. The archaeological trial trenching must be carried out in accordance with the approved details prior to commencement of the development.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development does not prevent necessary archaeological investigation.

7. Prior to commencement of the development, a Construction Method Statement must be submitted to and approved in writing by the Local Planning Authority. The approved Statement must be adhered to throughout the construction period. The Statement must provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities.

REASON: In the interests of highway safety, in accordance with Policy GEN1 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.

8. The access as shown on Drawing No. REDW-3175-110 dated March 2015 must be constructed to adoptable standards, to include a 2 metre wide footway across the site frontage and visibility splays of 160m by 2.4m by 90m at the northern access, and must be kept clear of any obstruction at all times.

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

9. The existing central access must be permanently closed incorporating the reinstatement to full height of the highway verge/kerbing, immediately the proposed new access is brought into use.

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

10. Prior to the occupation of any dwelling, the vehicle parking area indicated on the approved plans must be hard surfaced, sealed and marked out in parking bays. The vehicle parking area must be retained in this form at all times.

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

11. The finished ground floor levels of all buildings hereby permitted must be set no lower than 38.40m AOD.

REASON: To ensure the appropriate protection to the dwellings and occupants in the event of a flood, in accordance with the National Planning Policy Framework.

12. Prior to commencement of the development, full details and drawings of the flood wall must be submitted to and approved in writing by the Local Authority in consultation with the Environment Agency. The details must include hydrostatic and hydrodynamic calculations, verified by an independent third party. The flood wall must be installed prior to occupation of any dwelling.

REASON: To ensure the appropriate protection to the dwellings and occupants in the event of a flood, 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.

13. The associated compensatory storage scheme on land to the south of the application site must be completed in accordance with the terms of planning permission 15/00583/FUL, granted by Chelmsford City Council, prior to the occupation of any dwelling.

REASON: To ensure the proposed development does not increase flood risk elsewhere, in accordance with the National Planning Policy Framework.

14. Prior to commencement of the development, a scheme that includes the following components to deal with the risks associated with contamination of the site must be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency:

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.

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

REASON: To protect, and prevent the pollution of, controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction and River Chelmer) from potential pollutants associated with current and previous land uses, in accordance with 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.

15. Prior to occupation of any dwelling, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation must be submitted to and approved in writing by the Local Planning

Authority. The report must 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 must 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 must be implemented as approved.

REASON: To protect, and prevent the pollution of, controlled waters (particularly the Secondary A aquifer, nearby groundwater abstraction and River Chelmer) from potential pollutants associated with current and previous land uses, in accordance with National Planning Policy Framework.

16. Prior to commencement of the development, 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, must 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, must be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures must 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 must 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 aquifer, nearby groundwater abstraction and River Chelmer) from potential pollutants associated with current and previous land uses, in accordance with 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.

17. If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by 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 aquifer, nearby groundwater abstraction and River Chelmer) from potential pollutants associated with current and previous land uses, in accordance with National Planning Policy Framework.

18. The development must be carried out in accordance with the approved Flood Risk Assessment (May 2015, 1279/RE/06-14/01 REVISION E produced by Evans Rivers and Coastal) and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 2 l/s except in fluvial flooding conditions when runoff will be limited to 10.05 l/s during a 1 in 1, 26.75 l/s during a 1 in 30 and 38.49 during the 1 in 100 year event.

- 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.

The mitigation measures must be fully implemented prior to occupation of any dwelling 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 surface water flooding and to ensure the effective operation of the sustainable drainage system over the lifetime of the development, in accordance with the National Planning Policy Framework and House of Commons: Written Statement (HCWS161) – Sustainable drainage systems.

19. Prior to commencement of the development, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works must be submitted to and approved in writing by the Local Planning Authority. The scheme must be implemented as approved.

REASON: To mitigate against increased flood risk to the surrounding area during construction therefore, 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.

20. Works to the office building must not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

1. An additional dusk emergence or dawn re-entry survey, completed by a licensed bat ecologist
2. A mitigation strategy for bats, in accordance with the outline mitigation measures in the June 2015 Ecology Report and prepared by a licensed bat ecologist
3. A license (informed by the above) from Natural England pursuant to regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specific development to go ahead

REASON: To ensure compliance with the Conservation of Habitats and Species Regulations (2010), the Wildlife and Countryside Act (1981) and to ensure the favourable conservation status of a European Protected Species is not impacted. This condition must be 'pre-commencement' to ensure that biodiversity impacts are fully understood before development commences.

21. Prior to commencement of the development, a Construction Environmental Management Plan (CEMP: Biodiversity) must be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity must 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
- h) Use of protective fences, exclusion barriers and warning signs

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

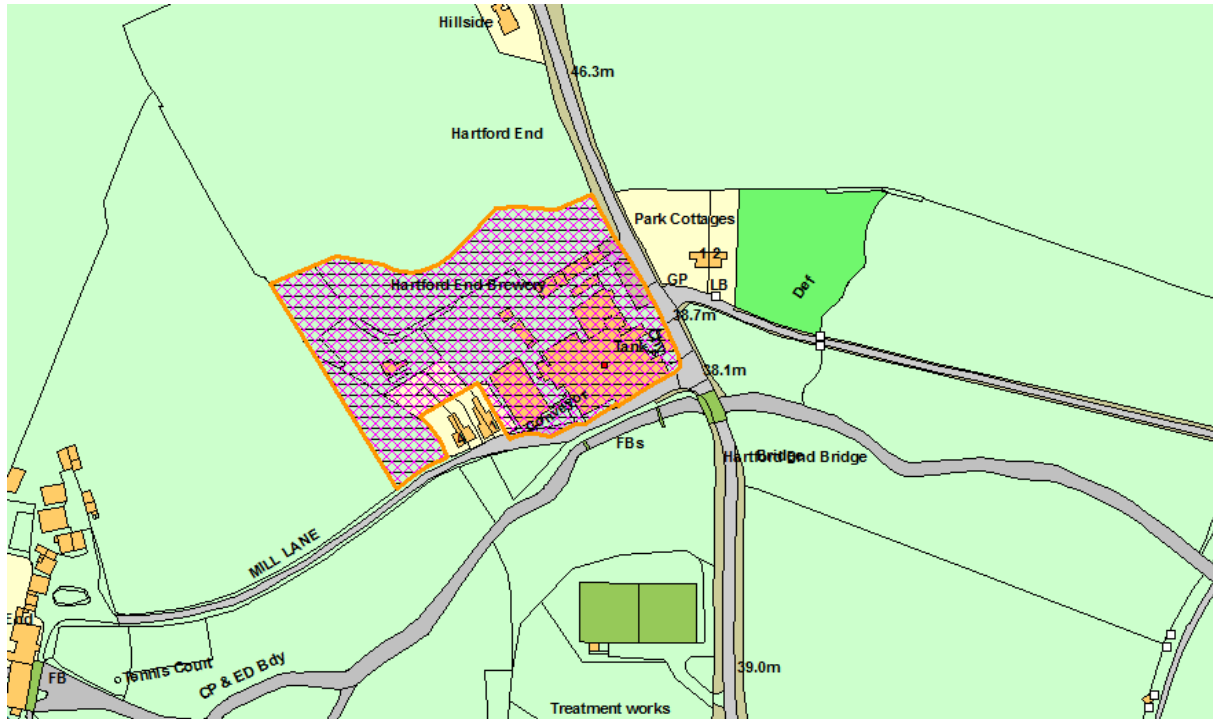
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

Appendix A – Schedule of Accommodation

Plot	Bedrooms	Parking (min.)	Parking	Garden (min.)	Garden (sq m)
1	4 (incl. Study)	3	2	100	100
2	1	1	1	-	-
3	2	2	2	25	34 (136 communal)
4	2	2	2	25	34 (136 communal)
5	1	1	1	-	-
6	2	2	2	25	34 (136 communal)
7	2	2	2	25	34 (136 communal)
8	2	2	2	25	25
9	1	1	1	-	-
10	4	3	4	100	249
11	6 (incl. Study)	3	4	100	304
12	4	3	4	100	185
13	6 (incl. Study)	3	4	100	205
14	4	3	4	100	238
15	6 (incl. Study)	3	3	100	168
16	6 (incl. Study)	3	3	100	158
17	5 (incl. Study)	3	3	100	95 useable
18	2	2	2	50	73 useable
19	6 (incl. Study)	3	4	100	245
20	5 (incl. Study)	3	3	100	338
21	5 (incl. Study)	3	4	100	245
22	5 (incl. Study)	3	4	100	294
Visitors	-	6	7	-	-

Application number: UTT/15/0726/FUL

Location: Former Ridleys Brewery Mill Lane Hartford End Felsted



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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688

UTT/15/1666/FUL - STANSTED

(MAJOR APPLICATION)

PROPOSAL: **Mixed use development comprising 10 No. dwellings, ground floor retail unit with independent first floor office and 3 storey commercial building including associated garages, car parking and landscaping**

LOCATION: **14 Cambridge Road, Stansted**

APPLICANT: **Developments & London and Stansted Furnishing Co**

AGENT: **Landmark Town Planning Group**

EXPIRY DATE: **7 September 2015**

CASE OFFICER: **Maria Shoemith**

1. NOTATION

1.1 Within Development Limits, Part protected Retail Frontage/Town Centre Policy SM1, adjacent to Grade II listed buildings

2. DESCRIPTION OF SITE

2.1 The site is predominantly set back off Cambridge Road to the rear of properties no. 12-30 (even). The site previously comprised a single storey shop located to the front of the site on Cambridge Road (no.14), and to the rear/centre of the application site there were a number of two-storey and single storey units (total of 8 units), of which these have since been demolished due to their poor state of repair.

2.2 The site covers a total area of approximately 0.43 hectares.

2.3 There is a 1.5m high close boarded fence to the rear of the site adjacent to the Crafton Green Car Park. There are high level conifers along the shared eastern boundary. There are also close boarded fences along the northwest, north and northeast, with slightly lower fencing along the northeast boundary, which relate to two-storey houses fronting Clarence Road.

2.4 Fronting Cambridge, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site, north of the entrance into the application site. Further along there are a row of semi-detached single family dwellings. Half of this row of houses is Grade II Listed.

2.5 South of the site entrance the Listed former Barclays Bank building is currently in the process of changing use to a Sainsbury's under permitted development rights.

2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library. Also there is Geneva Motors to adjacent to the Car Park partly fronting Cambridge Road.

2.7 The site's access is taken from Cambridge Road.

3. PROPOSAL

- 3.1 The application is for the proposed erection of a mixed use development comprising 10 No. dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building including associated garages, car parking and landscaping.
- 3.2 The proposed scheme is for a two-storey building fronting the Cambridge Road. This would have a height of 9m and having a pitched roof and a traditional design form. This would have a retail shop frontage, but it is proposed to be used for Class A2 professional and financial services, on the ground floor accessed from both Cambridge Road and the new entrance into the site. The first floor is proposed to be for Class B1 Office space. It is proposed that there would be a dual principle frontage by having windows and shop front accessed from both the mews entrance and Cambridge Road. The south flank elevation of this building would have three windows which would serve toilets and a landing window. The proposed commercial unit 1 would create a gross external floorspace area of 224.3sqm
- 3.3 A second commercial unit for Class B1 purposes is proposed as part of the scheme of which would be located adjacent to the southern boundary shared with Geneva Motors adjacent to the approved car repair facility UTT/13/1456/FUL. This unit would comprise of three floors, providing a floorspace of 614sqm (GEA) and would have a total height of 10.7m. This building is capable of being used by either a single user or subdivided up to 6 units. There is a possibility for these units to be used a business start-up units.
- 3.4 It is proposed that this building would have a traditional form in a 'maltings style' appearance.
- 3.5 A total of 16 car parking spaces have been provided for the commercial units, including a visitors parking space. The commercial parking is proposed in clusters between the two commercial units, to the east of commercial unit 2 and to the north of the commercial units which forms the rear boundary of Tescos and the Co-Operative.
- 3.6 As part of the application it is proposed that there would be a pedestrian access which would be located between commercial unit 2 and Plot 10. This would create a link between the application site and the adjacent Crafton Green Car Park. This would create a more direct link from Cambridge Road and the car park and library.
- 3.7 The application also consists of 10 residential dwellings. Plots 6, 8, and 9 are proposed to have open ended garages which would perform like an under croft which would allow an additional parking space to be utilised at the rear of the property. The dwellings have been designed to Lifetime Homes Standards.
- 3.8 The proposed heights of the dwellings would vary between 8.5m – 9.8m.
- 3.9 The proposed residential units would breakdown to the following;

Dwelling unit Number	Number of Bedrooms	Number of Parking Spaces	Garden Amenity Size
1	3	2	102
2	3	2	106
3	3	2	123
4	3	2	121
5	3	2	103

6	2	2	165
7	3	2	104
8	2	2	165
9	2	2	137
10	3	2	106
	Total Visitors Parking	2	

4. APPLICANT'S CASE

- 4.1 The main aim and objective of the proposed development is to have a positive impact on the village of Stansted Mountfitchet by bringing forward a high quality mix-use development on a currently vacant brownfield site.
- 4.2 The starting point here is the refusal Uttlesford District Council to grant planning permission under reference UTT/13/1126/FUL on the 29th August 2013. This decision was upheld on Appeal by an Inspector appointed by the Secretary of State for Communities and Local Government.
- 4.3 The scheme as submitted is a response to the issues identified and the criticisms made by the Inspector in his Decision of 21st October 2014. He did not disagree that a mixed commercial /residential scheme was appropriate in principle but he found weaknesses in the detail. To highlight the differences between the former layout and content and what is now proposed is a reduced residential context, there is now adequate parking for the commercial element and careful regard to the immediate context.
- 4.4 The proposal seeks to redevelop a vacant commercial site to provide new mews style housing and commercial units with a link footpath to the council owned land and car park which lies to the immediate south. The site is approximately 4300sqm in area and was occupied with commercial premises (recently demolished).
- 4.5 The proposals will include the erection of 7 x 3 bedroom dwellings, 3 x 2 bedroom dwellings. The proposals incorporate a mixture of detached, terraced and parking linked to the dwellings. The residential units are solely market dwellings and will include the provision of private amenity areas for each individual dwelling. Each dwelling has been allocated a spacious floor area.
- 4.6 There will be a commercial unit which will incorporate a retail ground floor (A1 and A2 use class) and a separately accessible office (B1 Use class) at first floor level. Another commercial unit (B1 use) will begin the north residential mews terrace.
- 4.7 A highways and transportation statement has been prepared by SLR in support of the application.
- 4.8 The scheme as submitted has used the appeal decision issued under reference APP/C1570/A/13/2208075 as the basis for its design, layout and fundamentally as a Check list to ensure that the concerns raised by the Independent Inspector Mr Preston on behalf of the Secretary of State have been dealt with in fully.
- 4.9 In addition the scheme is not only compliant with National Planning Policy but indeed Local Planning Policies which have been adopted by Uttlesford District Council, both established and emerging. It is therefore hoped that upon consideration by the Local Planning Authority that Members of the Planning Committee will take on board all the material considerations in this matter and will Grant Planning Permission for the

Scheme as submitted.

5. RELEVANT SITE HISTORY

- 5.1 Member's will remember this scheme being presented at the Planning Committee 30 May 2012 under UTT/0215/12/FUL. The scheme under the previously involved the following:
- i) The demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings.
 - ii) Mixture of detached and semi-detached two-storey properties with associated garage provision.
 - iii) The erection of a new retail unit with office space over, two-storeys fronting Cambridge Road.
 - iv) Associated car parking for both the residential and commercial unit and landscaping.
 - v) 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units.
 - vi) Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
 - vii) A 5 bar timber gate is proposed along the front access of the site, setback from the main road.
- 5.2 The above application was refused on the grounds of "The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2, GEN4 and E4 of the Uttlesford Local Plan 2005."
- 5.3 A revised application had been submitted (UTT/1193/12/FUL) "for the Demolition of existing buildings and erection of 14 no. dwellings, retail and office unit, and associated garages, car parking, landscaping and footpath" incorporating the following;
- i) Removal the proposed access gates;
 - ii) Introduction of an access path between adjacent Car Park and the site;
 - iii) The transport statement has been updated no changes in terms of vehicle numbers;
 - iv) Further information has been submitted with regard to the existing tenant arrangements on site and an update has been provided in relation to the available commercial premises in the locality and the condition of the buildings on site.
- 5.4 Planning permission was refused 26 July 2012 by Planning Committee on the grounds "The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2, GEN4 and E2 of the Uttlesford Local Plan 2005."
- 5.5 An application has been received for prior approval for demolition consent for various buildings on site (UTT/12/6142/DEM) no objection was raised 18/1/13. Since this time the buildings that were on site have been demolished and the site cleared.
- 5.6 A further application was submitted on the subject site UTT/13/1126/FUL for the "erection of a mixed use development comprising 14 No. dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building including associated garages, car parking and landscaping".
- 5.7 Planning permission was refused 29th August 2013 by Planning Committee on the

grounds “The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. This is specifically manifested through the provision of undersized gardens, a failure to provide homes which meet Lifetime Homes Standards and a lack of onsite vehicle parking. The proposed is therefore contrary to Policies GEN2, and GEN8 of the Uttlesford Local Plan (adopted 2005), SPD Accessible Homes and Playspace (adopted November 2005) and the Essex Design Guide (adopted 2005).”

- 5.8 The decision was appealed to the Planning Inspectorate of which was refused for the following reasons;

“I conclude that the proposal would result in an unsatisfactory residential environment and poor living conditions for residents of units R1 and R11-14 due to the size and configuration of their gardens and the resultant proximity to adjacent commercial uses. The highway layout and lack of car parking provision would also represent a poorly planned environment in which parked cars would dominate, to the detriment of the character and appearance of the area.

Paragraph 49 of the Framework states that housing applications should be considered in the presumption of sustainable development. The definition of sustainable development at paragraph 7 of the Framework is based upon a three-stranded approach; economic, social and environmental. It may be that a scheme cannot contribute equally to all three elements and a rounded view has to be taken where the contribution may be only small or neutral for one of the roles.

There would be clear economic benefits to the proposal, resulting from the redevelopment of the site, the creation of employment opportunities and an increase in the local population to support shops and services. Given the scale of the proposal, I consider that this would be of moderate benefit to the local economy. The Council does not dispute that the site is situated within a sustainable location. It would regenerate a previously developed site and offer a choice of sustainable transport modes, thereby assisting in the move to a low carbon economy. In this sense, although there is little evidence of any significant environmental gain resulting from the proposal the nature and location of the site would minimise any harmful effects.

In social terms, for the reasons set out, the proposal would contribute to the local supply of housing but would fail to provide a high quality built environment and result in living conditions that would not be conducive to the well-being of prospective occupants. Good design and the provision of good living conditions for residents are core principles of the planning system, as identified at paragraph 17 of the Framework. In my view, the significant harm in these respects would outweigh the economic and environmental benefits of the proposal. In particular, the benefits put forward would not outweigh the need to provide a good standard of amenity for future residents, this being a fundamental aim of the planning system. As such, based upon a balance of the three elements, I am of the view that the proposal would not represent a sustainable form of development.

It therefore follows that the presumption in favour of sustainable development at paragraphs 14 and 49 of the Framework should not apply to the proposal. With regard to paragraph 14 the Council has adequately demonstrated that it has a five-year supply of deliverable sites and the policies referred to within the

decision notice are up-to-date. However, in any event, I have identified significant harm in terms of the living conditions of future residents and to the character and appearance of the area. Given the fundamental nature of these concerns, any benefits of granting planning permission would be significantly and demonstrably outweighed by the harm identified.

In view of the above, and taking all other matters into account, I conclude that the appeal should be dismissed.”

5.9 Since the submission of UTT/13/1126/FUL application a planning application has been submitted on the adjacent neighbouring site (10 Cambridge Road, 12 June 2013) for the ‘Proposed extension to existing showroom to create a tyre, exhaust and repair facility and the additional showroom with office over’ (UTT/13/1456/FUL). This was determined at the same Planning Committee and was granted planning permission.

5.10 Planning permission was granted for the Stansted Library for the proposed “Demolition of existing library and erection of multi-purpose community building with associated staff parking, landscaping, cycle parking, signage/seating and refuse and recycling facilities. Provision of temporary library facilities for the duration of the building works”. (UTT/13/2027/FUL). Granted 21 November 2013.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S1 – Development Limits for the Main Urban Areas
- SM1 – Local Centres
- E1 - Distribution of Employment Land
- E2 – Safeguarding Employment Land
- RS1 - Access to Retailing and Services
- RS2– Town and Local Centres
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN6 - Infrastructure Provision to Support Development
- GEN7 - Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV2 - Development Affecting Listed Buildings
- ENV3 - Open Spaces and Trees
- ENV12 –Protection of Water Resources
- ENV14 – Contaminated Land
- ENV15- Renewable Energy
- H1 - Housing Development
- H3 - New Houses within Development Limits
- H4 - Backland Development
- H10 - Housing Mix

6.3 Stansted Mountfitchet Community Plan (2011)

The document identified that Stansted has enlarged over the years and states that any

further attempts to significantly enlarge Stansted would be resisted. The Plan identifies that the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) identifies a number of sites that could potentially bring forward housing schemes one of those sites identified is the subject application site and it is stated that the Parish Council agrees with this site (page 13 of Community Plan).

6.4 Urban Design Assessment of Development Opportunity Sites (Place Services - Essex County Council) (January 2012, presented to the LDF Working Group 8 February 2013)

6.4.1 Work has been undertaken by ECC Urban Design in terms of appraising the application in conjunction with the wider adjacent sites (rear of Cambridge Road, Chapel Hill and Crafton Green). These have been seen as an area of development opportunity. The document has concluded the following:

6.4.2 "Through the process of viability testing, context analysis and urban design appraisal, the future development potential of the site has been explored and development principles established.

6.4.3 This document sets out the principles for the future development of the site, ensuring that any development fits into the surrounding context, while providing the town with a suitable mix of uses which meets the needs and the requirements for the future growth of Stansted Mountfitchet.

6.4.4 Following summary set outs the key development principles future proposals will need to address:

- A comprehensive development of the site would be the only way to ensure a mix of development uses which would benefit and enhance the future of Stansted Mountfitchet.
- Future development proposals need to be suitably phased, taking a regard for land ownership, development mix and viability
- Connecting Cambridge Road with Crafton Green possibly as a one way or part one way route
- Sustaining the current levels of public car parking while exploring more convenient locations for accessing Cambridge Road and the businesses, retail and community facilities on site
- Creating a convenient, safe and direct pedestrian route to the retail units on Cambridge Road
- Suitable residential development which reflects the immediate context of the site to be located adjacent to the surrounding areas with adequate parking
- Establish additional retail/commercial units to the rear of the existing units fronting Cambridge Road
- Improvements to servicing/delivery arrangements to existing food retailers on Cambridge Road to alleviate congestion

6.5 Assessment of Development Opportunity Sites (Study undertaken by Carter Jonas on behalf of UDC November 2012, presented to LDF Working Group 22 November 2012)

6.6.1 This study looked at the same site as the study above, Urban Design Assessment of Development Opportunity Sites, and focuses upon the financial viability of the site. The study made reference to the subject site of this application and referred to the two previous planning applications. The report by Carter Jonas stated "*The Officer's report (for UTT/1193/12/FUL) highlights the occupancy difficulties in the properties in*

the vicinity which have a high vacancy rate supported by a report from Mullucks Wells. The opening of the Tesco's Express has probably increased visitors to Cambridge Road but also exacerbated the traffic issues on Cambridge Road from short term parking on the public highway. The public car park at the rear is probably not deemed 'convenient' for very brief visits and there is no direct access through to Cambridge Road, though the proposed development would have provided links from the existing car park at the rear. Rental levels and demand in Stansted would not support speculative development either for retail or office use so that the prospects of the provision of new retail development on Cambridge Road is therefore only likely as part of a larger scheme, probably including some residential to improve viability.

- 6.6.2 ***The site would be capable of development for B1 commercial space but demand would tend to be for industrial end of the spectrum with single storey units with an office element. Such a development would seem inappropriate for this central location and more appropriate to an 'out of town' location where the traffic movements from commercial vehicles would be less intrusive.***
- 6.6.3 *An allocation for town centre uses across the whole site is unlikely to find developers interested in resolving any ownership issues and promoting any scheme for the site. This could leave the northern part of the site derelict whilst the southern part of the site would continue with its existing uses. In time there will be occupiers looking for space in the centre and it is important for the future of Stansted that space for them is retained but this would not require a site of this size.*
- 6.6.4 *However, the allocation does provide an opportunity for the preparation of a comprehensive plan for the redevelopment of the site which can properly address the needs of the village as a whole providing new retail units on Cambridge Road with proper links to adequate car parking, space for new town centre related development **and could also include some residential development on part of the site which would support some of the less commercially viable town centre uses.** Any such proposals would also need to consider the existing community services on the site and how these are to be maintained. We would recommend that the site be extended to include the vacant former 'You're Furnished' unit which was part of the recent planning application. This could provide an entrance into the new development and improve traffic flows on Cambridge Road and is shown shaded yellow on the Council's allocation plan attached.*
- 6.6.5 ***Speculative development on the site is unlikely*** and development will only occur in response to an identified need. ***A comprehensive scheme would be viable if it includes an element of residential and could create new retail units on Cambridge Road, improved access to relieve congestion on Cambridge Road and identify sites ready for other town centre uses when the occupiers are identified.***
- 6.6.6 *The allocation of this site should provide an opportunity for this important part of the Village to be considered as a whole. Development may well include some residential use but piecemeal development is unlikely to secure the benefits that this part of the Village urgently requires."*

7. PARISH COUNCIL COMMENTS

- 7.1 The National Planning Policy Framework states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 The development plan effectively comprises the Uttlesford Local Plan in this instance. There are four material considerations, these being:-

1. The National Planning Policy Framework (i.e. the Framework);
2. ECC's Development Management Policies document;
3. UDC's Developer Contributions Guidance Document; and
4. The Stansted Mountfitchet Community Plan.

Extent to which the proposal is in accordance with the development plan

7.3 Significant weight should be given to the relevant policies in the existing local plan because of their high degree of consistency with the policies in the Framework.

7.4 The proposed development is in accordance with the following policies:-

- Policy S1 – 'Development limits for the Main Urban Areas';
- Policy RS2 – 'Town and Local Centres';
- Policy SM1 – 'Local Centres'; and
- Policy H3 – 'New Houses within Development Limits' and is therefore acceptable in principle.

7.5 However, the detailed design of the scheme is such that it is contrary to Policy GEN1 – 'Access' on the basis that:-

- The vehicular access to and egress from the main road network is not capable of carrying the traffic generated by the development safely; and
- The design of the proposed development compromises road safety for the reason set out in (i) above.

7.6 The reason for this is because of the location of the vehicular egress (on the northern side of the access to Cambridge Road) together with the presence of a bus stop to the immediate left of this point (in front of what would be the proposed retail outlet) and a loading bay to the immediate right. The loading bay serves both the Tesco Express store immediately adjacent to the right and the Co-op store 13m further up the road on the right.

7.7 That situation is such that, if there is a bus at the bus stop or a lorry in the loading bay, a driver's sight would be seriously impeded when leaving the site. The fact that the proposed development would result in a safety hazard is acknowledged in the case officer's report relating to a previous proposal for the site. That report stated "With regards to commercial delivery option (Co-op & Tescos) considerable time has been spent discussing the issue with Highways and could not find a safe solution with regards to entry and egress from the site.....". That is presumed to imply that:-

1. The vehicular entry to and egress from the site has been identified as unsafe;
2. A safe solution to that problem was sought in discussion with ECC Highways;
3. A safe solution to that problem was not found; but
4. The application was recommended for approval in any event.

7.8 Despite this, Essex County Council commented that the current application ".....is acceptable to the Highway Authority" subject to a series of planning conditions which ".....are required to ensure that the development accords with the Highway Authority's Development Management Policies.....". But those conditions relate only to matters which are applicable within the curtilage of the site. They do not relate to highway concerns which could reasonably be expected to arise off-site as a direct consequence of the implementation of the development as outlined above.

- 7.9 The ECC Development Management Policies document states:-
 “These policies reflect the balance between the need forprotecting the transport network for the safe movement of people and goods and have the following aims:
 • Protect and maintain a safe highway infrastructure.....”
 Given the circumstances relating to this application, it would appear that the policies were intended to prevent just such a situation as would result from this proposal.
- 7.10 Consideration of ECC’s Development Management Policies suggests that that there is ample scope for it to have:-
- 1) Identified and acknowledged that the proposed development would be likely to result in a reduced level of safety, and a potential hazard, to both drivers exiting the proposed development site and road users on Cambridge Road;
 - 2) Identified potential mitigation measures, if that is possible; and
 - 3) Either a) sought the implementation of any such mitigation measures through the grant of planning permission and/or a legal agreement; or, if there are no adequate mitigation measures or there are but they could not be implemented, b) recommended that planning permission be refused accordingly.
- 7.11 The proposal is also contrary to Policy GEN2 – ‘Design’ because it does not provide an environment which meets the reasonable needs of all potential users in that:-
- Vehicular egress from the site is unsafe if a lorry and/or bus is parked in the allotted bays on either side of the vehicular entrance to/egress from the site;
 - There is no provision for children’s playspace on the site;
 - There is no provision of amenity greenspace on the site; and
 - There is no evidence of compliance with the council’s requirements with regard to the provision of ‘lifetime homes’ and wheelchair-accessible housing.

Material Considerations

- 7.12 Assessment of the scheme against the policies in the Framework reveals that:-
1. The principle of the development of the site for the uses proposed is acceptable; but that
 2. The resulting potential traffic hazard – which has not even been acknowledged let alone any attempt made to find an acceptable solution – is such that, unless this is done satisfactorily, planning permission should be refused.
- 7.13 UDC has adopted ECC’s Development Management Policies, referred to above, as council approved planning guidance. Given that, UDC must be in a position to be able to apply them in the determination of planning applications accordingly.
- 7.14 The scheme does not comply with UDC’s Developer Contributions Guidance Document in that it provides neither children’s play equipment nor any amenity greenspace.
- 7.15 The Stansted Mountfitchet Community Plan identifies a series of actions from which it is apparent from the above that the principle of the proposed development is acceptable subject to adequate and appropriate open space being provided and the potential impact upon both traffic flow and traffic safety on Cambridge Road being satisfactorily addressed.

Recommendation

- 7.16 Whilst the proposed development is acceptable in principle, the potentially dangerous vehicular egress is such that, unless this matter can be satisfactorily

overcome, it should be refused planning permission because it is contrary to both local plan policies GEN1 – ‘Access ’ and GEN2 – ‘Design’ and contrary to ECC’s Development Management Policies. The Parish Council is recommended to advise Uttlesford District Council accordingly.

7.17 Additional comments relating to revisions:

- We have no objection to the revision to the three dwellings and associated car parking spaces.
- However, the number of car parking spaces for the commercial units still fails to meet the requirements and is made worse by the fact that two more spaces have a tandem layout which we believe makes the situation worse rather than better.

8. CONSULTATIONS

Thames Water

- 8.1 No objection on the basis that surface water will be fully disposed to sustainable drainage system, as stated in the submitted application form (dated 27.05.2015). It is requested that details of the foul drainage primarily the onsite drainage layout and connection point to the existing network are submitted. With regards to sewerage infrastructure capacity no objection is raised.

NHS

- 8.2 No objection. The number of dwellings falls below our criteria we would not be able to seek a developer contribution.

Environment Agency

- 8.3 No objection to proposal. However have comments more or less the same as application UTT/13/1126/FUL. Following review of the Phase 1 Environmental Site Assessment Report prepared by, dated March 2015, application should be approved subject to conditions.
Recommend that the sewerage undertaker is consulted to ensure that there is sufficient capacity within the main sewer network and the receiving wastewater treatment works.

ECC Ecology

- 8.4 No objections, proposals is supported by an Ecology Report (SLR Consulting, April 2015). The report identifies the site to contain a limited number of habitats comprising common and widespread flora. The potential for protected species is limited to nesting birds by virtue of the limited habitat diversity and enclosure by residential housing. The report recommends a Construction Environmental Management Plan (CEMP) and this should be conditioned.

ECC Highways

- 8.5 From a highway and transportation perspective the impact of the proposal as shown in principle on Drawing No. BRD/15/022/002 is acceptable to the Highway Authority subject to conditions (letter dated 17 June 2015).
- 8.6 Additional representations in light of comments from Rowland Bilisland Traffic Planning and Barker Parry Town Planning;

- 8.7 The following is a statement providing more detail in support of the highway authority recommendation of approval for mixed use development on the above site.
- 8.8 The site has an existing use and an existing access and the supporting documentation provides a comparison between the former use and the likely traffic generation and the proposed mixed use with the likely traffic generation. It should be pointed out that the size of the proposed development is well below the threshold for a Transport Statement but one has been provided nonetheless. The Transport Statement provides a robust assessment of the likely trip generation and the highway authority agrees with the conclusion that the proposed mixed use would result in a reduction in vehicle trips compared with what could be generated from the existing use.
- 8.9 Stansted Parish Council has raised concerns over the safety of the access in relation to delivery vehicles parked in the loading bay adjacent to the access. Two officers have met representatives from the Parish Council on site to listen to their concerns and it was pointed out to them that Cambridge Road is a typical High Street with many competing activities. There are several vehicle accesses to different businesses on both sides of Cambridge Road and parking provision which is also on both sides of the road to accommodate shoppers and deliveries. I would also like to draw your attention to paragraph 32 of the recent Inspector's Decision on the site where he accepts the findings of the Transport Statement and the highway authority for the previous application UTT/13/11226/FUL and is '*satisfied that the impact of the proposal on matters of highway safety would be acceptable.*' The current proposal is a further reduction on the previous scheme therefore resulting in potentially fewer vehicle trips.

UDC Environmental Health Noise

- 8.10 The site is adjacent to Geneva Motors, which has permission for a tyre, exhaust and repair facility (UTT/13/1456/FUL). This would be located behind the proposed commercial building on the application site. It would only operate during the daytime, and the permission carries a condition requiring submission of a noise insulation scheme. For these reasons I do not raise any objection on the basis of environmental noise.

Contaminated land

- 8.11 The submitted Phase 1 Environmental Site Assessment indicates potential sources of contamination and pollutant pathways on site, which could affect the health of end users of the site. Further investigation, in addition to the submitted report, and appropriate remediation are required.
- 8.12 The Environment Agency should be consulted regarding the risk to groundwater.

Access and Equalities Officer

- 8.13 Plots 1 and 2 show no lift space identified for the through floor lift provision. Nothing is shown on Plots 4 and 5 either. Plot 3, there is no indication of where the door will be to access the living room space. With regard to Plots 6 and 9, there is a need to identify how the glazing height will be addressed as per item 15 in the SPD on Accessible Homes and Playspace, glazing heights. 'People should be able to see out of the window whilst seated. Wheelchair users should be able to operate at least one window in each room'. This is not clear from the drawings submitted; the dining room window and the living room window glazing heights need to be identified.
- 8.14 Perhaps if the application is approved, this could be done by condition, with regard to an accessibility drawing being provided prior to commencement on site for the relevant plots.

9. REPRESENTATIONS

9.1 The neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press (Expiry date 1/09/2015). Following the consultation process 23 individual letters of objections and 3 letter of support have been received. These have raised the following points;

Objection on the following grounds;

- Should be refused on the same grounds as before;
- Congestion/(commercial) traffic;
- Construction congestion;
- No to little enforcement of parking;
- Heights of the proposed development;
- Density;
- Parking;
- Highway and pedestrian safety;
- Lorries unload for the supermarkets soon to expand to 3 stores. The bus stop is close by and new fish and chip shop has worsened the traffic situation.
- New vehicle exit at this point is entirely inappropriate.
- Unacceptable pressure on already at-capacity health and school facilities in Stansted (including recent GP reduction);
- Lack of adequate parking provision;
- The Councils 5 year housing land supply has already been fulfilled, so there are no grounds for local plan policies being overridden by NPPF rules about sustainable development taking precedence;
- Development is not sustainable because it will undermine the viability and vitality of this village;
- The application would be improved if vehicular access was one-way into the site with a vehicular exit via Crafton Green Car Park.
- Pedestrian access is not protected from traffic and needs to be segregated for safe access to Crafton Green car park;
- Need footpath between Cambridge Rd and Crafton Green car park
- The proposed scale of Commercial building No. 2 is too large for the site and surroundings;
- Inappropriate development;
- Poor vehicular access sightlines;
- Reduction in speed limit required;
- Scale and design;
- Overlooking;
- Camped form of development;
- Small gardens;
- Limited parking;
- No separate pavement;
- Limited outdoor space;
- Inadequate space for vehicle manoeuvring;
- Planning authority could be more proactive and instigate something that would be of benefit to the community;
- Impact on adjacent conservation area and Greenfields;
- Parking spaces would be lost as a result of the development;
- Reduction in speed limit;
- Lack of parking in Stansted impacting on businesses;
- No need for additional commercial;

- Alternative improvements would be either the complete amendment of the design so that access is provided via Crafton Green (to the south of the plot), or, the installation of a mini roundabout on the access site AND the removal of the second commercial unit entirely in favour of additional parking spaces that could be used all of the retail units along the main road.

9.2 Letter has been received from Barker Parry Town Planning representing number of residents and owner/occupiers of surrounding businesses, consisting of 210 names. This has raised the following points;

- Poorly conceived and designed scheme;
- Over development;
- Prejudicial to highway safety in Cambridge Road;
- Inaccuracies and omissions;
- The commercial building is not 2.5 storeys it is 3 storeys;
- Documents are not listed and the floorspaces/uses section (Q18) is incomplete;
- Redline plan also fails to correspond with the site plan;
- impossible to understand how the shop unit and commercial bin stores function, a matter exacerbated by the elevations of commercial Unit 1 (BRD/15/006/003) all being misnamed;
- Difficulty in commenting on scheme;
- Brief Design and Access Statement provided, without comparing and contrasting;
- Development would not function properly resulting in highway and amenity problems;
- The last occupiers moved out 8 years ago;
- Site was demolished in 2013;
- Site has a 'nil' use and requires planning permission to be used under Permitted development rights;
- Previous use not a material consideration;
- Photos have been provided showing a delivery vehicle trying to park where there are parked cars in the delivery bays;
- Poor visibility splays;
- The A1/A2 shop unit would be set back from the pavement edge behind planting (no explanation of implications to sight lines) and with no outside space;
- No obvious access to bin storage;
- Bins are at a distance from the highway;
- Commercial refuse lorries would be larger and will not be able to manoeuvre within the site;
- Commercial unit 2 would replace dwellings from the previous scheme no floorspace has been included in the application forms;
- Office windows overlooking tyre and exhaust place would have diminished daylight and sunlight and outlook, reliance on artificial light;
- B1a offices able to change to residential under current legislation and place further pressure on parking;
- Tandem parking sign of overdevelopment, uncontrollable if commercial is sub-divided into 6 units;
- Spaces unclearly divided between commercial use and users of the proposed shop;
- Under provision of between 11-15 spaces;
- More parking provided now but also more commercial space is provided;
- Overlooking between commercial unit 2 and plots 1-3 is a concern;
- Plot 3 is overlooked by Plots 4-5;
- Introducing building where there was not historically any where Plots 4-7 are;
- Plot 6, 8 & 9 is capable of converting loft due to design which could cause overlooking;

- Plot 7 overdeveloped distance from rear boundary; single window to rear elevation should be obscure and fixed shut; restricted outlook;
 - Bin storage unsuitable for plots 4, 7 and 10;
 - Mixed use unacceptable;
 - No service area or dropping off point for commercial;
 - No regard for failings of previous scheme;
 - Lack of sight lines;
 - There has been a material change since the use has cease Tesco's opened in 2010 and Sainsbury's is due to open by Christmas 2015;
 - 210 names listed within letter as objections
- 9.3 A letter and report has been submitted by Rowland Bilsland Traffic Planning in support of Barker Parry's letter above;
- 9.4 *"We refer to the letter dated 26th August from Barker Parry Town Planning enclosing documents in support of an objection to the proposed development on land to the rear of 14, Cambridge Road, Stansted Mountfitchet, which is the subject of planning application reference: UTT/15/1666/FUL. With their letter, Barker Parry Town Planning enclosed our comments on highway and transport matters which have been given in the report reference: JR/AR/15025 dated 17th August, 2015.*
- 9.5 *It has come to our attention that the floorspace figure referred to in the applicant's Transport Statement prepared by SLR Global Environmental Solutions with reference: 418.05186.00003 dated May, 2015 is different from that which has previously been given for this site, and which is incompatible with the site area.*
- 9.6 *The figure which is now in doubt is that which is given in paragraph 2.2 of the applicant's Transport Statement for the gross floor area of the buildings which the application site has accommodated and which have now been demolished. The applicant has referred to that as the existing site. Paragraph 2.2 gives a total floor area of 7,973 sq. metres. That figure cannot be checked against information on the planning application form because there is no figure given on that form for the existing floorspace. Unfortunately, the planning application form fails to give any figure for the gross internal floorspace of the previous development. It does, however, give a site area of 0.42 hectare.*
- 9.7 *Reference to a previous planning application reference: UTT/0215/12/FUL for a development by Bellway Homes Limited, gives different information for the existing use of the site. The form for that application gives an existing gross internal floorspace of the buildings as 2,454 sq. metres. The Site Marketing Assessment Report prepared by Mullucks Wells in support of that same application provides a schedule of accommodation for the existing buildings in paragraph 2.4 of that report. The combined gross floor areas is given as 2,454.2 sq. metres. Clearly the Marketing Report and the planning application are consistent in giving the same floorspace for the existing buildings.*
- 9.8 *It is surprising that the Transport Statement submitted in support of planning application reference: UTT/15/1666/FUL gives a figure of 7,973 sq. metres for what should be the same buildings as those which were considered in documents submitted in support of the Bellway Homes proposal. It is clear that there is a material difference between the two floorspace figures, comparing 7,973 sq. metres with 2,454 sq. metres. To put this in context, the current application form gives the site area as 0.42 hectare, equivalent to 4,200 sq. metres. A gross floor area of 7,973 sq. metres would suggest that two storey buildings would have almost covered the site, as this is almost double the*

site area. Clearly, that is not the case. This is apparent in the Google Earth image scanned into the Barker Town Parry Town Planning letter of 26th August, 2015 submitted in support of the objection. We have already given comments, in our report dated 17th August, 2015, which has noted several inconsistencies and errors in the applicant's Transport Statement and in the planning application form. It is considered that the change in the gross floor area of the existing development compared with the proposed development is a material consideration for the assessment of vehicle movements associated with the application site. Having considered various documents we draw the conclusion that the correct gross floor area for the existing buildings should be 2,454 sq. metres, as referred to in the Bellway Homes application. On that basis, it would appear that the applicant's Transport Statement has overestimated the existing floorspace and, therefore, overestimated the number of vehicle movements for the existing use.

- 9.9 We refer next to the applicant's Transport Statement. It deals with site traffic generation in Section 6. Paragraph 6.1 gives the gross floor area for the existing use as 7,973 sq. metres. It is this figure which is considered to be incorrect and should be 2,454 sq. metres. Tables 6.1 and 6.2 are based on that incorrect gross floor area and are, accordingly, incorrect. The daily figure for all vehicle movements shown in Table 6.1 is 209. Application of the same trip rates to the alternative gross area of 2,454 sq. metres gives a daily total of 64 vehicles, some 135 vehicles less than suggested in the Transport Statement. Table 6.2 gives the daily OGV trips as 29. Application of the alternative floorspace figure of 2,454 sq. metres reduces that to 9 vehicles. The existing floorspace does not affect Tables 6.3, 6.4 or 6.5 which all refer to the proposed development. Table 6.3 gives the estimate for daily traffic movements for the proposed residential use and Table 6.4 gives the daily total for the proposed commercial use. Table 6.5 combines those figures and indicates a daily total of 199 vehicles for the proposed uses. Section 7 of the Transport Statement comments in paragraph 7.2 on the net change in the number of traffic movements. It suggests on the basis of a gross floor area of 7,973 sq. metres that the proposed development would result in a reduction of 10 vehicle movements per day. On the basis of the alternative floorspace figure of 2,454 sq. metres, the application proposal would result in an increase of 135 vehicle movements.
- 9.10 Paragraph 7.5 gives a summary of the impact of development traffic on the highway network. Whilst it alleges that the application proposal would result in a reduction in the number of vehicle movements associated with the application site, that conclusion is not correct. The proposal would be expected to result in an increase of 135 vehicle movements per day. When compared with the existing use which would generate in the order of 64 vehicle movements per day, the proposed use would be expected to generate more than 3 times the number of vehicle movements estimated for the existing use. This is a material increase which changes the conclusions of the Transport Statement. In Section 8 of the Transport Statement, the fourth paragraph indicates that "The proposal would result in a reduction in the levels of potential traffic which is likely to have been generated by the site's historic use." That conclusion cannot be drawn on the basis of the alternative floorspace figure of 2,454 sq. metres for the existing use. The conclusion which should be drawn from a comparative site generation analysis using the existing gross floor area of 2,454 sq. metres rather than the incorrect figure of 7,973 sq. metres is that the proposal would be expected to result in an increase of 135 vehicle movements per day.
- 9.11 In view of the material change in the floorspace figure and the resultant change in the conclusion of the Transport Statement, we consider that Uttlesford District Council Planning Department should re-consult the highway authority on this matter."

An addendum has been received stating that the revised drawings do not address the problems above.

- 9.12 At Item 10 of the application form it is indicated that the existing development has 50 car parking spaces and that the proposal would have 31 car parking spaces. As far as it is known, there has been no drawing submitted which indicates the current car parking provision or gives evidence of that number of spaces.
- 9.13 38 car parking spaces are being provided different to the application form; Conflicting information on the application form regarding whether the buildings are existing or demolished and when. Same with floor spaces proposed; Site area is stated to be 0.42ha on the form and 0.43ha;
- 9.14 No information provided on the opening hours of commercial buildings;
- 9.15 Redline and site plan is wrong;
- 9.16 D & A statement wrongly states that the M11 has relieved traffic from the former A1. That is not correct. It has relieved the former A11 route, now classified B1383, which includes Cambridge Road through Stansted Mountfitchet village;
- 9.17 In paragraph 2.9, reference is made to the larger commercial unit which is referred to as Commercial Unit 2 on the application drawing. It suggests that this "commercial unit (B1 use), will begin the north residential mews terrace". This is factually incorrect. There is no mews terrace shown on the application drawing.
- 9.18 The Transport Statement states that the gross floor areas of the warehouse, the former showroom buildings and the small office building were 4,224 sq. metres, 3,292 sq. metres and 457 sq. metres giving a total of 7,973, sq. metres. It is not clear whether this is gross internal or gross external floor area.
- 9.19 Transport Statement gives gross internal floor areas of 194 sq. metres and 543 sq. metres for the two commercial units. This gives a total of 737 sq. metres which it indicates would be occupied by "mostly B1 use with A1 use on the ground floor".
- 9.20 A commercial refuse store which is shown on the site plan to be to the southwest of an area of land between Commercial Unit 1 and Commercial Unit 2. There is no information on how access would be provided to that refuse store. It is noted that the land which appears to provide access to the refuse store is not within the red line area.
- 9.21 It fails to show the pinch point which has a width of only 4.3 metres. It is unclear what length of the access road would be subject to the reduced width of 4.3 metres. It is noted that the site access road would be a shared surface access which is considered appropriate for residential development.
- 9.22 The proposed site plan numbered BRD/15/006/002-A, shows the width of the access to the 8 car parking spaces on the north side of the access road to be only 2.7 metres. This width is inadequate to serve the parking area.
- 9.23 The access size is inappropriate to serve commercial units of this size;
- 9.24 The proposed site access road is designed with a turning head at the cul-de-sac end of the road adjacent to residential dwellings. The introduction of a commercial unit within the development would lead to that turning head being used by commercial vehicles,

including heavy goods vehicles, making deliveries to Commercial Unit 2. That would be prejudicial to the safety and residential amenity of the proposed dwellings.

- 9.25 It is unclear from the application whether the access road will be adopted;
- 9.26 The TS deals with junction visibility. It indicates that appropriate visibility splays are available at an "x" distance of 2.4 metres, for a distance of 80 metres to the south and 90 metres to the north. The loading bay and bus stop impose restrictions on visibility
- 9.27 The Transport Statement does not provide details of the bus services, frequency of the use of the loading bay obstructing visibility. The parked vehicles would result in high-way safety risk to the movement of vehicles along Cambridge Road particularly vulnerable road users including cyclists;
- 9.28 The Transport Statement fails to make any reference whatsoever to provision of pedestrian visibility splays for the site access. It is generally recommended that pedestrian visibility splays of 2.0 metres x 2.0 metres should be provided on each side of a site access road behind the back edge of footway. Such visibility splays should be built into the design of the site access road to ensure pedestrian safety.
- 9.29 No reference is made to the number of pedestrian footpath users;
- 9.30 No information has been provided that the garages accords with Parking Standards. The Parking Standards requires 22 car parking spaces for the residential including visitor spaces; the site plan does not dimension parking spaces and cannot determine whether they are adequate;
- 9.31 Inadequate car parking has been provided for the commercial units. The number of parking spaces is less than the maximum required by the standards. This is insufficient in this central location in Stansted. There is a risk of overspill of car parking from the commercial and resulting in congestion and highway safety;
- 9.32 If the access road is in private ownership it is unclear how on-street parking would be effectively controlled;
- 9.33 No information has been provided regarding cycle provision;
- 9.34 The TS makes the assumption that there is a lawful use which could be used as a basis for comparison of the number of vehicle movements for the existing and proposed uses. I understand that it is uncertain whether or not the site currently has a lawful use.
- 9.35 The residential floorspaces referred to range between 4,000 and 12,000 sq. metres of floorspace. Reference is normally made to commercial and think that reference to residential is an error;
- 9.36 Trip rates have been based on 7 other sites in England. A different trip rate would be achieved if sites in the South East and East Anglia were looked at. Whilst methodology of trip rates is correct the site selectin is not. It is normal practice to consider similar sites in a similar location for comparison with any particular proposal. There is a substantial amount of information in the TRICS database for B8 Warehouse use for sites in England which should provide data which is more comparable for the trip rate assessment. No reference has been made to retail use. Trip rates are therefore underestimated. There is no justification for the applicants contention that there would be a reduction in vehicle movements;

9.37 A number of letters have been received from Councillor Dean raising the following points:

"The application is opposed on the following principle grounds:

- 1. Safety to pedestrians and motorists owing to the inadequate design of the entrance to the site*
- 2. Aggravation of existing and unacceptable congestion in the vicinity of the site*
- 3. Absence of any practical mitigation of existing congestion on Cambridge Road outside the application site*
- 4. Overdevelopment of the site and inadequate car parking provision putting pressure on already inadequate capacity at the adjoining public car park at Crafton Green*
- 5. Consequent damage to the vitality of the nearby commercial and retail central street."*

9.38 *"Stansted's Town Centre*

The future of the Cambridge Road area has recently been described by Action for Market Towns. This piece of work is a precursor to the parish council developing a Neighbourhood Plan for the parish, with particular emphasis on the central area. Their report contains a SWOT analysis. The strengths are encouraging and provide a good basis for economic growth as the recession recedes. Poor parking, busy roads and cars blocking the pavement and factors that could and should be addressed by a comprehensive master plan for the "Crafton Green" development site which includes the Application Site. The identified opportunities would be seriously undermined if this application were approved. The identified threats would be more likely to be fulfilled if the application were allowed.

9.39 *Pressure on services in Stansted Mountfitchet has been growing in recent years owing to population increase and further growth in business activity will result from planned housing growth in Stansted and surrounding communities:*

- Stansted has already grown by approximately 25% in the past five years resulting mainly from 700 new homes at Forest Hall Park in the south of the parish*
- Planning permission has recently been granted in Stansted for a further 200-plus homes*
- East Hertfordshire District Council is giving permission for 2,200 homes less than two miles away to the south on the northern edge of Bishop's Stortford.*

9.40 *It would, therefore, be unreasonable to conclude that there is no demand for commercial and retail activity on the site and that residential use should be the predominant future form of development. The inadequacy of car parking capacity and the absence of ready accessibility from the Cambridge Road area are probably the factors which most damage the street scene and cause most public dissatisfaction and safety concerns with that part of the centre.*

9.41 **REASONS FOR REFUSAL**

- 1. Safety to pedestrians and motorists owing to the inadequate design of the entrance to the site*

A serious accident occurred close to the application site on July 1st 2015 involving a car attempting egress from a site opposite onto Cambridge Road and a car travelling along Cambridge Road which collided with the other car and then caused serious damage to a store delivery lorry for Tesco. One of the drivers was hospitalised. Two fatalities have occurred in past years resulting from vehicles exiting the application site under previous uses of the site. The width of the access road at an assumed 5.7m

is inadequate. It cannot accommodate Essex Design Guide visibility splays of 1.5m x 1.5m Conditioned on a much smaller development at the Yuva/Wood Grill Restaurant site in Cambridge Road immediately opposite the application site. The site plan shows no pavement for pedestrian safety. The omission of these two safety features is unacceptable.

*2. Aggravation of existing and unacceptable congestion in the vicinity of the site
Parking congestion on Cambridge Road has worsened since the Tesco store opened immediately to the north of the proposed access road and since the application became vacant of all development. A Sainsbury store is due to open immediately south of the application site later in 2015. The three convenience stores by The Coop, Sainsbury and Tesco together with a bus stop are/will be putting major strain on congestion and traffic visibility in immediate location of the access road to the application site. The planning proposals that are the subject of this application will not ease the situation; they will aggravate what is already unacceptable on both grounds of congestion and safety.*

3. Absence of any practical mitigation of existing congestion on Cambridge Road outside the application site

The aims of the Parish Council and District Council Members for Stansted is to improve traffic and pedestrian movement and safety in the Cambridge Road area. This application offers nothing that can be described as a significant community gain to meet these objectives. The proposal for a pedestrian walkway between the application site and the Crafton Green car park is more likely to serve the inadequate parking needs of the proposed development that it is likely to ease congestion on Cambridge Road. Few convenience shoppers are likely to divert from parking outside the convenience stores to drive into Chapel Hill and Crafton Green so they can use the proposed walkway. A walkway will only be of real value if it is combined with a safely designed vehicular access to the car park via the application site. The parish council will be pursuing all these matters in more detail over coming months through the development of a Neighbourhood Plan.

4. Overdevelopment of the site and inadequate car parking provision putting pressure on already inadequate capacity at the adjoining public car park at Crafton Green

The addition of a 2/3-storey commercial building to the housing proposals is viewed as an ill-considered gesture to the retention of commercial/retail activity on the site. The application states there would be 86m² of Class A2 development on the site. This seems to identify the proposed shop only that would face Cambridge Road, but the details in the application document are inadequate. No quantification of the Class B2 development has been provided. A private assessment suggests that this totals 620m². Parking provision for such a development of A2 and B1 premises should be 33 or 34 spaces, comprising 26 standard spaces, 6 disabled spaces (which should be wider than standard spaces) and 1 or 2 visitor spaces, subject to better information being provided by the applicant on his commercial proposition. The proposed parking capacity for the site is only 31 spaces in total, including several spaces that would require inefficient tandem parking, making the effective parking capacity less than 31. This does not even meet the requirement for the commercial premises before any consideration is given to the proposed residential property. Existing congestion on Cambridge Road and regular lack of spare capacity at the Crafton Green car park makes any suggestion that this is a town centre development that can be under-provided with its own parking untenable. This is now a town centre like Bishop's Stortford where there is significant public car parking that can absorb the deficits created by proposed developments such as this one. The proposal amounts to over-development of the site and should be refused for that reason.

5. Consequent damage to the vitality of the nearby commercial and retail central street.

The previous four reasons for refusal add up to damaging the vitality of this commercial and retail centre of Stansted Mountfitchet. The proposal is not sustainable as it pays minimal attention to the long-term needs of the community of Stansted Mountfitchet owing principally to its over-development and its disregard of today's situation, which are much changed since the site was originally developed many decades ago and even since the site was last occupied over two years ago. It does not meet the sustainability requirements of the National Planning Policy Framework."

9.42 A letter has been received directly from Councillor Dean raising the following;

"I wish to protest that Essex Highways has not provided a transparent evaluation of the application and has responded in an inconsistent manner compared with other applications of a lesser scale in the immediate vicinity.

I am opposing this application as district councillor for Stansted North and I write in support of representations by some 200 residents and business people prepared for them by Barker Parry Town Planners and by Rowland Bisland Traffic Planners. I am appending these Community Reports (a term I will continue to use below) with this representation letter.

The reasons for my objection to this application are nine-fold:

1. The site would be over-developed if the application were approved; the houses and the commercial buildings are together too big and the development would not function properly as described in detail in the Community Reports;

2. Parking is under-provided by around 15 spaces, or around 50%, and includes impractical tandem parking. This would put an intolerable burden on the public's nearby Crafton Green Car Park because of a connecting pedestrian link and on parking demand in Cambridge Road. Further detail is contained in the Community Reports;

3. The entrance to the site and exit from it into Cambridge Road is too narrow with poor sight lines; there would be a dangerous conflict with pedestrians and with passing vehicles and with parked lorries outside Tesco and with buses at the stop immediately outside the site. This is illustrated in more detail in the Community Reports.

4. Essex Highways has failed in its representation to provide any assessment of the impact of this proposed development on parking, traffic congestion, highway safety, pedestrian safety, on-site turning space and capacity for servicing the residential and commercial buildings, as described in greater detail in the Community Reports. It has responded inconsistently compared with other recent planning applications in the immediate vicinity, viz. Yuva, 21 Cambridge Road, Stansted, for 3 dwellings, UTT/14/1549/FUL and UTT/14/0064/FUL and Geneva Motors, 10 Cambridge Road, Stansted, for tyre and exhaust repair workshop, UTT/13/1456/FUL. This inconsistency is cause for community concern about the objectivity and transparency of the planning process. The application should be evaluated against current policies, guidelines and standards including the requirement for sight lines and access splays.

5. The site has no existing use. This was mostly ceased several years ago and was completely extinguished by total demolition and site clearance nearly three years ago; there is no practical basis for anyone claiming that this latest proposal is no worse than

what exists and has permission; nothing exists and nothing has permission! Past uses are extinct according to legal advice from a planning barrister consulted by community members.

6. There are flaws and inaccuracies in the applicant's description of his proposal. These are spelled out in the Community Reports. They should be scrutinized and not accepted at face value;

7. The applicant claims that he has addressed weaknesses in the last scheme dismissed at appeal. But this is a different and denser development that must be made to stand or fall on its own merits and should not be supported for approval based on shaky claims that some features are better than those the Planning Inspector previously rejected. The council's focus should be on whether the current application complies with current policy, guidelines etc. and with current safety requirements for a scheme of this complexity;

8. The effects of the development would be to damage the vitality and economic success of the Cambridge Road retail and business area by creating greater traffic and parking congestion, increasing safety hazards to pedestrians and motorists whilst bringing little to outweigh those detrimental impacts;

9. The applicant has carried out no public consultation, contrary to past precedent in line with procedural expectations. There is minimal community support for his application.

I urge refusal of this application."

9.43 Letters of Support raised the following points;

- Neglected area of borderline derelict units.
- Traffic on Cambridge Road is unlikely to be affected significantly, and is only an issue now because drivers park and stop illegally, a practice which will not change without enforcement. With the proposed move of the Co-Op, it should in fact be reduced.
- More houses needed to be built.
- Application addresses both the historical commercial use for this land and also the pressing need for more houses in our community.
- Do not see problem with road access to these houses or much disturbance caused by 20 or so cars leaving at random times during the day.
- Cambridge road is busy, but it should not be a reason to reject some new houses being built.
- Support local employment.
- With commercial space either side of this development very few neighbours that would be impacted.
- The tallest building within this development is 3 stories, ground floor plus two further stories. A nearby building locally known as Greenstores, where the hairdresser is also a three story building. Hermitage House and St. Stephens Court are 4+ story buildings. The height of the buildings within this development is not an issue.
- The previous planning application UTT/13/1126/FUL was refused due to over development of the site due to provision of undersized gardens, a failure to provide homes which meet Lifetime Homes Standards and a lack of onsite vehicle parking, contrary to Policies GEN2 and GEN8 of the Uttlesford local Plan (adopted 2005), SPD Accessible Homes and Playspace (adopted November 2005) and the Essex Design Guide (adopted 2005).
- This new application UTT/15/1666/FUL has addressed all of these issues. Conclusion, these are not reasons for refusal.
- The use of all Highways in our village is a source of contention with frequent traffic jams. Essex Highways have considered this issue and the consequences of this rel-

atively small development and have concluded that its development will not contribute to significant traffic increase.

- It is frequently mentioned by Council members that the site could be used for local stores delivery vehicle unloading and loading. These vehicles are HGV's of the largest size and would have considerable difficulty turning into the site across a public footway; this would create great risk to pedestrians using the footway and vehicles progressing along the B1383. If these HGV vehicles travel through Crafton Green they would egress onto Chapel Hill, within a few metres of the junction with Cambridge Road and Silver Street, this would create yet another danger.
- Application should be approved with the following amendments: - greater traffic calming measures are installed in the road of this development near to its entrance, a suggestion, rumble blocks in the road & a pedestrian footway from the path leading from Crafton Green parking lot to Cambridge Road is installed.

9.44 **Officer Comments:**

- Parking enforcement is not a material planning consideration;
- This is not a new vehicular access, it is existing;
- In terms of health care infrastructure a new medical centre is in the process of the being constructed in Stansted;
- There is a public footpath from Cambridge Road along the southern part of the site to the public car park;
- In terms of 5 year land supply regardless of the fact whether the Council has met there 5 year land supply the LPA has a duty to make ongoing housing provision to continually have a 5 year land supply;
- The NPPF forms part of the development plans as well as the currently adopted Local Plan and is required to be taken into consideration in accordance with S70 of the Town and Country Planning Act 1990 (as amended) and S54A of the Town and Country Planning Compensation Act 1991 (as amended);
- In terms of viability and vitality of the town the scheme is a mixed used development within a town centre local which would continue to maintain a retail frontage;
- In terms of seeking a scheme which is of a 'community benefit' this is not the role of the Development Management Team which has a duty to assessing all applications which are submitted to them in accordance with the Act;
- No parking spaces would be lost as a result of the proposed development;
- The redline is different from the site plan as there is a narrow strip of land within the northern part of the site which even though is within the application site and forms part of the planning unit is has been decided through all of the related applications on this to not incorporate this within the proposed scheme;
- There is an element to the south of the site which has been shown as a commercial bin store;
- Whilst it is not overly clear there is side access along the southern boundary between commercial unit 1 and the former bank number 12 Cambridge Road and the car parking spaces proposed to the rear;
- The site was not last occupied 8 years ago, at the time of the first and second applications on this site in 2012 the site was still occupied as confirmed during an Officer Site Visit;
- The site has not been 'abandoned' in any sense as suggested it use and development has been blocked and delayed through the planning system/decisions;
- With regards to the A1/A2use back set back this would help visibility;
- There is access both sides of Commercial unit 1 regarding access to refuse bin storage;

- Bins are within 25m of the highway, details of bin storage can be conditioned;
- Turning points have been provided for vehicles, the scheme would also need to comply with Building Regulations at a later stage;
- The plans submitted form part of the application including the floorspace highlighted within those plans;
- The 'amenity for the commercial is not a material consideration unlike for residential occupiers;
- Able to condition commercial to remain in commercial use should planning permission be granted, also the GPDO also has conditions which are required to be met for something to be Permitted Development;
- Commercial building is speculative therefore no opening hours have been provided;
- With regards to point 9.17 above Plots 1-3 is a row of terrace properties which is located to the north of the access road;
- With regards to point 9.30 no garages are proposed. The scheme proposes carports which are not required to accord with garage sizes. The 22 residential car parking spaces have been provided; The site plans is to scale and therefore dimensions are not required to be placed on the plan.

Consultations have been undertaken on the amended description, expiry 14/10/2015. Members will be updated of further representations.

10. APPRAISAL

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

- A Whether there is a material change or further information to overcome the previous grounds of refusal, Principle of development, and the justification relating to the loss off employment site (Local Plan Policy S1, E2 and GEN1);
- B Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);
- C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);
- D Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7);
- E Other material considerations:

A Whether there is a material change or further information to overcome the previous grounds of refusal, principle of development, and the justification relating to the loss of employment site

10.1 The Stansted Mountfitchet Community Plan was produced by the Parish Council, following extensive consultation with residents, in 2011. The district council has adopted the plan as approved guidance for determining planning applications. The Community Plan also has identified the application site for housing.

10.2 The NPPF supports the provision and delivery of new homes with a presumption in favour of sustainable development, of which the proposed development would utilise a brownfield site within development limits. NPPF paragraph 51 states *"LPAs.....should normally approve planning applications for change of use to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would not be appropriate."*

- 10.3 The NPPF also states in paragraph 23 relating to ensuring vitality of town centres amongst other things *“recognise that residential development can play an important role in ensuring vitality of centres and set out policies to encourage residential development on appropriate sites...where town centres are on the decline, local planning authorities should plan positively for their future to encourage economic activity.”*
- 10.4 The site is within the Development Limit of Stansted on previously developed land (brownfield) where in principle development is acceptable, subject to compliance with other policies of the Local Plan. The site is located within a sustainable location which is easily accessible by other forms of transport other than private vehicle.
- 10.5 The Carter Jonas and Place Services reports are independent reports which have been undertaken to inform the draft local plan process. The document had been submitted to the Planning Inspectorate as part of the local plan examination. Whilst the draft local plan has since been withdrawn in January 2015 this document still holds some weight and it is a material consideration.
- 10.6 The work from Carter Jonas and Place Services, as discussed in Sections 6.5 and 6.6 above, stated that *“The site would be capable of development for B1 commercial space but demand would tend to be for industrial end of the spectrum with single storey units with an office element. Such a development would seem inappropriate for this central location and more appropriate to an ‘out of town’ location where the traffic movements from commercial vehicles would be less intrusive. An allocation for town centre uses across the whole site is unlikely to find developers interested in resolving any ownership issues and promoting any scheme for the site. This could leave the northern part of the site derelict whilst the southern part of the site would continue with its existing uses.”* It would be unreasonable to recommend an application be refused on the basis that ‘something better will come along later’ or awaiting ownership issues to be resolved. This would result in stagnating general development particularly sustainable development contrary to the essence of the NPPF.
- 10.7 There is a demand to meet the Council’s housing provision and this site has been considered within the District Council’s Strategic Housing Land Availability Assessment (SHLAA). The consultation for the sites resulted in the “Parish Council considers that this site would be suitable for housing development providing it is not needed for business use” and the updated consultation responses January 2013 stating that “Applications UTT/0215/12 and UTT/1193/12 for 14 dwellings, office and retail space were refused in June 2012 and July 2012 respectively. The Proposals for a Draft Local Plan June 2012 proposed this site for 11 dwellings. In view of concerns over the loss of employment and the need for a small amount of additional retail floor space, Members of the LDF Working Group of 5 October 2012 agreed with a recommendation that this site along with STA10 (10 Cambridge Road) be identified as Development Opportunity Sites for town Centre uses. The availability assessment remains the same as the site is still suitable for residential development as part of a mixed use scheme however the availability of the site is uncertain.”
- 10.8 As outlined within the NPPF Local Planning Authorities have a duty to have a 5 year land supply. The most recent housing trajectory was presented to the Planning Policy Working group on 8 June 2015. The Council is required to identify annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Council considered that it is a ‘5% authority’ and this has been supported by the Local Plan Inspector and at appeal (APP/C1570/A/14/2221494 and APP/C1570/A/14/2222958).

- 10.9 The Statement explains that until the Council has determined its objectively assessed need it considers its housing requirement is between 557 to 580 dwellings a year. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with between 5.1 – 5.4 years of supply, depending on the housing target, but including a 5% buffer.
- 10.10 National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.
- 10.11 The Council can demonstrate a deliverable 5 year supply of housing land. This application has to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 10.12 The Inspector within their decision did not raise a 5 year land supply issue. National policy seeks for such brownfield sites to be developed first, paragraph 17 of the NPPF which states amongst other things “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value...*”, paragraph 111 also similar states “*Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land*”.
- 10.13 Local Plan Policy S1 for Development limits for the Main Urban Areas states “The development limits of the existing main urban areas and proposed urban extensions for Great Dunmow, Saffron Walden and Stansted Mountfitchet are defined on the Proposals Map. The following development will be permitted within these boundaries:
- Major urban extensions, if in accordance with this Plan;
 - Development within the existing built up areas, if compatible with the character of the settlement and, in addition, for sites on the edge of the built up area, its countryside setting.
- 10.14 Local Plan Policy SM1 for Local Centres in Stansted also states “The Cambridge Road and Lower Street areas are identified as local centres on the proposals map inset. Change of use of the ground floor of existing shops, restaurants, public houses and hot food takeaways to residential uses will not be permitted, unless both the following criteria are met:
- a) The existing use is surplus to current and foreseen future requirements; and
 - b) The property has been widely advertised for at least six months on terms reflecting its use.
- 10.15 The site by its historic use is within employment; however it is not an identified safeguarded site, under the adopted Local Plan, as it falls below a site area threshold of 1.0 hectare, at approximately 0.43 hectare. Local Plan Policy E2 relating to safeguarding employment land states that for sites that are not key employment sites, such as the subject application site, development will be permitted of those sites where the employment use has been abandoned or the present use harms the character and amenities of the surrounding area. The Council’s Planning Policy section previously

had commented that in order for this application to be acceptable the Council has to be satisfied that:

- there is no demand for this site for business use or
- that the use proposed will generate local jobs

- 10.16 It has been demonstrated through a previous Site Marketing Assessment Report submitted with the original applications that the existing buildings on site have deteriorated through the lack of maintenance and is in need of repair. A schedule of the physical condition of the buildings has been previously recorded dating 1996 outlining that the buildings at the time were in need of physical repair. Twenty-six years later the buildings have further deteriorated beyond viable economic repair. As a result of this these buildings have been demolished December 2012. Please refer to Appendix 1.
- 10.17 With regards to the loss of employment it has been emphasised in previous reports that the level of site usage has reduced over the years and is working to below its lawful operational levels both in terms of number of staff, intensity and vehicle movements.
- 10.18 The situation on the main road has changed following the introduction of Tesco which has resulted in an increase in parking, traffic, and delivery servicing issues in turn results in congestion around the sites entrance. Since this time the former Barclays Bank located to the south of the site has been taken over by Sainsbury's which are in the process of securing works and advertisements.
- 10.19 It had been recognised at the time of the previous application that should the application site be used to its full lawful capacity it was capable of being both a residential amenity and a highway safety issue, with little control to mitigate this at a later date. This has been supported by the Carter Jonas report, which states that such uses are unlikely to be suitable within town centre locations. This is considered particularly the case based on the mixed nature of the commercial use of the site which has been a mixture of A1 retail, B1 office/light industrial, B2 general industrial and B8 general storage and distribution.
- 10.20 Nonetheless, the subject application would not result in a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey flexible consent for a retail unit/professional services units (Class A1/A2 of the Use Class) with an office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision, in accordance with Local Plan Policy SM1. It is also proposed as part of this application the provision of further Class B1 office space along the southern boundary with 10 Cambridge Road, which is capable of being used for the purposes of small start-up business units. It is recognised that the provision of employment space could not be achieved through the pure provision of employment on site.
- 10.21 In terms of the appeal decision relating to planning application UTT/13/1126/FUL and whether the previous reasons for refusal have been addressed. The previous scheme on the site was for "Mixed-use development comprising 14 no. residential dwellings; a ground floor retail unit with independent first floor office and a 2.5 storey commercial building including associated garages, car parking and landscaping." This was refused at planning committee for the following reasons;
- "The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. This is specifically manifested through the provision of undersized gardens, a failure to provide homes which meet Lifetime Homes

Standards and a lack of onsite vehicle parking. The proposed is therefore contrary to Policies GEN2, and GEN8 of the Uttlesford Local Plan (adopted 2005), SPD Accessible Homes and Playspace (adopted November 2005) and the Essex Design Guide (adopted 2005).”

- 10.22 The points raised are fundamentally design grounds which will be addressed below in Sections B and C. In relation to the principle of the mixed use the Inspector within their decision stated;

“30. The Council did not object to the principle of the redevelopment of the existing employment land, based upon the mix of uses put forward. The proposal includes employment uses and the Council was satisfied that the level of employment generation would be greater than that generated by the former industrial buildings which had been under-utilised for a number of years. Consequently, they were satisfied that the redevelopment of the employment site was acceptable in relation to policy E2 of the Local Plan. On the evidence before me, I agree with this assessment.”

31. At the Hearing I was provided with a copy of the emerging Stansted Mountfitchet Policy 7 – Development Opportunity Site (DOS). This is an emerging policy that has yet to be tested at a Local Plan examination. It is not clear if there are any outstanding objections to the policy. Given these points, I can attach limited weight to it, taking account of the requirements of paragraph 216 of the Framework. In any event, the policy requires that any development should form part of a comprehensive development or not prevent the development of any other part of the site. The proposal would provide a link through to the Crafton Green car park and no evidence has been submitted suggest that it would prevent other sections of the DOS from being developed. Consequently, whilst I note the desire of the Stansted Mountfitchet Economic Working Group to secure an alternative form of development across the DOS, I find nothing in local planning policy, either extant or emerging, that would preclude the principle of a mixed use development on the site in the absence of any wider redevelopment.”

- 10.23 This is still considered to be the case and there has been no material change in this respect.
- 10.24 In terms of the points that have been raised by the Barker Parry many of their points have been addressed in Section 9.44 above. Other points which have been raised are amongst other things are that the previous occupiers of the site had moved out 8 years ago. This is not correct as the site was under occupation whilst the first two applications were under consideration in 2012, as had been confirmed by Officer’s site visits. Sworders Antiques had left before then as they had relocated just outside Stansted. The Consultants have been arguing ‘abandonment’ and that the site has a ‘nil’ use requiring planning permission as there are no Permitted development rights, also that the previous use not a material consideration. This too is disputed. The site has a lawful historical use for employment purposes and should an application be submitted for employment on this site then this is material consideration as would be the level of vehicle movement which the site lawfully operated at. It would be wrong if this not considered and a misjudgement. This application is a mixed use which does consists of employment floorspace and therefore the previous use is a material consideration regardless.
- 10.25 Case law has established clear tests for ‘abandonment’, all of which should be met. In this case the owners intentions have been clear. The site has been vacant since the demolition of the buildings in January 2013. Since this period and before (since May 2012) applicants have continually attempted to gain planning permission for the re-

development of this site. The length of time involved has not been excessive and within the normal bounds of redevelopment proposals. Therefore the site cannot be considered 'abandoned'.

- 10.26 It has been suggested by Barker Parry within their representations that a mixed use is unacceptable. The previous application for a mixed use UTT/13/1126/FUL was not refused for this reason (please refer to Paragraph 5.6-5.7 above) and the Inspector confirmed within his decision (please refer to paragraph 10.24 above) that a mixed use was acceptable.
- 10.27 Embroiled in the above argument from Barker Parry inconsistencies have been raised between floorspaces which have been highlighted within the applicant's Transport Statement undertaken by SLR and that which has been previously submitted Mullucks Wells within the Site Marketing Assessment Report which was submitted as part of the first and second planning application. This inconsistency has been carried over from the previous applications. SLR have used the same figures which have been provided by the previous transport consultants, Ardent in their report dated January 2012. Therefore the Transport Consultants have been consistent in using the original floor-space figures that were used within the previous transport statements. However, it should be emphasised that due to the size of the proposed development a Transport Statement is not a validation requirement.
- 10.28 In conclusion the site is a brownfield site by definition located within development limits, with limited main road frontage. Policy positively looks upon the re-development of such sites first. The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), and the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA). The development in principle therefore accords with Local Plan Policies S1, E2, SM1, GEN1, RS1 and RS2, also the NPPF, Stansted Mountfitchet Community Plan, and the assessments from Place Services and Carter Jonas. In terms of the principle the nature of the proposed use was not a reason for refusal and this has been reinforced by the Inspectors decision.

B Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);

- 10.29 With regards to the proposed design of the scheme the NPPF; also Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design. Policy ENV2 for Development Affecting Listed Buildings seeks for development that preserves and/or enhances their character, setting and appearance.
- 10.30 With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see redevelopment within Development Limits and previously developed land. The proposed development would make more efficient use of a currently underutilised site within a brownfield locality, of which in principle is supported both by National and local plan policies, as discussed above.
- 10.31 The density of the proposed development would reflect that of national policy and the Essex Design Guide at 35dph. The schemes reduction from 14 dwellings down to 10 dwellings has in turn resulted in the density being reduced as well. Therefore this would be compatible with the surrounding area and it is not considered to be an overdevelopment or inconsistent development within its urban setting. What the

development provides on site has been designed to ensure that the scheme not only achieves a mixed use development, which would provide a mixture of employment to address the previous concerns raised on previously refused applications, but it also proposes the residential to ensure that the employment element can be viably provided. The proposal has also been redesigned to address the appeal decision. The scheme accords with Local Plan Policy GEN2. Due to the sites locality and the nature and scale of the proposed development the scheme also accords with Local Plan Policy H3 and Policy H4 (a), (c) and (d).

- 10.32 The size, scale, design and siting of the proposed dwellings, retail/office unit fronting Cambridge Road and the B1 units is acceptable. Commercial unit 2 whilst it has been designed at 3 storeys and 10.7m in height, this reflects the neighbouring buildings on Cambridge Road and the recently approved tyre and exhaust building at 10 Cambridge Road (UTT/13/1126/FUL) which has a height of 12m.
- 10.33 There would be no overlooking as the dwellings have been sited respecting the required back to back distances. These would be of at least 25m from existing residential dwellings located to the north (fronting Clarence Road), as outlined within the Essex Design Guide, and taking into account other dwellings which have been orientated away and/or have the benefit of heavy screening from large conifer trees.
- 10.34 The Essex Design Guide (2005) recommends 50 square metres for up to 2 bedroom units and 100 square metres of garden space for 3 plus bedroom dwellings. All the dwellings now accord with EDG whereas the previous appealed scheme some dwellings fell below the recommended amenity space levels.
- 10.35 The proposed heights of the units would vary from 8.5m to 9.8m. There has been a reduction in total height of the highest dwelling from 10.4m to 9.8m. The siting, distances and relationship with surrounding properties the proposed heights are considered to be generally acceptable subject to a condition relating to levels should planning permission be granted.
- 10.36 With regards to the design of the scheme it would not directly relate to a specific property as this would be difficult due to the nature of the plot and its siting. The houses general appearance is well designed in nature and has been adapted to respect its neighbouring relationship. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.37 A public footpath is designed into the scheme from Crafton Green Car Park this is in line with the Place Services assessment by allowing a link from the public car park through the development to the shops and proposed commercial units. This would be subject to the previous secure by design measures required by the Architectural Liaison Officer.
- 10.38 Due to the orientation of the proposed dwellings no impact is considered upon the setting of the listed buildings which front Cambridge Road, in accordance with Local Plan Policy ENV2.
- 10.39 Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. It has been outlined within the Stansted Community Plan that there is a need for 2 and 3 bedroom units. The proposed development would provide be 3 x 2 bedroom units 7 x 3 bedroom units. The balance has been amended since the reduction in the number of dwellings to address the Inspectors concerns. This would provide a balance in the size of the family size units including meeting the need for 2 and 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan.

- 10.40 Due to the site's density being in accordance with Essex Design Guide and meeting other local plan requirements such as level of amenity, parking standards and back to back distances the number of units is an appropriate balance without compromising the proposed development overall.
- 10.41 The proposed flexible retail unit has been designed to provide both retail/office space in order to increase and retain retail/office frontage, in accordance with Policies RS1, RS2, and E2. The design of the proposed retail/office unit fronting Cambridge Road has been designed to be sympathetic with the surrounding heights and design of the adjacent units, also to provide a streetscene frontage whilst entering into the site so it give a sense of overlooking and interaction without creating a dead wall space. The design is considered to be proportionate and in keeping with its surroundings, also an improvement to what was on site previously located here. This accords with Local Plan Policy GEN2, and NPPF.
- 10.42 ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion; this would be covered by Part M of the Building Regulations. The dwellings are capable of meeting Lifetime Homes Standards.–Whilst it has been argued that the garage/carports would give way to being converted to habitable room space in the future it is considered that should the scheme be approved this can be conditioned. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.
- 10.43 The Inspector raised the following concerns and points;
- “The proposed dwellings would be orientated such that the rear gardens of those on the northern and western perimeter, plots R4 to R9, would border rear gardens of existing dwellings at Clarence Road and Greenfields. The distance between the proposed and existing dwellings would be sufficient to prevent any undue loss of privacy or overbearing impact and the layout would result in a contiguous area of green space created by the respective garden areas of each dwelling. Established planting within existing gardens would provide a pleasant outlook from the rear of the proposed dwellings on the northern and western side of the scheme.” In place of plots R4 to R9 are plots 4 to 9 the Inspector indicated no concern regarding these and these are still considered acceptable. Garden sizes of Plots 4 and 5 have since been increased to meet and exceed the EDG. Nonetheless these were still described as having “...satisfactory living conditions for future occupants.” (para 10)
- 10.44 In paragraph 12 of the Inspectors decision concern was raised regarding the proximity of the dwellings R11 to R13 to the shared southern boundary with Gevena Motors. This has since been addressed by removing these dwellings and replacing them with commercial unit 2 which would reflect the neighbouring consent UTT/13/1126/FUL and addressing all amenity issues such as outlook, overshadowing and possible noise issues. Similarly in paragraph 15 of the Inspector's decision concerns relating to Plot R1, “the garden at plot R1 would be enclosed between the rear wall of the dwelling, the side wall of the proposed office building and the outbuildings to the rear of the Co-operative store. The south-facing wall of the store, which would form the northern boundary of the garden, would present a blank and an unattractive outlook, worsened by the unsightly collection of air conditioning units that would be clearly visible. The garden immediately to the rear of the house would also be overshadowed for large parts of the day due to the orientation of the dwelling. In combination, this would result in a confined and unattractive external space with restricted practical use, and an unsatisfactory outlook onto the unattractive commercial façade.” This has been ad-

dressed by re-orientating and designing the dwellings so that commercial parking spaces and rear lengths of the gardens are adjacent to those walls. This is considered to sufficiently address the Inspectors concerns.

- 10.45 Following the revised scheme on the subject site UDC Environmental Health does not raised any concern regarding noise in consideration of Geneva Motor's hours of operation and conditions imposed on their application UTT/13/1126/FUL.

C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);

- 10.46 Local plan policy GEN1 states "*development will only be permitted if it meets all of the following criteria;*
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
 - e) The development encourages movement by means other than driving a car."*
- 10.47 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. The application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which provides good accessibility. The site is located on a brownfield site within the development limits of Stansted which has very good access to road, rail and air network. It is the most sustainable settlements within the district. The site accords with Local Plan Policy GEN2 and GEN1 in this respect.
- 10.48 A Transport Statement has been submitted in support of the application. This highlights the comparative difference between vehicle movements from the previous uses and the proposed development. This indicates that the proposed development would see a reduction of two-way vehicle movements by 10 cars and a HGV reduction of 27 vehicles. Whilst there has been an increase in proposed commercial space by approximately 444sqm there has also been a reduction of 4 dwellings, which would generally counter-balance each other. The current parking and access situation has been discussed within the statement. It has been stated within the report that "*..in terms of capacity, the site access in the form of a simple priority junction is considered appropriate for the level of vehicular movement that would be generated by the proposal site.*" ECC Highways have provided a full response to this application; please refer to Section 8.5 - 8.9 above. This has resulted in a no objection being raised subject to conditions. Within the Inspectors report he stated that "Whilst I am mindful of local concerns regarding the access onto Cambridge Road, I accept the findings of the transport assessment and the Highway Authority and am satisfied that the impact of the proposal on matters of highway safety would be acceptable." This offers betterment in highway and public safety in accordance with Local Plan Policy GEN2. Regardless of assertions that the previous use movements should not be taken into account this is a material consideration into how the site had previously lawfully operated with this scheme using the same existing access.
- 10.49 The lack of off-street car parking was an issue that was raised as part of the previous reason for refusal and the resultant on-street parking effect. It has been outlined

within the Inspector's decision that the dwellings meeting the parking standards was acceptable particularly due to the fact that the site is located within a sustainable location with good transport links. (Please refer to paragraph 20, Appendix 4).

- 10.50 In terms of car parking standards the Essex Parking Standards (2009) seeks for 1 car parking space for up to 2 bedroom units, 2 car parking spaces for 3 bedroom units and the Uttlesford Local Parking Standards (March 2013) seeks 3 car parking spaces for 4 plus bedroom dwellings, with a visitors parking provision of 0.25 spaces per dwelling. As indicated in the table in Section 3.9 the dwellings car parking provision accords with the adopted Parking Standards above, in accordance with Policy GEN2 and GEN8 of the Uttlesford Local Plan.
- 10.51 For the commercial units 1 space per 20sqm of Class A1 and A2 floorspace is required (this equates to 6 car parking spaces) and for Class B1 office use 1 space per 30sqm is required (this equates to 24 spaces) all maximum provisions, equating to a requirement of 30 car parking spaces. The commercial units are short of 14 car parking spaces the site is located within a highly accessible and sustainable area, which has access to the neighbouring public car park. The Essex Parking Standards states that "a lower parking provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities". Again, it should be emphasised that the same approach has been taken with other sites. Whilst there is still a shortfall in commercial parking spaces since the previous application there is now a dedicated car parking spaces and an area with turning facility, addressing previous concerns. In considering the above and considering the difference in operation in terms of parking demands between the residential and commercial elements the scheme is considered acceptable and in accordance with Policy. Pedestrian access to the adjacent car park would be maintained as part of this application providing further parking opportunity. Again the Highways Authority raised no objection subject to conditions.

D Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7);

- 10.52 The contamination report that has been submitted as part of the application submission, this concluded that there is potential ground contamination that would be required to be remediated. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, and the NPPF. No objection has been raised by Environmental Health subject to the above condition.
- 10.53 Due to the size of the application site and the fact that the site also falls within Flood Risk Zone 1 no flood assessment is required. This is in accordance with Local Plan Policy GEN3 and the NPPF.
- 10.54 An updated Ecological Survey has been submitted as part of the application submission. No concerns have been raised subject to mitigation and enhancement measures. The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife, as outlined within the previous report. No objection has been raised by ECC Ecology subject to conditions. This accords with Local Plan Policy GEN7, and the NPPF's regarding sustainability of developments.
- 10.55 No objection has been raised by the Council's Landscape Officer either. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping

should planning permission be granted.

E Other material considerations;

- 10.56 As the development has been reduced down to 10 residential units there is now no education requirement.
- 10.57 At the time this application was submitted the affordable housing required was affordable housing was required for more than 10 units or if the floorspace is 1000sqm or above. As policy has evolved since the submission of the application the application has to be assessed against the policy requirements at the time of submission. The total residential floorspace proposed equates to 978sqm and as a result no affordable housing is now required.
- 10.58 The scheme therefore accords with both National and Local Plan Policy H10, and GEN2.

11. CONCLUSION

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

- A The site is a brownfield site by definition located within the development limits, with limited main road frontage. The application provides for a mixed use development to ensure that the development is viable in order to enable the maximum provision of employment uses. It has been strongly emphasised both within the application submission and the independent assessment carried out by Carter Jonas on behalf of the UDC that this can only be provided through such as mixed use scheme which contains residential.

The Carter Jonas report has stated that it is unlikely that employment will come forward on its own due to the lack of viability, the lack of demand in the market and the site not being considered in a suitable location (Please refer to paragraphs 6.6.2, 6.6.4 and 6.6.5 above). This is plainly evident by the pure nature of the historical applications on this site.

The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), and the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) The development in principle therefore accords with Local Plan Policies S1, E2, SM1, GEN1, RS1 and RS2, also the NPPF, Stansted Mountfitchet Community Plan, and the Assessments from Place Services and Carter Jonas.

It is re-iterated that the proposed application does not prevent the adjacent sites from coming forward and being developed, as has been suggested by previous representations received.

It should also be noted that the Planning Inspector did not raise concerns about the principle of the scheme.

- B The size, scale, design and siting of the proposed dwellings, retail/office unit fronting Cambridge Road and the B1 units to the southern boundary of the site is acceptable. There would be no overlooking as the dwellings have been sited respecting the required back to back distances. A balance needs to be struck between various development requirements within such a town centre location. The aspects that need to be balanced in this case is meeting the desire to have maximum employment on the

land and ensuring it is viable, meeting the needs for parking, amenity, lifetime home standards with suitable road layout, without compromising residential and visual amenity. It is considered that even with the constraints of the site the scheme accords with the desired aspirations of the site the scheme accords with local plan policies, NPPF, and the draft local plan and associated studies undertaken by Place Services and Carter Jonas, with minimal impact upon residential and visual amenity. The scheme as also been revised to address the previous applications shortcomings and the Inspectors concerns.

- C The application site is highly accessible. The proposed development would see a reduction of two-way vehicle movements which offers a significant highway and public safety benefit to the locality, in accordance with Local Plan Policy GEN2 and GEN1. Whilst a Transport Statement is not required for a scheme of this size one has been provided regardless. The Inspector has raised no concerns over the findings of the previous transport statement, and ECC Highways have also consistently raised no objection.

Both the commercial and the residential car parking facility has been now addressed, including the provision of visitors spaces and turning facility on site. The site is located within a highly sustainable area which has access to the neighbouring public car park. The Essex Parking Standards states that “*a lower parking provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities*”. The adjacent public car park has capacity to assist in providing parking, facilitated by the incorporated proposed public footpath through the site linking the two sites. The difference in operation in terms of parking demands between the residential and commercial elements means the scheme is considered acceptable and in accordance with Policy.

No objection has been raised by the Highways Authority subject to conditions.

- D No objections or issues have been raised with regards to contamination, flood risk, surface water drainage, ecology and landscaping subject to conditions.
- E Due to the reduction of the number of dwellings and when the application was submitted there is now not a requirement for either affordable housing or education contribution.

RECOMMENDATION – CONDITIONAL APPROVAL

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

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

2. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter 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 Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
- a) proposed finished levels [earthworks to be carried out]
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) existing trees, hedges or other soft features to be retained
 - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - j) location of service runs
 - k) management and maintenance details, including those relating to the pedestrian footpath

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, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005)

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

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

5. No development shall take place until proposed levels including cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby

permitted and any changes in level proposed, together with the proposed floor levels within the building(s), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

6. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s), including those for the proposed pedestrian footpath between Crafton Car Park and the site, have been constructed to base course and surfaced in accordance with details which have been submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

7. The area set aside for car parking including garages/carports shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the vehicle parking of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

8. Before development commences details of proposed external lighting scheme, CCTV, fencing and security measures, including those for the proposed pedestrian footpath between Crafton Car Park and the site, to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local plan (adopted 2005).

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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 consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters (Secondary A Glacial sands/gravels, Secondary A Thanet Sands and Principal Aquifer Chalk), in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

10. Prior to commencement of development, a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: The potential pollution from 500 gallons underground tank and 1000 gallon above ground tank may have caused pollution soil and controlled water which may require remediation of the contamination, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

11. 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 controlled waters. The development shall be carried out in accordance with the approval details.

REASON: The site is located in Source Protection Zone 1 of our groundwater protection policy, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

12. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: Heterogeneity of hydrogeology and historic use contamination not identified in site investigation may be present, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

13. Notwithstanding the provisions of the Town and Country Planning (General Use Class) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the hereby permitted retail unit and Office unit shall remain in use Classes A1/A2 and B1 (a) purposes only and shall not change use class without the

prior written permission of the local planning authority.

REASON: To prevent the loss of employment and in order to safeguard the retail frontage in accordance with Policies GEN2, GEN4, E1, E2 and SM1 of the Uttlesford Local Plan (adopted 2005).

14. No development shall take place (including ground works, 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 be in accordance with the constraints identified in the SLR Consulting Ecological Report (dated April 2015) and 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: In the interest of the protection of wildlife and biodiversity in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

16. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

17. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the

development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

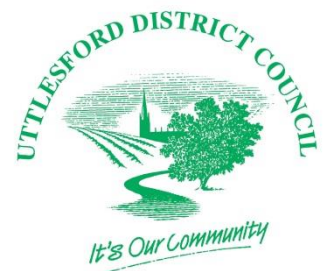
REASON: To enhance the sustainability of the development through better use of water, energy and materials, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

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

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

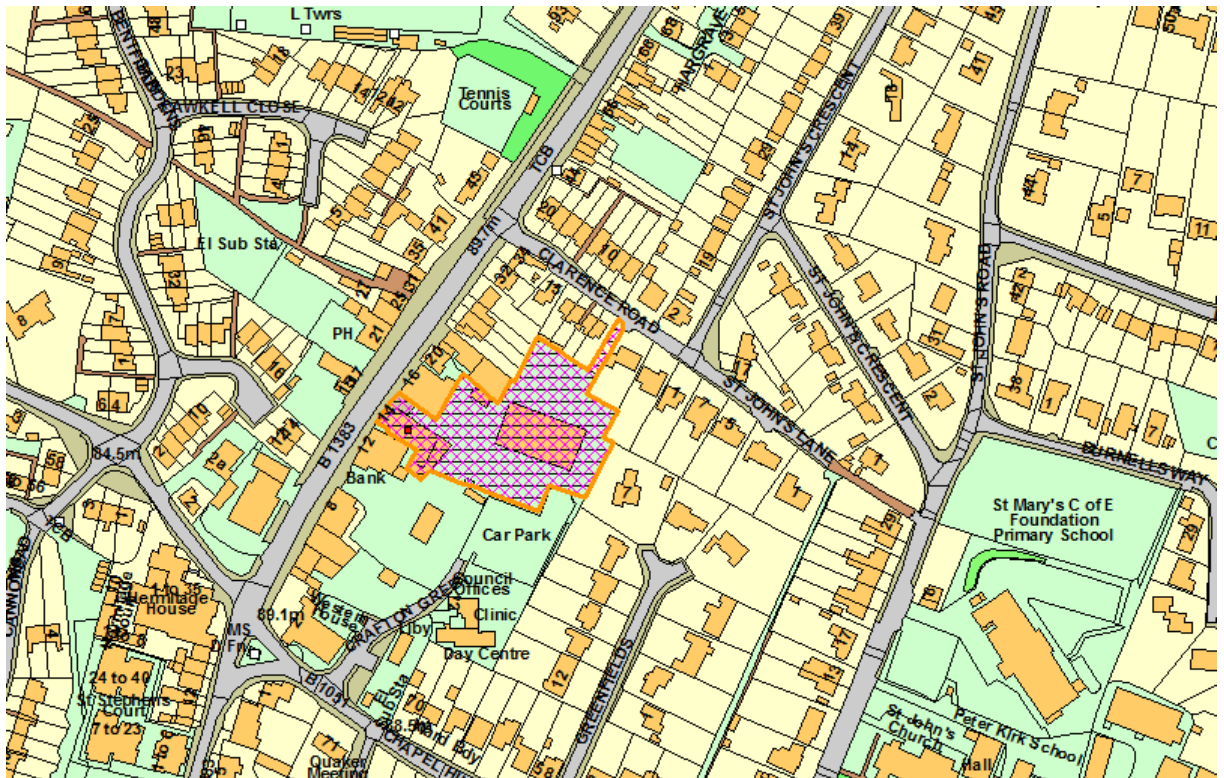
19. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.



Application number: UTT/15/1666/FUL

Location: 14 Cambridge Road Stansted



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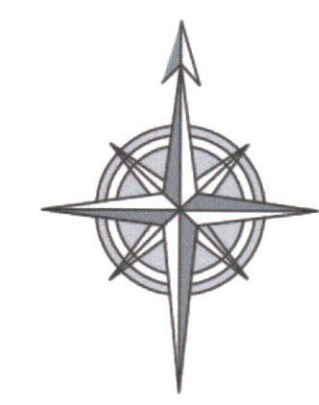
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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688



Legend		NB: Landscaping subject to detailed design
	Proposed Trees.	
	Refuse	
	Recycling	
	Garden	
	Patios generally 600 x 600 concrete slabs.	
	1.8m close boarded fence.	
	Parking spaces.	
	Proposed hedges.	
	Cycle hooks to internal, rear garage walls	
	Indicative Solar Thermal Panels	

SCHEDULE	
CAMBRIDGE ROAD, STANSTED	
Retail unit ground floor	
Office above retail	
Beaufort - 3B - 2no.	
Beaufort (Wheelchair) - 3B - 1no.	
Cavendish - 3B - 3no.	
Fitzgerald - 4B - 2no.	
Hanover - 4B - 2no.	
Grosvenor - 5B - 2no.	
Warwick - 5B - 2no.	
14no. Dwellings plus office/retail	
Site Area 1.05 acres	
Parking 30 spaces (200%)	



Client : Bellway	
Project : Cambridge Road Stansted Mountfitchet	
Drawing : Site Layout	Go Planning Unit 4, Bolding Hatch Business Centre Blingshoe, Stansted Road Rowwell Chamford Essex CM1 4LF
Scale : 1:200 @ A1	Status : Planning
Date : March 2011	Dwg No : 2011-147-002
	Rev : C
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UTT/0215/12/FUL - STANSTED

PROPOSAL: Demolition of existing buildings and erection of 14 No. dwellings, retail and office unit, including associated garages, car parking and landscaping

LOCATION: Land to r/o of 14 Cambridge Road Stansted

APPLICANT: Bellway Homes Ltd

AGENT: Strutt and Parker LLP

GRID REFERENCE: TL 511-251

EXPIRY DATE: 10.05.2012

CASE OFFICER: Maria Tourvas

APPLICATION TYPE: Major

1. NOTATION

1.1 Within Development Limits, Part protected Retail Frontage/Town Centre Policy SM1, adjacent to Grade II listed buildings

2. DESCRIPTION OF SITE

2.1 The site is predominantly set back off Cambridge Road to the rear of properties no. 12-30 (even). This comprises a single storey shop located to the front of the site on Cambridge Road (no.14), and to the rear/centre of the application site there are a number of two-storey and single storey units (total of 8 units). These units break down as the following;

Building 1: Unit is recently used by Lan One Computers (computer repair shop);

Building 2: Until recently used by Vaio Pak Packaging Company;

Building 3: Currently vacant but has been used by You're Furnished in the past;

Building 4: Currently vacant but has been used by You're Furnished in the past;

Building 5: Currently vacant but has been used by You're Furnished in the past;

Building 6: Currently vacant but has been used by Express Framing in the past;

Building 7 & 8: Used by You're Furnished

2.2 The site covers a total area of 0.42 hectares.

2.3 The site was previously used by Sworders Fine Art Auctions. However, the site is owned and run by You're Furnished and there are 2 sub-tenants (Lan One and Expressive Design) which have short/expired leases. There is a standalone building which is located adjacent to the shared boundary with 22 Cambridge Road has been previously been refurbished in 1997 (building 2). The buildings on site are

predominantly dated, in a poor state of repair and require work. The application site to the north adjacent to the rear of properties fronting Clarence Road, appears to be a secluded area. This is used more as 'waste ground' rather than parking area.

- 2.4 There is a 1.5m high close boarded fence to the rear of the site adjacent to the Crafton Green Car Park. There are high level conifers along the shared eastern boundary. There are also close boarded fences along the northwest, north and northeast, with slightly lower fencing along the northeast boundary, which relate to two-storey houses fronting Clarence Road.
- 2.5 Fronting Cambridge, other than the single storey shop as discussed above, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site. There is also a row of semi detached single family dwellings. Half of this row of houses are Grade II Listed.
- 2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library.
- 2.7 The site's access is taken from Cambridge Road.

3. DESCRIPTION OF PROPOSAL

- 3.1 The application is for the demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings. This will be a mixture of detached and semi detached two-storey properties with associated garage provision. The scheme also involves the erection of a new retail unit with office space over, which would be two-storeys fronting Cambridge Road.
- 3.2 There would also be associated car parking for both the residential and commercial unit and landscaping.
- 3.3 The dwellings are proposed to be 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units. Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
- 3.4 A 5 bar timber gate is proposed along the front access of the site, setback from the main road.

4. APPLICANT'S CASE

- 4.1 The following documents have been submitted with the application:

Design and Access Statement - undated
Planning Statement - January 2012
Transport Statement – January 2012
Report on Impact of Existing Commercial Buildings on Plots 1 and 2 – January 2012
Site Marketing Assessment Report – January 2012
Geotechnical and Geo-environmental Report – March 2011
Flood Risk Assessment – January 2012
Utilities Statement - January 2012
Energy Statement – January 2012
Statement of Community Engagement – 27 January 2012
Site Waste Management Plan – 9 January 2012

4.2 Consultation and Community Involvement

As part of the application process a public exhibition has been undertaken by the applicant prior to the submission of the application in accordance with the Council's Statement of Community Involvement.

The initial application was part of two briefing letters to residents, two sets of meetings with residents and door to door surveys have been carried out. It has been offered that the applicant would meet with residents at their own homes at times of the day convenient to them, telephone contact and discussion have been held with residents as well as a one day public exhibition which involved local groups, parish councils etc.

A Statement of Public Consultation has been submitted as part of the application.

5. RELEVANT HISTORY

- 5.1 UTT/111/75 - Erection of warehouse, packing case store and garage – Refused July 1975
- 5.2 UTT/206/76 – Linked corridor, showroom – warehouse to existing showrooms – Granted April 1976
- 5.3 UTT/453/76 – Erection of warehouse and garage - Granted July 1976
- 5.4 UTT/1446/95 – Change of use from Class A1 to auction rooms – Granted April 1996

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 East of England Plan 2006

Policy SS1 - Achieving Sustainable Development
Policy SS2 – Overall Spatial Strategy
Policy SS4 - Towns Other than Key Centres and Rural Areas
Policy E1 – Job Growth
Policy E2 – Provision of Land for Employment
Policy E3 – Strategic Employment Sites
Policy E5 – Regional Structure of Town Centres
Policy T1 – Regional Transport Strategy Objectives and Outcomes
Policy T2 – Changing Travel Behaviour
Policy T3 – Managing Traffic Demand-
Policy T4 - Urban Transport
Policy T7 - Transport within Rural Areas
Policy T8 – Local Roads
Policy T13 - Public transport accessibility
Policy ENV1 – Green Infrastructure
Policy ENV3 – Biodiversity and Earth Heritage
Policy ENV7 - Quality in the Built Environment
Policy ENG1 - Carbon Dioxide Emissions and Energy Performance
Policy WAT4 - Flood Risk Management

6.3 Essex Replacement Structure Plan 2001

No policies relevant.

6.4 Uttlesford District Local Plan 2005

Policy S1 – Development Limits for the Main Urban Areas

Policy SM1 – Local Centres

Policy E1 - Distribution of Employment Land

Policy E2 – Safeguarding Employment Land

Policy RS1 - Access to Retailing and Services

Policy RS2– Town and Local Centres

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN6 - Infrastructure Provision to Support Development

Policy GEN7 - Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV2 - Development Affecting Listed Buildings

Policy ENV3 - Open Spaces and Trees

Policy ENV12 –Protection of Water Resources

Policy ENV14 – Contaminated Land

Policy ENV15- Renewable Energy

Policy H1 - Housing Development

Policy H3 - New Houses within Development Limits

Policy H4 - Backland Development

Policy H10 - Housing Mix

6.5 Stansted Mountfitchet Community Plan (2011)

The Plan states over the years the number of shops have reduced in the Parish and that they have done well to hold as many retailers as they have. The Plan discusses the widespread fear of crime whether actual or perceived, even though the reality is less and the need for more Police Officers on the streets which would reduce the perception and the need for better street lighting.

The Village Plan discusses issues relating to roads traffic and parking in the area, whereby Cambridge Road is highlighted as a danger both to pedestrians and drivers.

It is highlighted within the Plan the need for more smaller family dwellings (2 and 3 bedroom units) and the need for affordable housing.

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted. The Plan identifies that the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) identifies a number of site that could potentially bring forward housing scheme s one of those sites identified is the subject application site and it is stated that the Parish Council agrees with this site (page 13 of Community Plan).

It is discussed within the document the local publics likes and dislikes about living in the Parish. The dislikes included amongst other things traffic and anti-social behaviour.

7. CONSULTATIONS

- 7.1 **Planning Policy:** verbally reported: The site is not allocated for any particular use. It is within the development limits where there is a policy presumption in favour of appropriate development.
- 7.2 Policy E2 states that the development of employment land 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.
- 7.3 The site is surrounded on three sides by residential properties and there is potential for noise and disturbance is not necessarily compatible with these uses but some other employment use could take place on the site without undue disturbance and as there is limited employment land within the village as previously advised evidence of marketing for employment use would need to be submitted in support of the application in order to demonstrate that there is no demand for employment use of the site.
- 7.4 In order for this application to be approved the Council has to be satisfied that:
- a) there is no demand for this site for business use or
 - b) that the use proposed will generate local jobs
- 7.5 **Access Officer:** Plots 8 & 9 (entrance level WC this requires access through the kitchen and into a further 'lobby' area. This would not be very suitable for a wheelchair user, either as a resident or a visitor. This arrangement could be improved.
- 7.6 There are 14 dwellings which will trigger the requirement for a wheelchair accessible unit under the SPD with an internal layout that meets this need with parking and require a plot to be specified.
- 7.7 The retail unit shows a stepped access and would need to be DDA compliant.
- 7.8 Following amendments further comments submitted: Plot 6 is wheelchair accessible. Drawing provided will meet SPD on wheelchair housing. It would be good if they could market this as an accessible unit. We would expect the lift to be trimmed out on this plot.
- 7.9 Plots 8 and 9 accessible WC now complies and the retail access level is now provided.
- 7.10 **Landscape Officer:** No objection.
- 7.11 **Natural England:** Offer standing advice.
- 7.12 **Veolia:** Site is within an area defined as a Ground Water Protection Zone and require informative regarding construction work to be undertaken in accordance with British Standards. As work could exacerbate pollution.
- 7.13 **Education:** The development would generate a need for a contribution towards early years, childcare and primary level for £57,625.
- 7.14 **Thames Water:** Developer to gain consent regarding surface water drainage prior to connection to public sewers.

7.15 **Highways:** No objection subject to the following conditions regarding preventing surface water discharging onto highway, vehicle parking to be provided prior to occupation, construction traffic, travel information and marketing scheme and informative regarding the works.

7.16 **Drainage:** A sustainable drainage scheme is proposed for this site but no details have been provided therefore a condition requiring details together with a condition investigating if exceedence flows if the storage provided is exceeded.

7.17 **Architectural Liaison Officer:** Essex Police do not object but would seek a planning condition to secure by design certification is a requirement on all units. SBD approved developments are proven to create opportunities for crime. Application fails to address SBD a condition could address this. Applicants have secured certification on other sites and therefore there is no reason why this can not be achieved on this site.

7.18 A footpath would increase footfall through the development and increase the possibility of crime and anti/social behaviour.

7.19 Academic research has proven that developments like this layout with a "leaky cul-de-sac are most at risk to crime. Whereby cul-de sac that have no footpath access through them are low on crime. The possibility of anti-social behaviour or crime on units 9 and 10 would be high. I would oppose any public footpath.

7.20 **Environment Agency:** No objections subject to conditions relating to contamination, remediation, no infiltration of surface water drainage, if contamination not previously identified is not found and informative relating to surface water drainage, foul water disposal, water efficiency, energy ad resource efficiency and waste management.

7.21 **Environmental Health:** A site management plan is required. The geoenvironmental report submitted indicates that contamination potentially harmful to human health is present on the site therefore a contamination condition is required. Also a condition requiring demolition and construction work shall be carried out in accordance with the Uttlesford Code of Development Practice.

7.22 **Climate Change Officer:** Conditions relating to Code Level 3 and 10 % energy efficiency to be applied should planning permission be granted.

8. PARISH/TOWN COUNCIL COMMENTS

8.1 Objection for the following reasons:

- Loss of commercial site in the village -would be well suited to a mixed use with starter business units which could be funded by small number of residential dwellings.
- Recent survey by UDC shows need for 2 and 3 bed homes
- Object to gated communities
- No provision of pedestrian link from Cambridge Road to Crafton Green Car Park which should be a requirement of any development.
- Highway concerns - traffic backing up onto Cambridge Road Delivery vehicles etc which are unable to access the site would have to reverse out onto Cambridge Road danger to pedestrians and other road users. Vehicle exiting the site would have poor sight lines to the north are there are regular large lorries parked and delivering to

Tesco and the Co-op.

Further comments following re-consultation on amendments;

- Members object very strongly to application;
- Made it very clear that there should be a footpath link through to Crafton Green Car Park which is essential, benefits to the community;
- Do not support gated developments;
- Unconvinced that there is not a need for employment;
- Mixed use development would be acceptable
- Site visit by Planning Committee Members should be carried out.

9. REPRESENTATIONS

9.1 The neighbouring properties have been notified of the planning application and the application has been advertised on site. To date 22 representations have been received. Notification period expired 18 April 2012 further to amended plans

The responses have been received raise the following points;

- There are several businesses running on site (Your Furnished (2 outlets), Express Picture Frame, Lan One Computers, Viao Cups and the empty retail outlet occupied by Sandwich/Deli Company. The proposed demolition of all buildings to provide 1 new retail units creates a sizable shortfall in commercial premises;
- The plans are not in keeping with the High Street retail area offer;
- Removing much needed jobs and opportunities for employment. These small businesses employ a significant number of people both directly and indirectly and should not be overlooked;
- The development has no visitor parking therefore would cause on street parking made worse;
The gate would make traffic worse;
- Scheme could be improved by increasing the amount of commercial outlets and reducing the number of residential;
- Loss of employment would have an impact on other local businesses and local economy;
- Dangerous as delivery vehicles park close to that entrance;
- Residential would increase congestion and traffic along Cambridge Road
- Access is unsafe;
- site has always been used for commercial;
- Inappropriate to change use to residential;
- Housing is built all around at the expense of commercial;
- This part of Cambridge Road is dangerous and congested therefore no consideration should be given to schemes that would add to this problem.
- Access should be from Chapel Hill Grafton Green car park and through site for pedestrians to encourage local employment and economy;
- Need a new health centre to serve the growing population and this should be located here closer to other services;
- No link from car park to Cambridge Road through the estate. This should be required before granting any consent;
- Worried about vehicular access across a busy pavement;
- Development is in the middle of a commercial shopping zone and not comparable to area;
- Loss of site would compromise access to shopping amenities;
- Do we want to stunt amenities in one of the fastest growing area by allowing a few dwellings;
- Flats should be provided above shops and offices;

- Retail provides jobs not housing developments;
- Housing density is too high and out of keeping with area;
- Retail commercial units are needed in area;
- Unsympathetic buildings will spoil area;
- Too many employment sites are being lost;
- The community would need to be long term sustainable;
- More employment sites will be left untouched to seek change of use;
- Existing on street parking and delivery hazards;
- Pedestrian safety;
- No more residential is needed;
- on street parking;
- Insufficient parking provision
- Traffic pressure on the main road could resolved through a pedestrian path being created from the public car park;
- Pressure on health services;
- Highways are not objection without a risk assessment being undertaken;
- Application would be an improvement to the site;
- Relocating from site as an occupant to other premises to allow expansion;
- There have been problems with the access being blocked;
- Concerned that development would result on a loss of sunlight and privacy due to eight of proposed dwellings. The largest house plot 4 would be located to rear of dwelling;
- Smaller two storey dwelling would be acceptable;
- Amendments does not resolve concerns by swapping Plot 4 for Plot 6
- More 2 and 3 bed affordable homes are needed within the Village

9.2 Councillor Alan Dean:

The site is in the core of the commercial and retail centre of Stansted. It should not be allowed to convert to residential, as it would have detrimental effect on the vitality of retail and other local businesses and the immediate locality. Suggested that developers were encourage to meet 5 year land supply this would be bad planning. And the Council should be planning for economic recovery and regenerating Stansted.

- 9.3 A master plan is needed linking Cambridge road with Crafton Green Car Park to relieve traffic.
- 9.4 Uncertainty regarding the medical centre proposed at Lower Street this site should be considered as an alternative. Application should be refused as road access is unsafe.
- 9.5 Amendments to scheme - amendments are small in detail and do not affect earlier objections to the principle of change of use.
- 9.6 Marketing Assessment states that the PCT rejected the site for the health centre as the site access from Cambridge road was unsuitable. Existing buildings were offered not site clearance the link to Crafton Green car park would improve the prospect of the health centre.
- 9.7 The report identifies other vacant sites in the area. This does not justify the change of use of the site but the need for regeneration of the site.
- 9.8 A master plan is needed. Loss of the site to residential would undermine commercial regeneration compromising village jobs. Application should be refused.

10. APPRAISAL

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

- (A) **Principle of development, demolition and the justification relating to the loss of employment site (Local Plan Policy S1, RS Policy SS1);**
- (B) **Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);**
- (C) **Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 GEN8, RS1);**
- (D) **Contaminated land issues (Local Plan Policy ENV14);**
- (E) **Flood risk issues (Local Plan Policy GEN3,);**
- (F) **Impact on biodiversity (Local Plan Policy GEN7, RSS Policies ENV1 and ENV3);**
- (G) **Other material considerations:**

(A) **Principle of development, demolition and the justification relating to the loss of employment site**

10.2 The key message in the NPPF is that development which is sustainable should be approved without delay.and that planning should proactively drive and support economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

10.3 Paragraph 50 of the NPPF says that in order to deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities local authorities shouldplan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

10.4 The Strategic Policies and Development Management Policies forming part of the LDF are not far enough advanced to be given any weight in relation to this application.

10.5 The Stansted Mountfitchet Community Plan was produced by the parish council, following extensive consultation with residents, in 2011. The district council has adopted the plan as approved guidance for determining planning applications.

10.6 In the plan the future aspirations for the village are set out below. This site is specifically mentioned as one where the Parish Council agrees it could be provide a development opportunity for housing as the site is identified in the District Council's Strategic Housing Land Availability Assessment as a site which is suitable, available and achievable for housing. The Parish Council's response to the SHLAA was actually dependent on the site not being needed for business use.

10.7 Local Plan Policy S1 (within development limits in existing main urban areas) applies to areas such as Stansted Mountfitchet. It states that major urban extensions would be permitted if in accordance with the local plan and development within the existing built up areas, if compatible with the character of the settlement and in addition for sites on the edge of the built up area, its countryside setting.

- 10.8 The Council's Planning Policy section outlined that in order for this application to be acceptable the Council has to be satisfied that:
- there is no demand for this site for business use or
 - that the use proposed will generate local jobs
- 10.9 The site's lawful use is for the purposes of employment; however the site itself is not an identified safeguarded site due to the size of the site being less than 1.0 hectare. Local Plan Policy E2 relating to safeguarding employment land states that for sites that are not key employment sites, such as the subject application site, development will be permitted of those sites where the employment use has been abandoned or the present use harms the character and amenities of the surrounding area.
- 10.10 The site is within the Development Limit of Stansted on previously developed land where in principle development is acceptable, subject to compliance with other policies of the Local Plan. With regards to the loss of employment the application site is not completely abandoned, however the level of site usage has reduced over the years and is working to below its lawful operational levels both in terms of number of staff, intensity and vehicle movements.
- 10.11 The current employment situation onsite is;
- You're furnished - 3 employees. The business will be relocated to another owned site at Old Mead Road Else ham;
- Lan One is a subtenant and sole proprietor. They are relocating to the immediate area;
- Expensive Design is a subtenant and is relocating to the immediate area.
- 10.12 In total there are 5 employees using existing buildings.
- 10.13 All of these businesses are being and proposed to be located elsewhere around Stansted and Elsenham, and are therefore not being completely lost from the local economy in this respect. There will not be a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey retail unit with office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision. This is in accordance with Local Plan Policies S1, E2, SM1, RS1 and RS2, RS Policies SS1, E1 and E2 also the NPPF. It is envisaged that the new retail/office unit will create a similar number of jobs to the number currently employed on site.
- 10.14 A Site Marketing Assessment Report has been submitted as part of the application, which provides a detailed report as to the marketing of the site since 2008. This highlights that since the departure of the auction company from the application site many of the buildings on site have suffered from the lack of maintenance and at present the site detracts from the town centre of Stansted. It is also stated that none of the buildings have any amenity value being of a corrugated roof finish and in need of repair. It is stated that a schedule of the physical condition of the buildings have been recorded. It is stated that there is a clause within each of the leases that states "that nothing in this lease...shall require the tenant to put...the premises in any better state of repair and condition as evidenced by the Schedule of Condition annexed hereto". Further to that any improvements undertaken are at the sole expense of the tenant and would be disregarded at the time of rent

reviews.

- 10.15 This has resulted in none of the buildings being physically improved and has deteriorating since 1996 as no money has been spent on the fabric. It has been mentioned that the old showroom and main sales room is structurally unsound and the building moves in the wind. The structures are stated to be constructed of single skin concrete blocks work set in a concrete frame, where there are cracks and the walls have moved from the frames. There has been water penetration in places that in turn this has resulted in deterioration of the outer skin.
- 10.16 The situation on the main road has changed following the introduction of Tesco which has resulted in an increase in parking, traffic, and delivery servicing issues which has resulted in congestion around the sites entrance.
- 10.17 In terms of marketing the application site has been informal marketed since 2008 and officially marketed since 2010. The site was offered to a number of developers and including Co-op, Tesco and the West Essex Primary Health Trust having exposure for both the residential and commercial market.
- 10.18 The report highlights the number of other commercial units within a 15 mile radius centered on Stansted. This outlined that there are 705 buildings/ units/ suites available in this area. This breaks down to 492 Class B1 (Office business use), 138 Class B2/B8 (industrial/warehousing) and 75 units within retail (Class A1-A5). Out of this the number of mixed commercial units available within Stansted at the time of submitting the application was 20 units. Beyond the village approximately 3,000sqm of office accommodation and 2,000 sqm of B1, B2 and B8 units around the airport and Bishop's Stortford. It has been stated that 70% of the above floor space has been available for more than 24 months.
- 10.19 There is a demand to meet the Council's housing provision and this site has been considered within the District Council's Strategic Housing Land Availability Assessment (SHLAA). It has been stated within the applications submission regarding the Local Planning Authorities duty to have a 5 year land supply and that there is currently not that supply of delivery sites that needs to be provided (Section 6.12 of the Planning Statement).
- 10.20 Reference has been made to Planning Policy Statement 3 relating to Housing, however this has since been revoked after the submission of the planning application and the NPPF has precedence. Nonetheless, the newly adopted NPPF still supports the provision and delivery of new homes with a presumption in favour of sustainable development.
- 10.21 From the justification submitted as part of the application it has been demonstrated that the site has been actively marketed, that there is a saturation of other commercial units on the market, that there is no demand and that the site is in a suitable location in terms of constraints, also the existing building are beyond economic repair. In consideration of the above it is concluded that there is no demand for this site for business use and the proposed use will continue to generate local jobs through the redevelopment of the frontage. The development therefore accords with Local Plan Policies S1, E2 and SM1, also this is in accordance with the Stansted Mountfitchet Community Plan.
- 10.22 Policy H3 states that like in Policies S1 and S3 development would be permitted if compatible with its surroundings and it meets the following criteria, inter-alia;

- a) The site comprises previously developed land;
- b) Accessible;
- c) Existing infrastructure has capacity to cope with proposed development;
- d) Development would support local services and facilities;
- e) Site is not a key employment site and
- f) Avoiding development which makes inefficient use of land

10.23 Due to the sites locality and the nature and scale of the proposed development the scheme accords with Local Plan Policy H3.

10.24 Policy H4 for backland development states that “development of a parcel of land that does not have road frontage will be permitted, **if all** the following criteria are met;

- a) There is a significant under-use of land and development;
- b) There would be no material overlooking or overshadowing of nearby properties;
- c) Development would not have an overbearing effect on neighbouring properties; also
- d) Access would not cause disturbance to nearby properties.

10.25 In terms of the amenity aspect this will be discussed below. With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would replace unsightly underused buildings within Development Limits of the Village, hence the scheme is considered to comply with Local Plan Policy H4 (a), (c) and (d).

10.26 The principle of demolition it has been discussed within the application. The demolition of the current building is stated would be undertaken to minimise the impact that would occur to the residential occupiers protecting their residential amenity by minimising dust and noise as part of the process. It has been emphasised that the applicants are happy for a condition to be imposed requesting a methodology statement to be submitted for approval should planning permission be granted, in accordance with Local Plan Policies GEN2 and GEN4. This aspect would be a requirement should planning permission be granted, however Environmental Health would also be monitoring this aspect under their separate legislation.

(B) Scale, layout, design, amenity and sustainable construction issues

10.27 With regards to the proposed design of the scheme the NPPF, RSS Policy ENV7, also Local Plan Policy GEN2 seek for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

Policy ENV2 Development Affecting Listed Buildings seeks for development that preserves and/or enhances their character, setting and appearance.

10.28 Overlooking:
The proposed dwellings have been sited respecting the required back to back distances. These would be of at least 25m from existing residential dwellings located to the north (fronting Clarence Road) and east (fronting Greenfields) to the rear elevations of the proposed units, as outlined within the Essex Design Guide. Properties that consist of velux windows to the rear elevations are sited at an internal level to prevent direct overlooking. The dormer windows, which are

proposed namely on Plots 4, 5, 7, 8, 9 and 13, face inwards of the site to prevent a dominating, obtrusive appearance and overlooking. With regards to the relationship of the residential dwellings fronting Cambridge Road to the subject scheme, Plots 1-4, are side-on preventing overlooking and mitigating the impact upon outlook. Any proposed flank windows would be subject to an obscure glazing condition should planning permission be granted. This accords with local, regional and national policy.

10.29 Amenity Space:

In respect of the provision of amenity garden space the Essex Design Guide seeks 100 square metres of garden space per unit. The proposed development would provide units varying from 60-143sqm. Whilst a couple of the units would fall short of the requirement, the provision of garden space is considered to be useable and reasonable, within a town centre location while ensuring back to back distances, therefore it is considered to be acceptable.

10.30 Design, Size and Scale:

There is a variety of size, scale and designs surrounding the proposal.

The proposed heights of the units would vary from 8m to 10.4m and the office retail space being 7m;

- Retail/office 7m
- 8m (Plot 1, 10 and 11)
- 8.3m (Plot 2 and 3)
- 10.4m (Plot 4 and 5)
- 8.2m (Plot 6 and 14)
- 9.2m (Plot7)
- 10-10.2m (8 and 9)
- 8.4m (Plot 12)
- 9m (Plot 13)

10.31 Due to the distances and relationship with surrounding properties the proposed heights are considered to be generally acceptable subject to a condition relating to levels should planning permission be granted.

10.32 With regards to the design of the scheme it would not directly relate to a specific property as this would be difficult due to the nature of the plot. The houses general designs are standard in nature and would not be dissimilar to other properties within the District. This is acceptable and considered to accord with Local Plan Policy GEN2.

10.33 There is a proposed timber 5 bar gate at 1.2m in height. There would be 7m set back from the highway to the proposed access gates. Whilst there have been objections regarding a 'gated community' and it is not typically an accepted practice, there are parking issues along Cambridge Road. The proposed gates would prevent any unauthorised parking and restrict the level of movement from the existing access, reducing the risk to highway safety in accordance with Local Plan Policy GEN1 relating to Access. The proposed design of the gate would be discreet and maintain a rural appearance in keeping with its surroundings.

10.34 The request for an access footpath from the Crafton Green Car Park is discussed below under Section 10.52.

- 10.35 Impact on Listed Buildings:
Due to the orientation of the proposed dwellings in relation to the listed buildings, located on Cambridge Road, the proposed development is orient away and can not be read in relation to the Listed Buildings. No impact is considered upon the setting of the listed buildings in accordance with Local Plan Policy ENV2.
- 10.36 Amenity Impact on Proposed Residential Units:
A report has been undertaken by Pellings on behalf of Bellway Homes regarding the impact of the existing commercial buildings upon the proposed residential Plots 1 and 2 . The report states that the proposed development is of a typical infill scheme which is surrounded by both commercial and residential properties. It specifies that the proposed internal layout of the dwellings and the relationship with the adjoining commercial retail units fronting Cambridge Road. It is highlighted that the flank wall of Tesco is rendered at the base with an eaves height of 5m with no windows in the elevation. To the rear of number 22 there is a single storey flat roof commercial building which is 3.5m high. There is a narrow gable pitched roof flank which abutts Plot 2. It is stated that due to the sun path there would be no overshadowing during the morning but some in the afternoon in the rear garden and rear elevation of Plot 1. Plot 2 is adequately set back from the shared boundary with number 22 Cambridge Road. It was concluded that the buildings fronting Cambridge Road would not have an adverse impact upon the residential amenity of proposed future.
- 10.37 Housing Mix:
Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. It has been outlined within the Stansted Community Plan that there is a need for 2 and 3 bedroom units. The proposed development would provide be 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units. This would provide a balance in the size of the family size units including meeting the need for 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan.
- 10.38 Retail Unit:
The proposed retail unit has been designed to provide both retail space in order to increase and retain retail/office frontage, in accordance with Policies RS1, RS2, and E2.
- 10.39 The design of the proposed retail/office unit fronting Cambridge Road has been designed to be sympathetic with the surrounding heights and design of the adjacent units. The design is considered to be proportionate and in keeping with its surroundings. These accords with Local Plan Policy GEN2, RSS Policy ENV7 and NPPF.
- 10.40 Energy Efficiency:
Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", RS Policies ENV1, ENV7 and ENG1 inline with NPPF seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport.
- 10.41 Uttlesford has a requirement for new non domestic buildings to comply with BREEAM 'Very Good' rating and for new dwellings to comply with Code Level 3, in line with national and regional policy. A report submitted with the application demonstrates how the proposed new buildings could comply with this requirement. It is confirmed within this report that this would be achieved through the use of solar

thermal panels for the residential units and air source heat pumps for the commercial units.

- 10.42 The Council's Climate Change Officer has raised no objection subject to the imposition of conditions should planning permission be granted relating to Code Level 3 and 10% energy efficiency. As there has been a recent change in Building Regulations residential developments achieving Code Level 3 and 10% energy efficiency can now be met through Part L of the Building Regulations therefore there is no longer a need to impose such a condition should planning permission being granted. However, the proposed development new retail unit with office space above is still required to achieve BREEAM 'Very Good', which can be ensured through a condition should planning permission be granted. Also it is illustrated within submitted drawing the provision of solar panel (drawing number 2011-147-002). This complies with Policies GEN2, and ENV15 of the local plan, also RS Policies ENV1, ENV7 and ENG1 and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy".

(C) Highways, Accessibility and Parking

- 10.43 Local plan policy GEN1 states "*development will only be permitted if it meets all of the following criteria;*
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
 - e) The development encourages movement by means other than driving a car."*
- 10.44 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. This is also reflected within regional Policies SS1, T1, T2, T13 and ENV1 of the RS.
- 10.45 It is stated within the Transport Statement that the proposed development would result in a decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Considering this together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. This is considered to be particularly the case considering the evolved high road concerns surrounding on-street parking and servicing of the two food stores. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes.
- 10.46 Parking:
ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards.
- 10.47 ECC Parking Standards September 2009 -2 spaces per dwelling (minimum) and 1 space per 30sqm for Class B1 and 1 space per 20 sqm for Class A1 (maximum). This equates to the requirement of 28 car parking spaces for the residential properties and 6 spaces for the proposed commercial units.

10.48 The proposed scheme proposes to provide 2 car parking spaces per dwelling, which include garages and 2 car parking spaces for the commercial units. The car parking provision for the dwellings and the commercial units comply with the car parking standards include the proposed sizes of the garages. Whilst the proposed parking provided for the commercial element would provide more car parking space for this particular unit than what currently exists. For example the existing retail unit fronting Cambridge Road could be separated without the need for planning permission and no on-site provision of car parking. Also, as previously stated the application site is located within an accessible area that by other modes of transport. No objection has been raised the Highway Authority regarding the proposed development subject to conditions should planning permission be granted.

10.49 Accessibility:
ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion. It has been stated within the application submission that the scheme would be DDA compliant and accord with Part M of the Building Regulations. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1.

10.50 Similarly the proposed dwellings will be to 'Lifetime Homes' standards with Plot 6 being specified as designated wheelchair housing. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.

10.51 In terms of accessibility the application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which would be provide good accessibility.

10.52 Numerous request and objections have been made regarding no provision of a pedestrian footpath linking the adjacent public car park and the application site in order to get through flow onto Cambridge Road. Whilst this was a request from some residents including the Parish Council the provision of a pedestrian footpath is unacceptable in terms of introduction would increase footfall through the development and increase the possibility of crime and anti/social behaviour. The Architectural Liaison Officer stated that "...Academic research has proven that developments like this layout with a 'leaky cul-de-sac' are most at risk to crime. Whereby cul-de sac that have no footpath access through them are low on crime. The possibility of anti-social behaviour or crime on units 9 and 10 would be high." The Architectural Liaison Officer confirmed that he would oppose any public footpath through the application site. The lack of pedestrian footpath provision results in the proposed scheme complying with Local Plan Policy GEN2 (d) by helping to reduce the potential for crime.

(D) Contaminated land issues

10.53 The contamination report that has been submitted as part of the application submission concluded that there is evidence of localised ground contamination. It is stated that there were historical tanker storage on site for fuel in the garages whist they have been removed it is likely that this area would be required to be remediated to the northwest corner of the site. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, RS Policy ENV7 and the NPPF.

(E) Flood risk issues

- 10.54 The application site is located within Flood Zone 1 where by having a low probability of flooding. Local plan Policy GEN3, RS Policy WAT4 the protection and prevention from flooding. A flood risk assessment has been submitted as part of the application.
- 10.55 As the application site is 0.42 hectares and being located within a Flood Risk Zone one it would need to be assessed as part of any application Flood Risk submission sustainable means for surface water management.
- 10.56 It's Flood Risk Zone 1 classification means the site has low probability of flooding from tidal and fluvial sources therefore site would be pass a sequential test of any development and would not require an Exception Test that was required under the previous PPS25. The desk study also demonstrated that the site has low probability of flooding from pluvial or groundwater sources. The current site consists of 67% of permeability, whereby as part of the proposed development this figure will reduce to 8% of the total site. The application submission states that surface water attenuation would be achieved through some surface water attenuation permeable paving and some storage within the infiltration blanket.
- 10.57 It has been confirmed that there would be sufficient capacity to accommodate the foul discharge form the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others.
- 10.58 The Council's Drainage Engineer raised no object to the application subject to a condition being imposed relating to the seeking detail on sustainable drainage scheme together with a condition investigating exceedence flows if the storage provided is exceeded. This would accord with Local Plan Policies GEN3 and GEN2, also RS Policies WAT4 and ENV7, and the NPPF.

(F) Impact on biodiversity

- 10.59 Wildlife
Local plan policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. Policies ENV1 and ENV3 of the RSS seeks maximising biodiversity, proper considering being given to the effects upon conservation of habitats.
- 10.60 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

- 10.61 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- The consented operation must be for “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*”; and
 There must be “*no satisfactory alternative*”; and
 The action authorised “*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*”.
- 10.62 An Extended Phase 1 Habitat Survey has been submitted as part of the application. The buildings on site are not considered to be suitable buildings for the roosting of bats and poor opportunities for foraging habitats for bats. This is considered the case as the buildings on site consist of shallow corrugated asbestos roofs.
- 10.63 Swifts were noticed nearby and considered to be nesting on buildings close to the site. There are no trees within the site however there are several mature trees adjacent to the shared boundary with neighbouring properties namely along the west and north boundary.
- 10.64 The site appears effectively clear from items and opportunities that can provide habitats for reptile, amphibians, invertebrates and nesting birds.
- 10.65 The survey concluded there the site has low ecological value and lacks of suitable habitats therefore no further surveys are recommended. However, it has been recommended as part of the outcomes that the proposed development should include soft native landscaping and nest boxes to be included within the scheme.

The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF’s regarding sustainability of developments.

- 10.66 Landscaping
 As party of the application a plan has been submitted proposing measures to protect adjacent trees whilst the proposed works are on going, what is proposed to be cut back and indicative landscape proposal. Due to the lack of landscaping features on site no objection has been raised by the Council’s Landscape Officer. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.

(G) Other material consideration

- 10.67 Another material change since the granting of planning permission is the adoption of National Planning Policy Framework (March 2012). Amongst other things, this seeks a presumption in favour of sustainable development unless material considerations indicate otherwise. Also development proposals that accord with the development plan without delay. It goes onto seek high quality design and good standard of amenity for all existing and future occupants of land and buildings, promoting viability of urban areas, promoting use of brownfield land. The proposed development accords with the National Planning Policy Framework
- 10.68 The development would generate a need for a contribution towards early years, childcare and primary level and the Essex County Council Educational Services have

requested a contribution of £57,625. This has been addressed through a proposed Unilateral Undertaking.

11. CONCLUSIONS:

- 11.1 It has been demonstrated that the site has been actively marketed, that there is a saturation of other commercial units on the market, that there is no demand and that the site is in a suitable location in terms of constraints, also the existing building are beyond economic repair. In consideration of the above it is concluded that there is no demand for this site for business use and the proposed use will continue to generate local jobs through the redevelopment of the frontage. The development therefore accords with Local Plan Policies S1, E2 and SM1, also this is in accordance with the Stansted Mountfitchet Community Plan.
- 11.2 The principle of demolition is considered to be acceptable subject to mitigation conditions should planning permission be granted.
- 11.3 The proposed design of the scheme is acceptable and in keeping subject to conditions should planning permission be granted. The setting of the existing adjacent listed buildings would be preserved. No detrimental impact is considered upon the residential or visual amenities of the existing neighbouring residential occupiers. This is in accordance with Local Plan Policies GEN2 and GEN4, The Essex Design Guide and RS Policies SS1 and ENV7.
- 11.4 An Energy Efficiency report submitted with the application demonstrates how the proposed new dwellings would meet Code Level 3 and the proposed commercial unit would be achieving BREEAM 'Very Good'. It is confirmed within this report that this would be achieved through the use of solar thermal panels for the residential units and air source heat pumps for the commercial units. This accords with Policies GEN2, and ENV15 of the Local Plan, RS Policies ENV1, ENV7 and ENG1, also the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy.
- 11.5 The proposed development would result in a decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes. This accords with Local Plan Policy GEN1, Policies SS1, T1, T2, T13 and ENV1 of the RS and the NPPF.
- 11.6 The proposed car parking provision is acceptable and accords with Local Plan Policy GEN8 and the Essex Parking Standards (2009).
- 11.7 No objection has been raised by the Highway Authority, subject to conditions.
- 11.8 The proposed development would be DDA compliant, designed to Lifetime Homes standards, and there would be a designated wheelchair accessible unit. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space.
- 11.9 The unacceptability of a public footpath on crime prevention grounds has been discussed in Section 10.52 above, the scheme accords with Local Plan Policy GEN2

by helping to reduce the potential for crime.

- 11.10 Due to historical uses on site there is likely to be contamination. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, RS Policy ENV7 and the NPPF, also comments received from the Environment Agency.
- 11.11 There would be sufficient capacity to accommodate the foul discharge from the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others. Subject to a condition relating to drainage details this aspect of the scheme is considered to be acceptable and would accord with Local Plan Policies GEN3 and GEN2, also RS Policies WAT4 and ENV7, and the NPPF.
- 11.12 The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF's regarding sustainability of developments.
- 11.13 The lack of landscaping features on site has raised no objection from the Council's Landscape Officer. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.

RECOMMENDATION – CONDITIONAL APPROVAL and subject to a Unilateral Undertaking regarding the provision of Education monies towards the provision of early child care and primary care for a sum of £57,625 is proposed.

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 and demolition) 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).

4. No development shall take place (excluding demolition) until full details of both hard

and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

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, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005)

- 5. 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 Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 6. The Retail/Office unit hereby permitted as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will

incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within four weeks following its completion, the applicant will provide a SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

7. No development (excluding demolition) shall take place until proposed levels including cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene., in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

8. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c Regulations 1994) is discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a licence from Natural England . This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.

9. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s) have been constructed to base course and surfaced in accordance with details which have been submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

10. Before the commencement of the development (excluding demolition) hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard

sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

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

11. No development (except for demolition) shall commence until vehicular parking for site operatives (including provision for delivery and storage of materials) clear of the highway has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and such provision shall be retained and kept available for this purpose during construction of the development.

REASON: In order to prevent indiscriminate parking in the interests of highway safety and residential amenity, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. The area set aside for car parking shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the vehicle parking of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

13. No development (including demolition) shall commence until wheel cleaning apparatus has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

14. The first six metres of any private access way as measured from the proposed highway boundary, shall be treated with a bound surface dressing to be submitted to and approved in writing by the local planning authority before commencement of development and thereafter implemented in accordance with those approved details and retained in that form.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

15. Before the commencement of the development (excluding demolition) hereby permitted, an accessibility statement/drawing shall be submitted to and approved in

writing by the local planning authority. The details submitted shall set out measures to ensure that the buildings are accessible to all sectors of the community. The dwellings shall be designed as 'Lifetime Homes' and with one Plot to be designed to be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

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

16. Before development commences (excluding demolition) details of any proposed external lighting scheme and security measures to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local plan (adopted 2005).

17. Before development commences details of a Waste Management Plan (including the management of demolition waste) shall be submitted to and approved by the Local Planning Authority and thereafter implement in accordance with the approved details.

REASON: To protect the amenities of the locality and surrounding residential occupiers preventing pollution, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

18. No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the former Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/o surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

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

19. No development (excluding demolition) shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system, incorporating details investigating exceedance flows if the storage provided is exceeded shall be submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or

statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

21. If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate, shall be submitted to and be approved in writing by the local planning authority and implemented as agreed.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

22. Before the commencement of development a scheme for the protection of noise sensitive properties, including noise limits during construction/demolition works shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

23. Before the commencement of demolition a detail plan of work for demolition, also detailing measures to control noise and dust shall be submitted to and agreed by the local planning authority.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

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

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

25. Before the first occupation of the Plots 8 and 9 hereby permitted the windows(s) at first floor flank elevational shall be fitted with obscured glazing. The window(s) shall be permanently retained in that condition thereafter.

REASON: In the interests of the amenity of surrounding residential uses in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2009) Essex

Design Guide (2005) and the SPD Home Extensions.

26. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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 consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters (Secondary A Glacial sands/gravels, Secondary A Thanet Sands and Principal Aquifer Chalk), in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

27. Prior to commencement of development, a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: The potential pollution from 500 gallons underground tank and 1000 gallon above ground tank may have caused pollution soil and controlled water which may require remediation of the contamination, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

28. 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 controlled waters. The development shall be carried out in accordance with the approval details.

REASON: The site is located in Source Protection Zone 1 of our groundwater protection policy, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 29. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: Heterogeneity of hydrogeology and historic use contamination not identified in site investigation may be present, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 30. Notwithstanding the provisions of the Town and Country Planning (General Use Class) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the hereby permitted retail unit and Office unit shall remain in use Classes A1 and B1 (a) purposes only and shall not change use class without the prior written permission of the local planning authority.

REASON: To prevent the loss of employment and in order to safeguard the retail frontage in accordance with Policies GEN2, GEN4, E1, E2 and SM1 of the Uttlesford Local Plan (adopted 2005).

Background papers: see application file.



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DATE:16/05/2012

MAP REFERENCE: TL4926NW

SCALE:1:1250



NB: Landscaping subject to detailed design

Legend	
	Proposed Trees.
	Refuse
	Recycling
	Garden
	Patios generally 600 x 600 concrete slabs.
	1.8m close boarded fence.
	Parking spaces.
	Proposed hedges.
	Cycle hooks to internal, rear garage walls
	Indicative Solar Thermal Panels
	Line of Sight
	Rumble Strip
	Bollards

SCHEDULE	
CAMBRIDGE ROAD, STANSTED	
Retail unit ground floor	
Office above retail	
Beaufort - 3B - 2no.	
Beaufort (Disabled) - 3B - 1no.	
Cavendish - 3B - 3no.	
Fitzgerald - 4B - 2no.	
Hanover - 4B - 2no.	
Grosvenor - 5B - 2no.	
Warwick - 5B - 2no.	
14no. Dwellings plus office/retail	
Site Area 1.05 acres	
Parking 30 spaces (200%)	



Client : Bellway	
Project : Cambridge Road Stansted Mountfitchet	
Drawing : Site Layout	Go Planning Unit 4, Bolding Hatch Business Centre Bishops Stortford Road Rowell Chelmsford Essex CM1 4LF T: 01245 230712 E: Planning@goholdings.co.uk
Scale : 1:200 @ A1	Status : Planning
Date : June 12	Dwg No : 2011-226-002

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UTT/1193/12/FUL - STANSTED

PROPOSAL: Demolition of existing buildings and erection of 14 No. dwellings, retail and office unit, and associated garages, car parking, landscaping and footpath

LOCATION: Land to r/o of 14 Cambridge Road Stansted

APPLICANT: Bellway Homes Ltd

AGENT: Strutt and Parker LLP

GRID REFERENCE: TL 511-251

EXPIRY DATE: 10.09.2012

CASE OFFICER: Maria Tourvas

APPLICATION TYPE: Major

1. NOTATION

1.1 Within Development Limits, Part protected Retail Frontage/Town Centre Policy SM1, adjacent to Grade II listed buildings

2. DESCRIPTION OF SITE

2.1 The site is predominantly set back off Cambridge Road to the rear of properties no. 12-30 (even). This comprises a single storey shop located to the front of the site on Cambridge Road (no.14), and to the rear/centre of the application site there are a number of two-storey and single storey units (total of 8 units).

2.2 The site covers a total area of approximately 0.43 hectares.

2.3 The site was previously used by Sworders Fine Art Auctions. However, the site is owned and run by You're Furnished and there is now 1 sub-tenants (Lan One) which lease has expired. There is a standalone building which is located adjacent to the shared boundary with 22 Cambridge Road has been previously been refurbished in 1997 (building 2). The buildings on site are predominantly dated, in a poor state of repair and require work. The application site to the north adjacent to the rear of properties fronting Clarence Road, appears to be a secluded area. This is used more as 'waste ground' rather than parking area.

2.4 There is a 1.5m high close boarded fence to the rear of the site adjacent to the Crafton Green Car Park. There are high level conifers along the shared eastern boundary. There are also close boarded fences along the northwest, north and northeast, with slightly lower fencing along the northeast boundary, which relate to two-storey houses fronting Clarence Road.

2.5 Fronting Cambridge, other than the single storey shop as discussed above, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site. There is also a row of semi detached single family dwellings. Half of this row of houses is Grade II Listed.

- 2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library.
- 2.7 The site's access is taken from Cambridge Road.

3. DESCRIPTION OF PROPOSAL

3.1 Member's will remember this scheme being presented at the Planning Committee 30 May 2012 under UTT/0215/12/FUL. A copy of the previous committee report is attached for reference. The scheme under the previously involved the following;

- The demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings.
- Mixture of detached and semi detached two-storey properties with associated garage provision.
- The erection of a new retail unit with office space over, two-storeys fronting Cambridge Road.
- Associated car parking for both the residential and commercial unit and landscaping.
- 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units.
- Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
- A 5 bar timber gate is proposed along the front access of the site, setback from the main road.

3.2 The above application was refused on the grounds of "The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2, GEN4 and E4 of the Uttlesford Local Plan 2005."

3.3 A revised application has now been submitted incorporating the following;

- Removal the proposed access gates;
- Introduction of an access path between adjacent Car Park and the site;
- The transport statement has been updated no changes in terms of vehicle numbers;
- Further information has been submitted with regard to the existing tenant arrangements on site and an update has been provided in relation to the available commercial premises in the locality and the condition of the buildings on site.

4. APPLICANT'S CASE

4.1 The following documents were previously submitted with application UTT/0215/12/FUL:

Design and Access Statement - undated
Planning Statement - January 2012
Transport Statement – January 2012
Report on Impact of Existing Commercial Buildings on Plots 1 and 2 – January 2012
Site Marketing Assessment Report – January 2012
Geotechnical and Geo-environmental Report – March 2011
Flood Risk Assessment – January 2012
Utilities Statement - January 2012

- 4.2 As a result of the revisions outlined in Section 3.3 the following information has been submitted;
- Revised Planning Statement – June 2012
 - Revised Transport Statement – June 2012
 - Revised Design and Access Statement - undated
- 4.3 All three of the remaining tenants had been on short term leases and both You're Furnished and Express Framing have now moved to alternative premises in the nearby area. Both businesses moved of their own accord at the end of their lease period. Lan One Computer's vacated the site on the 26th June, following a period of being in arrears on a discounted rent.
- 4.4 In relation to Bellway Homes already marketing the proposed dwellings for sale, the sales team did refer to this development as 'coming soon' on the Bellway website. This was solely for a marketing and sales purpose, to increase interest of potential buyers in the site. There has been no opportunity for interested parties to buy any of the properties as the site was marketed solely as 'coming soon.' However it is recognised by the applicant that this should not have been undertaken with a planning application still pending and this has now been removed from the website.
- 4.5 Further supportive information has been submitted providing further evidence that the site is not suitable for continued commercial use and not suitable for modern day businesses, also regarding the number of vacant units on the market particularly those that are near the application site which include the following;
- **The Greens Building, Cambridge Road, Stansted Mountfitchet** (Approximately 524.30 sqm, last use Harwood Importer, vacated 2006);
 - **Western House, Cambridge Road, Stansted Mountfitchet** (Approximately 514.13 sqm, last use Discount Airline Ticket Agency, vacated 2007);
 - **27 Cambridge Road, Stansted Mountfitchet** (Approximately 110 sqm, last use Unknown, vacated 2009);
 - **1 Lower Street, Stansted Mountfitchet** (Approximately 50.70 sqm, last use was Paralegal, available from 2011 - Vacated 2012 – last tenant, Kelly Pipe Ltd);
 - **1 & 3 The Exchange, Station Road, Stansted Mountfitchet** (Approximately 474.98 sqm, available from 2008 - 3 The Exchange, First Floor – Let – 95.60 sqm – 2012);
 - **Numbers 25 & 28, M11 Business Link, Stansted Mountfitchet** (Approximately 1,233.46 sqm, available from 2008);
 - **Sion Park, Stansted Road, Stansted Mountfitchet** (Approximately 894.70 sqm, last use Marketing Agency, available from 2011);
 - **5 Riverside Business Park, Stoney Common Road, Stansted Mountfitchet** (Approximately 34.84 sqm, office share, available from 2011);
 - **Bentfield Place, Bentfield Road, Stansted Mountfitchet** (Approximately 32.52 sqm, last use Structural Engineers, available since 2010 - Withdrawn from the market by Landlord for own use – 2012);
 - **Office Suite, Cambridge Road, Stansted Mountfitchet** (Approximately 89.65 sqm, available since 2006);
 - **Units 8, 9, 10, 14 and 15 M11 Business Link, Stansted Mountfitchet** (In total comprising 1,989.88 sqm, New Build, all available from 2008);

- **Hilton Lotus Garage, Lower Street, Stansted Mountfitchet** (Estimated 557.50 sqm, last use Car Showroom and Workshops, available since 2010);
- **6 Greens Building, Cambridge Road, Stansted Mountfitchet** (Approximately 83.50 sqm, last use Carpet Showroom, vacated approximately Spring 2011);
- **4 Greens Building, Cambridge Road, Stansted Mountfitchet** (Approximately 116 sqm, last use Photographer, vacated approximately 2008);
- **2 Greens Building, Cambridge Road, Stansted Mountfitchet** (Approximately 71.1 sqm, last use Financial Advisers, vacated approximately 2008);
- **17 Cambridge Road, Stansted Mountfitchet** (Approximately 57.3 sqm, last use Threshers Off Licence , vacated 2010);
- **10 Chapel Hill, Stansted Mountfitchet** (Approximately 127.88 sqm, current use Scuba Diving Equipment Sales, available since 2010 - Current under offer on a sale basis – the sale is subject to the purchaser achieving planning permission for residential at first floor);
- **30 Lower Street, Stansted Mountfitchet** (Approximately 127.98 sqm, current use Italian Restaurant, available since 2009 - The former tenant has assigned the lease to a French Restaurant operator – 2012);
- **3 Colts, Cambridge Road, Stansted Mountfitchet** (Unknown. Estimated at 100 sqm, last use Public House, vacated 2009);
- **The Queens Head, Lower Street, Stansted Mountfitchet** (Unknown. Estimated at 215 sqm, Public House, available from 2011)

- 4.6 The application site falls below the thresholds identified within Local Plan Policy E2 and therefore the site is not a key employment site. Due to the state of repair of the buildings, competition from a number of other vacant modern offices (as listed above) that offer more suitable accommodation and without major investment in the site there is little prospect for the site.
- 4.7 The inclusion of the footpath now forms part of the application following requests and pre-application discussions with the Architectural Liaison Officer. By incorporating the footpath Secure by Design measures such as a straight path, width of 1.5m, windows overlooking footpath, lighting columns either end and railing used for defensible space at plots 9 and 10. Other aspects required by the Architectural Liaison Officer such as restrictive gates and repositioning of CCTV cameras can be conditioned. Also, the vehicular entrance gates have been removed increasing permeability and opening up the site. Bollards are proposed at the entrance to prevent entrance parking.
- 4.8 It is proposed that the footpath together with the road/public areas will be maintained and managed by a management company.
- 4.9 The proposed amendments and the proposed use of the site accords with the Stansted Mountfitchet Community Plan.
- 4.10 With regards to the grounds of overdevelopment the Essex Design Guide states that most developments should be designed with a density of between 30-50 dwellings per hectare, with higher densities above 50 dwellings per hectare only appropriate in more compact urban environments. The proposed development including the proposed retail/office element amounts to a density of 35.7 dph which is within the parameters set out in the Essex Design Guide and Urban Place Supplement. The density is towards the lower scale and there it is not considered to be overdevelopment. The proposed dwellings meet back to back distance of 25m and have ample amenity space. Due to the proposed nature of the use the proposed development would not cause any undue noise, disturbance or pollution. The

proposed retail/office use is an appropriate use an appropriate location.

4.11 **Consultation and Community Involvement**

A Statement of Public Consultation had been undertaken and submitted as part of the previous application.

5. **RELEVANT HISTORY**

- 5.1 UTT/111/75 - Erection of warehouse, packing case store and garage – Refused July 1975
- 5.2 UTT/206/76 – Linked corridor, showroom – warehouse to existing showrooms – Granted April 1976
- 5.3 UTT/453/76 – Erection of warehouse and garage - Granted July 1976
- 5.4 UTT/1446/95 – Change of use from Class A1 to auction rooms – Granted April 1996
- 5.5 UTT/0215/12/FUL - Demolition of existing buildings and erection of 14 No. dwellings, retail and office unit, including associated garages, car parking and landscaping – Refused 1 June 2012

6. **POLICIES**

6.1 **National Policies**

National Planning Policy Framework

6.2 **East of England Plan 2006**

Policy SS1 - Achieving Sustainable Development
Policy SS2 – Overall Spatial Strategy
Policy SS4 - Towns Other than Key Centres and Rural Areas
Policy E1 – Job Growth
Policy E2 – Provision of Land for Employment
Policy E3 – Strategic Employment Sites
Policy E5 – Regional Structure of Town Centres
Policy T1 – Regional Transport Strategy Objectives and Outcomes
Policy T2 – Changing Travel Behaviour
Policy T3 – Managing Traffic Demand-
Policy T4 - Urban Transport
Policy T7 - Transport within Rural Areas
Policy T8 – Local Roads
Policy T13 - Public transport accessibility
Policy ENV1 – Green Infrastructure
Policy ENV3 – Biodiversity and Earth Heritage
Policy ENV7 - Quality in the Built Environment
Policy ENG1 - Carbon Dioxide Emissions and Energy Performance
Policy WAT4 - Flood Risk Management

6.3 **Essex Replacement Structure Plan 2001**

No policies relevant.

6.4 **Uttlesford District Local Plan 2005**

Policy S1 – Development Limits for the Main Urban Areas
 Policy SM1 – Local Centres
 Policy E1 - Distribution of Employment Land
 Policy E2 – Safeguarding Employment Land
 Policy RS1 - Access to Retailing and Services
 Policy RS2– Town and Local Centres
 Policy GEN1 – Access
 Policy GEN2 – Design
 Policy GEN3 – Flood Protection
 Policy GEN4 – Good Neighbourliness
 Policy GEN6 - Infrastructure Provision to Support Development
 Policy GEN7 - Nature Conservation
 Policy GEN8 – Vehicle Parking Standards
 Policy ENV2 - Development Affecting Listed Buildings
 Policy ENV3 - Open Spaces and Trees
 Policy ENV12 –Protection of Water Resources
 Policy ENV14 – Contaminated Land
 Policy ENV15- Renewable Energy
 Policy H1 - Housing Development
 Policy H3 - New Houses within Development Limits
 Policy H4 - Backland Development
 Policy H10 - Housing Mix

6.5 **Public Participation on Development Plan Document, Consultation on Proposals for Draft Local Plan, June 2012**

Stansted Mountfitchet Policy 2 - 14-28 Cambridge Road

6.6 **Stansted Mountfitchet Community Plan (2011)**

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted. The Plan identifies that the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) identifies a number of sites that could potentially bring forward housing schemes one of those sites identified is the subject application site and it is stated that the Parish Council agrees with this site (page 13 of Community Plan).

7. **CONSULTATIONS**

7.1 Previous consultation comments can be seen in Section 7 of the initial committee report, see attached.

7.2 **Environmental Health:** The geo-environmental report submitted indicates that contamination potentially harmful to human health is present on the site therefore a contamination condition is required. Also a condition requiring demolition and construction work shall be carried out in accordance with the Uttlesford Code of Development Practice.

7.3 **Thames Water:** It is the responsibility of the developer to ensure proper provision for drainage. With regards to surface water recommended that storm flows are attenuated or regulated into public network through on or off site storage. Connection to public sewer site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for removal of ground water. Developer to gain consent regarding discharge prior to connection to public sewers.

7.4 **Veolia:** Site is within an area defined as a Ground Water Protection Zone and require informative regarding construction work to be undertaken in accordance with British Standards. As work could exacerbate pollution.

7.5 **Architectural Liaison Officer:** Essex Police do not object but would raise the issues of security and safety relating to buildings and the footpath.

We would seek that the development achieves Secured by Design certification and in order to maintain safety reduce the fear of crime and anti-social behaviour for those using the footpath link.

We would recommend street lighting be extended along or at each end of the footpath.

1.5 railings are installed across the opening allowing for only pedestrians and wheelchair users to have access.

Width restrictors or a kissing type gate to prevent motor cyclist from using this route as a rat run.

The fence would deter and prevent desire lines being caused across front gardens of properties facing the footpath.

The local authority has a CCTV camera in the car park this could be repositioned to cover the footpath entry point from the car park as well as a section of car park or an additional camera be installed.

7.6 **Highways:** No objection subject to the following conditions regarding preventing surface water discharging onto highway, vehicle parking to be provided prior to occupation, construction traffic, travel information and marketing scheme and informative regarding the works.

7.7 **Environment Agency:** No objections subject to conditions relating to contamination, remediation, no infiltration of surface water drainage, if contamination not previously identified is not found and informative relating to surface water drainage, foul water disposal, water efficiency, energy and resource efficiency and waste management.

7.8 **Education:** The development would generate a need for a contribution towards primary level for £45,637. A contribution towards the provision for early years, and childcare is no longer required due to the need now being met.

Consultation Expiry 4 July 2012

8. PARISH/TOWN COUNCIL COMMENTS

8.1 Reference is made to this Council's comments on the previous application submitted by Bellway Homes, ref UTT/0215/12/FUL. We note that the applicant has removed the gates from the entrance to the proposed development, and has included a pedestrian link through to the Crafton Green car park – that is progress.

8.2 However, the issue of the loss of a commercial/employment site from the centre of our village still remains and, if this consent is granted, the land will be lost to residential and is highly unlikely ever to revert to commercial/employment. Now that we have the numbers being proposed for Stansted under the LDF, this Council is actively working on a masterplan for the centre of our village to ensure its vitality and economic

viability into the long term. (Advice from the Rural Community Council for Essex was that we could not progress such a plan until the proposed numbers were published). As this is one of the three sites proposed for residential development under the LDF, it seems to us to be premature to determine the application prior to the results of the consultation being known.

- 8.3 We hope that members of the Uttlesford Planning Committee will stick to their policies – as they did with a similar change of use application in Clavering (UTT/2149/11/OP) and refuse the application for the same reasons they stated on the decision notice for 0215/12/FUL as being contrary to planning policies GEN2, GEN4 and E2.

9. REPRESENTATIONS

- 9.1 The neighbouring properties have been notified of the planning application and the application has been advertised on site and in the local press. To date 12 representations (2 support and 6 objections) have been received following consultation on this current application. Notification period expired 12 July 2012.

The responses have been received raise the following points;

- Pleased to see inclusion of footpath linking car park with Cambridge Road;
- Site is inappropriate for housing due to poor access and loss of retail;
- Site should be used for a new GP surgery, sealing off Cambridge Road access and using the car park access;
- Change of use to residential would block any retail and commercial development within a traditional High Street resulting in a long term effect on Stansted;
- Stansted has the largest housing growth, commercial growth has been reduced;
- National Government Policy encourages localism;
- Regeneration of site should be encouraged;
- Many supermarkets are reinvesting into High Streets and Stansted is under sourced;
- Recession will end and will need local amenities;
- Need to retain commercial;
- Access is unacceptable onto Cambridge Road;
- Object to change from commercial to residential;
- Too many employment sites lost in Stansted Mountfitchet;
- Communities should be balanced and sustainable;
- Increasing reliance on other employment sites is not sustainable;
- This application would encourage other sites to be lost;
- Should not allow changes of use and business would not find it difficult to find premises;
- Already refused planning permission, now notice has been given to tenants to move out and claim site is not being used;
- Why when planning permission has not been granted have they got the properties up for sale?
- If as stated within the Transport Statement June 2012 that the footpath will be provided to the car park and it is a non-gated settlement then my objections are withdrawn;
- Previous refusal should be upheld;
- Site can be used to serve Co-op and Tesco and retain other employment used;
- Previous comments stand, substantial loss of commercial use and condition for buildings is irrelevant to the application;
- Now support application compared to last scheme under UTT/0215/12/FUL as it resolves a number of reasons for initial objections (introduction of footpath and

omission of access gates);

- Survey submitted dated 29/6/2012, indicates a number of vacant office and small business units within a few 100m of site vacant for many years. These include Western House, Greens Buildings, Threshes shop and the office above, Orion Heating is an office and to the rear a small commercial building, The Three Colts. Due to this it is not considered appropriate to continue to considered the application site for commercial use;
- Ask for conditional approval subject to ECC Highways implementing greater restrictions to roadside car parking along Cambridge Road near vicinity of proposed development to allow easier entering into and out of site;
- Vacating occupants site to make it appear vacant;
- This part of Stansted can sustain enterprises of various sorts not just retail;
- Such site is needed for employment;
- Want to use businesses that are located within the village;
- Overdevelopment;
- Increase in traffic on road;
- Should be refused on loss of employment and land;
- Shops and local services are needed for growing population;
- Great need of health or community centre;
- Fails to address previous grounds of refusal;
- Scheme would prevent any further retail or industrial growth

9.2 Individual representations have been received from 4 Parish Councillors and 2 District Councillors raising the following points;

- New application does not address reasons for refusal loss of employment and over development;
- Loss of employment land will undermine the commercial viability and vitality of the business and retail centre of Stansted Mountfitchet;
- Stansted has a growing community of 700 homes at Forest Hall Park;
- Need more land for services to create balance;
- Developing a master plan for the area;
- Premises are not vacant as landowner made them constructively vacant;
- Claim that there is employment land and vacant shops elsewhere is irrelevant;
- Site is the in the heart of Stansted;
- Occupation of the list vacant properties submitted would not help the vitality of Stansted;
- Once site is lost it would not be regained;
- Acknowledged that the buildings are run down and will need to be re-built and mixed use would be acceptable;
- Lack of small houses or affordable housing;
- Premature application in relation to the status of the LDF;
- Site is not suitable for additional 14 vehicles;
- Centre needs to promote more businesses and local employment;
- Highway issues in area and scheme would add to this;
- Different definition of employment policy in relation to application UTT/2149/11/OP at Clavering;
- Questioned openness and transparency of site selection under the LDF and bias treatment of site to be changed to residential.

9.3 **Comments on Representations:**

The proposed scheme would not result in a loss of retail as the lawful use of the site is Class B2 General Industrial. The proposed unit to the fronting Cambridge Road

provides a retail unit with additional office space above;

- 9.4 The proposed residential would not have high street road frontage;
- 9.5 The proposal would regenerate a run down site;
- 9.6 Each application is assessed on its merits and to prevent changes of use would be unreasonable and unjustifiable;
- 9.7 Sites put forward for site selection as part of the LDF is a separate process. The determination of the application can not be delayed because of the status of the LDF. Due to the status of the LDF limited weight is given to this and the main policy weight is that under the current 2005 adopted local plan.
- 9.8 Access into the site is existing, see main report;
- 9.9 The conditions of the buildings are a material consideration together with the viability of the site, together with current market need;
- 9.10 The use of the application site for the purposes of GP Surgery, servicing the existing supermarkets etc is not what is being proposed.

10. APPRAISAL

- 10.1 The issues to consider in the determination of the application are:
 - (A) **Whether there is a material change or further information to overcome the previous grounds of refusal, Principle of development, demolition and the justification relating to the loss off employment site (Local Plan Policy S1, RS Policy SS1);**
 - (B) **Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);**
 - (C) **Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 GEN8, RS1);**
 - (D) **Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7, RSS Policies ENV1 and ENV3);**
 - (E) **Other material considerations:**

- (A) **Whether there is a material change or further information to overcome the previous grounds of refusal, principle of development, demolition and the justification relating to the loss of employment site**
- 10.2 The site is within the Development Limit of Stansted on previously developed land where in principle development is acceptable, subject to compliance with other polices of the Local Plan.
- 10.3 The NPPF still supports the provision and delivery of new homes with a presumption in favour of sustainable development, of which the proposed development would utilise a brownfield site within development limits. NPPF paragraph 51 states "*LPAs.....should normally approve planning applications for change of use to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons*

why such development would not be appropriate.”

- 10.4 Since the writing of the previous committee report the draft LDF has been further developed in terms of draft policies and it is currently under going its' second round of consultation. This document holds some weight and it is a material consideration. The Strategic Policies and Development Management Policies forming part of the LDF has a draft policy relating to the application site which states the following;
- “ The land at rear of 14-28 Cambridge Road is allocated for a minimum of 11 residential dwellings. The following criteria must be met:
- The development provides for a mixed and balanced community;
 - It provides for a footpath link between Cambridge Road and Crafton Green Car Park;
 - The development is designed to mitigate adverse effects upon existing residential and community interests and may be required, by legal agreement, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact.....”
- 10.5 The proposed development including its revised elements accords with this draft policy.
- 10.6 The Council's Strategic Housing Land Availability Assessment has identified this site as suitable, available and achievable for housing.
- 10.7 The Stansted Mountfitchet Community Plan was produced by the Parish Council, following extensive consultation with residents, in 2011. The district council has adopted the plan as approved guidance for determining planning applications. The Community Plan also has identified the application site for housing.
- 10.8 It has been identified within the application submissions that there is a demand to meet the Council's housing provision and this site has been considered within the District Council's Strategic Housing Land Availability Assessment (SHLAA). It has been stated within the applications submission regarding the Local Planning Authorities duty to have a 5 year land supply and that there is currently not that supply of delivery sites that needs to be provided (Section 6.12 of the Planning Statement, January 2012).
- 10.9 The site is not an identified safeguarded site as it falls below a site area threshold of 1.0 hectare, at approximately 0.43 hectare. Local Plan Policy E2 relating to safeguarding employment land states that for site that are not key employment sites, such as the subject application site, development will be permitted of those sites where the employment use has been abandoned or the present use harms the character and amenities of the surrounding area. The Council's Planning Policy section outlined that in order for this application to be acceptable the Council has to be satisfied that:
- there is no demand for this site for business use or
 - that the use proposed will generate local jobs
- 10.10 With regards to the loss of employment whilst the site is not completely abandoned, it has been emphasised that the level of site usage has reduced over the years and is working to below its lawful operational levels both in terms of number of staff,

intensity and vehicle movements. The situation on the main road has changed following the introduction of Tesco which has resulted in an increase in parking, traffic, and delivery servicing issues which in turn results in congestion around the sites entrance. Should the application site be used to its full lawful capacity it is capable of being both a residential amenity and a highway safety issue.

- 10.11 The status of the tenancy on site has been addressed within Section 2.3 and 4.3.
- 10.12 There will not be a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey retail unit with office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision.
- 10.13 It has been demonstrated through a previous Site Marketing Assessment Report submitted with the original application that the existing buildings on site have deteriorated through the lack of maintenance and is in need of repair. A schedule of the physical condition of the buildings have been recorded dated 1996 outlining that the buildings at the time were in need of physical repair. Twenty-six years later the buildings have further deteriorated beyond viable economic repair.
- 10.14 The marketing of the site has been previously outlined in the initial committee report for UTT/0215/12/FUL and that there have been no offers as a result of the marketing. This also outlined the number of other commercial units within a 15 mile radius centred on Stansted. The applicant's marketing report outlined that there are 705 buildings/ units/ suites available in this area, which breaks down to 492 Class B1 (Office business use), 138 Class B2/B8 (industrial/warehousing) and 75 units within retail (Class A1-A5). Out of this the number of mixed commercial units available within Stansted at the time of submitting the application was 20 units. Beyond the village approximately 3,000sqm of office accommodation and 2,000 sqm of B1, B2 and B8 units around the airport and Bishop's Stortford. It has been stated that 70% of the above floor space has been available for more than 24 months.
- 10.15 This revised application has been accompanied by an additional updated marketing report which has been carried out by Mullucks Wells, June 2012. This states that the number of vacant units within a 15 mile radius has increased since January 2012 from 709 to 790 units, however the size of the vacant stock has reduced indicating that there are more smaller units available on the market.
- 10.16 The updated report outlined that the number of vacant smaller B1 office units has increased since January from 492 to 664 units. It has been stated that the number of vacant Industrial/warehouse buildings (Class B2/B8) have reduced from 138 to 99 however more square footage is available. This suggests that larger units are available. It is also stated that the number of vacant retail units has decreased since January from 75 to 27 units. However, the amount of space available is stated not to have decreased proportionately.
- 10.17 It is emphasised within the report patterns of existing tenants, particularly in Lower Street, that there are strong intentions to downsize and relocate in the near future. It re-affirms that prospective tenants are increasingly less likely to take properties that require upfront or long term maintenance expenditure.
- 10.18 Appendix A of the Mullucks Wells report indicates the vacancy situation with properties in the close vicinity of the application site. These are listed in Section 4.5 above.

- 10.19 From the justification submitted as part of the application it has been very clearly demonstrated that;
- The site has been actively marketed,
 - That there is a saturation of other commercial units on the market, including within the immediate locality,
 - That there is no demand and that the site is in a suitable location in terms of constraints,
 - The existing buildings are beyond viable economic repair;
- 10.20 In consideration of the above and previously submitted information, it has been demonstrated beyond reasonable expectations that there is no demand for this site for business use and that there is more than adequate units on the market to cater for any future change in market demand. The proposed use will continue to generate local jobs through the redevelopment of the protected retail frontage, as the proposed new retail/office unit is capable of creating a similar number of jobs to that number which was employed on site. The site is a brownfield site by definition located within the village development limits, with limited main road frontage. The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) and the Draft Local Plan (June 2012). The development therefore accords with Local Plan Policies S1, E2, SM1, RS1 and RS2, RS Policies SS1, E1 and E2 also the NPPF, Stansted Mountfitchet Community Plan, and the Draft Local Plan. The scheme fundamentally meets and overcomes the previous grounds of refusal in this respect.
- 10.21 Policy H3 relating to new houses within development limits states that like in Policies S1 and S3 development would be permitted if compatible with its surroundings and it meets the following criteria, inter-alia;
- a) The site comprises previously developed land;
 - b) Accessible;
 - c) Existing infrastructure has capacity to cope with proposed development;
 - d) Development would support local services and facilities;
 - e) Site is not a key employment site and
 - f) Avoiding development which makes inefficient use of land
- 10.22 Policy H4 for backland development states that "development of a parcel of land that does not have road frontage will be permitted, **if all** the following criteria are met;
- a) There is a significant under-use of land and development;
 - b) There would be no material over looking or overshadowing of nearby properties;
 - c) Development would not have an overbearing effect on neighbouring properties; also
 - d) Access would not cause disturbance to nearby properties.
- 10.23 In terms of the amenity aspect this will be discussed below. With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would replace unsightly underused buildings within Development Limits of the Village, the proposed development would make more efficient use of a currently underutilised site within a brownfield locality.

- 10.24 The density of the proposed development would reflect that of national policy and the Essex Design Guide at 35.7dph, therefore would be compatible with the surrounding area and is not considered to be an overdevelopment of the site, in accordance with Local Plan Policy GEN2. Due to the sites locality and the nature and scale of the proposed development the scheme also accords with Local Plan Policy H3 and Policy H4 (a), (c) and (d).
- 10.25 The principle of demolition it has been previously discussed and considered to be acceptable subject to conditions should planning permission be granted, in accordance with Local Plan Policies GEN2 and GEN4.
- (B) Scale, layout, design, amenity and sustainable construction issues**
- 10.26 In line with the previous committee report there where no issues relating to the size, scale, design and siting of the proposed dwellings and retail/office unit. There would be no overlooking as the dwellings have been sited respecting the required back to back distances. These would be of at least 25m from exiting residential dwellings located to the north (fronting Clarence Road) and east (fronting Greenfields) to the rear elevations of the proposed units, as outlined within the Essex Design Guide. The dormer windows, which are proposed namely on Plots 4, 5, 7, 8, 9 and 13, face inwards of the site to prevent a dominating, obtrusive appearance and overlooking.
- 10.27 The proposed level of amenity space is considered to be adequate, usable and acceptable in accordance with local plan policy as reflected within the proposed low density levels.
- 10.28 There is a variety of size, scale and designs surrounding the proposal. The proposed heights of the units would vary from 8m to 10.4m and the office retail space being 7m due to the siting, distances and relationship with surrounding properties the proposed heights are considered to be generally acceptable subject to a condition relating to levels should planning permission be granted.
- 10.29 With regards to the design of the scheme it would not directly relate to a specific property as this would be difficult due to the nature of the plot. The houses general designs are standard in nature and would not be dissimilar to other properties within the District. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.30 As a result of previous concerns that have been raised the previously proposed timber 5 bar gate has been omitted from the scheme and an access footpath from the Crafton Green Car Park is now being proposed subject to secure by design measures required by the Architectural Liaison Officer as outlined above.
- 10.31 Due to the orientation of the proposed dwellings no impact is considered upon the setting of the listed buildings in accordance with Local Plan Policy ENV2.
- 10.32 Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. It has been outlined within the Stansted Community Plan that there is a need for 2 and 3 bedroom units. The proposed development would provide be 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units. This would provide a balance in the size of the family size units including meeting the need for 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan. Due to the site's density being in accordance with Essex Design Guide and meeting other local plan requirements such as level of amenity, parking standards and back to back distances the number of units is an appropriate balance without compromising

the proposed development. National guidance seeks that affordable housing is only provided in the form of a commuted sum for 15 – 24 units, 25 units or more affordable housing would need to be provided on site. There is no policy need or requirement for affordable housing. The scheme therefore accords with both national and Local Plan Policy H10, and GEN2.

- 10.33 The proposed retail unit has been designed to provide both retail space in order to increase and retain retail/office frontage, in accordance with Policies RS1, RS2, and E2. The design of the proposed retail/office unit fronting Cambridge Road has been designed to be sympathetic with the surrounding heights and design of the adjacent units. The design is considered to be proportionate and in keeping with its surroundings. These accords with Local Plan Policy GEN2, RSS Policy ENV7 and NPPF.
- 10.34 Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", RS Policies ENV1, ENV7 and ENG1 inline with NPPF seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport. Should planning permission be granted a condition requiring the retail/office unit achieving BREEAM 'Very Good' rating should be imposed in accordance with Local Plan policy.

(C) Highways, Accessibility and Parking

- 10.35 Local plan policy GEN1 states "*development will only be permitted if it meets all of the following criteria;*
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
 - e) The development encourages movement by means other than driving a car."*
- 10.36 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. This is also reflected within regional Policies SS1, T1, T2, T13 and ENV1 of the RS.
- 10.37 It is stated within the initial Transport Statement that the proposed development would result in a decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Considering this together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. This is considered to be particularly the case considering the evolved high road concerns surrounding on-street parking and servicing of the two food stores. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes. This is still considered the case and this has been supported by an amended Transport Statement which has taken into account the omission of the timber gates to the frontage of the site.

- 10.38 ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards. ECC Parking Standards September 2009 -2 spaces per dwelling (minimum) and 1 space per 30sqm for Class B1 and 1 space per 20 sqm for Class A1 (maximum). This equates to the requirement of 28 car parking spaces for the residential properties and 6 spaces for the proposed commercial units. The proposed scheme accordance with the parking standards in accordance with Policy GEN8 and ECC Parking Standards September 2009. No objection has been raised the Highway Authority regarding the proposed development subject to conditions should planning permission be granted.
- 10.39 ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion. It has been stated within the application submission that the scheme would be DDA compliant and accord with Part M of the Building Regulations. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1. Similarly the proposed dwellings will be to 'Lifetime Homes' standards with Plot 6 being specified as designated wheelchair housing. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.
- 10.40 In terms of accessibility the application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which would provide good accessibility, in accordance with Local Plan Policy GEN2.
- (D) Contaminated land issues, Flood risk issues, Impact on biodiversity**
- 10.41 The contamination report that has been submitted as part of the application submission concluded that there is evidence of localised ground contamination. It is stated that there were historical tanker storage on site for fuel in the garages whist they have been removed it is likely that this area would be required to be remediated to the northwest corner of the site. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, RS Policy ENV7 and the NPPF.
- 10.42 It has been confirmed that there would be sufficient capacity to accommodate the foul discharge form the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others.
- 10.43 The Council's Drainage Engineer raised no object to the application subject to a condition being imposed relating to the seeking detail on sustainable drainage scheme together with a condition investigating exceedence flows if the storage provided is exceeded. This would accord with Local Plan Policies GEN3 and GEN2, also RS Policies WAT4 and ENV7, and the NPPF. This accords with Environment Agency which raised no objections subject to conditions.
- 10.44 The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife, as outlined within the previous report. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF's regarding sustainability of developments.
- 10.45 No objection has been raised by the Council's Landscape Officer. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping

should planning permission be granted.

(G) Other material consideration

- 10.46 Another material change since the granting of planning permission is the adoption of National Planning Policy Framework (March 2012). Amongst other things, this seeks a presumption in favour of sustainable development unless material considerations indicate otherwise. Also development proposals that accord with the development plan without delay. It goes onto seek high quality design and good standard of amenity for all existing and future occupants of land and buildings, promoting viability of urban areas, promoting use of brownfield land. The proposed development accords with the National Planning Policy Framework
- 10.47 The development would generate a need for a contribution towards primary level and the Essex County Council Educational Services have requested a contribution of £45,637. This has been addressed through a proposed Unilateral Undertaking.

11. CONCLUSIONS:

- 11.1 It has been further evidenced and demonstrated that the site has been actively marketed, that there is a saturation of other commercial units on the market, that there is no demand and that the site is in a suitable location in terms of constraints, also the existing buildings are beyond viable economic repair. The site is not a safeguarded employment site. In consideration of the above there is no demonstrated strong economic need for the retention of this site for continued employment purposes. It is concluded that there is no demand for this site for business use and the proposed use will continue to generate local jobs through the redevelopment of the frontage. The development therefore accords with Local Plan Policies S1, E2 and SM1, Nation Plan Policy Framework, also this is in accordance with the Stansted Mountfitchet Community Plan and the Draft Local Plan (June 2012).
- 11.2 The proposed design of the scheme is acceptable. The proposed density levels accordance with Essex Design Guide at low level of 35.7 dph. The proposed scheme meets adequately the policy requirements for amenity space, back to back distances and parking and therefore can not be considered to be an overdevelopment of the site. The proposed design is considered to make efficient use of the site and that there is no reasonable requirement for more residential units on site whereby there is a requirement affordable housing. The setting of the existing adjacent listed buildings would be preserved. No detrimental impact is considered upon the residential or visual amenities of the existing neighbouring residential occupiers. This is in accordance with Local Plan Policies GEN2 and GEN4, and ENV15 The Essex Design Guide and RS Policies SS1, ENV1, ENV7 ENG1 and ENV7 of the Local Plan, and, also the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy..
- 11.3 The proposed development would result in a net decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes. No objection has been raised by the Highways Authority subject to conditions. This accords with Local Plan Policy GEN1, Policies SS1, T1, T2, T13 and ENV1 of the RS and the NPPF.

- 11.4 The proposed car parking provision is acceptable and accords with Local Plan Policy GEN8 and the Essex Parking Standards (2009). No objection has been raised by the Highway Authority, subject to conditions.
- 11.5 The proposed development would be DDA compliant, designed to Lifetime Homes standards, and there would be a designated wheelchair accessible unit. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space.
- 11.6 The proposed public footpath and associated security measures proposed would facilitate in the possibility of crime prevention, as discussed above, the scheme accords with Local Plan Policy GEN2 by helping to reduce the potential for crime.
- 11.7 Contamination, drainage, impact upon wildlife and landscaping is considered to be acceptable. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14, GEN7, GEN3 and GEN2, RS Policy ENV1, ENV3, ENV7, WAT4 and ENV7, and the NPPF, also comments received from the Environment Agency.
- 11.8 The proposed scheme overcomes the previous grounds for refusal as outlined in Section 3.2 and accords with policy.

RECOMMENDATION – CONDITIONAL APPROVAL and subject to a Unilateral Undertaking regarding the provision of Education monies towards the provision of early child care and primary care for a sum of £45,637 is proposed.

- 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 and demolition) 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).

- 4. No development shall take place (excluding demolition) until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved.

The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details, including those relating to the pedestrian footpath

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, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005)

5. 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 Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. The Retail/Office unit hereby permitted as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within four weeks following its completion, the applicant will provide a SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

7. No development (excluding demolition) shall take place until proposed levels including cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene., in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

8. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c Regulations 1994) is discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a licence from Natural England . This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.

9. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s) have been constructed to base course and surfaced in accordance with details which have been submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

10. Before the commencement of the development (excluding demolition) hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse

storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

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

11. No development (except for demolition) shall commence until vehicular parking for site operatives (including provision for delivery and storage of materials) clear of the highway has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and such provision shall be retained and kept available for this purpose during construction of the development.

REASON: In order to prevent indiscriminate parking in the interests of highway safety and residential amenity, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. The area set aside for car parking shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the vehicle parking of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

13. No development (including demolition) shall commence until wheel cleaning apparatus has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

14. The first six metres of any private access way as measured from the proposed highway boundary, shall be treated with a bound surface dressing to be submitted to and approved in writing by the local planning authority before commencement of development and thereafter implemented in accordance with those approved details and retained in that form.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

15. Before the commencement of the development (excluding demolition) hereby permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the buildings are accessible to all sectors of the community. The dwellings shall be designed as 'Lifetime Homes' and with one Plot to be designed to

be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

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

16. Before development commences (excluding demolition) details of proposed external lighting scheme, CCTV, fencing and security measures, including those for the proposed pedestrian footpath between Crafton Car Park and the site, to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local plan (adopted 2005).

17. Before development commences details of a Waste Management Plan (including the management of demolition waste) shall be submitted to and approved by the Local Planning Authority and thereafter implement in accordance with the approved details.

REASON: To protect the amenities of the locality and surrounding residential occupiers preventing pollution, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

18. No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the former Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/o surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

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

19. No development (excluding demolition) shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system, incorporating details investigating exceedence flows if the storage provided is exceeded shall be submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

21. If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate, shall be submitted to and be approved in writing by the local planning authority and implemented as agreed.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

22. Before the commencement of development a scheme for the protection of noise sensitive properties, including noise limits during construction/demolition works shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

23. Before the commencement of demolition a detail plan of work for demolition, also detailing measures to control noise and dust shall be submitted to and agreed by the local planning authority.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

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

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

25. Before the first occupation of the Plots 8 and 12 hereby permitted the windows(s) at first floor flank elevational shall be fitted with obscured glazing. The window(s) shall be permanently retained in that condition thereafter.

REASON: In the interests of the amenity of surrounding residential uses in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2009) Essex Design Guide (2005) and the SPD Home Extensions.

26. Prior to the commencement of development approved by this planning permission (or

such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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 consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters (Secondary A Glacial sands/gravels, Secondary A Thanet Sands and Principal Aquifer Chalk), in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

27. Prior to commencement of development, a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: The potential pollution from 500 gallons underground tank and 1000 gallon above ground tank may have caused pollution soil and controlled water which may require remediation of the contamination, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

28. 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 controlled waters. The development shall be carried out in accordance with the approval details.

REASON: The site is located in Source Protection Zone 1 of our groundwater protection policy, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

29. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: Heterogeneity of hydrogeology and historic use contamination not identified in site investigation may be present, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

30. Notwithstanding the provisions of the Town and Country Planning (General Use Class) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the hereby permitted retail unit and Office unit shall remain in use Classes A1 and B1 (a) purposes only and shall not change use class without the prior written permission of the local planning authority.

REASON: To prevent the loss of employment and in order to safeguard the retail frontage in accordance with Policies GEN2, GEN4, E1, E2 and SM1 of the Uttlesford Local Plan (adopted 2005).

Background papers: see application file.

APPENDIX

UTT/0215/12/FUL - STANSTED

PROPOSAL: Demolition of existing buildings and erection of 14 No. dwellings, retail and office unit, including associated garages, car parking and landscaping

LOCATION: Land to r/o of 14 Cambridge Road Stansted

APPLICANT: Bellway Homes Ltd

AGENT: Strutt and Parker LLP

GRID REFERENCE: TL 511-251

EXPIRY DATE: 10.05.2012

CASE OFFICER: Maria Tourvas

APPLICATION TYPE: Major

1. NOTATION

- 1.1 Within Development Limits, Part protected Retail Frontage/Town Centre Policy SM1, adjacent to Grade II listed buildings

2. DESCRIPTION OF SITE

- 2.1 The site is predominantly set back off Cambridge Road to the rear of properties no. 12-30 (even). This comprises a single storey shop located to the front of the site on Cambridge Road (no.14), and to the rear/centre of the application site there are a number of two-storey and single storey units (total of 8 units). These units break down as the following;

Building 1: Unit is recently used by Lan One Computers (computer repair shop);

Building 2: Until recently used by Vaio Pak Packaging Company;

Building 3: Currently vacant but has been used by You're Furnished in the past;

Building 4: Currently vacant but has been used by You're Furnished in the past;

Building 5: Currently vacant but has been used by You're Furnished in the past;

Building 6: Currently vacant but has been used by Express Framing in the past;

Building 7 & 8: Used by You're Furnished

- 2.2 The site covers a total area of 0.42 hectares.

- 2.3 The site was previously used by Sworders Fine Art Auctions. However, the site is owned and run by You're Furnished and there are 2 sub-tenants (Lan One and Expressive Design) which have short/expired leases. There is a standalone

building which is located adjacent to the shared boundary with 22 Cambridge Road has been previously been refurbished in 1997 (building 2). The buildings on site are predominantly dated, in a poor state of repair and require work. The application site to the north adjacent to the rear of properties fronting Clarence Road, appears to be a secluded area. This is used more as 'waste ground' rather than parking area.

- 2.4 There is a 1.5m high close boarded fence to the rear of the site adjacent to the Crafton Green Car Park. There are high level conifers along the shared eastern boundary. There are also close boarded fences along the northwest, north and northeast, with slightly lower fencing along the northeast boundary, which relate to two-storey houses fronting Clarence Road.
- 2.5 Fronting Cambridge, other than the single storey shop as discussed above, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site. There is also a row of semi detached single family dwellings. Half of this row of houses are Grade II Listed.
- 2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library.
- 2.7 The site's access is taken from Cambridge Road.

3. DESCRIPTION OF PROPOSAL

- 3.1 The application is for the demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings. This will be a mixture of detached and semi detached two-storey properties with associated garage provision. The scheme also involves the erection of a new retail unit with office space over, which would be two-storeys fronting Cambridge Road.
- 3.2 There would also be associated car parking for both the residential and commercial unit and landscaping.
- 3.3 The dwellings are proposed to be 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units. Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
- 3.4 A 5 bar timber gate is proposed along the front access of the site, setback from the main road.

4. APPLICANT'S CASE

- 4.1 The following documents have been submitted with the application:

Design and Access Statement - undated
Planning Statement - January 2012
Transport Statement – January 2012
Report on Impact of Existing Commercial Buildings on Plots 1 and 2 – January 2012
Site Marketing Assessment Report – January 2012
Geotechnical and Geo-environmental Report – March 2011
Flood Risk Assessment – January 2012
Utilities Statement - January 2012
Energy Statement – January 2012
Statement of Community Engagement – 27 January 2012

4.2 Consultation and Community Involvement

As part of the application process a public exhibition has been undertaken by the applicant prior to the submission of the application in accordance with the Council's Statement of Community Involvement.

The initial application was part of two briefing letters to residents, two sets of meetings with residents and door to door surveys have been carried out. It has been offered that the applicant would meet with residents at their own homes at times of the day convenient to them, telephone contact and discussion have been held with residents as well as a one day public exhibition which involved local groups, parish councils etc.

A Statement of Public Consultation has been submitted as part of the application.

5. RELEVANT HISTORY

- 5.1 UTT/111/75 - Erection of warehouse, packing case store and garage – Refused July 1975
- 5.2 UTT/206/76 – Linked corridor, showroom – warehouse to existing showrooms – Granted April 1976
- 5.3 UTT/453/76 – Erection of warehouse and garage - Granted July 1976
- 5.4 UTT/1446/95 – Change of use from Class A1 to auction rooms – Granted April 1996

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 East of England Plan 2006

Policy SS1 - Achieving Sustainable Development
Policy SS2 – Overall Spatial Strategy
Policy SS4 - Towns Other than Key Centres and Rural Areas
Policy E1 – Job Growth
Policy E2 – Provision of Land for Employment
Policy E3 – Strategic Employment Sites
Policy E5 – Regional Structure of Town Centres
Policy T1 – Regional Transport Strategy Objectives and Outcomes
Policy T2 – Changing Travel Behaviour
Policy T3 – Managing Traffic Demand-
Policy T4 - Urban Transport
Policy T7 - Transport within Rural Areas
Policy T8 – Local Roads
Policy T13 - Public transport accessibility
Policy ENV1 – Green Infrastructure
Policy ENV3 – Biodiversity and Earth Heritage
Policy ENV7 - Quality in the Built Environment
Policy ENG1 - Carbon Dioxide Emissions and Energy Performance
Policy WAT4 - Flood Risk Management

6.3 **Essex Replacement Structure Plan 2001**

No policies relevant.

6.4 **Uttlesford District Local Plan 2005**

Policy S1 – Development Limits for the Main Urban Areas

Policy SM1 – Local Centres

Policy E1 - Distribution of Employment Land

Policy E2 – Safeguarding Employment Land

Policy RS1 - Access to Retailing and Services

Policy RS2– Town and Local Centres

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN6 - Infrastructure Provision to Support Development

Policy GEN7 - Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV2 - Development Affecting Listed Buildings

Policy ENV3 - Open Spaces and Trees

Policy ENV12 –Protection of Water Resources

Policy ENV14 – Contaminated Land

Policy ENV15- Renewable Energy

Policy H1 - Housing Development

Policy H3 - New Houses within Development Limits

Policy H4 - Backland Development

Policy H10 - Housing Mix

6.5 **Stansted Mountfitchet Community Plan (2011)**

The Plan states over the years the number of shops have reduced in the Parish and that they have done well to hold as many retailers as they have. The Plan discusses the widespread fear of crime whether actual or perceived, even though the reality is less and the need for more Police Officers on the streets which would reduce the perception and the need for better street lighting.

The Village Plan discusses issues relating to roads traffic and parking in the area, whereby Cambridge Road is highlighted as a danger both to pedestrians and drivers.

It is highlighted within the Plan the need for more smaller family dwellings (2 and 3bedroom units) and the need for affordable housing.

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted. The Plan identifies that the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) identifies a number of site that could potentially bring forward housing scheme s one of those sites identified is the subject application site and it is stated that the Parish Council agrees with this site (page 13 of Community Plan).

It is discussed within the document the local publics likes and dislikes about living in the Parish. The dislikes included amongst other things traffic and anti-social behaviour.

7. **CONSULTATIONS**

- 7.1 **Planning Policy:** verbally reported: The site is not allocated for any particular use. It is within the development limits where there is a policy presumption in favour of appropriate development.
- 7.2 Policy E2 states that the development of employment land 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.
- 7.3 The site is surrounded on three sides by residential properties and there is potential for noise and disturbance is not necessarily compatible with these uses but some other employment use could take place on the site without undue disturbance and as there is limited employment land within the village as previously advised evidence of marketing for employment use would need to be submitted in support of the application in order to demonstrate that there is no demand for employment use of the site.
- 7.4 In order for this application to be approved the Council has to be satisfied that:
- a) there is no demand for this site for business use or
 - b) that the use proposed will generate local jobs
- 7.5 **Access Officer:** Plots 8 & 9 (entrance level WC this requires access through the kitchen and into a further 'lobby' area. This would not be very suitable for a wheelchair user, either as a resident or a visitor. This arrangement could be improved.
- 7.6 There are 14 dwellings which will trigger the requirement for a wheelchair accessible unit under the SPD with an internal layout that meets this need with parking and require a plot to be specified.
- 7.7 The retail unit shows a stepped access and would need to be DDA compliant.
- 7.8 Following amendments further comments submitted: Plot 6 is wheelchair accessible. Drawing provided will meet SPD on wheelchair housing. It would be good if they could market this as an accessible unit. We would expect the lift to be trimmed out on this plot.
- 7.9 Plots 8 and 9 accessible WC now complies and the retail access level is now provided.
- 7.10 **Landscape Officer:** No objection.
- 7.11 **Natural England:** Offer standing advice.
- 7.12 **Veolia:** Site is within an area defined as a Ground Water Protection Zone and require informative regarding construction work to be undertaken in accordance with British Standards. As work could exacerbate pollution.
- 7.13 **Education:** The development would generate a need for a contribution towards early years, childcare and primary level for £57,625.
- 7.14 **Thames Water:** Developer to gain consent regarding surface water drainage prior to connection to public sewers.
- 7.15 **Highways:** No objection subject to the following conditions regarding preventing

surface water discharging onto highway, vehicle parking to be provided prior to occupation, construction traffic, travel information and marketing scheme and informative regarding the works.

- 7.16 **Drainage:** A sustainable drainage scheme is proposed for this site but no details have been provided therefore a condition requiring details together with a condition investigating if exceedence flows if the storage provided is exceeded.
- 7.17 **Architectural Liaison Officer:** Essex Police do not object but would seek a planning condition to secure by design certification is a requirement on all units. SBD approved developments are proven to create opportunities for crime. Application fails to address SBD a condition could address this. Applicants have secured certification on other sites and therefore there is no reason why this can not be achieved on this site.
- 7.18 A footpath would increase footfall through the development and increase the possibility of crime and anti/social behaviour.
- 7.19 Academic research has proven that developments like this layout with a "leaky cul-de-sac are most at risk to crime. Whereby cul-de sac that have no footpath access through them are low on crime. The possibility of anti-social behaviour or crime on units 9 and 10 would be high. I would oppose any public footpath.
- 7.20 **Environment Agency:** No objections subject to conditions relating to contamination, remediation, no infiltration of surface water drainage, if contamination not previously identified is not found and informative relating to surface water drainage, foul water disposal, water efficiency, energy ad resource efficiency and waste management.
- 7.21 **Environmental Health:** A site management plan is required. The geoenvironmental report submitted indicates that contamination potentially harmful to human health is present on the site therefore a contamination condition is required. Also a condition requiring demolition and construction work shall be carried out in accordance with the Uttlesford Code of Development Practice.
- 7.22 **Climate Change Officer:** Conditions relating to Code Level 3 and 10 % energy efficiency to be applied should planning permission be granted.

8. PARISH/TOWN COUNCIL COMMENTS

- 8.1 Objection for the following reasons:
- Loss of commercial site in the village -would be well suited to a mixed use with starter business units which could be funded by small number of residential dwellings.
 - Recent survey by UDC shows need for 2 and 3 bed homes
 - Object to gated communities
 - No provision of pedestrian link from Cambridge Road to Crafton Green Car Park which should be a requirement of any development.
 - Highway concerns - traffic backing up onto Cambridge Road Delivery vehicles etc which are unable to access the site would have to reverse out onto Cambridge Road danger to pedestrians and other road users. Vehicle exiting the site would have poor sight lines to the north are there are regular large lorries parked and delivering to Tesco and the Co-op.

Further comments following re-consultation on amendments;

- Members object very strongly to application;
- Made it very clear that there should be a footpath link through to Crafton Green Car Park which it is essential, benefits to the community;
- Do not support gated developments;
- Unconvinced that there is not a need for employment;
- Mixed use development would be acceptable
- Site visit by Planning Committee Members should be carried out.

9. REPRESENTATIONS

9.1 The neighbouring properties have been notified of the planning application and the application has been advertised on site. To date 22 representations have been received. Notification period expired 18 April 2012 further to amended plans

The responses have been received raise the following points;

- There are several businesses running on site (Your Furnished (2 outlets), Express Picture Frame, Lan One Computers, Viao Cups and the empty retail outlet occupied by Sandwich/Deli Company. The proposed demolition of all buildings to provide 1 new retail units creates a sizable shortfall in commercial premises;
- The plans are not in keeping with the High Street retail area offer;
- Removing much needed jobs and opportunities for employment. These small businesses employ a significant number of people both directly and indirectly and should not be overlooked;
- The development has no visitor parking therefore would cause on street parking made worse;
- The gate would make traffic worse;
- Scheme could be improved by increasing the amount of commercial outlets and reducing the number of residential;
- Loss of employment would have an impact on other local businesses and local economy;
- Dangerous as delivery vehicles park close to that entrance;
- Residential would increase congestion and traffic along Cambridge Road
- Access is unsafe;
- site has always been used for commercial;
- Inappropriate to change use to residential;
- Housing is built all around at the expense of commercial;
- This part of Cambridge Road is dangerous and congested therefore no consideration should be given to schemes that would add to this problem.
- Access should be from Chapel Hill Grafton Green car park and through site for pedestrians to encourage local employment and economy;
- Need a new health centre to serve the growing population and this should be located here closer to other services;
- No link from car park to Cambridge Road through the estate. This should be required before granting any consent;
- Worried about vehicular access across a busy pavement;
- Development is in the middle of a commercial shopping zone and not comparable to area;
- Loss of site would compromise access to shopping amenities;
- Do we want to stunt amenities in one of the fastest growing area by allowing a few dwellings;
- Flats should be provided above shops and offices;
- Retail provides jobs not housing developments;
- Housing density is too high and out of keeping with area;
- Retail commercial units are needed in area;

- Unsympathetic buildings will spoil area;
- Too many employment sites are being lost;
- The community would need to be long term sustainable;
- More employment sites will be left untouched to seek change of use;
- Existing on street parking and delivery hazards;
- Pedestrian safety;
- No more residential is needed;
- on street parking;
- Insufficient parking provision
- Traffic pressure on the main road could resolved through a pedestrian path being created from the public car park;
- Pressure on health services;
- Highways are not objection without a risk assessment being undertaken;
- Application would be an improvement to the site;
- Relocating from site as an occupant to other premises to allow expansion;
- There have been problems with the access being blocked;
- Concerned that development would result on a loss of sunlight and privacy due to eight of proposed dwellings. The largest house plot 4 would be located to rear of dwelling;
- Smaller two storey dwelling would be acceptable;
- Amendments does not resolve concerns by swapping Plot 4 for Plot 6
- More 2 and 3 bed affordable homes are needed within the Village

9.2 Councillor Alan Dean:

The site is in the core of the commercial and retail centre of Stansted. It should not be allowed to convert to residential, as it would have detrimental effect on the vitality of retail and other local businesses and the immediate locality. Suggested that developers were encourage to meet 5 year land supply this would be bad planning. And the Council should be planning for economic recovery and regenerating Stansted.

9.3 A master pan is needed linking Cambridge road with Crafton Green Car Park to relieve traffic.

9.4 Uncertainty regarding the medical centre proposed at Lower Street this site should be considered as an alternative. Application should be refused as road access is unsafe.

9.5 Amendments to scheme - amendments are small in detail and do not affect earlier objections to the principle of change of use.

9.6 Marketing Assessment states that the PCT rejected the site for the health centre as the site access from Cambridge road was unsuitable. Existing buildings were offered not site clearance the link to Crafton Green car park would improve the prospect of the health centre.

9.7 The report identifies other vacant sites in the area. This does not justify the change of use of the site but the need for regeneration of the site.

9.8 A master plan is needed. Loss of the site to residential would undermine commercial regeneration compromising village jobs. Application should be refused.

ON SUPPLEMENTARY LIST OF REPRESENTATIONS: : 2 further letters have been received:

2 Letters from Councillor Rich:

1. Oppose this application in its present form. Repeatedly assured by the applicant that they were putting in amendments which would afford some pedestrian right of way through from the Crafton Green car park to the businesses on Cambridge Road. I might have felt more warmly to this development, and the very significant loss of commercial land which it represents, to Stansted and its other businesses could have been secured. However, the applicants have plainly taken the decision that they do not need to offer anything.

They propose access to a (gated?) private development of 14 homes at one of the most controversial and dangerous parts of the pavement, right by Tesco. The vehicular access point which they propose is not through Crafton Green, but through a very dangerous and busy part of the village. The access point at Tesco is one which causes massive controversy and argument at present.

2. Application is a departure from planning policy, which currently offers no redeeming features. On Scutiny on Monday night, this was identified as a site under the LDF for residential use - but subject to the provision of a route through from the important public car park on Crafton Green to Cambridge Road. That would be a real boost for business, if it was included.

The applicant is now claiming that the police have advised them against it.

Given that the site is fully occupied - or would be but for this application - it is also most surprising to see a report from an "independent" consultant claiming that there is no demand for commercial sites of this nature in the area.

10. APPRAISAL

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

- (A) **Principle of development, demolition and the justification relating to the loss of employment site (Local Plan Policy S1, RS Policy SS1);**
- (B) **Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);**
- (C) **Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 GEN8, RS1);**
- (D) **Contaminated land issues (Local Plan Policy ENV14);**
- (E) **Flood risk issues (Local Plan Policy GEN3,);**
- (F) **Impact on biodiversity (Local Plan Policy GEN7, RSS Policies ENV1 and ENV3);**
- (G) **Other material considerations:**

(A) **Principle of development, demolition and the justification relating to the loss of employment site**

10.2 The key message in the NPPF is that development which is sustainable should be approved without delay.and that planning should proactively drive and support economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

10.3 Paragraph 50 of the NPPF says that in order to deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities local authorities shouldplan for a mix of housing based on

current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

- 10.4 The Strategic Policies and Development Management Policies forming part of the LDF are not far enough advanced to be given any weight in relation to this application.
- 10.5 The Stansted Mountfitchet Community Plan was produced by the parish council, following extensive consultation with residents, in 2011. The district council has adopted the plan as approved guidance for determining planning applications.
- 10.6 In the plan the future aspirations for the village are set out below. This site is specifically mentioned as one where the Parish Council agrees it could be provide a development opportunity for housing as the site is identified in the District Council's Strategic Housing Land Availability Assessment as a site which is suitable, available and achievable for housing. The Parish Council's response to the SHLAA was actually dependent on the site not being needed for business use.
- 10.7 Local Plan Policy S1 (within development limits in existing main urban areas) applies to areas such as Stansted Mountfitchet. It states that major urban extensions would be permitted if in accordance with the local plan and development within the existing built up areas, if compatible with the character of the settlement and in addition for sites on the edge of the built up area, its countryside setting.
- 10.8 The Council's Planning Policy section outlined that in order for this application to be acceptable the Council has to be satisfied that:
- there is no demand for this site for business use or
 - that the use proposed will generate local jobs
- 10.9 The site's lawful use is for the purposes of employment; however the site itself is not an identified safeguarded site due to the size of the site being less than 1.0 hectare. Local Plan Policy E2 relating to safeguarding employment land states that for site that are not key employment sites, such as the subject application site, development will be permitted of those sites where the employment use has been abandoned or the present use harms the character and amenities of the surrounding area.
- 10.10 The site is within the Development Limit of Stansted on previously developed land where in principle development is acceptable, subject to compliance with other policies of the Local Plan. With regards to the loss of employment the application site is not completely abandoned, however the level of site usage has reduced over the years and is working to below its lawful operational levels both in terms of number of staff, intensity and vehicle movements.
- 10.11 The current employment situation onsite is;
- You're furnished - 3 employees. The business will be relocated to another owned site at Old Mead Road Else ham;
- Lan One is a subtenant and sole proprietor. They are relocating to the immediate area;

Expensive Design is a subtenant and is relocating to the immediate area.

- 10.12 In total there are 5 employees using existing buildings.
- 10.13 All of these businesses are being and proposed to be located elsewhere around Stansted and Elsenham, and are therefore not being completely lost from the local economy in this respect. There will not be a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey retail unit with office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision. This is in accordance with Local Plan Policies S1, E2, SM1, RS1 and RS2, RS Policies SS1, E1 and E2 also the NPPF. It is envisaged that the new retail/office unit will create a similar number of jobs to the number currently employed on site.
- 10.14 A Site Marketing Assessment Report has been submitted as part of the application, which provides a detailed report as to the marketing of the site since 2008. This highlights that since the departure of the auction company from the application site many of the buildings on site have suffered from the lack of maintenance and at present the site detracts from the town centre of Stansted. It is also stated that none of the buildings have any amenity value being of a corrugated roof finish and in need of repair. It is stated that a schedule of the physical condition of the buildings have been recorded. It is stated that there is a clause within each of the leases that states "that nothing in this lease...shall require the tenant to put...the premises in any better state of repair and condition as evidenced by the Schedule of Condition annexed hereto". Further to that any improvements undertaken are at the sole expense of the tenant and would be disregarded at the time of rent reviews.
- 10.15 This has resulted in none of the buildings being physically improved and has deteriorating since 1996 as no money has been spent on the fabric. It has been mentioned that the old showroom and main sales room is structurally unsound and the building moves in the wind. The structures are stated to be constructed of single skin concrete blocks work set in a concrete frame, where there are cracks and the walls have moved from the frames. There has been water penetration in places that in turn this has resulted in deterioration of the outer skin.
- 10.16 The situation on the main road has changed following the introduction of Tesco which has resulted in an increase in parking, traffic, and delivery servicing issues which has resulted in congestion around the sites entrance.
- 10.17 In terms of marketing the application site has been informal marketed since 2008 and officially marketed since 2010. The site was offered to a number of developers and including Co-op, Tesco and the West Essex Primary Health Trust having exposure for both the residential and commercial market.
- 10.18 The report highlights the number of other commercial units within a 15 mile radius centered on Stansted. This outlined that there are 705 buildings/ units/ suites available in this area. This breaks down to 492 Class B1 (Office business use), 138 Class B2/B8 (industrial/warehousing) and 75 units within retail (Class A1-A5). Out of this the number of mixed commercial units available within Stansted at the time of submitting the application was 20 units. Beyond the village approximately 3,000sqm of office accommodation and 2,000 sqm of B1, B2 and B8 units around the airport and Bishop's Stortford. It has been stated that 70% of the above floor space has been available for more than 24 months.

- 10.19 There is a demand to meet the Council's housing provision and this site has been considered within the District Council's Strategic Housing Land Availability Assessment (SHLAA). It has been stated within the applications submission regarding the Local Planning Authorities duty to have a 5 year land supply and that there is currently not that supply of delivery sites that needs to be provided (Section 6.12 of the Planning Statement).
- 10.20 Reference has been made to Planning Policy Statement 3 relating to Housing, however this has since been revoked after the submission of the planning application and the NPPF has precedence. Nonetheless, the newly adopted NPPF still supports the provision and delivery of new homes with a presumption in favour of sustainable development.
- 10.21 From the justification submitted as part of the application it has been demonstrated that the site has been actively marketed, that there is a saturation of other commercial units on the market, that there is no demand and that the site is in a suitable location in terms of constraints, also the existing buildings are beyond economic repair. In consideration of the above it is concluded that there is no demand for this site for business use and the proposed use will continue to generate local jobs through the redevelopment of the frontage. The development therefore accords with Local Plan Policies S1, E2 and SM1, also this is in accordance with the Stansted Mountfitchet Community Plan.
- 10.22 Policy H3 states that like in Policies S1 and S3 development would be permitted if compatible with its surroundings and it meets the following criteria, inter-alia;
- a) The site comprises previously developed land;
 - b) Accessible;
 - c) Existing infrastructure has capacity to cope with proposed development;
 - d) Development would support local services and facilities;
 - e) Site is not a key employment site and
 - f) Avoiding development which makes inefficient use of land
- 10.23 Due to the sites locality and the nature and scale of the proposed development the scheme accords with Local Plan Policy H3.
- 10.24 Policy H4 for backland development states that "development of a parcel of land that does not have road frontage will be permitted, **if all** the following criteria are met;
- a) There is a significant under-use of land and development;
 - b) There would be no material overlooking or overshadowing of nearby properties;
 - c) Development would not have an overbearing effect on neighbouring properties; also
 - d) Access would not cause disturbance to nearby properties.
- 10.25 In terms of the amenity aspect this will be discussed below. With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would replace unsightly underused buildings within Development Limits of the Village, hence the scheme is considered to comply with Local Plan Policy H4 (a), (c) and (d).
- 10.26 The principle of demolition it has been discussed within the application. The demolition of the current building is stated would be undertaken to minimise the

impact that would occur to the residential occupiers protecting their residential amenity by minimising dust and noise as part of the process. It has been emphasised that the applicants are happy for a condition to be imposed requesting a methodology statement to be submitted for approval should planning permission be granted, in accordance with Local Plan Policies GEN2 and GEN4. This aspect would be a requirement should planning permission be granted, however Environmental Health would also be monitoring this aspect under their separate legislation.

(B) Scale, layout, design, amenity and sustainable construction issues

10.27 With regards to the proposed design of the scheme the NPPF, RSS Policy ENV7, also Local Plan Policy GEN2 seek for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

Policy ENV2 Development Affecting Listed Buildings seeks for development that preserves and/or enhances their character, setting and appearance.

10.28 Overlooking:

The proposed dwellings have been sited respecting the required back to back distances. These would be of at least 25m from existing residential dwellings located to the north (fronting Clarence Road) and east (fronting Greenfields) to the rear elevations of the proposed units, as outlined within the Essex Design Guide. Properties that consist of velux windows to the rear elevations are sited at an internal level to prevent direct overlooking. The dormer windows, which are proposed namely on Plots 4, 5, 7, 8, 9 and 13, face inwards of the site to prevent a dominating, obtrusive appearance and overlooking. With regards to the relationship of the residential dwellings fronting Cambridge Road to the subject scheme, Plots 1-4, are side-on preventing overlooking and mitigating the impact upon outlook. Any proposed flank windows would be subject to an obscure glazing condition should planning permission be granted. This accords with local, regional and national policy.

10.29 Amenity Space:

In respect of the provision of amenity garden space the Essex Design Guide seeks 100 square metres of garden space per unit. The proposed development would provide units varying from 60-143sqm. Whilst a couple of the units would fall short of the requirement, the provision of garden space is considered to be useable and reasonable, within a town centre location while ensuring back to back distances, therefore it is considered to be acceptable.

10.30 Design, Size and Scale:

There is a variety of size, scale and designs surrounding the proposal.

The proposed heights of the units would vary from 8m to 10.4m and the office retail space being 7m;

- Retail/office 7m
- 8m (Plot 1, 10 and 11)
- 8.3m (Plot 2 and 3)
- 10.4m (Plot 4 and 5)
- 8.2m (Plot 6 and 14)
- 9.2m (Plot7)
- 10-10.2m (8 and 9)

- 8.4m (Plot 12)
- 9m (Plot 13)

- 10.31 Due to the distances and relationship with surrounding properties the proposed heights are considered to be generally acceptable subject to a condition relating to levels should planning permission be granted.
- 10.32 With regards to the design of the scheme it would not directly relate to a specific property as this would be difficult due to the nature of the plot. The houses general designs are standard in nature and would not be dissimilar to other properties within the District. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.33 There is a proposed timber 5 bar gate at 1.2m in height. There would be 7m set back from the highway to the proposed access gates. Whilst there have been objections regarding a 'gated community' and it is not typically an accepted practice, there are parking issues along Cambridge Road. The proposed gates would prevent any unauthorised parking and restrict the level of movement from the existing access, reducing the risk to highway safety in accordance with Local Plan Policy GEN1 relating to Access. The proposed design of the gate would be discreet and maintain a rural appearance in keeping with its surroundings.
- 10.34 The request for an access footpath from the Crafton Green Car Park is discussed below under Section 10.52.
- 10.35 Impact on Listed Buildings:
Due to the orientation of the proposed dwellings in relation to the listed buildings, located on Cambridge Road, the proposed development is orient away and can not be read in relation to the Listed Buildings. No impact is considered upon the setting of the listed buildings in accordance with Local Plan Policy ENV2.
- 10.36 Amenity Impact on Proposed Residential Units:
A report has been undertaken by Pellings on behalf of Bellway Homes regarding the impact of the existing commercial buildings upon the proposed residential Plots 1 and 2 . The report states that the proposed development is of a typical infill scheme which is surrounded by both commercial and residential properties. It specifies that the proposed internal layout of the dwellings and the relationship with the adjoining commercial retail units fronting Cambridge Road. It is highlighted that the flank wall of Tesco is rendered at the base with an eaves height of 5m with no windows in the elevation. To the rear of number 22 there is a single storey flat roof commercial building which is 3.5m high. There is a narrow gable pitched roof flank which abutts Plot 2. It is stated that due to the sun path there would be no overshadowing during the morning but some in the afternoon in the rear garden and rear elevation of Plot 1. Plot 2 is adequately set back from the shared boundary with number 22 Cambridge Road. It was concluded that the buildings fronting Cambridge Road would not have an adverse impact upon the residential amenity of proposed future.
- 10.37 Housing Mix:
Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. It has been outlined within the Stansted Community Plan that there is a need for 2 and 3 bedroom units. The proposed development would provide be 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units. This would provide a balance in the size of the family size units including meeting the need for 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan.

- 10.38 Retail Unit:
The proposed retail unit has been designed to provide both retail space in order to increase and retain retail/office frontage, in accordance with Policies RS1, RS2, and E2.
- 10.39 The design of the proposed retail/office unit fronting Cambridge Road has been designed to be sympathetic with the surrounding heights and design of the adjacent units. The design is considered to be proportionate and in keeping with its surroundings. These accords with Local Plan Policy GEN2, RSS Policy ENV7 and NPPF.
- 10.40 Energy Efficiency:
Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", RS Policies ENV1, ENV7 and ENG1 inline with NPPF seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport.
- 10.41 Uttlesford has a requirement for new non domestic buildings to comply with BREEAM 'Very Good' rating and for new dwellings to comply with Code Level 3, in line with national and regional policy. A report submitted with the application demonstrates how the proposed new buildings could comply with this requirement. It is confirmed within this report that this would be achieved through the use of solar thermal panels for the residential units and air source heat pumps for the commercial units.
- 10.42 The Council's Climate Change Officer has raised no objection subject to the imposition of conditions should planning permission be granted relating to Code Level 3 and 10% energy efficiency. As there has been a recent change in Building Regulations residential developments achieving Code Level 3 and 10% energy efficiency can now be met through Part L of the Building Regulations therefore there is no longer a need to impose such a condition should planning permission being granted. However, the proposed development new retail unit with office space above is still required to achieve BREEAM 'Very Good', which can be ensured through a condition should planning permission be granted. Also it is illustrated within submitted drawing the provision of solar panel (drawing number 2011-147-002). This complies with Policies GEN2, and ENV15 of the local plan, also RS Policies ENV1, ENV7 and ENG1 and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy".
- (C) Highways, Accessibility and Parking**
- 10.43 Local plan policy GEN1 states "*development will only be permitted if it meets all of the following criteria;*
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
 - e) The development encourages movement by means other than driving a car."*

- 10.44 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. This is also reflected within regional Policies SS1, T1, T2, T13 and ENV1 of the RS.
- 10.45 It is stated within the Transport Statement that the proposed development would result in a decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Considering this together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. This is considered to be particularly the case considering the evolved high road concerns surrounding on-street parking and servicing of the two food stores. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes.
- 10.46 Parking:
ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards.
- 10.47 ECC Parking Standards September 2009 -2 spaces per dwelling (minimum) and 1 space per 30sqm for Class B1 and 1 space per 20 sqm for Class A1 (maximum). This equates to the requirement of 28 car parking spaces for the residential properties and 6 spaces for the proposed commercial units.
- 10.48 The proposed scheme proposes to provide 2 car parking spaces per dwelling, which include garages and 2 car parking spaces for the commercial units. The car parking provision for the dwellings and the commercial units comply with the car parking standards include the proposed sizes of the garages. Whilst the proposed parking provided for the commercial element would provide more car parking space for this particular unit than what currently exists. For example the existing retail unit fronting Cambridge Road could be separated without the need for planning permission and no on-site provision of car parking. Also, as previously stated the application site is located within an accessible area that by other modes of transport. No objection has been raised the Highway Authority regarding the proposed development subject to conditions should planning permission be granted.
- 10.49 Accessibility:
ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion. It has been stated within the application submission that the scheme would be DDA compliant and accord with Part M of the Building Regulations. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1.
- 10.50 Similarly the proposed dwellings will be to 'Lifetime Homes' standards with Plot 6 being specified as designated wheelchair housing. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.
- 10.51 In terms of accessibility the application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which would be provide good accessibility.

10.52 Numerous request and objections have been made regarding no provision of a pedestrian footpath linking the adjacent public car park and the application site in order to get through flow onto Cambridge Road. Whilst this was a request from some residents including the Parish Council the provision of a pedestrian footpath is unacceptable in terms of introduction would increase footfall through the development and increase the possibility of crime and anti/social behaviour. The Architectural Liaison Officer stated that "...Academic research has proven that developments like this layout with a 'leaky cul-de-sac' are most at risk to crime. Whereby cul-de sac that have no footpath access through them are low on crime. The possibility of anti-social behaviour or crime on units 9 and 10 would be high." The Architectural Liaison Officer confirmed that he would oppose any public footpath through the application site. The lack of pedestrian footpath provision results in the proposed scheme complying with Local Plan Policy GEN2 (d) by helping to reduce the potential for crime.

(D) Contaminated land issues

10.53 The contamination report that has been submitted as part of the application submission concluded that there is evidence of localised ground contamination. It is stated that there were historical tanker storage on site for fuel in the garages whilst they have been removed it is likely that this area would be required to be remediated to the northwest corner of the site. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, RS Policy ENV7 and the NPPF.

(E) Flood risk issues

10.54 The application site is located within Flood Zone 1 where by having a low probability of flooding. Local plan Policy GEN3, RS Policy WAT4 the protection and prevention from flooding. A flood risk assessment has been submitted as part of the application.

10.55 As the application site is 0.42 hectares and being located within a Flood Risk Zone one it would need to be assessed as part of any application Flood Risk submission sustainable means for surface water management.

10.56 It's Flood Risk Zone 1 classification means the site has low probability of flooding from tidal and fluvial sources therefore site would be pass a sequential test of any development and would not require an Exception Test that was required under the previous PPS25. The desk study also demonstrated that the site has low probability of flooding from pluvial or groundwater sources. The current site consists of 67% of permeability, whereby as part of the proposed development this figure will reduce to 8% of the total site. The application submission states that surface water attenuation would be achieved through some surface water attenuation permeable paving and some storage within the infiltration blanket.

10.57 It has been confirmed that there would be sufficient capacity to accommodate the foul discharge form the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others.

10.58 The Council's Drainage Engineer raised no object to the application subject to a condition being imposed relating to the seeking detail on sustainable drainage scheme together with a condition investigating exceedence flows if the storage provided is exceeded. This would accord with Local Plan Policies GEN3 and GEN2, also RS Policies WAT4 and ENV7, and the NPPF.

(F) Impact on biodiversity

10.59 Wildlife

Local plan policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. Policies ENV1 and ENV3 of the RSS seeks maximising biodiversity, proper consideration being given to the effects upon conservation of habitats.

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

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

The consented operation must be for “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*”; and

There must be “*no satisfactory alternative*”; and

The action authorised “*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*”.

10.62 An Extended Phase 1 Habitat Survey has been submitted as part of the application. The buildings on site are not considered to be suitable buildings for the roosting of bats and poor opportunities for foraging habitats for bats. This is considered the case as the buildings on site consist of shallow corrugated asbestos roofs.

10.63 Swifts were noticed nearby and considered to be nesting on buildings close to the site. There are no trees within the site however there are several mature trees adjacent to the shared boundary with neighbouring properties namely along the west and north boundary.

10.64 The site appears effectively clear from items and opportunities that can provide habitats for reptile, amphibians, invertebrates and nesting birds.

10.65 The survey concluded there the site has low ecological value and lacks of suitable habitats therefore no further surveys are recommended. However, it has been recommended as part of the outcomes that the proposed development should include soft native landscaping and nest boxes to be included within the scheme.

The proposed development is not considered to detrimentally impact upon

protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF's regarding sustainability of developments.

10.66 Landscaping

As party of the application a plan has been submitted proposing measures to protect adjacent trees whilst the proposed works are on going, what is proposed to be cut back and indicative landscape proposal. Due to the lack of landscaping features on site no objection has been raised by the Council's Landscape Officer. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.

(G) Other material consideration

10.67 Another material change since the granting of planning permission is the adoption of National Planning Policy Framework (March 2012). Amongst other things, this seeks a presumption in favour of sustainable development unless material considerations indicate otherwise. Also development proposals that accord with the development plan without delay. It goes onto seek high quality design and good standard of amenity for all existing and future occupants of land and buildings, promoting viability of urban areas, promoting use of brownfield land. The proposed development accords with the National Planning Policy Framework

10.68 The development would generate a need for a contribution towards early years, childcare and primary level and the Essex County Council Educational Services have requested a contribution of £57,625. This has been addressed through a proposed Unilateral Undertaking.

11. CONCLUSIONS:

11.1 It has been demonstrated that the site has been actively marketed, that there is a saturation of other commercial units on the market, that there is no demand and that the site is in a suitable location in terms of constraints, also the existing building are beyond economic repair. In consideration of the above it is concluded that there is no demand for this site for business use and the proposed use will continue to generate local jobs through the redevelopment of the frontage. The development therefore accords with Local Plan Policies S1, E2 and SM1, also this is in accordance with the Stansted Mountfitchet Community Plan.

11.2 The principle of demolition is considered to be acceptable subject to mitigation conditions should planning permission be granted.

11.3 The proposed design of the scheme is acceptable and in keeping subject to conditions should planning permission be granted. The setting of the existing adjacent listed buildings would be preserved. No detrimental impact is considered upon the residential or visual amenities of the existing neighbouring residential occupiers. This is in accordance with Local Plan Policies GEN2 and GEN4, The Essex Design Guide and RS Policies SS1 and ENV7.

11.4 An Energy Efficiency report submitted with the application demonstrates how the proposed new dwellings would meet Code Level 3 and the proposed commercial unit would be achieving BREEAM 'Very Good'. It is confirmed within this report that this would be achieved through the use of solar thermal panels for the residential units and air source heat pumps for the commercial units. This accords with Policies GEN2, and ENV15 of the Local Plan, RS Policies ENV1, ENV7 and ENG1, also the Council's Supplementary Planning Document "Energy Efficiency and

Renewable Energy.

- 11.5 The proposed development would result in a decrease in of 238 two way traffic by vehicle trips and by 99 two way operational goods vehicle trips. The above being the lawful number of vehicles that were going/capable of going in and out of the site based on its lawful use as an employment based site. Together with the sites sustainable locality to the road network, bus stops and railway station the scheme is considered to be an improvement to how the site could operate if it continued in employment use. The proposed scheme would reduce the current risk and potential highway safety concern if the site continues to operate for employment purposes. This accords with Local Plan Policy GEN1, Policies SS1, T1, T2, T13 and ENV1 of the RS and the NPPF.
- 11.6 The proposed car parking provision is acceptable and accords with Local Plan Policy GEN8 and the Essex Parking Standards (2009).
- 11.7 No objection has been raised by the Highway Authority, subject to conditions.
- 11.8 The proposed development would be DDA compliant, designed to Lifetime Homes standards, and there would be a designated wheelchair accessible unit. This accords with Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space.
- 11.9 The unacceptability of a public footpath on crime prevention grounds has been discussed in Section 10.52 above, the scheme accords with Local Plan Policy GEN2 by helping to reduce the potential for crime.
- 11.10 Due to historical uses on site there is likely to be contamination. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, RS Policy ENV7 and the NPPF, also comments received from the Environment Agency.
- 11.11 There would be sufficient capacity to accommodate the foul discharge form the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others. Subject to a condition relating to drainage details this aspect of the scheme is considered to be acceptable and would accord with Local Plan Policies GEN3 and GEN2, also RS Policies WAT4 and ENV7, and the NPPF.
- 11.12 The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife. This accords with Local Plan Policy GEN7, Policies ENV1 and ENV3 of the RSS and the NPPF's regarding sustainability of developments.
- 11.13 The lack of landscaping features on site has raised no objection from the Council's Landscape Officer. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.

RECOMMENDATION – CONDITIONAL APPROVAL and subject to a Unilateral Undertaking regarding the provision of Education monies towards the provision of early child care and primary care for a sum of £57,625 is proposed.

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 and demolition) 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).

4. No development shall take place (excluding demolition) until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) proposed finished levels [earthworks to be carried out]
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) existing trees, hedges or other soft features to be retained
 - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - j) location of service runs
 - k) management and maintenance details

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, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005)

5. 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 Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. The Retail/Office unit hereby permitted as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within four weeks following its completion, the applicant will provide a SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

7. No development (excluding demolition) shall take place until proposed levels including cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene., in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

8. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c Regulations 1994) is discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a licence from Natural England . This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.

9. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s) have been constructed to base course and surfaced in accordance with details which have been submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

10. Before the commencement of the development (excluding demolition) hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

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

11. No development (except for demolition) shall commence until vehicular parking for site operatives (including provision for delivery and storage of materials) clear of the highway has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and such provision shall be retained and kept available for this purpose during construction of the development.

REASON: In order to prevent indiscriminate parking in the interests of highway safety and residential amenity, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. The area set aside for car parking shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the vehicle parking of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of

highway safety, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

13. No development (including demolition) shall commence until wheel cleaning apparatus has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the development, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

14. The first six metres of any private access way as measured from the proposed highway boundary, shall be treated with a bound surface dressing to be submitted to and approved in writing by the local planning authority before commencement of development and thereafter implemented in accordance with those approved details and retained in that form.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

15. Before the commencement of the development (excluding demolition) hereby permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the buildings are accessible to all sectors of the community. The dwellings shall be designed as 'Lifetime Homes' and with one Plot to be designed to be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

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

16. Before development commences (excluding demolition) details of any proposed external lighting scheme and security measures to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local plan (adopted 2005).

17. Before development commences details of a Waste Management Plan (including the management of demolition waste) shall be submitted to and approved by the Local Planning Authority and thereafter implement in accordance with the approved details.

REASON: To protect the amenities of the locality and surrounding residential occupiers preventing pollution, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

18. No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are

submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the former Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/o surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

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

19. No development (excluding demolition) shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system, incorporating details investigating exceedence flows if the storage provided is exceeded shall be submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

21. If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate, shall be submitted to and be approved in writing by the local planning authority and implemented as agreed.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

22. Before the commencement of development a scheme for the protection of noise sensitive properties, including noise limits during construction/demolition works shall be submitted to and agreed by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In order to safeguard and protect the amenity of neighbouring residential

occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

23. Before the commencement of demolition a detail plan of work for demolition, also detailing measures to control noise and dust shall be submitted to and agreed by the local planning authority.

REASON: In order to safeguard and protect the amenity of neighbouring residential occupiers and the locality, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

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

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

25. Before the first occupation of the Plots 8 and 9 hereby permitted the windows(s) at first floor flank elevational shall be fitted with obscured glazing. The window(s) shall be permanently retained in that condition thereafter.

REASON: In the interests of the amenity of surrounding residential uses in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2009) Essex Design Guide (2005) and the SPD Home Extensions.

26. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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 consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters (Secondary A Glacial sands/gravels,

Secondary A Thanet Sands and Principal Aquifer Chalk), in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

27. Prior to commencement of development, a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: The potential pollution from 500 gallons underground tank and 1000 gallon above ground tank may have caused pollution soil and controlled water which may require remediation of the contamination, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

28. 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 controlled waters. The development shall be carried out in accordance with the approval details.

REASON: The site is located in Source Protection Zone 1 of our groundwater protection policy, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

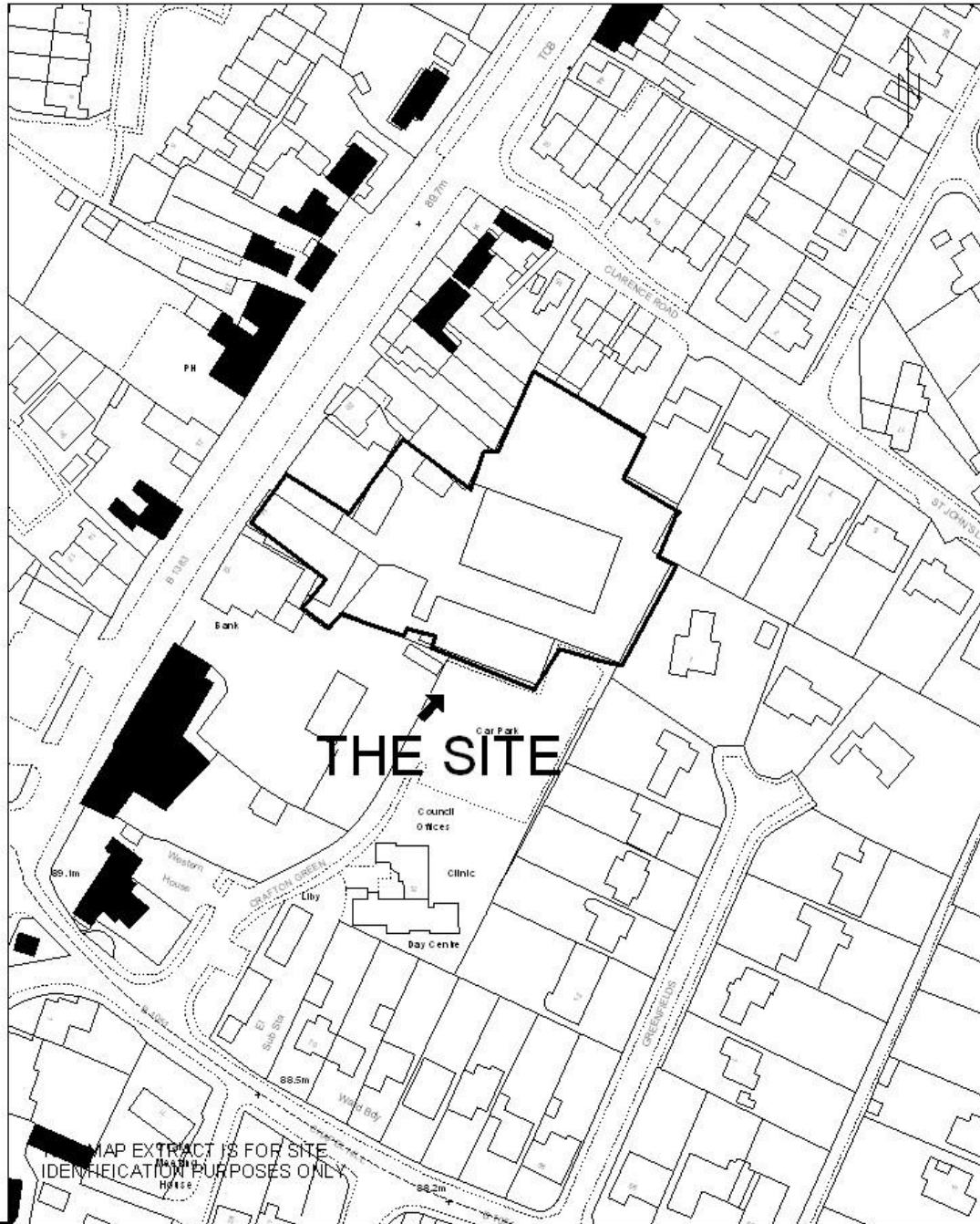
29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local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

REASON: Heterogeneity of hydrogeology and historic use contamination not identified in site investigation may be present, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

30. Notwithstanding the provisions of the Town and Country Planning (General Use Class) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the hereby permitted retail unit and Office unit shall remain in use Classes A1 and B1 (a) purposes only and shall not change use class without the prior written permission of the local planning authority.

REASON: To prevent the loss of employment and in order to safeguard the retail frontage in accordance with Policies GEN2, GEN4, E1, E2 and SM1 of the Uttlesford Local Plan (adopted 2005).

Background papers: see application file.



MAP EXTRACT IS FOR SITE IDENTIFICATION PURPOSES ONLY

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DATE:12/07/2012

MAP REFERENCE: TILS125SW

SCALE:1:1250



CAMBRIDGE

Tesco

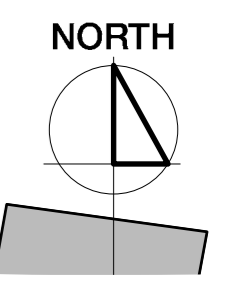
Co-op

Barclays Bank

Employment

Employment

0 10 20 30 40 50 M



PLANNING ISSUE

G	05.13 Parking arrangement change.	ssf	
F	29.04.13 Bins stores added, C1 enlarged.		
E	29.04.13 Changes following public consultation		
D	23.04.13 Layout Amendments		
C	18.04.13 Layout Amendments		
B	15.04.13 Layout Amendments	ssf	
A	12.04.13 Layout Amendments		
REVISION		DATE	CHECK

TITLE	PROPOSED SITE PLAN	APP NO	4406
PROJECT	PROPOSED MIXED USE DEVELOPMENT, 14 CAMBRIDGE ROAD, STANSTED MOUNTFITCH, ESSEX	REG NO	04G
		SCALE	1:200
		DATE	April 2013
CLIENT	LAND CHARTER STANSTED LTD	DESIGN	ssf

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UTT/13/1126/FUL (STANSTED)

(MAJOR APPLICATION)

PROPOSAL: **Mixed use development comprising 14 No. dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building including associated garages, car parking and landscaping**

LOCATION: **Rear Of 14 Cambridge Road, Stansted**

APPLICANT: **Land Charter Stansted Ltd**

AGENT: **Wincer Kievenaar LLP**

EXPIRY DATE: **8 August 2013**

CASE OFFICER: **Maria Tourvas**

1. NOTATION

1.1 Within Development Limits, Part protected Retail Frontage/Town Centre Policy SM1, adjacent to Grade II listed buildings

2. DESCRIPTION OF SITE

2.1 The site is predominantly set back off Cambridge Road to the rear of properties no. 12-30 (even). The site previously comprised a single storey shop located to the front of the site on Cambridge Road (no.14), and to the rear/centre of the application site there were a number of two-storey and single storey units (total of 8 units), of which these have since been demolished due to their poor state of repair.

2.2 The site covers a total area of approximately 0.43 hectares.

2.3 There is a 1.5m high close boarded fence to the rear of the site adjacent to the Crafton Green Car Park. There are high level conifers along the shared eastern boundary. There are also close boarded fences along the northwest, north and northeast, with slightly lower fencing along the northeast boundary, which relate to two-storey houses fronting Clarence Road.

2.5 Fronting Cambridge, there is a Tesco's store, a back clinic and Co-operative food store that back onto the application site. There is also a row of semi-detached single family dwellings. Half of this row of houses is Grade II Listed.

2.6 To the south of the application is the Crafton Green Car Park also consists of the local clinic and library. Also there is Geneva Motors to adjacent to the Car Park partly fronting Cambridge Road

2.7 The site's access is taken from Cambridge Road.

3. PROPOSAL

3.1 The application is for the proposed erection of a mixed use development comprising 14 No. dwellings, ground floor unit which would have flexible use of retail (Class A1)/ Professional and Financial Services (Class A2) with independent first floor office and 2.5 storey commercial building including associated garages, car parking and

landscaping.

- 3.2 The proposed scheme is for a two-storey building fronting the Cambridge Road. This would have a height of 8.7m and having a pitched roof and a traditional design form. This would have a retail shop frontage on the ground floor accessed from both Cambridge Road and the Mew entrance into the site. The first floor is proposed to be for Class B1 Office space. It is proposed that there would be a dual principle frontage by having windows and shop frontage on the mews entrance. The rear elevation of this building would have three windows which would serve toilets and a landing window. Two parking spaces have been provided for this unit as a whole.
- 3.3 A second commercial unit is proposed as part of the scheme of which would be located adjacent to the Co-Op to the northern boundary and to the rear of Tesco's. This unit would comprise of three floors, the third floor located in the Apex of the double pitched roof. This would form a bookend to the proposed row of terrace housing located to the northern side of the entrance into the site. There is a possibility for these units to be used a business start-up units.
- 3.4 This would have a shop front appearance on the ground floor. The building would have a ridge height of 10.4m and 6m to the eaves. The unit is proposed for Class B1 purposes. A total of 477.6 square metres of commercial floorspace is proposed.
- 3.5 The application also consists of 14 dwellings. Dwelling units R1, R2, R11, R12, R12 and R14 are proposed to be in the style of town houses whereby open ended garages which would perform like an undercroft which would allow an additional parking space to be utilised at the rear of the property. House type F – Unit R3 has been designated to be a wheelchair accessible unit.
- 3.6 The proposed heights of the dwellings would vary between 8.4m - 10.4m. The proposed garages and carports would have dimensions of 3 x 7m.
- 3.7 The proposed units would breakdown to the following;

Dwelling unit Number	Number of Bedrooms	Number of Parking Spaces	Garden Amenity Size
R1	4	2	70
R2	4	2	57
R3	4	2	56
R4	3	2	53
R5	3	2	62
R6	3	2	106
R7	4	3	107
R8	4	3	132
R9	4	3	108
R10	3	2	87
R11	4	2	85
R12	2	2	34
R13	2	2	35
R14	2	2	83

4. APPLICANT'S CASE

- 4.1 The site is approximately 4,300 square metres. The main aim and objective of the proposed development is to have a positive impact on the village of Stansted Mountfitchet by bringing forward a high quality mix-use development on a currently vacant brownfield site. The proposed development seeks to redevelop a vacant commercial site to provide new mews style housing and commercial units with a link footpath to the council owned land and car park which lies to the immediate south.
- 4.2 Presently this land has poor pedestrian links to the retail units along Cambridge Road, therefore the concern of residents to have the inclusion of a pedestrian link through the development site. The site is well screened from neighbouring residential areas to the north and east.
- 4.3 In preparation of the application, four meetings were held with the Parish Council between September 2012 and April 2013 as outlined below:

Meetings held with the Parish Council:

10 th September 2012	Councillors Closed Meeting;
10 th January 2013	Councillors Closed Meeting;
16 th January 2013	Public Presentation at the Parish Council meeting;
24 th April 2013	Economic Development meeting;
27 th April 2013	Public Presentation of Plans on site

- 4.4 A public consultation was proposed and advertised on the Parish Council website, Stansted Matter forum with multiple posters attached to the hoarding around the development.
- 4.5 The proposed development is a mixture of 2, 3 and 4 bedroom dwellings with a mixture of detached, terraced and garage linked dwellings. The residential units are solely market dwellings and will include the provision of private amenity areas for each individual dwelling. Each dwelling has been allocated a spacious floor area, with the smallest 3 bedroom dwelling proposed measuring 83 square metres in size and the largest 4 bedroom dwellings measuring up to 152 square metres in floor area.
- 4.6 There will be a commercial unit to integrate with the Cambridge Road primary frontage which will incorporate a retail ground floor (Flexible Class A1/A2 use class) and a separate accessible office (B1 Use Class) at first floor level. Another commercial unit (B1 use) will begin the north residential mews terrace at the rear of Tesco's.
- 4.7 It is proposed that the cars are hidden in the houses under croft garages keeping the streetscene clean. The dwellings within the site begin at two and half storeys to match the urban street and lower to two storeys to establish the small housing pattern.
- 4.8 The layout has been designed to accommodate the retention of an Ash tree in the northeast corner. Good boundary treatment exists to the rear of Plots 4 to 6 which is to be enhanced and maintained to offer good screening to neighbouring properties. There would be additional tree planting to the rear of Plots 11 to 14.
- 4.9 The design of the buildings follow mostly a traditional Georgian forms with a range of quality material. The means of enclosure to the front will be through railings to provide private frontages. The front elevations include both stock brickwork, weatherboarding and render elements. The frontage retail/commercial unit as a landmark location will have a traditional shop front design. Flank elevation of this unit has been fenestrated

to offer a double aspect and interest to the access road, with a balanced elevation.

- 4.10 The corner dwelling, Plot 3, will be an effective dwelling by change of materials (timber weatherboarding, pan tiles) it will show a transition and leading the development around the corner.
- 4.11 The application site is within a sustainable location in terms of its proximity of the M11, Stansted Airport, A120, and Stansted Mountfitchet Railway Station. Existing bus networks are also available along the B1383, Cambridge Road. The nearest bus stop is immediately opposite the site frontage.
- 4.12 The site will comply with Part M of the Building Regulations. A unit has been identified within the layout for wheelchair accessible use. Each dwelling is provided with suitable sized gardens for the provision of supervised play.
- 4.13 There is a suitable provision for a turning head. The density of the site is compatible with recommended standards in the National Planning Policy Framework and the Essex Design Guide.
- 4.14 The applicant has submitted a letter in response the third party representations received following the consultation of the application, dated 5 July 2013. This highlighted that the scheme is not high density at 35 units per hectare. The offices and retail elements of the scheme will deliver the employment options and will double the number recently employed on site, this will be alongside what is proposed on adjacent sites, and parking can be controlled. Pure employment site is not deliverable on this site as it is not viable. However, new commercial premises will be offered at realistic market prices. The traffic movements from the site will be less than any pure potential commercial use. Customer/shoppers parking relief is down to the Parish Council. Building regulations will be complied with in terms of disability access into commercial units.
- 4.15 With regards to commercial delivery option (Co-Op & Tescos) considerable time has been spent discussing the issue with Highways and could not find a safe solution with regards to entry and egress from the site, furthermore anecdotal evidence is that the majority of delivery drivers are unlikely to make use of a rear delivery facility. The scheme does not prevent the implementation of any scheme to come forward on the adjacent sites. This scheme now includes more employment uses.
- 4.16 With regard to the letter that was a submitted by Barker Parry on behalf of residents the following response was submitted by the applicant;
- “Our proposal complies with the principle of ‘Place Services’ Urban Design assessment of the development opportunity sites, which has been prepared on the request of UDC...Both the Carter Jonas & Place Services assessment promote mixed use development on our site adjacent. The assessments talk about not restricting redevelopment of the adjacent sites, if separate schemes are progressed....Additional employment unit (is) included in proposals, footpath link to the south and consideration of the adjacent site and redevelopment opportunity, which is why the master plan was submitted with the application, to comply with the ‘Place Services’ Assessment. The application proposals and master plan demonstrate how both the residential and employment uses can be achieved, and considering that the site to the south has been submitted further commercial development complimenting the existing use, it would seem sensible that the residential is achieved elsewhere.*
- 4.17 *Barker Parry incorrectly state that our development is 100% residential. Our scheme is not 100% residential. We are proposing 411sqm of employment which could*

realistically deliver 20/30 employees. This is 2/3 times more than were previously employed on the site.

- 4.18 *Barker Parry acknowledges that a lower provision of parking maybe provided in urban areas where there is good access to alternative forms of transport and existing car parking facilities. The site is clearly well serviced by public transport and our new proposed footpath link to the Crafton Green car park provides excellent access to parking. A week long survey of the Crafton Car park has shown between 70% and 40% space capacity between 9am-1pm.*
- 4.19 *Refer to 'Place Services' proposed garden sizes, 32sqm for 2 bedroom, 80sqm for 3 bed house and 85sqm for 4 bed house. We are broadly in line with this. This is also something discussedprior to submission (whereby) a common sense approach should be taken within with what is considered a town centre site.*
- 4.20 *The Carter Jonas and Place Services refer to the combined sites as a mixed use potential. We have demonstrated by virtue of our interpretation of the master plan that residential employment uses and parking can be delivered across all three sites. We have made efforts to not restrict the future development of the adjacent site, indicating potential future linkage. We have not prejudiced future use of any of the adjacent land. Indeed we wholly support the adjacent workshop which clearly further underwrites and supports the principles of on-going employment and residential uses a long side each other. As a B1(c) use policy GEN4 (of the adopted Local Plan) is applicable and the adjacent applicant has confirmed compliance therewith. Furthermore the scale and design of the building proposed is not obtrusive on the proposed residential development. The areas proposed have the potential to employ a further 15/20 staff with ample on-site parking.*
- 4.21 *All house types comply with lifetime homes, with the exception of A & G, which equates to only 3 units out of the 14. Also we are providing a wheelchair accessible unit."*

5. RELEVANT SITE HISTORY

- 5.1 Member's will remember this scheme being presented at the Planning Committee 30 May 2012 under UTT/0215/12/FUL. The scheme under the previously involved the following;
- i) The demolition of 8no. existing employment buildings and the erection of 14no. residential dwellings.
 - ii) Mixture of detached and semi-detached two-storey properties with associated garage provision.
 - iii) The erection of a new retail unit with office space over, two-storeys fronting Cambridge Road.
 - iv) Associated car parking for both the residential and commercial unit and landscaping.
 - v) 6 x 3 bedroom units, 4x 4 bedroom units and 4 x 5 bedroom units.
 - vi) Plot 6 is proposed to be a designated wheelchair unit, capable of being wheel chair adaptable.
 - vii) A 5 bar timber gate is proposed along the front access of the site, setback from the main road.
- 5.2 The above application was refused on the grounds of "The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2,

GEN4 and E4 of the Uttlesford Local Plan 2005.”

- 5.3 A revised application had been submitted (UTT/1193/12/FUL) “for the Demolition of existing buildings and erection of 14 no. dwellings, retail and office unit, and associated garages, car parking, landscaping and footpath” incorporating the following;
- i) Removal the proposed access gates;
 - ii) Introduction of an access path between adjacent Car Park and the site;
 - iii) The transport statement has been updated no changes in terms of vehicle numbers;
 - iv) Further information has been submitted with regard to the existing tenant arrangements on site and an update has been provided in relation to the available commercial premises in the locality and the condition of the buildings on site.
- 5.4 Planning permission was refused 26 July 2012 by Planning Committee on the grounds “The proposed development would be unsuitable on land which could otherwise be used for employment purposes. The proposed scheme would lead to an overdevelopment of the site contrary to the general character of the area. The proposed is therefore contrary to Policies GEN2, GEN4 and E2 of the Uttlesford Local Plan 2005.”
- 5.5 An application has been received for prior approval for demolition consent for various buildings on site (UTT/12/6142/DEM) no objection was raised 18/1/13. Since this time the existing buildings that were on site have been demolished and the site has been cleared.
- 5.6 Since the submission of this application (9th May 2013) a planning application has been submitted on the adjacent neighbouring site (10 Cambridge Road, 12 June 2013) for the ‘Proposed extension to existing showroom to create a tyre, exhaust and repair facility and the additional showroom with office over’ (UTT/13/1456/FUL). An application has also since been received dated 29 July 2013 for the Stansted Library for the proposed “Demolition of existing library and erection of multi-purpose community building with associated staff parking, landscaping, cycle parking, signage/seating and refuse and recycling facilities. Provision of temporary library facilities for the duration of the building works”. (UTT/13/2027/FUL). These are both currently under consideration.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

S1 – Development Limits for the Main Urban Areas

SM1 – Local Centres

E1 - Distribution of Employment Land

E2 – Safeguarding Employment Land

RS1 - Access to Retailing and Services

RS2– Town and Local Centres

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN6 - Infrastructure Provision to Support Development
GEN7 - Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 - Development Affecting Listed Buildings
ENV3 - Open Spaces and Trees
ENV12 –Protection of Water Resources
ENV14 – Contaminated Land
ENV15- Renewable Energy
H1 - Housing Development
H3 - New Houses within Development Limits
H4 - Backland Development
H10 - Housing Mix

6.3 Uttlesford District DRAFT Local Plan

Stansted Mountfitchet Policy 2 - 14-28 Cambridge Road

6.4 Stansted Mountfitchet Community Plan (2011)

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted. The Plan identifies that the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) identifies a number of sites that could potentially bring forward housing schemes one of those sites identified is the subject application site and it is stated that the Parish Council agrees with this site (page 13 of Community Plan).

6.5 Urban Design Assessment of Development Opportunity Sites (Place Services - Essex County Council) (January 2012, presented to the LDF Working Group 8 February 2013)

- 6.5.1 Work has been undertaken by ECC Urban Design in terms of appraising the application in conjunction with the wider adjacent sites (rear of Cambridge Road, Chapel Hill and Crafton Green). These have been seen as an area of development opportunity. The document has concluded the following:
- 6.5.2 "Through the process of viability testing, context analysis and urban design appraisal, the future development potential of the site has been explored and development principles established.
- 6.5.3 This document sets out the principles for the future development of the site, ensuring that any development fits into the surrounding context, while providing the town with a suitable mix of uses which meets the needs and the requirements for the future growth of Stansted Mountfitchet.
- 6.5.4 Following summary set outs the key development principles future proposals will need to address:
- A comprehensive development of the site would be the only way to ensure a mix of development uses which would benefit and enhance the future of Stansted Mountfitchet.
 - Future development proposals need to be suitably phased, taking a regard for land ownership, development mix and viability
 - Connecting Cambridge Road with Crafton Green possibly as a one way or part one way rout
 - Sustaining the current levels of public car parking while exploring more convenient locations for accessing Cambridge Road and the businesses, retail and community facilities on site

- Creating a convenient, safe and direct pedestrian route to the retail units on Cambridge Road
- Suitable residential development which reflects the immediate context of the site to be located adjacent to the surrounding areas with adequate parking
- Establish additional retail/commercial units to the rear of the existing units fronting Cambridge Road
- Improvements to servicing/delivery arrangements to existing food retailers on Cambridge Road to alleviate congestion

6.6 **Assessment of Development Opportunity Sites (Study undertaken by Carter Jonas on behalf of UDC November 2012, presented to LDF Working Group 22 November 2012)**

- 6.6.1 This study looked at the same site as the study above, Urban Design Assessment of Development Opportunity Sites, and focuses upon the financial viability of the site. The study made reference to the subject site of this application and referred to the two previous planning applications. The report by Carter Jonas stated *“The Officer’s report (for UTT/1193/12/FUL) highlights the occupancy difficulties in the properties in the vicinity which have a high vacancy rate supported by a report from Mullucks Wells. The opening of the Tesco’s Express has probably increased visitors to Cambridge Road but also exacerbated the traffic issues on Cambridge Road from short term parking on the public highway. The public car park at the rear is probably not deemed ‘convenient’ for very brief visits and there is no direct access through to Cambridge Road, though the proposed development would have provided links from the existing car park at the rear. Rental levels and demand in Stansted would not support speculative development either for retail or office use so that the prospects of the provision of new retail development on Cambridge Road is therefore only likely as part of a larger scheme, probably including some residential to improve viability.*
- 6.6.2 ***The site would be capable of development for B1 commercial space but demand would tend to be for industrial end of the spectrum with single storey units with an office element. Such a development would seem inappropriate for this central location and more appropriate to an ‘out of town’ location where the traffic movements from commercial vehicles would be less intrusive.***
- 6.6.3 *An allocation for town centre uses across the whole site is unlikely to find developers interested in resolving any ownership issues and promoting any scheme for the site. This could leave the northern part of the site derelict whilst the southern part of the site would continue with its existing uses. In time there will be occupiers looking for space in the centre and it is important for the future of Stansted that space for them is retained but this would not require a site of this size.*
- 6.6.4 *However, the allocation does provide an opportunity for the preparation of a comprehensive plan for the redevelopment of the site which can properly address the needs of the village as a whole providing new retail units on Cambridge Road with proper links to adequate car parking, space for new town centre related development **and could also include some residential development on part of the site which would support some of the less commercially viable town centre uses.** Any such proposals would also need to consider the existing community services on the site and how these are to be maintained. We would recommend that the site be extended to include the vacant former ‘You’re Furnished’ unit which was part of the recent planning application. This could provide an entrance into the new development and improve traffic flows on Cambridge Road and is shown shaded yellow on the Council’s allocation plan attached.*

- 6.6.5 ***Speculative development on the site is unlikely and development will only occur in response to an identified need. A comprehensive scheme would be viable if it includes an element of residential and could create new retail units on Cambridge Road, improved access to relieve congestion on Cambridge Road and identify sites ready for other town centre uses when the occupiers are identified.***
- 6.6.6 *The allocation of this site should provide an opportunity for this important part of the Village to be considered as a whole. Development may well include some residential use but piecemeal development is unlikely to secure the benefits that this part of the Village urgently requires.”*

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Members object to this application and reiterate previous reasons as the plan has not changed significantly from the previous applications.
- 7.2 Issue regarding loss of a commercial/employment site from the centre of our village. If this consent is granted, the land will be lost to residential forever. Now have the numbers proposed for Stansted under the LDF, Parish Council is actively working on a master plan for the centre of our village to ensure its vitality and economic viability into the long-term. This is one of the three sites proposed for residential development under the LDF, seems premature to determine the application.
- 7.3 Reference is made to the following application Clavering (UTT/2149/11/OP) and asks for the refusal of the application for the same reasons they stated on the decision note for 0215/12/FUL as being contrary to planning policies GEN2, GEN4 and E2.
- 7.4 Members agreed to support the Economic Development group's comments submitted by the Economic Development working group on 16 June 2013.

8. CONSULTATIONS

Thames Water

- 8.1 No objection, details of surface water strategy and proposed foul water, primarily on site drainage details to the point of connection with the existing system

Environmental Health

- 8.2 Contamination report indicates that the site consists of contamination therefore should planning permission be granted a contamination condition is requested.

Environment Agency

- 8.3 No objection subject to conditions.

ECC Highways Authority

- 8.4 No objection subject to conditions.

ECC Education

- 8.5 Seek financial contribution of £43,789 for primary provision and £14,950 for early years, total provision of £58,739.

Equalities and Access Officer

- 8.6 Comments dated 3 June 2013: Further to our discussions on this site, I have reviewed the plans and would advise accordingly.
- 8.6.1 House Type A WC does not comply. There is no provision for a through floor lift.
- 8.6.2 House Type B Layout works and through floors lift is shown. Is this house type to be the wheelchair accessible unit? R5 on the proposed Site plan says it is, where is the undercover parking for the plot and glazing heights need to be confirmed.
- 8.6.3 House Type C WC does not comply. There is no provision for a through floor lift.
- 8.6.4 House Type D Layout is acceptable
- 8.6.5 House Type E Layout is unacceptable as far as the Standard for Lifetime Homes is concerned. The only rooms on the ground floor are a kitchen and a WC. There is no provision for a through floor lift.
- 8.6.6 House Type F This layout would meet the criteria as long as there are no steps into the sitting room and into the bedrooms.
- 8.6.7 House Type G No plan included, noted on the proposed site plan as R14, but appears to be the same as House Type E and therefore unacceptable.
- 8.6.8 Design and Access Statement states there is a commitment to the SPD on Lifetime Homes, the drawings do not reflect this. Little information on the drawings to support this. More information is required on Wheelchair Accessible Unit before this can progress further. If the Wheelchair Accessible Unit is confirmed, need to condition that the plot is marketed in all the literature as this unit and that there is a commitment from the developer to adapt the property up to the sum of £8,500.
- 8.6.9 Comments dated 2 July 2013: The revision to the drawing for House Type A, B and Care now acceptable.
- 8.6.10 House Type E and G remains unacceptable. Only accommodation on the entrance level is a kitchen and WC, no other habitable rooms. Does not meet the requirements of the Lifetime Homes Standard. No space for a through floor lift to access the other levels.
- 8.6.11 House Type F will meet the wheelchair accessible standard. This will need to be marketed as the 'wheelchair accessible unit' with the usual condition applied, that any adaptations up to the sum of £8,500 will be met by the developer.

Affinity Water

- 8.7 Application site is located within a ground water protection zone. Any construction work should be carried out in accordance with British Standards.

NHS property Services

- 8.8 Scheme is unlikely to have a significant impact upon the capacity for healthcare facilities and services within the GP catchment area of the development therefore do not raise any objections.

Uttlesford Area Access Group

- 8.9 Whilst the residential units indicate compliance with Lifetime Homes and Wheelchair Accessible Housing Standards there is no indication that any provision to provide suitable access and facilities for disabled persons has been included in the retail and office units. This should be addressed within the Design and Access Statement and measures indicated on the plans.

9. REPRESENTATIONS

- 9.1 The neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press. (Expiry date 21 June 2013). Following the consultation process 11 individual objections, 1 letter of general comment, 1 letter of support have been received, also representation have been received from Councillor Dean, Parish Councillor Samantha Dunn, Barker Parry on behalf of 50 Stansted Residents and Stansted Economic Working Group. These have raised the following points;

Objection on the following grounds;

- Site should be retained for commercial purposes and use for the community such as starter units, parking and unloading for the supermarket stores;
- Area should be linked to carpark;
- Some residential is acceptable;
- Do not meet Lifetime Homes Standard;
- Overdevelopment of site;
- Undesirable are to live;
- No affordable housing;
- Pedestrian and highway safety;
- Congestion;
- Parking and traffic problems;
- Protective barriers should be placed across entrance;
- Access should be taken from Crafton Green rd;
- No parking agreement with retailers to alleviate on street parking;
- Blue outline on master plans gives a false impression of scheme and should be deleted.
- Already many empty commercial properties with no sign of imminent letting no need for further retail;
- Although there is a need for housing this is poorly designed small gardens and parking;
- Need to increased education and healthcare capacity;
- Imbalance between residential and commercial mix;
- This would set a precedent for other commercial sites;
- Insufficient car parking for the commercial properties;
- Indicative master plan submitted raised concern in terms of impact upon car park, Day Centre and Library;
- No employment opportunities for local people;
- Need for small affordable business units which would create local jobs;
- Site has not been abandoned;
- previous applications refused;
- Stansted Business Forum (SBF) discovered there are many businesses in Stansted who operate from home and are unable to grow and they are "stuck" between the "Home office" position (low overheads, no shopfront, little space etc.) and the leap to engage in the next stage of business development that requires a small shop, unit

above a shop or small unit in an industrial estate (greater overheads, business rates, contract term commitments, staffing etc.).

- There is clearly a need to facilitate the growth of these businesses by providing a full serviced type office facility and support services.
- Do not consider a comprehensive development of the entire area to be necessary, the masterplan is most misleading in the sense that there is no agreement with adjoining owners.
- Even if there is agreement there would be inadequate parking provision to serve existing.
- 31 car parking spaces are shown serving 14 dwellings. Many accessed through internal garages and are effectively located in tiny back gardens.
- The application varies little from previous applications that have been refused.
- Believe that residential development of an appropriate scale and type, including retirement housing with relatively limited car parking would be acceptable on this site in isolation without the need for it to be part of a wider comprehensive scheme, provided other important objectives are achieved, in particular a pedestrian route to and from the Crafton Green car park to Cambridge Road.
- Development which is compatible with the existing town centre environment of an appropriate scale and type incorporating a pedestrian link through to Cambridge Road will complement existing businesses, help to achieve economic growth and improve the town centre environment.

Support application for the following reasons;

- During the past 18 months a number of development applications have been submitted for this site, they have been all dwelling or mixed use, all have been rejected. Along Cambridge Road there are a number of commercial properties which have been empty for many years, one large building, initially constructed for commercial use has been converted into apartments because, as a commercial building it could not be let. Reality being that this area is not drawing companies to it. This proposal of 14 dwellings and a few commercial buildings is the best possible compromise.
- Articulated lorries from the supermarket stores would be unable to enter in and out of the site safely due to their size.
- With pedestrian safety in mind I would strongly suggest that "Rumble bricks" are fitted on the entrance surface to encourage slow exit and entrance speed.

9.2 Parish Councillor Ms Dunn: Stansted Mountfichet is a village and not a town.

Object strongly to application for the following reasons:

- Overdevelopment;
- No employment options;
- Restricted visibility splays, highway safety;
- Site should remain purely commercial

9.3 Barker Parry on behalf of Stansted Residents:

9.3.1 Design and Access Statement pays little regard to the previous refused applications and how the current scheme overcomes its reasons for refusal;

9.3.2 This application is similar to the other schemes;

9.3.3 Design and Access Statement pays little regard to policies;

- 9.3.4 Refers to development in the south which is unclear. There is no proposal to redevelop the land to the south;
- 9.3.5 The proposal plan shows little denotation;
- 9.3.6 Land indicated to the front of the site (Cambridge Rd proposed for ground floor shop, offices and dwelling with garden to rear technically complies with Local Plan Policies RS2 and SM1 however this also needs to be seen that it still forms part of the commercial centre. As per the previous refusals under Policies GEN2, GEN4 and E2 this scheme conflicts with this, particularly as there is little difference with the previous applications.
- 9.3.7 Draft Local Plan identifies Stansted as a second tier settlement and second tier retail centre.
- 9.3.8 Draft Local Plan identified this site and the adjacent 10 Cambridge Road to be allocated for a minimum of 11 dwellings. The Position Statement released in March 2013 deletes both policies and refers to development opportunities. There is therefore a shift away from the acceptance of 100% residential in these central sites.
- 9.3.9 The NPPF should be read as one whole document. Majority of the site enjoys no specific allocation and a section at the front enjoys policy protection. Policy E2 allows development of employment land where it is abandoned or employment harms character and amenity. The use has not been abandoned. The application is silent in demonstrating no demand for business. There is no justification for housing or how the scheme overcomes previous reasons for refusal. There is a change in the council's position on that the land is no longer proposed to be allocated for housing which further weakens applicant's case.
- 9.3.10 This scheme still forms over development, fitting more development than the previous applications this is demonstrated in the parking, garden size, proximity to boundaries and availability of sunlight/daylight.
- 9.3.11 Whilst policy allows some flexibility in parking provision in main urban areas, however the current on-street parking is oversubscribed.
- 9.3.12 Garaged comply with size requirement and the parking spaces are adequate apart from the 4 bedroom dwellings where not all provide 3 spaces. Garden spaces are inadequate and parking spaces are provided in these areas, short gardens provided.
- 9.3.13 Scheme would compromise development for the adjacent site and in terms of sunlight daylight. Not all 14 units comply with Lifetime Homes Standards.
- 9.4 Cllr Dean & Stansted Economic Working Group:
- 9.4.1 Objects to application as it does not meet the aims for a comprehensive re-development as one of a 3 part Development Opportunity Site. The application contains a master plan for the adjacent site without the means for delivery and the scheme varies little from the previous applications that have been refused.
- 9.4.2 The principles of development opportunities have been agreed by working group members 5 February 2013 and subsequently endorsed by the Parish Council that it is a place to do business, no scheme should permit traffic onto Cambridge Road from besides Tesco's, achieve off road delivery bay for Tesco's, should have through route from Cambridge Road to Crafton Green Road, maximise community facilities on the 3 sites and maximise employment on the application site, adequate parking should be

provided for future uses. A scheme that is largely housing on the application site will prevent objectives being met.

- 9.4.3 NPPF promotes sustainable development where the site is adjacent to other commercial uses it would meet the need of the commercial centre. There would be minimal economic benefit from the housing. It would not be constructive to declare a Development Opportunity Site and then approve the first application that comes along.
- 9.4.4 The occupancy level of empty properties has increased as well as the use of the public car park. The site has not been marketed as a site for Development Opportunity. It is agreed that the residential development can play an important role in ensuring vitality of centres but most of Stansted's existing residential development is within close walking distance of the town centre. Providing more residential would bring minimal benefit to the town centre, which would prevent delivery of an effective master plan.
- 9.5 A letter has been received Nockolds Solicitors (dated 19 July 2013) confirming that their clients had put forward an offer to purchase the application site (29 November 2012) with the intention of continued commercial/employment element use of the property and to refurbish the two large warehouse buildings which was initially accepted however had fallen through for a higher offer.

10. APPRAISAL

- 10.1 The issues to consider in the determination of the application are:
- (A) Whether there is a material change or further information to overcome the previous grounds of refusal, Principle of development, and the justification relating to the loss off employment site (Local Plan Policy S1, E2 and GEN1);
 - (B) Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);
 - (C) Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);
 - (D) Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7);
 - (E) Other material considerations:

A Whether there is a material change or further information to overcome the previous grounds of refusal, principle of development, and the justification relating to the loss of employment site

- 10.2 The Stansted Mountfitchet Community Plan was produced by the Parish Council, following extensive consultation with residents, in 2011. The district council has adopted the plan as approved guidance for determining planning applications. The Community Plan also has identified the application site for housing.
- 10.3 The NPPF supports the provision and delivery of new homes with a presumption in favour of sustainable development, of which the proposed development would utilise a brownfield site within development limits. NPPF paragraph 51 states *"LPAs.....should normally approve planning applications for change of use to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would not be appropriate."*
- 10.4 The NPPF also states in paragraph 23 relating to ensuring vitality of town centres

amongst other things “recognise that residential development can play an important role in ensuring vitality of centres and set out policies to encourage residential development on appropriate sites...where town centres are on the decline, local planning authorities should plan positively for their future to encourage economic activity.”

- 10.5 The site is within the Development Limit of Stansted on previously developed land (brownfield) where in principle development is acceptable, subject to compliance with other policies of the Local Plan. The site is located within a sustainable location which is easily accessible by other forms of transport other than private vehicle.
- 10.6 The draft Local Plan contains Stansted Mountfitchet Policy 2 - 14-28 Cambridge Road which has been allocated to provide a minimum of 11 residential dwellings, to provide a mixed and balance community, footpath link between Cambridge Road and the Crafton Car Park.
- 10.7 The draft Local Plan has undergone its' second round of consultation. Further studies have been undertaken, such as the Carter Jonas and Place Services reports, and the document will be shortly submitted to the Planning Inspectorate for examination. This document holds some weight and it is a material consideration.
- 10.8 A Position Statement had been released March 2013 which deleted Policy 1 for 10 Cambridge Road and Policy 2 for 14-28 Cambridge Road and replaced them with a Development Opportunity Site. This followed the work from Carter Jonas and Place Services, as discussed in Sections 6.5 and 6.6 above. It is reiterated that the Carter Jonas report stated that “*The site would be capable of development for B1 commercial space but demand would tend to be for industrial end of the spectrum with single storey units with an office element. Such a development would seem inappropriate for this central location and more appropriate to an ‘out of town’ location where the traffic movements from commercial vehicles would be less intrusive. An allocation for town centre uses across the whole site is unlikely to find developers interested in resolving any ownership issues and promoting any scheme for the site. This could leave the northern part of the site derelict whilst the southern part of the site would continue with its existing uses.*” It would be unreasonable to recommend an application be refused on the basis that ‘something better will come along later’ or awaiting ownership issues to be resolved. This would result in stagnating general development particularly sustainable development contrary to the essence of the NPPF.
- 10.9 There is a demand to meet the Council’s housing provision and this site has been considered within the District Council’s Strategic Housing Land Availability Assessment (SHLAA). As outlined within the NPPF Local Planning Authorities have a duty to have a 5 year land supply. The Council currently do not have that supply of delivery sites that needs to be provided. The Council’s Strategic Housing Land Availability Assessment has identified this site as suitable, available and achievable for housing.
- 10.10 The site is not an identified safeguarded site, under the adopted Local Plan, as it falls below a site area threshold of 1.0 hectare, at approximately 0.43 hectare. Local Plan Policy E2 relating to safeguarding employment land states that for sites that are not key employment sites, such as the subject application site, development will be permitted of those sites where the employment use has been abandoned or the present use harms the character and amenities of the surrounding area. The Council’s Planning Policy section previously had commented that in order for this application to be acceptable the Council has to be satisfied that:

- there is no demand for this site for business use or
 - that the use proposed will generate local jobs
- 10.11 It has been demonstrated through a previous Site Marketing Assessment Report submitted with the original applications that the existing buildings on site have deteriorated through the lack of maintenance and is in need of repair. A schedule of the physical condition of the buildings has been recorded dated 1996 outlining that the buildings at the time were in need of physical repair. Twenty-six years later the buildings have further deteriorated beyond viable economic repair. As a result of this these buildings have been demolished December 2012.
- 10.12 With regards to the loss of employment whilst the site is not completely abandoned, it has been emphasised that the level of site usage has reduced over the years and is working to below its lawful operational levels both in terms of number of staff, intensity and vehicle movements.
- 10.13 The situation on the main road has changed following the introduction of Tesco which has resulted in an increase in parking, traffic, and delivery servicing issues in turn results in congestion around the sites entrance. Should the application site be used to its full lawful capacity it is capable of being both a residential amenity and a highway safety issue, with little control to mitigate this at a later date. This has been supported by the Carter Jonas report, which states that such uses are unlikely to be suitable within town centre locations. This is considered particularly the case based on the mixed nature of the commercial use of the site which has been a mixture of A1 retail, B1 office/light industrial, B2 general industrial and B8 general storage and distribution.
- 10.14 Nonetheless, the subject application would not result in a total loss of commercial use from the site as the application seeks the redevelopment and provision of a two-storey flexible consent for a retail unit/professional services units (Class A1/A2 of the Use Class) with an office over which will contribute towards the local economy and maintaining the main roads retail frontage and service provision. It is also proposed as part of this application the provision of further Class B1 office space, to the rear of Co-Op and Tescos, which is capable of being used for the purposes of small start-up business units. It has been emphasised within the applicant's submission that the scheme is capable of providing 20/30 employees, which is stated to be 2/3 times greater than what was existing on site. It is emphasised that this could not be achieved through the pure provision of employment on site.
- 10.15 Whilst it has been argued that the site has not been actively marketed previously, due to the time period that has lapsed since the submission of the previous applications, the type of interest displayed through the nature of this and previous applications on the site, supported by the Carter Jonas and Place Services assessments, and also for the fact that the buildings have since been demolished on site this is not considered necessary nor expedient to insist or request that this is demonstrated further. It is considered that this would be unreasonable to do so.
- 10.16 In terms of the points that have been raised by the Barker Parry letter, which states that the Position Statement indicated a shift away from accepting 100% residential by deleting both policies and referring to development opportunities. This is incorrect as the change in wording reflects the LDF work which has been undertaken by ECC Urban Design (Place Services) and Carter Jonas, in terms of the aspirations for the combined sites as possible development and the viability in terms of what can actually viably be developed.
- 10.17 Baker Parry has also misinterpreted the meaning of 'development opportunity' and

what it is designed to do. The reports have been commissioned by the LPA to inform the drafting of the Local Plan. The site does not have to be advertised as a 'Development Opportunity Site'. The site has been assessed in terms of what is capable of being developed on the site and what is viable. The report has emphasised that employment would not be viable without some form of residential development on the site of which this scheme clearly provides to be able to support it. The Carter Jonas report has stated that it is unlikely that employment will come forward on its own due to the lack of viability, the lack of demand in the market and the site not being considered in a suitable location (Please refer to paragraphs 6.6.2, 6.6.4 and 6.6.5 above.)

- 10.18 An illustrative master plan has been submitted as part of the application in order to demonstrate that the proposed development would not restrict the future development of the adjacent sites and that access can be gained through the application site, to encourage pedestrian through flow into the adjacent sites and to increase the level of permeability without compromising highway and pedestrian safety.
- 10.19 The site is a brownfield site by definition located within the village development limits, with limited main road frontage. The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) and the Draft Local Plan (June 2012). The development in principle therefore accords with Local Plan Policies S1, E2, SM1, GEN1, RS1 and RS2, also the NPPF, Stansted Mountfitchet Community Plan, and the Draft Local Plan in line with the Position Statement and associated Assessments from Place Services and Carter Jonas. The previous reasons for refusal are not considered relevant to this application as this application is material different in terms of what it provides and in light of the additional studies that have been undertaken by Place Services and Carter Jonas.

B Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);

- 10.20 With regards to the proposed design of the scheme the NPPF; also Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design. Policy ENV2 for Development Affecting Listed Buildings seeks for development that preserves and/or enhances their character, setting and appearance.
- 10.21 With regards as to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see redevelopment within Development Limits; the proposed development would make more efficient use of a currently underutilised site within a brownfield locality, of which in principle is supported both by National and local plan policies.
- 10.22 The density of the proposed development would reflect that of national policy and the Essex Design Guide at 35dph. Therefore this would be compatible with the surrounding area and it is not considered to be an overdevelopment of the site within its urban setting. What the development provides on site has been designed to ensure that the scheme not only achieves a mixed use development, which would provide a mixture of employment to address the previous concerns raised on the refused applications, but it also proposes the residential to ensure that the employment element can be viably provided. The scheme accords with Local Plan Policy GEN2. Due to the site's locality and the nature and scale of the proposed

development the scheme also accords with Local Plan Policy H3 and Policy H4 (a), (c) and (d).

- 10.23 The size, scale, design and siting of the proposed dwellings, retail/office unit fronting Cambridge Road and the B1 units to the northwest of the site is acceptable. There would be no overlooking as the dwellings have been sited respecting the required back to back distances. These would be of at least 25m from existing residential dwellings located to the north (fronting Clarence Road), as outlined within the Essex Design Guide, and taking into account other dwellings which have been orientated away and/or have the benefit of heavy screening from large conifer trees. The rear dormer windows, which are proposed namely on Plots 1, 2, and 11 are sited on plots avoid direct overlooking of residential properties as the overlook commercial properties.
- 10.24 The Essex Design Guide (2005) recommends 50 square metres for up to 2 bedroom units and 100 square metres of garden space for 3 plus bedroom dwellings. Whilst there are some dwellings that fall below the recommended amenity space levels they are considered to be adequate, usable and acceptable in accordance with local plan policy as reflected within the proposed low density levels. This acceptability of lower amenity space provision within a town centre locations has been accepted by the authors of the EDG within the Place Services assessment of which for illustration purposes suggested that 2 bed town houses at 32sqm, 3 bed town houses at 80 sqm and 4 bed town houses at 85 sqm would be acceptable.
- 10.25 The proposed heights of the units would vary from 8m to 10.4m. The higher dwellings are to be located at the entrance of the site and to the rear of the site where there is a more direct back to back, and dwelling to dwelling relationship the dwellings are lower in height. Therefore, due to the siting, distances and relationship with surrounding properties the proposed heights are considered to be generally acceptable subject to a condition relating to levels should planning permission be granted.
- 10.26 With regards to the design of the scheme it would not directly relate to a specific property as this would be difficult due to the nature of the plot and its siting. The houses general appearance is well designed in nature and has been adapted to respect its neighbouring relationship. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.27 A public footpath is designed into the scheme from Crafton Green Car Park this is in line with the Place Services assessment by allowing a link from the public car park through the development to the shops and proposed commercial units. This would be subject to the previous secure by design measures required by the Architectural Liaison Officer.
- 10.28 Due to the orientation of the proposed dwellings no impact is considered upon the setting of the listed buildings which front Cambridge Road, in accordance with Local Plan Policy ENV2.
- 10.29 Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. It has been outlined within the Stansted Community Plan that there is a need for 2 and 3 bedroom units. The proposed development would provide be 3 x 2 bedroom units 4 x 3 bedroom units, 7x 4 bedroom units. This would provide a balance in the size of the family size units including meeting the need for 2 and 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan. It should be noted that this application sees the omission of 5 bedroom units. Due to the site's density being in accordance with Essex Design Guide and meeting other

local plan requirements such as level of amenity, parking standards and back to back distances the number of units is an appropriate balance without compromising the proposed development overall. National guidance seeks that affordable housing is only provided in the form of a commuted sum for 15 – 24 units, 25 units or more affordable housing would need to be provided on site. There is no policy need or requirement for affordable housing. At the time of this applications submission the 'Developers Contribution' document could not be reasonably applied to seek affordable housing contribution from this site. The scheme therefore accords with both National and Local Plan Policy H10, and GEN2.

- 10.30 The proposed flexible retail unit has been designed to provide both retail/office space in order to increase and retain retail/office frontage, in accordance with Policies RS1, RS2, and E2. The design of the proposed retail/office unit fronting Cambridge Road has been designed to be sympathetic with the surrounding heights and design of the adjacent units, also to provide a streetscene frontage whilst entering into the site so it give a sense of overlooking and interaction without creating a dead wall space. The design is considered to be proportionate and in keeping with its surroundings, also an improvement to what was on site previously located here. This accords with Local Plan Policy GEN2, and NPPF.
- 10.31 Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy" in line with NPPF seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport. An Energy Strategy has been submitted in support of the application undertaken by AJ Energy Consultants Ltd. It concluded that the dwellings will comply with Part L of the Building Regulations through energy efficiency feature of air tightness and energy efficient lighting. It has also been stated that the scheme would exceed the 10% Energy Efficiency requirement by incorporating PV panels. Should planning permission be granted a condition requiring the retail/office and other commercial unit achieving BREEAM 'Very Good' rating should be imposed in accordance with Local Plan policy.
- 10.32 ULP Policy RS1 requires all retail developments to ensure that they are accessible to all in order to ensure social inclusion. While it has been confirmed that the commercial units would accord with Part M of the Building Regulations in terms of accessibility, 3 out of the 14 dwellings would not comply with Lifetime Homes Standards. This is a result of balancing the schemes requirements in terms of meeting amenity space and parking standards in this town centre location. Whilst the policy strives that all dwellings should meet lifetime homes standards the scheme achieves a designated wheelchair accessible unit R3. Such an approach has been accepted on other development sites. The scheme has been innovatively designed keeping clear the frontage as you enter into the site by having designated parking spaces behind the main dwellings frontage. Whilst it has been argued that the garage/carports would give way to being converted to habitable room space in the future it is considered that should the scheme be approved this can be conditioned. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1, GEN2 and SPD Accessible Homes and Play space and the golden thread of sustainability engrained within the NPPF.

C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);

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

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

- 10.34 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. The application site is located within/adjacent to the town centre. Immediately on Cambridge Road exiting the site there is a bus stop which provides good accessibility. The level of the site’s accessibility has also been discussed in Section 4.11 of the Applicant’s Case. The site accords with Local Plan Policy GEN2 and GEN1 in this respect.
- 10.35 A Transport Statement has been submitted in support of the application. This highlights the comparative difference between vehicle movements from the previous uses and the proposed development. This indicates that the proposed development would see a reduction of two-way vehicle movements within a 12 hour period by 236 and a HGV reduction of 99 vehicles. This offers a significant highway and public safety benefit to the locality, in accordance with Local Plan Policy GEN2.
- 10.36 In terms of car parking standards the Essex Parking Standards (2009) seeks for 1 car parking space for up to 2 bedroom units, 2 car parking spaces for 3 bedroom units and the Uttlesford Local Parking Standards (March 2013) seeks 3 car parking spaces for 4 plus bedroom dwellings. House units R1-3 and R11 which are for bedroom dwellings provide 2 as opposed to 3 car parking spaces.
- 10.37 For the commercial units 1 space per 20sqm of Class A1 and A2 floorspace is required (this equates to 4 car parking spaces) and for Class B1 office use 1 space per 30sqm is required (this equates to 13 spaces). Whilst the residential dwellings are marginally deficient and the commercial units are short of 15 car parking spaces the site is located within a highly accessible and sustainable area, which has access to the neighbouring public car park. The Essex Parking Standards states that “a lower parking provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities”. Again, it should be emphasised that the same approach has been taken with other sites. The application submission states that a parking survey was carried out of the adjacent car park. This stated that it is not operating to its full capacity at 70% and 30%. In considering the above and considering the difference in operation in terms of parking demands between the residential and commercial elements the scheme is considered acceptable and in accordance with Policy.
- 10.38 The proposed garages and carports would have dimensions of 3 x 7m. This accords with the Essex Parking Standards (adopted 2009).
- 10.39 The Highways Authority raised no objection subject to conditions.

D Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV14, GEN3 and GEN7);

- 10.40 The contamination report that has been submitted as part of the application

submission, this concluded that there is evidence of localised ground contamination. It is stated that there was historical tanker storage on site for fuel in the garages whilst they have been removed it is likely that this area would be required to be remediated to the northwest corner of the site. Should planning permission be granted a condition would be required to be imposed addressing this aspect, in accordance with Local Plan Policies ENV14 and GEN2, and the NPPF. No objection has been raised by Environmental Health subject to the above condition.

- 10.41 A letter has been submitted in support of the application which outlined that due to the size of the site and its location within Flood Risk Zone 1 there is not a need to undertake a Flood Risk Assessment. It was acknowledged that a previous Flood Risk Assessment was undertaken and submitted with the previous applications however related to the sustainable means of surface water management. It is stated that the conclusions of that report were appropriate and that an additional FRA would not be required. This is in accordance with Local Plan Policy GEN3 and the NPPF.
- 10.42 It has been previously confirmed that there would be sufficient capacity to accommodate the foul discharge from the site. Overall the proposed development would not significantly increase the risk of flooding or increase the risk to others.
- 10.43 There were no previous objections to the application subject to a condition being imposed relating to the seeking detail on sustainable drainage scheme together with a condition investigating exceedence flows if the storage provided is exceeded. This would accord with Local Plan Policies GEN3 and GEN2, and the NPPF.
- 10.44 This accords with Environment Agency which raised no objections subject to conditions.
- 10.45 The proposed development is not considered to detrimentally impact upon protected wildlife and the resultant scheme could improve the opportunities for encouraging wildlife, as outlined within the previous report. This accords with Local Plan Policy GEN7, and the NPPF's regarding sustainability of developments.
- 10.46 No objection has been raised by the Council's Landscape Officer. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.

E Other material considerations;

- 10.47 The development would generate a need for a contribution towards primary level and the Essex County Council Educational Services have requested a contribution of £43,789 for primary provision and £14,950 for early years, total provision of £58,739. This has been addressed through a proposed Unilateral Undertaking.

11. CONCLUSION

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

- A The site is a brownfield site by definition located within the development limits, with limited main road frontage. The application provides for a mixed use development to ensure that the development is viable in order to enable the maximum provision of employment uses. The development would provide 20/30 jobs which would see an increase of 2 to 3 times the previous levels on the site. It has been strongly emphasised both within the application submission and the independent assessment carried out by

Carter Jonas on behalf of the UDC that this can only be provided through such as mixed use scheme which contains residential.

The Carter Jonas report has stated that it is unlikely that employment will come forward on its own due to the lack of viability, the lack of demand in the market and the site not being considered in a suitable location (Please refer to paragraphs 6.6.2, 6.6.4 and 6.6.5 above). This is plainly evident by the pure nature of the historical applications on this site.

The site is identified for residential purposes both in the Stansted Mountfitchet Community Plan (2011), the Uttlesford District Council's Strategic Housing and Land Availability Assessment (SHLAA) and the Draft Local Plan (June 2012). The development in principle therefore accords with Local Plan Policies S1, E2, SM1, GEN1, RS1 and RS2, also the NPPF, Stansted Mountfitchet Community Plan, and the Draft Local Plan inline with the Position Statement and associated Assessments from Place Services and Carter Jonas.

It is re-iterated that the proposed application does not prevent the adjacent sites from coming forward and being developed, as has been suggested by representations received.

- B The size, scale, design and siting of the proposed dwellings, retail/office unit fronting Cambridge Road and the B1 units to the northwest of the site is acceptable. There would be no overlooking as the dwellings have been sited respecting the required back to back distances. A balance needs to be struck between various development requirements within such a town centre location. The aspects that need to be balanced in this case is meeting the desire to have maximum employment on the land and ensuring it is viable, meeting the needs for parking, amenity, lifetime home standards with suitable road layout, without compromising residential and visual amenity. It is considered that even with the constraints of the site, the shortfalls some of the residential units have in terms of amenity, parking and meeting Lifetime Homes Standards and the desired aspirations of the site the scheme accords with local plan policies, NPPF, and the draft local plan and associated studies undertaken by Place Services and Carter Jonas, with minimal impact upon residential and visual amenity.
- C The application site is highly accessible. The proposed development would see a reduction of two-way vehicle movements within a 12 hour period by 236 and a HGV reduction of 99 vehicles which offers a significant highway and public safety benefit to the locality, in accordance with Local Plan Policy GEN2 and GEN1.

With regards to the shortfall in parking spaces 4 in terms of the residential uses and 15 in terms of the commercial uses, the site is located within a highly sustainable area which has access to the neighbouring public car park. The Essex Parking Standards states that *"a lower parking provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities"*. The adjacent public car park has capacity to assist in providing parking. The difference in operation in terms of parking demands between the residential and commercial elements means the scheme is considered acceptable and in accordance with Policy.

No objection has been raised by the Highways Authority subject to conditions.

- D No objections or issues have been raised with regards to contamination, flood risk, surface water drainage, ecology and landscaping subject to conditions.
- E The proposed development would incur the requirement of £58,739 for the purposes of

early child care and primary care education provision.

The application for no. 10 Cambridge Road will be assessed separately in terms of its merits under planning application UTT/13/1456/FUL for the 'proposed extension of existing showroom to create tyre exhaust and repair facility and additional showroom with office over', however its relationship along the shared boundary with the proposed dwellings is considered acceptable unlikely to cause loss of light, or infringe causing overlooking based upon an existing high wall of 2.5/3m, the nature of the proposed roof and the proposed eaves height. In terms of noise nuisance this can be mitigated through insulation, and condition relating to hours of operation. There is no reason why the two uses cannot co-exist together in harmony.

RECOMMENDATION – CONDITIONAL APPROVAL and subject to a Unilateral Undertaking regarding the provision of Education monies towards the provision of early child care and primary care for a sum of £58,739 is proposed.

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 and demolition) 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).

4. No development shall take place (excluding demolition) until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development

for biodiversity and wildlife

- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details, including those relating to the pedestrian footpath

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, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005)

5. 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 Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. The Retail/Office unit hereby permitted as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within four weeks following its completion, the applicant will provide a SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

7. No development shall take place until proposed levels including cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene. in accordance with Policies GEN2 and

GEN4 of the Uttlesford Local Plan (adopted 2005).

8. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c Regulations 1994) is discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a licence from Natural England. This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.

9. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s) have been constructed to base course and surfaced in accordance with details which have been submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

10. Before the commencement of the development (excluding demolition) hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

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

11. The area set aside for car parking including garages/carports shall be laid out and surfaced, in accordance with a scheme which has been submitted to and agreed in writing by the local planning authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the vehicle parking of residents/occupiers and shall not be used for any other purpose.

REASON: To ensure a satisfactory standard of development in the interests of highway safety, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

12. Before the commencement of the development (excluding demolition) hereby

permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the buildings are accessible to all sectors of the community. The dwellings shall be designed as 'Lifetime Homes' and with one Plot to be designed to be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

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

13. Before development commences (excluding demolition) details of proposed external lighting scheme, CCTV, fencing and security measures, including those for the proposed pedestrian footpath between Crafton Car Park and the site, to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local plan (adopted 2005).

14. No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the former Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site and the measures taken to prevent pollution of the receiving groundwater and/o surface waters;
 - ii. Include a timetable for its implementation; and
 - iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

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

15. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system, incorporating details investigating exceedence flows if the storage provided is exceeded shall be submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

16. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local

Planning Authority), the following components of a scheme 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 consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters (Secondary A Glacial sands/gravels, Secondary A Thanet Sands and Principal Aquifer Chalk), in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

17. Prior to commencement of development, a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: The potential pollution from 500 gallons underground tank and 1000 gallon above ground tank may have caused pollution soil and controlled water which may require remediation of the contamination, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

18. 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 controlled waters. The development shall be carried out in accordance with the approval details.

REASON: The site is located in Source Protection Zone 1 of our groundwater protection policy, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

19. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: Heterogeneity of hydrogeology and historic use contamination not identified in site investigation may be present, in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

20. Notwithstanding the provisions of the Town and Country Planning (General Use Class) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the hereby permitted retail unit and Office unit shall remain in use Classes A1/A2 and B1 (a) purposes only and shall not change use class without the prior written permission of the local planning authority.

REASON: To prevent the loss of employment and in order to safeguard the retail frontage in accordance with Policies GEN2, GEN4, E1, E2 and SM1 of the Uttlesford Local Plan (adopted 2005).

Appeal Decision

Hearing held on 24 September 2014

Site visits made on 23 and 24 September 2014

by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2014

Appeal Ref: APP/C1570/A/13/2208075

Land rear of 14 Cambridge Road, Stansted, Essex CM24 8BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Land Charter Stansted Limited; London and Stansted Furniture against the decision of Uttlesford District Council.
 - The application Ref UTT/13/1126/FUL, dated 30 April 2013, was refused by notice dated 29 August 2013.
 - The development proposed is: Mixed-use development comprising 14 no. residential dwellings; a ground floor retail unit with independent first floor office and a 2.5 storey commercial building including associated garages, car parking and landscaping.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council's decision notice contained a single reason for refusal. The terminology within the reason is somewhat generic, referring to over-development of the site and the general character of the area. The wording refers specifically to the size of proposed gardens, compliance with Lifetime Homes standards, and the level of proposed car parking.
3. The Council's subsequent statement provided more detail with regard to the alleged harm. With regard to car parking provision, the Council do not allege that the proposal would be detrimental to matters of highway safety. Rather, they consider that it would lead to excessive levels of on-street parking, to the detriment of the character and appearance of the area.
4. With regard to garden sizes, the Council confirmed at the Hearing that their concerns relate to the living conditions of future occupants, in terms of the size of outdoor amenity space and the proximity of dwellings to neighbouring buildings.
5. Taking the above matters into account, the main issues are:
 - i) Whether the proposal would result in satisfactory living conditions for future occupants, with particular regard to the size of external garden areas and the proximity to adjacent buildings and uses;
 - ii) Whether the character and appearance of the area would be harmed as a result of on-street parking within the development; and

- iii) Whether the internal arrangement of the dwellings would facilitate use by, and meet the needs of, a full range of potential occupants;

Reasons

Living Conditions

6. The appeal site essentially sits on the cusp between areas of residential and commercial development. Rear gardens of dwellings at Clarence Road and Greenfields abut the site to the north and west and the commercial area of Cambridge Road lies immediately to the east. A used car sales garage (Geneva Motors, Concord Centre) and the Crafton Street public car park are immediately to the south. Permission has recently been granted by the Council for the erection of a new sales showroom and tyre and exhaust workshop at the Geneva Motors site¹. The adjacent stretch of Cambridge Road is a busy commercial thoroughfare with a range of shops and services.
7. With regard to the size of proposed gardens the Council has referred to recommended standards within the Essex Design Guide (2005) (the EDG). At the Hearing, the Council confirmed that they have not formally adopted the EDG as a supplementary planning document. As such, the document has no formal planning status, related to the Development Plan for the area. The Council acknowledged this point and stated that they refer to it as a guide rather than a strict matter of policy.
8. In view of the above, there is no adopted local plan policy or supplementary planning document before me which seeks to impose minimum garden sizes for development within Uttlesford. Consequently, I have considered the proposal on its merits, taking account of the characteristics of the site and surrounding area.
9. The proposed dwellings would be orientated such that the rear gardens of those on the northern and western perimeter, plots R4 to R9, would border rear gardens of existing dwellings at Clarence Road and Greenfields. The distance between the proposed and existing dwellings would be sufficient to prevent any undue loss of privacy or overbearing impact and the layout would result in a contiguous area of green space created by the respective garden areas of each dwelling. Established planting within existing gardens would provide a pleasant outlook from the rear of the proposed dwellings on the northern and western side of the scheme.
10. The garden size of plots R4 and R5 would be substantially smaller than other plots around the northern and western edge of the site but would be of sufficient size to cater for normal amenities such as drying washing, children's play or simply quiet enjoyment of the space. When added to the pleasant outlook, the space available within those gardens would provide satisfactory living conditions for future occupants.
11. In general terms, the proposed garden sizes of plots adjoining commercial units are smaller than those adjoining residential uses; the exception being plots R4 and R5, referred to above. This would reflect the higher density of the proposed scheme in this part of the site, with two terraces at either side of the access road. The appellant has referred to an extract from the EDG (page 76) which acknowledges that insistence on a minimum garden size of 100m² may

¹ Council application number UTT/13/1456/FUL

not be appropriate in higher density situations. I concur with the view that a balanced approach should be taken when considering sites within a comparatively urban situation, as is the case for the dwellings adjacent to Cambridge Road and its commercial environs.

12. To my mind, residents living within the heart of the town would have different expectations with regard to garden size than those in a more rural or suburban situation. This reflects the higher density of the prevailing pattern of development and the fact that facilities and amenities are in close proximity. However, notwithstanding the above, the living conditions of future occupants would not only be determined by the size of the proposed gardens but also by their relationship with surrounding uses. Plots R11 to R13 would have short rear gardens; at its shortest point, the garden of R11 would be less than 5 metres from the shared boundary with the Geneva Motors site and, at its longest, the garden of R13 would be 8 metres from this boundary.
13. As noted above, permission has recently been granted for the erection of a tyre and exhaust workshop within the Geneva Motors site. The owners of that business submitted a scaled plan in response to the appeal showing the proposed location of the workshop and its relationship with proposed houses in the appeal scheme. This plan was available to the Council and appellant prior to the Hearing and was discussed at the site visit. I have no reason to doubt the accuracy of the proposed drawing or the fact that the business intends to implement the permission. The workshop would be situated less than 1 metre from the rear garden boundary of plot R13 and would run roughly perpendicular to the rear of plots R11 to R13, directly to the south. The gable end would face onto the rear half of the garden at plot R14. The overall height of the structure would be approximately 12 metres.
14. Allied to the short length of the proposed gardens, the height and orientation of the workshop would result in significant overshadowing to the amenity space and create a poor outlook and significant sense of enclosure to the rear of those dwellings. The imposing north facing façade would have an overbearing impact when viewed from the rear of the dwellings and the associated gardens and the practical enjoyment of the amenity spaces would be limited further by the resultant overshadowing.
15. To a similar extent, the garden at plot R1 would be enclosed between the rear wall of the dwelling, the side wall of the proposed office building and the outbuildings to the rear of the Co-operative store. The south-facing wall of the store, which would form the northern boundary of the garden, would present a blank and an unattractive outlook, worsened by the unsightly collection of air conditioning units that would be clearly visible. The garden immediately to the rear of the house would also be overshadowed for large parts of the day due to the orientation of the dwelling. In combination, this would result in a confined and unattractive external space with restricted practical use, and an unsatisfactory outlook onto the unattractive commercial façade.
16. In view of the above, I consider that the living conditions for residents of plots R1 and R11-14 would be well below the level that could reasonably be expected, even accounting for the urbanised context of the site. The size and internal layout of the dwellings suggests that they are designed to cater for a range of potential occupants, including families, and the urban location of the

site does not provide justification for a layout that would provide an unsatisfactory residential environment.

17. Consequently, the proposal would fail to accord with the aims of policy GEN2 of the Uttlesford Local Plan (2005) which requires, amongst other things, that developments provide environments which meet the reasonable needs of potential users and that proposals should not have an adverse effect on reasonable occupation of a residential property as a result of overbearing impact or overshadowing. The proposal would also contravene one of the core principles of the Framework, set out at paragraph 17, that development should provide a good standard of amenity for all existing and future occupants of land and buildings.

Car parking provision and its effect upon the character and appearance of the area

18. The site is located in a mixed-use area with a combination of residential and commercial uses. Although the reason for refusal referred to over-development of the site, the Council's evidence did not refer to the scale or appearance of the dwellings themselves. I am satisfied that the proposed dwellings would reflect the prevailing pattern of development within the surrounding area, noting that the density would be lower where adjacent to existing residential properties and higher when adjacent to Cambridge Road. In terms of scale and appearance, this would represent a satisfactory solution.
19. The Uttlesford Local Parking Standards (2013) recommend that a minimum of three parking spaces are provided for dwellings with four bedrooms or more. The level of provision within this document is greater than that required by the Essex County Council Parking Standards (2009) (ECC Standards) which require 2 spaces per dwelling.
20. The Council's 'local standards' have not been formally prepared and adopted as supplementary planning guidance. In any event, the guidance seeks additional provision, beyond that required by the ECC Standards, on the basis of the rural nature of the district. Whilst the majority of the Council's area may be rural in nature, that is not the character of the appeal site. Each dwelling would be provided with at least two off-road parking spaces, with some of the larger houses having two spaces plus an additional garage. Given the location of the site, adjacent to shops and services and close to public transport links, I consider that this would be sufficient to meet the needs of prospective occupants.
21. However, the ECC Parking Standards also require consideration to be given to visitor parking, at a rate of 0.25 spaces per dwelling. No visitor provision is indicated on the proposed site plan and the layout is such that there are no readily obvious locations for casual parking; the need to maintain access to individual driveways and the turning facility limits the potential for on-street parking within the site. In addition, the appellant anticipates that the commercial aspects of the proposal would be sufficient to generate between 20-30 jobs.
22. No parking is allocated for the B1 unit and two spaces are shown to the rear of the shop/B1 unit at Cambridge Road. The ECC Standards recommend a level of provision of 1 space per 20m² for A1/A2 uses and 1 space per 30m² for B1 uses. The appellant acknowledges that the commercial element of the scheme would result in a shortfall of 15 spaces but notes that the ECC Standards allow

for a lower level of provision in town centre locations with good access to alternative means of transport and existing parking facilities. Notwithstanding the acknowledged flexibility for such situations, the ECC Standards state that provision should be made in all cases for the parking and turning of service vehicles. That is not the case in the proposal before me.

23. At the time of my visits to the site, there was significant competition for the limited number of parking spaces at Cambridge Road, something confirmed by representations received from local residents. The proposal would include pedestrian access through to the public car park at Crafton Street. This would be available for prospective visitors and employees of the new businesses, subject to space being available. Although representations testify to a high level of patronage, no firm evidence has been presented to enable me reach a firm conclusion on whether space would be available to serve additional needs generated by the proposed development.
24. However, even if spaces were available within the car park, I consider it unlikely that all visitors to residential and commercial properties would find it convenient to park in that location. It is a pay and display car park and the potential alternative of free parking within the proposed site would no doubt be an attractive alternative. No mechanism to prevent such parking has been put forward with regard to the scheme. The commercial units would have no dedicated turning or delivery area and no space for short-term visitor parking. Similarly, visitors or deliveries to residential properties would have limited opportunity to park without blocking access to private driveways or the turning head within the cul-de-sac.
25. In effect, the proposed layout pays little regard to the needs of potential users beyond the occupants of the dwellings, or the likely attractiveness as a place to park, close to shops and services. In my view, this situation would encourage unregulated and indiscriminate parking within the development which, whilst not detrimental to highway safety, would add clutter to the streetscape and be detrimental to the residential character of the area and its visual appearance. In this respect, the proposal would be contrary to the aims of policy GEN8 of the Local Plan which states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for its location.

Accessibility

26. The requirement to meet Lifetime Homes standards is not an absolute requirement of policy GEN2 of the Local Plan. That policy requires development to provide an environment that meets the needs of all potential users. To help facilitate that aim, the Council has adopted the supplementary planning document *Accessible Homes and Playspace* (2005). This acknowledges that accessibility to residential development is covered by Part M of the Building Regulations but sets out the Council's intention to secure Lifetime Homes standard for all new residential development.
27. In this case, 11 of the 14 proposed dwellings would fully comply with the Lifetime Homes standard and one would be fully wheelchair compliant. Thus, the majority of the homes would be fully adaptable to meet the changing needs of future occupants. The remaining 3 dwellings would need to comply with Part M of the Building Regulations, thereby ensuring a nationally acceptable minimum standard of accessibility. From the Council's statement the three

dwellings would not meet full compliance largely due to the absence of downstairs WC's. In an urban situation, with many competing design objectives I find that the failure to meet full Lifetime Homes standard in this regard would not amount to sufficient grounds to withhold planning permission. Taken in the round, the proposal would be accessible to potential users, with a range of house types to meet the likely needs of the local population, not all of whom will have specific mobility needs. In this sense, I am satisfied that the proposal would meet the overarching requirements of policy GEN2 of the Local Plan.

Other Matters

28. The appeal proposal, and the proposal for the workshop at the Geneva Motors site, were considered and determined by the Council at the same committee meeting. When questioned at the Hearing it became apparent that the Council had not consulted the Environmental Health team with regard to the possible impact of noise from the workshop on the adjacent residential use in the appeal scheme. Mr Pressman, of Geneva Motors, raised concerns regarding potential complaints from future residents, relating to noise from the unit, including the use of air compressors. In the absence of a full noise assessment there is little technical evidence before me to generate an accurate impression of the likely impact in this respect.
29. The workshop would have a blank façade on its rear aspect and this would help to retain noise within the building. I am also mindful that the site is within a mixed use area, close to the town centre where general background noise levels may be higher than a purely residential area and where residents may expect a greater level of noise. These factors would help to mitigate any potential noise from the unit. Taking this into account, although I note the concerns regarding potential noise, this matter would not, on the evidence before me, form sufficient grounds to withhold permission.
30. The Council did not object to the principle of the redevelopment of the existing employment land, based upon the mix of uses put forward. The proposal includes employment uses and the Council was satisfied that the level of employment generation would be greater than that generated by the former industrial buildings which had been under-utilised for a number of years. Consequently, they were satisfied that the redevelopment of the employment site was acceptable in relation to policy E2 of the Local Plan. On the evidence before me, I agree with this assessment.
31. At the Hearing I was provided with a copy of the emerging Stansted Mountfitchet Policy 7 – Development Opportunity Site (DOS). This is an emerging policy that has yet to be tested at a Local Plan examination. It is not clear if there are any outstanding objections to the policy. Given these points, I can attach limited weight to it, taking account of the requirements of paragraph 216 of the Framework. In any event, the policy requires that any development should form part of a comprehensive development *or* not prevent the development of any other part of the site. The proposal would provide a link through to the Crafton Green car park and no evidence has been submitted to suggest that it would prevent other sections of the DOS from being developed. Consequently, whilst I note the desire of the Stansted Mountfitchet Economic Working Group to secure an alternative form of development across the DOS, I find nothing in local planning policy, either extant or emerging, that

- would preclude the principle of a mixed use development on the site in the absence of any wider redevelopment.
32. The nature of former uses, and associated traffic levels, fluctuated over the lifetime of the now demolished buildings. Evidence at the Hearing noted that levels were particularly high when used as an auction house but comparatively low in the period prior to demolition. Nonetheless, the established use had potential to generate substantial levels of traffic, over and above that generated by the proposed scheme, as evidenced by the appellant's transport assessment. Based upon this evidence, the Highway Authority did not object to the proposed development on grounds of highway safety and the Council were satisfied in this regard. Whilst I am mindful of local concerns regarding the access onto Cambridge Road, I accept the findings of the transport assessment and the Highway Authority and am satisfied that the impact of the proposal on matters of highway safety would be acceptable.
33. The Council submitted evidence to the effect that it could demonstrate a 6.2 year supply of deliverable housing land at the time of the Hearing². This evidence included information relating to the Council's understanding of its objectively assessed housing needs and evidence of supply, including the number of dwellings with planning permission, with associated tables setting out details of those permissions.
34. At the Hearing, the appellant did not wish to produce specific evidence to challenge the Council's assumptions but noted the fact that the evidence has not been tested through a Local Plan examination. The Inspector appointed to examine the emerging plan set out his initial soundness concerns and questions to the Council in August 2014. Within his letter he noted that the projected supply of 3592 dwellings would represent a 'healthy position' against an anticipated need of 2870, taking account of a 5% buffer and existing shortfall of 118 dwellings. However, the Inspector commented that the supply is reliant on the majority of sites with planning permission coming forward within the 5 year period. The realism of the delivery rates is something that will need to be tested in detail at the upcoming examination. Furthermore, the means by which the Council has calculated its objectively assessed need are also likely to be questioned and examined in more detail. The outcome of that process is not something that I can pre-empt in relation to this Hearing.
35. Whilst accepting that the Council's position may be challenged at the Examination, on the face of the evidence before me, they have identified a sufficient supply of deliverable sites to meet the five-year need. No evidence is before me to challenge this position, or to suggest that particular sites are unlikely to be brought forward within the timescales suggested by the Council. Consequently, although the weight I can attach to the evidence before me must be tempered by the fact that the plan has yet to be examined, in the absence of any contrary evidence, I am satisfied that the Council has demonstrated a five-year supply of sites, as required by paragraph 47 of the Framework.
36. At the Hearing the appellant submitted a signed and executed Unilateral Undertaking which contained provisions for the appellant to make a financial

² Documents submitted: Appendix 1 *Housing Supply at 31 March*; Appendix 2 – *Housing Supply Windfall Allowance (2014)*; Appendix 3 – *Objectively Assessed Housing Need, Technical Assessment (October 2013)*; and Appendix 4 – *Objectively Assessed Housing Need Update to Technical Assessment October 2013 (May 2014)*.

contribution towards education and childcare facilities. The absence of a legal obligation in this respect did not form part of the Council's stated reasons for refusal. Regardless of the above, given that I am dismissing the appeal for other reasons it is not necessary for me to reach a conclusion on the need, or otherwise, for the proposed contribution.

Planning Balance and Conclusion

37. I conclude that the proposal would result in an unsatisfactory residential environment and poor living conditions for residents of units R1 and R11-14 due to the size and configuration of their gardens and the resultant proximity to adjacent commercial uses. The highway layout and lack of car parking provision would also represent a poorly planned environment in which parked cars would dominate, to the detriment of the character and appearance of the area.
38. Paragraph 49 of the Framework states that housing applications should be considered in the presumption of sustainable development. The definition of sustainable development at paragraph 7 of the Framework is based upon a three-stranded approach; economic, social and environmental. It may be that a scheme cannot contribute equally to all three elements and a rounded view has to be taken where the contribution may be only small or neutral for one of the roles.
39. There would be clear economic benefits to the proposal, resulting from the redevelopment of the site, the creation of employment opportunities and an increase in the local population to support shops and services. Given the scale of the proposal, I consider that this would be of moderate benefit to the local economy. The Council does not dispute that the site is situated within a sustainable location. It would regenerate a previously developed site and offer a choice of sustainable transport modes, thereby assisting in the move to a low carbon economy. In this sense, although there is little evidence of any significant environmental gain resulting from the proposal the nature and location of the site would minimise any harmful effects.
40. In social terms, for the reasons set out, the proposal would contribute to the local supply of housing but would fail to provide a high quality built environment and result in living conditions that would not be conducive to the well-being of prospective occupants. Good design and the provision of good living conditions for residents are core principles of the planning system, as identified at paragraph 17 of the Framework. In my view, the significant harm in these respects would outweigh the economic and environmental benefits of the proposal. In particular, the benefits put forward would not outweigh the need to provide a good standard of amenity for future residents, this being a fundamental aim of the planning system. As such, based upon a balance of the three elements, I am of the view that the proposal would not represent a sustainable form of development.
41. It therefore follows that the presumption in favour of sustainable development at paragraphs 14 and 49 of the Framework should not apply to the proposal. With regard to paragraph 14 the Council has adequately demonstrated that it has a five-year supply of deliverable sites and the policies referred to within the decision notice are up-to-date. However, in any event, I have identified significant harm in terms of the living conditions of future residents and to the character and appearance of the area. Given the fundamental nature of these

concerns, any benefits of granting planning permission would be significantly and demonstrably outweighed by the harm identified.

42. In view of the above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Philip Kratz BA (Hons) Solicitor LMRTPI	Birketts LLP
Mr Henry Rowe	London Stansted Furniture Ltd.
Mr Henrik Darlington	Land Charter

FOR THE LOCAL PLANNING AUTHORITY:

Mr Nigel Brown	Development Manager
Cllr Janice Loughlin	Member of Planning Committee
Cllr Keith Mackman	Member of Planning Committee

INTERESTED PERSONS:

Ms Maureen Caton	Chair, Stansted and Mountfitchet Parish Council
Cllr Alan Dean	Local Councillor for Stansted
Mrs Catherine Dean	Local resident
Mr Raymond Woodcock	Local resident
Mr B Pressman	Geneva Motors
Mr and Mrs H Hagon	Local residents

List of Documents:

- 1) Unilateral Undertaking, dated 24th September 2014.
- 2) Uttlesford District Council Local Plan Monitoring Report 2013
- 3) EX101, Examination of Uttlesford Local Plan – *Inspector’s initial soundness concerns and questions to District Council*
- 4) Extract from Stansted Mountfitchet Policy 7 – Development Opportunity Site.

UTT/15/2424/FUL - TAKELEY

(More than 5 dwellings)

PROPOSAL: Residential development comprising 7 dwellings and associated garaging and landscaping

LOCATION: Land North of Dunmow Road and East of Church Lane, Takeley

APPLICANT: Taylor Wimpey East London

AGENT: Boyer

EXPIRY DATE: 6 October 2015

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside; Countryside Protection Zone.

2. DESCRIPTION OF SITE

2.1 The application site is located at the corner of Dunmow Road and Church Lane, Takeley. It comprises agricultural land.

3. PROPOSAL

3.1 The application is for planning permission to erect 7 dwellings, with associated garaging and landscaping.

3.2 The schedule of accommodation is as follows:

Plot	Bedrooms	Parking spaces	Garden (sq m)
B1	4	3	131
B2	3	2	91
B3	2	2	89
B4	2	2	115
B5	3	2	120
B6	3	2	120
B7	3	2	110
Visitors	-	2	-

4. APPLICANT'S CASE

4.1 The applicant's case is presented in the following submitted documents:

- Planning Statement
- Design and Access Statement
- Preliminary Ecological Appraisal
- Dormouse Survey
- Tree Survey
- Written Scheme of Investigation for Archaeological Trial Trenching

- Archaeological Evaluation Report
- Transport Statement

5. RELEVANT SITE HISTORY

- 5.1 In March 2015, planning permission was granted under application number UTT/14/2387/FUL for a 10-dwelling residential development on adjoining land to the east of the application site.
- 5.2 In July 2015, planning permission was granted under application number UTT/15/1657/FUL for the erection of an electricity substation on adjoining land to the south west of the application site.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF)

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy S8 – Countryside Protection Zone
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development affecting Listed Buildings
- Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
- Policy ENV5 – Protection of Agricultural Land
- Policy H1 – Housing Development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

6.3 Supplementary Planning Documents and Guidance

- SPD Accessible Homes and Playspace
- Developer Contributions Guidance Document
- Parking Standards: Design and Good Practice
- Local Residential Parking Standards
- The Essex Design Guide
- Strategic Housing Market Assessment

7. PARISH COUNCIL COMMENTS

- 7.1 Takeley Parish Council objects to the planning application on the following grounds:
- No need for development in the countryside and Countryside Protection Zone
 - Harm to the character and appearance of the area
 - Inadequate infrastructure to support the development, including school places
 - Affordable housing should be provided, taking into account the cumulative effect with the recent permission for 10 dwellings on adjacent land
 - The development would compromise road safety

8. CONSULTATIONS

Stansted Airport

8.1 No objection regarding aerodrome safeguarding.

Ecological Consultant (Essex County Council – Place Services)

8.2 No objection, provided that the recommendations in respect of nesting birds would be adhered to.

Thames Water

8.3 No objection, following the submission of additional information.

Historic Environment Advisor (Essex County Council)

8.4 No objection.

Highway Authority (Essex County Council)

8.5 No objection, subject to conditions.

Access and Equalities Officer

8.6 The application meets the requirements of the SPD on Accessible Homes and Playspace.

9. REPRESENTATIONS

9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. No representations have been received.

10. APPRAISAL

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

- A Accordance with the development plan
- B Accordance with the National Planning Policy Framework (NPPF)

A Accordance with the development plan

Location of housing

10.1 Policy H1 identifies the proposed locations for housing development, which does not include undeveloped land beyond development limits. The proposal therefore does not accord with this policy.

Character and appearance of the countryside

10.2 Policy S7 states that development will only be permitted in the countryside if it needs to take place there, or is appropriate to a rural area. The proposed type of housing development does not require a rural location, nor is it an appropriate form of development in a rural area taking into account the examples identified in the justification for the policy. It therefore breaches Policy S7, which complements Policy H1 by restricting new housing development beyond the locations identified.

10.3 Policy S8 and the Proposals Map identify a Countryside Protection Zone around Stansted Airport, where planning permission will only be granted for development that is required to be there or is appropriate to a rural area. While the rationale for this policy differs from Policy S7 in that it specifically seeks to protect the open countryside around Stansted Airport, the proposal breaches the policy for the same reasons as identified above.

Sustainable transport and road safety

10.4 Policy GEN1 states that development will only be permitted if it encourages movement by means other than driving a car. The application site is in walking distance of the centre of Takeley and various bus stops which provide access to regular services to Stansted Airport and Bishop's Stortford. It is therefore considered that occupants would not be wholly reliant upon the car.

10.5 Policy GEN1 states that development will only be permitted if access to the main road network is capable of carrying the traffic generated by the development safely, and if its design would not compromise road safety and would take account of the needs of all road users. The development would share the vehicular access from Dunmow Road with the approved development to the east. Taking into account the comments of the Highway Authority, it is considered that the proposal meets the road safety requirements of this policy.

Design

10.6 Policy GEN2 states that development will not be permitted unless it is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The proposed buildings and overall street scenes would fit comfortably with the design of the neighbouring approved development. The external wall finishes would include an appropriate mix of brick and render.

10.7 Policy GEN2 states that development will not be permitted unless it safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. The submitted Tree Survey identifies that the trees which would require removal to facilitate the development are categorised as 'C' and 'U'. These are trees either of low quality or unsuitable for retention so there would be no significant harm to the character and appearance of the area should they be removed. A condition could be used to ensure the approval of a detailed Arboricultural Method Statement and Tree Protection Plan.

10.8 Policy GEN2 states that development will not be permitted unless it provides an environment which meets the reasonable needs of all potential users. The policy is supplemented by the SPD entitled 'Accessible Homes and Playspace', which requires compliance with the Lifetime Homes standards. Taking into account the comments of the Access and Equalities Officer, it is considered that these standards would be met.

10.9 Policy GEN2 states that development will not be permitted unless it has regard to guidance on layout and design. The policy is supplemented by 'The Essex Design Guide', which includes guidance on the provision of private amenity space. The minimum garden sizes are 50 sq m for two-bedroom dwellings and 100 sq m for dwellings with three or more bedrooms. All but one of the proposed dwellings comply with the minimum standards, Plot B2 being a three-bedroom dwelling with a garden measuring 91 sq m. Nevertheless, it is considered that this is sufficiently close to the minimum standard to ensure that the occupants would benefit from a good level of amenity space.

10.10 Policy GEN2 states that development will not be permitted unless it would avoid materially adverse impacts on the reasonable occupation and enjoyment of a residential property. The policy is supplemented by 'The Essex Design Guide', which includes guidance on issues such as loss of privacy and loss of daylight. Plot B7 would be positioned adjacent to a dwelling approved on the adjoining site to the east. Nevertheless, the windows that would face each other would serve bathrooms and a landing so there would be no significant loss of privacy for either household. There would no significant loss of daylight or privacy affecting buildings within the application site.

Biodiversity

10.11 Policy GEN7 states that development which would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. The applicant has submitted a Preliminary Ecological Appraisal and a Dormouse Survey. Taking into account the comments of the Ecological Consultant, it is considered unlikely that the proposal would cause harm to protected species or valuable habitats. A condition could be used to ensure the works are carried out in accordance with the recommendations in the report regarding nesting birds.

Vehicle parking

10.12 Policy GEN8 states that development will not be permitted unless the number, design and layout of vehicle parking places are appropriate for the location. This policy is supplemented by 'Parking Standards: Design and Good Practice' and 'Local Residential Parking Standards', which set minimum parking standards to prevent on-street parking. The minimum standards would be met in respect of both residents' and visitors' parking spaces.

Setting of listed buildings

10.13 Policy ENV2 states that development will not be permitted if it would adversely affect the setting of a listed building. To the west of Church Lane is a farmhouse known as 'Millers' and an associated stable block, both of which are Grade II listed. It is considered that the layout of the proposed development protects the setting of these heritage assets, particularly because the buildings would be positioned away from the south west corner of the site.

Archaeology

10.14 Policy ENV4 requires suitable assessment of archaeological remains before development commences. The application has been archaeologically evaluated, as detailed in the submitted Archaeological Evaluation Report. Taking into account the comments of the Historic Environment Advisor, it is considered that no further archaeological work is required.

Agricultural land

10.15 Policy ENV5 states that development will only be permitted on the best and most versatile agricultural land where opportunities have been explored on previously developed land and within Development Limits. The Natural England Agricultural Land Classification Map indicates that the agricultural land to be developed is classified as Grade 2, which is among the best and most versatile. No evidence has been submitted to demonstrate that other land could not be used so the proposal breaches the policy. Nevertheless, limited harm is given to the breach because, at 0.25 ha, the site is small in agricultural terms.

Affordable housing

- 10.16 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 Developer Contributions Guidance Document provides the Council's most up to date affordable housing requirements, although a phase-in period means the recently updated version must not be used for this application because it was adopted after the submission date. The previous, and applicable, version includes no requirement for a contribution towards affordable housing provision for a development of the proposed size.
- 10.17 The Developer Contributions Guidance Document states that developments which are contrived to try and avoid the affordable housing policy requirements will be expected to comply with policy requirements as if the schemes were submitted jointly as one proposal. An example is given of a larger site that is sub-divided into two such that it falls below the threshold for affordable housing provision. It is considered that the proposed development forms part of a larger scheme together with the neighbouring approved development for which planning permission was recently granted. A contribution towards affordable housing provision is therefore required.
- 10.18 The combined number of units between the neighbouring developments is 17, such that 40% of the units must be in the form of affordable housing. This amounts to 7 units, the number which is now proposed. However, it is acknowledged that the proposal would be unviable if it were to contain entirely affordable housing. It should also be noted that the previous, adjacent planning application for 10 dwellings (UTT/14/2387/FUL) was determined during the period when the Government's Planning Practice Guidance prevented Local Planning Authorities from seeking affordable housing contributions on sites of 10 dwellings. As such, through no fault of the applicant, none were sought. It is therefore considered that the application should provide affordable housing to the amount of 20% which equates to 1 dwelling. In this instance an off-site financial contribution will be sought.

Housing mix

- 10.19 Policy H10 states that developments on sites of 0.1 hectares and above, or of 3 or more dwellings, must provide a significant proportion of market housing comprising small properties. Small properties are those with 2 or 3 bedrooms. Six of the seven proposed dwellings would have 2 or 3 bedrooms so the proposal complies with this policy.
- 10.20 The up to date Strategic Housing Market Assessment provides the desired housing mix for the District, which shows that the majority of new dwellings should have 3 or 4 bedrooms. Some dwellings with 2 bedrooms are also required. It is considered that the proposal accords with this housing mix because five of the seven dwellings would have 3 or 4 bedrooms, while the other two would have 2 bedrooms.

Conclusion on the development plan

- 10.21 The proposal breaches policies H1, S7 and S8 regarding the location of housing and the character and appearance of the countryside. These are significant breaches of policy which ensure that the development does not accord with the development plan.

B Accordance with the National Planning Policy Framework (NPPF)

Character and appearance of the countryside

- 10.22 Paragraph 17 of the NPPF states that a core land-use planning principle is that planning should recognise the intrinsic character and beauty of the countryside. The

site forms part of the rural landscape, it being agricultural land bounded by trees. The introduction of residential development would have an urbanising effect, to the detriment of this landscape. Nevertheless, residential development is under construction on adjoining land to the east, and Church Lane provides a defensible barrier to development in a westward direction. The development would be contained to the north by the existing line of trees, which also contains the adjacent development. Overall, the harm which would be caused to the character and appearance of this part of the countryside would be limited.

Other policies

10.23 Paragraphs 34, 39, 55, 58, 109, 112 and 131 also contain relevant policies, although the conclusions follow those above regarding similar development plan policies.

Conclusion on the NPPF

10.24 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.

10.25 Policy H1, which identifies locations for housing, is out of date because it only relates to the period 2000 - 2011. The restrictive nature of Policy S7 also forms part of this spatial strategy. It is therefore necessary to assess the proposal in the context of the presumption in favour of sustainable development.

10.26 The proposal would cause limited harm to the character and appearance of the countryside, and a limited loss of a portion of the best and most versatile agricultural land. It is considered that these adverse effects do not significantly and demonstrably outweigh the benefits of the development. Therefore, the proposal must be regarded as sustainable development in the context of the NPPF.

11. CONCLUSION

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

A The proposal does not accord with the development plan. Nevertheless, relevant policies are out of date so it is necessary to apply the presumption in favour of sustainable development, as set out in the National Planning Policy Framework. Taking into account the policies of the Framework, it is concluded that the proposal represents sustainable development for which planning permission should be granted.

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) off-site financial contribution equating to one affordable house**
- (ii) pay Council's costs of monitoring**
- (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 21 November 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 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, 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 interest of highway safety, in accordance with Policy GEN1 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.

4. Prior to commencement of the development, a detailed Arboricultural Method Statement and Tree Protection Plan 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 by retaining prominent landscape features, in accordance with Policy S7, Policy S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. All new hard and soft landscape works must be carried out in accordance with drawing number MCA115/02 dated 27/07/15. 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, in accordance with Policy S7, Policy S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. All of the dwellings approved by this permission must be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

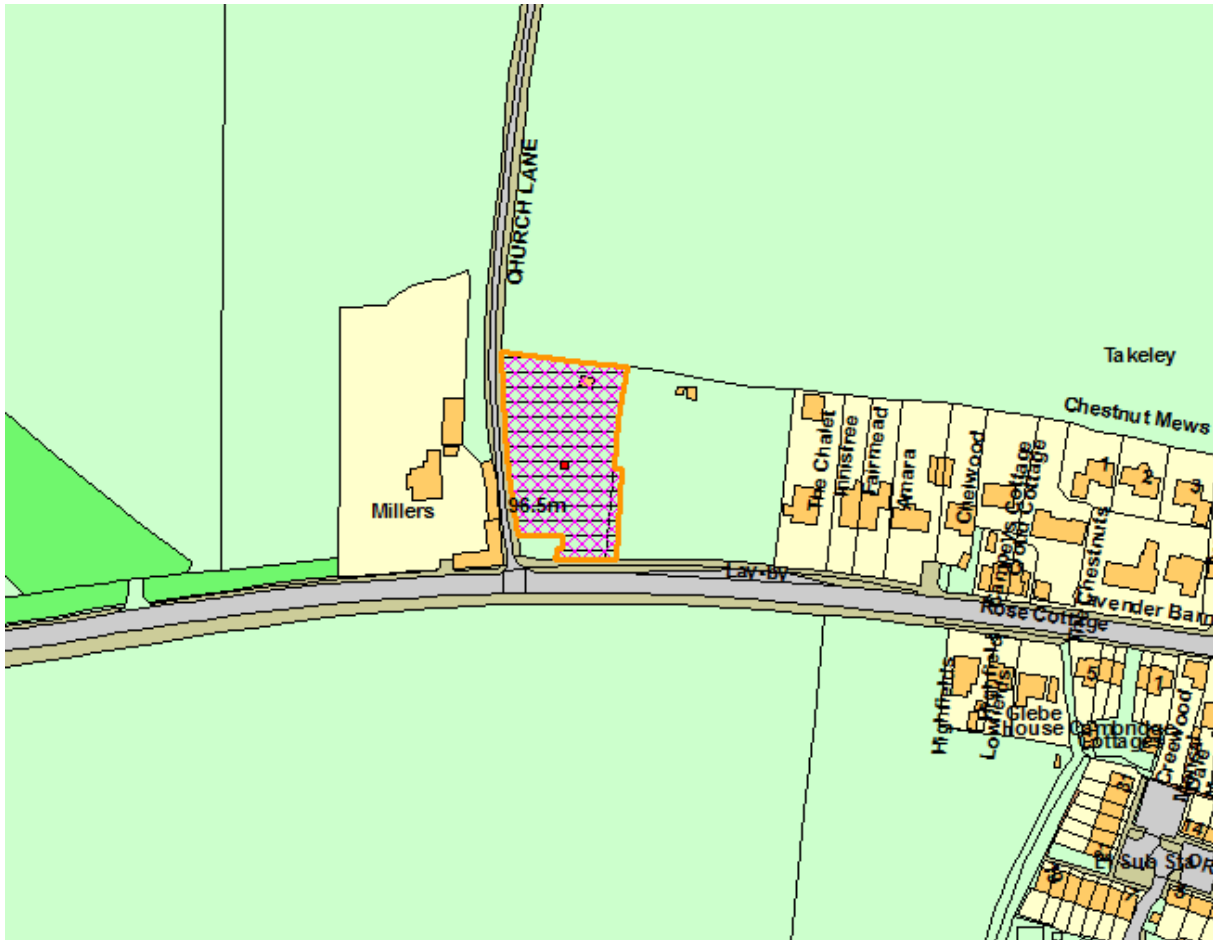
REASON: To ensure compliance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the SPD on Accessible Homes and Playspace.

7. The development must be carried out in accordance with the recommendations in relation to breeding birds, as detailed at Section 7.2 of the submitted Preliminary Ecological Appraisal dated 17 March 2015.

REASON: To prevent harm to protected species, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Application number: UTT/15/2424/FUL

Location: Land North Of Dunmow Road East Of Church Lane Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688

UTT/15/2526/FUL – GREAT CANFIELD

(Called in by Cllr Wells for inappropriate development in the countryside, over development of the site)

PROPOSAL: Proposed change of use of land for two additional pitches at existing gypsy caravan site

LOCATION: Tandans Great Canfield Road, Takeley

APPLICANT: Mr and Mrs Boswell

AGENT: Mr R Perrin

EXPIRY DATE: 29 September 2015, Extension of time agreed for 23 October 2015

CASE OFFICER: Sarah Marshall

1.0 NOTATION

1.1 Outside Development Limits

2.0 DESCRIPTION OF SITE

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

3.0 PROPOSAL

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

4.0 APPLICANTS CASE

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

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

5.0 RELEVANT SITE HISTORY

5.1 UTT/0998/08/FUL

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

5.2 UTT/0520/10/OP

Outline planning application for the erection of four dwelling houses with double garages. The dwellings were four bed two storey dwellings with detached garages situated towards the front of the site. This application was refused for a number of reasons including, inappropriate development for the rural location, loss of traveller sites, the proposal did not offer smaller dwellings, the poor access, impact on bio-diversity and over development of the site.

5.3 UTT/0808/11/FUL

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

5.4 UTT/1617/12/FUL,

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

5.5 UTT/15/0404/FUL

Application for the ‘Proposed change of use of land for two additional pitches at existing gypsy caravan site’ was submitted, however this application was withdrawn before it was determined by the Planning Committee.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework 2012 (NPPF)
- Planning policy for traveller sites August 2015 (PPTS)

6.2 Uttlesford District Local Plan 2005

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

7.0 PARISH COUNCIL COMMENTS

- 7.1 The Parish Council (PC) object to this application on the basis that the proposed development does not follow the aims of the latest government consultation for Planning and Travellers. The aims are that the planning system is fair and equal to both settled and traveller communities, the sensitive areas and the Green Belt are protected and that the negative impact of unauthorised occupation is addressed. The PC stated that the access to the site down Canfield Drive is inappropriate due to its narrow width with lack of pedestrian access and no passing places. That the creation of additional pitches on the site will be overdevelopment and this would not be seen as being a fair and equal system given the Council refused an application for outline permission for the erection of four dwellings on the site.
- 7.2 The PC is aware that that an extension to this site has been proposed in the Uttlesford Gypsy and Traveller Issues and Options consultation to which this Parish Council responded in early February 2015. The PC feel that their comments were not addressed in the summary of responses received to the consultation. Furthermore these documents are the beginning of the process of creating the Uttlesford Gypsy and Traveller Local Plan. As the Council has not decided or considered sites across the district the PC fail to understand how this application can be determined.

8.0 CONSULTATIONS

Highways

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

Informative

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

Thames Water Utilities

- 8.2 **Waste Comments**
Surface Water Drainage – it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

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

BAA Aerodrome Safeguarding

- 8.3 There are no safeguarding concerns for Stansted Airport

Ecology

8.4 No response received

Access and Equalities

8.5 No response received

Affinity Water Ltd

8.6 No response received.

9.0 REPRESENTATIONS

9.1 31 Neighbours were consulted on this application. 13 Representations were received by the Council.

- Canfield Drive is unsuitable for additional traffic due to insufficient passing places which can result in cars having to reverse out onto Great Canfield Road
- The introduction of a further 6 cars or more will increase risk of accidents at the junction with Canfield Road.
- The maintenance of Canfield Drive is poor and will only get worse with increase traffic
- The surrounding area is typically large detached dwellings within large plots- this will be out of keeping
- Why is there a need for additional pitches when the two approved have not been implemented?
- The Planning policy for traveller sites advises that the number of pitches or plots to the circumstances of the specific size and location of the site and surrounding population density
- An application for four dwellings on the site was refused on the basis of being over development and unsatisfactory access to the site and substandard construction with poor visibility at the junction of Canfield Drive and Great Canfield Road.
- The scale and form will be out of keeping with the surrounding location and have a detrimental impact on the character of the rural location
- Canfield Drive is not suitable for larger vehicles or caravans due to the width.
- No ecological report has been submitted with this application.
- Insufficient evidence to demonstrate the need for the additional pitches.
- The road is a track which services 9 properties including Tandans. The track is unmade and has not been maintained to a high standard in recent times.
- The permission for two additional pitches was granted on the personal circumstances of the applicants however the permission has not been implemented.
- The previous applications have already satisfied Mr and Mrs Boswell's needs.
- The road or the junction of Great Canfield Road and Canfield Drive is not suitable for caravans
- The development if allowed will set a precedence for development in the area
- The reasons for refusing the 2010 application for four dwellings remain and are applicable
- An appeal decision for a site within Takeley has similarities to this application. Point 9 of the appeal decision states that as the site falls outside of development limits the impact on the countryside setting should be taken into consideration. Point 10 was that there was no need for a mobile home for residential use in the rural location and does not accord to policy S7.

- There is a boundary dispute and permission should not be granted until this has been determined.
- The mobile homes would be more in keeping on the Takeley Caravan Park which is less than a mile away.
- This picturesque location is hardly the place to accommodate Gypsies and where does this accommodate their nomadic lifestyle
- The road is a private road that will not, regardless of what ECC Highways suggest, support extra volume in traffic.
- The previous application, UTT/12/1617/FUL retained approximately 50% of the site as open paddock which provided a buffer around the development
- The pitches would have the appearance of a suburban estate of five bungalows with detached garages
- The proposal would introduce extension residential encroachment into the rural landscape.
- The site is further than 1 kilometre from educational, health or community facilities.
- Previous applications have restricted the number of pitches on this site to prevent proliferation of caravans and mobile homes on this site to protect the rural character of the location
- A section 106 agreement should be sought to mitigate the impact on the local infrastructure, amenity and services
- The harm created by this proposal could not be mitigated by a temporary permission
- Refusing this application would not impact on the human rights of the applicants as it is for a proposal
- Paragraph 17 of the NPPF outlines one of the core land-use planning principles is to recognise the local countryside. The PPTS states that the local amenity and environment should be protected and that sites should not be located in open countryside away from existing settlements.

The applicant has submitted comments addressing some of the points raised in the objections.

- The mobile homes can be split into two sections which can allow transportation down Canfield Drive.
- Within the last 7 years there have been 2 additional dwellings built on Canfield Drive as well as three large extensions to dwellings which have resulted in a number of workmen's vehicles, concrete lorries and deliveries by large HGV's as well as the residents vehicles and the refuse collection truck. No accidents have occurred within the last 7 years.

10.0 APPRAISAL

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

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

A The principle of the two additional pitches

10.1 The National Planning Policy Framework (NPPF) and the Planning Policy for Traveller sites (PPTS) set out a presumption in favour of sustainable development. The PPTS has been amended in August 2015. The definition of a gypsy or traveller is set out in Annex 1 of the PPTS which states:

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

The definition then goes on to say:

“In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”*

10.2 The PPTS states that “Local planning authorities should set pitch targets for Gypsies and Travellers as defined in Annex 1 and plot targets for Travelling Show People, which address the likely permanent and transit site accommodation needs of Travellers in their area...”. The PPTS sets out in Policy B that LPAs should identify and update annually a five year supply of deliverable sites. The Essex- Gypsy and Traveller and Travelling Show People Accommodation Assessment report, which was commissioned on behalf of the Essex Planning Officers Association, established that Uttlesford District Council will need an additional 26 pitches within the district by 2033. This equates to 9 pitches between the period 2013 and 2018. Since 2013 only 1 pitch has been approved by the Local Authority, therefore there is still an additional 8 pitches required. It should be noted that as a result of the change to the definition of a Gypsy and Traveller in the PPTS Uttlesford will be reviewing the Essex- Gypsy and Traveller and Travelling Show People Accommodation Assessment in the future. Notwithstanding the evidence the Council has which shows the Council does not have a five year supply, this application should be looked upon positively in accordance with the NPPF.

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

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

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

10.4 In relation to criteria b) as above, there is a clear need of pitches within the district. The applicants are already occupying the existing pitch on site; therefore they are not in need of a pitch themselves. The application states that the site is considered to be a family site; however these two additional pitches will be general pitches with the potential of being occupied by the applicant’s extended family. It should be noted that the previous application for two additional pitches, has not been restricted for family use by conditions, just that the pitches are occupied by Gypsies and Travellers.

10.5 The PPTS states in Policy C that sites within rural areas and the countryside should not be of a scale which dominates the nearest settled community. Policy H of the PPTS

then goes on to say that weight should be given to the following points when determining a planning application for pitches

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

- 10.6 The site is already established as a Gypsy site with 3 permitted pitches. The site benefits from existing vegetation along the boundaries of the site and it is proposed to plant trees and hedgerows between the pitches and around the paddock. The proposed pitches will utilise the already approved driveway so this proposal will not significantly increase the level of hardstanding already approved by previous applications. It is considered that the proposed development meets the criteria set above.
- 10.7 It has been established that this site is suitable for gypsy pitches and is in a sustainable location. It is considered that the site is sustainable for the proposed additional pitches.
- 10.8 As a result of the Essex Gypsy and Traveller and Travelling Show People Accommodation Assessment report Uttlesford District Council engaged Peter Brett to undertake a Site Assessment Survey to identify a supply of deliverable and developable sites within the district. In the Report of Representations, Officer Comments and Recommendations which followed the consultation period between December last year and February this year, Tandans was considered suitable to be extended by an additional two pitches. It is considered that the site is large enough to accommodate further landscaping within the site as a mitigation measure.

B Access to the property

- 10.9 Highways have not objected to this application and have confirmed that the development meets policies GEN1 and the policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- 10.10 The proposed development has the potential to increase the level of traffic by an additional six vehicles. Highways have stated that there is adequate width and visibility at the junction of Great Canfield Road and Canfield Drive which is a private road to accommodate the low vehicle movements associated.

C Residential Amenities

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

Therefore it is considered that the proposed development meets Council's policy GEN2 set out in the ULP.

11.0 CONCLUSION

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

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

RECOMMENDATION – CONDITIONAL APPROVAL

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

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

2. The site shall not be permanently occupied by any persons other than gypsies and travellers as defined in Annex 1, paragraph 1 of the Planning Policy for Travellers Site" produced by the Department for Communities and Local Government (August 2015).

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

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

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

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

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

5. Prior to the commencement of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the

local planning authority and these works shall be carried out as approved. These details shall include:

- i. means of enclosure;
- ii. car parking layouts;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. existing trees, hedges and other soft features to be retained and additional planting proposed

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

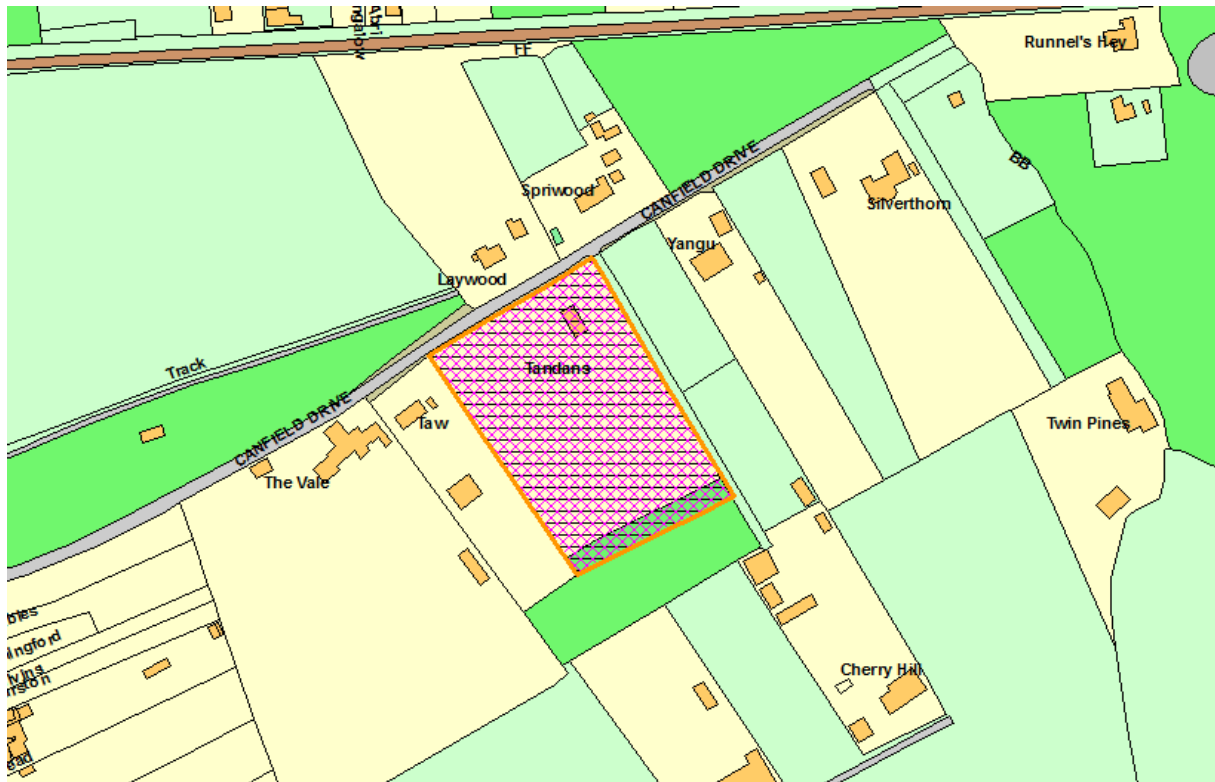
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, and S7 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GEN2 and S7 of the Uttlesford Local Plan (adopted 2005).

Application number: UTT/15/2526/FUL

Location: Tandans Great Canfield Road Great Canfield



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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688

UTT/15/2152/FUL - NEWPORT

MINOR APPLICATION (Referred to Committee by Cllr Parry. Reason: The site is outside development limits, traffic generation and the impact on the character and appearance of the Area.)

PROPOSAL: One proposed dwelling and garage.

LOCATION: Land at Bishops Way, London Road, Newport, Essex

APPLICANT: Mr and Mrs N P Bishop

AGENT: New World Architectural

EXPIRY DATE: 29 October 2015

CASE OFFICER: Emmanuel Allamah

1. NOTATION

- 1.1 Outside Development Limits. Aerodrome Direction. Appeal Polygons. Road Classification Line. SSSI Consultation Areas and TPO Areas.

2. DESCRIPTION OF SITE

- 2.1 The application site is a parcel of grassed and vegetation area and some of it has recently to make way for the current proposal. The site is located at far rear end of properties to the east namely the rear gardens of Willow Chase and Chesterton House. The western and northern part of the site is bounded by open countryside and farmland. The eastern side is bounded by some vegetation, trees and hedgerows separating it from residential buildings accessed from London Road. The southern part of the site is bounded by the rear garden of the residential properties facing London Road.

3. PROPOSAL

- 3.1 The construction of one dwelling and garage.
- 3.2 The access would be through an existing unmade track road described as Bishop's Way via London Road.

4. APPLICANT'S CASE

- 4.1 Applicant supported the proposed development through a Design and Access Statement which demonstrated that the proposed dwelling and garage would not adversely harm the character and appearance of the area or the amenity of the adjoining occupiers.

5. RELEVANT SITE HISTORY

- 5.1 UTT/14/3625/FUL. Refuse. Erection of 3 dwellings and associated parking.
- 5.2 UTT/0422/11/FUL. Approve with condition. Erection of two storey five bedroom dwelling.

5.3 UTT/0548/09/FUL. Approve with condition. Construction of one dwelling

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 ENV3 – Open Spaces and Trees
- Policy ENV7 – The protection of natural environment designated sites
- Policy H4 – Backland development

7. PARISH COUNCIL COMMENTS

7.1 Object to the proposal on the following grounds:

- The proposed dwelling would be outside development limits.
- There is no such road as "Bishop's Way" so the application is incorrect and should be corrected.
- No new houses should be built until the sewage system has been improved and the problems addressed.
- The UDC Building Control Certificate confirming that work commenced on the foundations in 1997 (UTT/0362/97/FUL) has not been provided.
- Drainage/Rainwater harvesting. It is not clear on the detail how this would be harvested and prevention of
- Additional runoff caused by porous surfaces being replaced by concrete and tile.
- The road surface should be properly formed to comply with ECC standards. The plans do not specify any
- Footpath to the site which would comply with EEC standards or disability requirements. The close proximity of the bus stop near to the entrance affects sight lines and access in general.
- UDC plan for 50 "windfall" houses per year. Newport seems to have had a very large share of these.
- A site visit would be desirable so that members of the committee can readily understand the issues.

8. CONSULTATIONS

Essex County Council Highways Authority

8.1 No objection.

UDC Environmental Health Officer

- 8.2 The site is approximately 200 metres from the M11 motorway which may result in adverse noise impact on the dwelling. No noise impact assessment has been submitted. Recommend glazing condition.

ECC Ecologist Consultant

- 8.3 No objection subject to recommended planning condition.

Access and Equalities Officer

- 8.4 No objection.

9. REPRESENTATIONS

- 9.1 Four letters of objection received due to the following reasons:

- The proposal is located outside development contrary to Policy S7
- Access road is of great concern and would generate nuisance
- It would affect the character of the area
- It would lead to overlooking and overbearing
- It would harm local conservation

10. APPRAISAL

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

- A Whether the principle of the proposed development within designated open countryside is acceptable (National Planning Policy Framework (NPPF) and ULP Policy S7)
- B Whether the scale, mass, form, layout, appearance and materials would harm the character or the amenity of the area (ULP Policies GEN2, and H4)
- C The impact on nature conservation (ULP Policy GEN7)
- D The traffic impact (ULP Policies GEN1 and GEN8)
- E Other matters

A Whether the principle of the proposed development within a designated open countryside is acceptable (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 National Planning Policy Framework 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 The Economic role of the proposed one dwelling and garage is seen from the perspective of creating a temporary local job during construction stages and the attraction of off purchasing power that would be beneficial from local services in terms of the future occupiers of the dwelling.
- 10.4 The Social role is the creation of one family dwelling which would add to the special housing need required within this part of Newport to support the strong, vibrant and healthy communities of Newport. Although such one dwelling might be prejudicial to the Five Year Housing Land Supply the Council currently advocates. On balance the Social benefit or role of the proposal would be harmful to the character of this part of the open countryside.
- 10.5 In terms of the Environmental role, the proposal whilst providing housing need it would also be harmful to the natural environment and vegetation which forms part of the features of this part of open countryside. Such encroachment to the open character of the Countryside failed to demonstrate why should be there as it would not enhance the character of this part of the open countryside.
- 10.6 Policy S7 affirms development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.7 The planning history of the site reveals that the principle of one dwelling was granted, although not implemented, and has since lapsed. The two respective planning applications comprised of (UTT/0422/11/FUL) for the erection of new dwelling and garage; and (UTT/0548/09/FUL) for the construction of a dwelling to the rear of the site 'Willow Chase'.
- 10.8 Given that the current proposal for one dwelling and garage, and taking into account the previous consent and the reasons for refusal of the previous three dwellings, on balance the principle of the current proposal is considered acceptable. Given the exact location it would not be prejudicial to the Policy S7 and the Council's Five Year Housing Land Supply.

B Whether the scale, form, layout, appearance and materials of the proposed development would be compatible with surrounding buildings (ULP Policy GEN2)

- 10.9 Policy GEN2 states that development for example will be permitted if the scale, layout, form, appearance and materials are compatible with surrounding building; if it provides an environment, which meets the reasonable needs of all potential users or does not materially affect the living condition of the adjoining occupiers in terms of loss of privacy, overbearing or overshadowing.
- 10.10 The current proposal would involve the erection of two storey dwelling with detached garage. The footprint of the proposed ground floor is approximately 11.5m in length and 17m in width. This is considered to be substantial given its location compared to adjoining properties.
- 10.11 In terms of safeguarding the amenity of the adjoining properties; the proposed development distance to recently completed residential dwelling located at the rear of Chesterton House is approximately 25.5m and this is sufficient to safeguard the amenity of the occupiers of the new completed dwelling considering the configuration of the proposed scheme and location. The distance of the proposed dwelling to

residential property described as Braeside is approximately 28m and given the existing trees and vegetation screening the occupier of the Braeside the proposed development by virtue of its scale and layout would not harm the amenity of those occupying Braeside. The proposed scheme provides adequate amenity area garden area to support the proposed one dwelling. Such amenity space is considered sufficient for a 4 bedroom dwelling as it exceeds Council standards.

10.12 Policy H4 affirms that development of a parcel of land that does not have a road frontage will be permitted subject to the following criteria.

- There is significant under-use of land and development would make a more effective use of it; in the case of this proposal the land in question is located outside development limits which is considered as open countryside. The applicant did not show why such proposed scheme in such location needs to be there or any reason why it should be there. In the absence of any of such justification it can be concluded that the proposal would be contrary to Policy S7. The reason being that open countryside cannot be seen as under used land in this context.
- There would be no material overlooking or overshadowing of nearby properties; the current proposal in terms of its location, layout and distance to neighbouring properties is considered acceptable because it would not lead to overlooking or overbearing or overshadowing.
- Development would not have an overbearing effect on neighbouring properties; given the above distance to neighbouring properties it can be concluded it is sufficient to overcome the impact of any overbearing.
- Access would not cause disturbance to nearby properties. The only access leading to the proposed site is currently in use by other residential dwellings using this Bishop's Way. Some of the concerns raised by the users of this access road relate to the existing congestion whenever they are required to bring out their bins on collection day. All residents would need to bring their bin very close to the point where Bishop's Way meets London Road. Whilst this is a concern it is not sufficient reason to refuse the proposal considering there is no objection from Highways Authority.

C The impact on Nature Conservation (ULP Policy GEN7)

10.13 The application site is part of the open countryside with features like trees, plants and other vegetation which could be provided a safe haven for wildlife. Essex County Council Ecologist suggested that any retention of trees to the boundary should accord to BS 5837 (2012) Trees in relation to design, demolition and construction recommendations. In terms of Nature Conservation, it is considered that the proposal would erode the features that can provide safe haven to wildlife associated to the character of the open countryside.

D The impact on traffic (ULP Policies GEN1 and GEN8)

10.14 The proposed access would be through the existing access (Bishop's Way) serving existing residents. The Highways Authority did not raise objection to the proposed access because it is not considered to be in conflict with Policy GEN1.

E Other matters

10.15 The principle of allowing one dwelling which is in close proximity to existing settlement area and which would not adversely harm the character or the amenity of the area; it is considered on balance it would not be prejudicial to the Council's Five Year Housing Land Supply or it would not be prejudicial to the Policy S7 objective.

11. CONCLUSION

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

- A The planning history of the site relating to the two separate applications for one dwelling that was approved but not implemented; it is considered as a relevant planning issues which suggests that the current proposed one dwelling in principle can be considered acceptable within this part of the open countryside that is close to settlements in Newport area.
- B The proposed scale, mass, layout, form, appearance and materials of the proposed dwelling would not harm the living condition of the adjoining properties or the character of the area.
- C The proposed access with the recommended planning conditions would not adversely affect traffic in the area.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

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

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

- 2 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).

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

- 3 The glazing and ventilation specification shall be designed to protect the bedrooms from external noise, with provision for ventilation, to the following target 23:00- 07:00 not exceeding 30dB LAeq and 45dB LA max. The glazing shall be submitted prior to the first occupation of the approved dwelling.

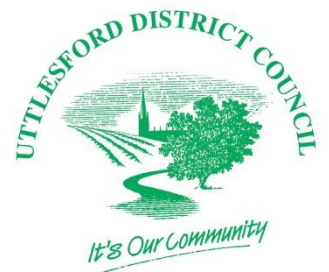
REASON: In order to protect and safeguard the amenity of the occupiers of the approved dwelling from noise generation from M11 Highway in accordance with Policies GEN2 and ENV10 of the adopted Local Plan (2005).

- 4 Details of the boundary treatment details (including those to be retained) shall be submitted to and approved to the Local Planning Authority prior to the implementation of the approved one dwelling. The boundary details shall be carried out in accordance

with the approved details within the first planting season following the occupation of the dwelling.

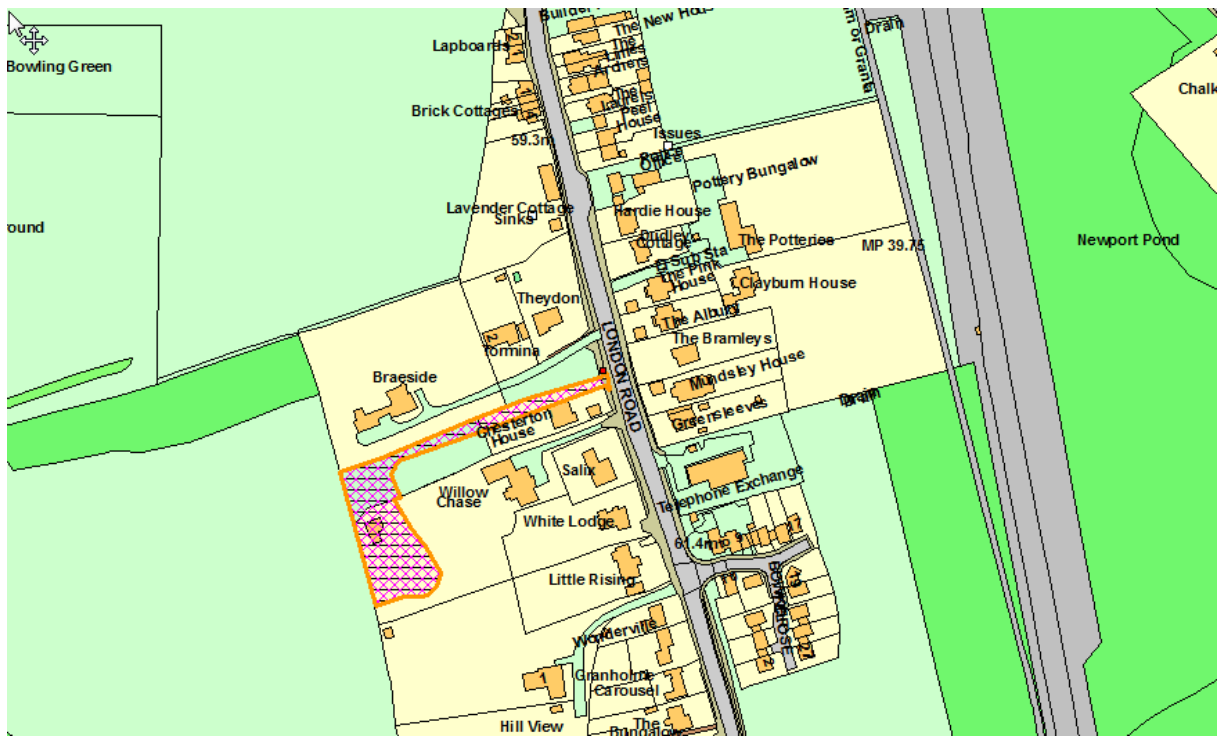
REASON: In order to protect and safeguard the character of the open Countryside and the amenity of the adjoining occupiers in accordance with Policies GEN2 and S7 of the adopted Local Plan (2005).

JUSTIFICATION: The boundary treatment details are fundamental to the development, and could be prejudiced if development is allowed to occur prior to the agreement of details



Application number: UTT/15/2152/FUL

Location: Land At Bishops Way (r/o Willow Chase) London Road Newport



UTT/15/2045/FUL – STANSTED

(Referred to Committee by Cllr Sell. Reason: Enforcement history at the site)

PROPOSAL: Retrospective change of use of part of the land from agricultural to equine and the erection of a stable block

LOCATION: Land at New Farm Stansted Road, Elsenham

APPLICANT: Mrs Medwell

EXPIRY DATE: 3rd September 2015

CASE OFFICER: Sarah Marshall

1.0 NOTATION

1.1 Outside Development Limits, Within buffer of M11.

2.0 DESCRIPTION OF SITE

2.1 The site is an area of a land roughly rectangular in shape and is located within a larger agricultural field which is currently vacant. The land faces northwest/south east and runs parallel to the M11 motorway. Access to the land is made by way of a gated entrance to the left hand side of the land and leading off the B1051 Stansted Road.

3.0 PROPOSAL

3.1 The application is for the retrospective change of use of part of the land from agricultural to equine and the erection of a stable block. The stables will be located on the eastern side of the site and will consist of three stables and a tack room.

3.2 It should be noted that there are some other works being carried out on the site, however these fall outside of the red line of this application and are being investigated by the Essex County Council's Waste and Minerals Enforcement Team.

4.0 APPLICANTS CASE

4.1 The applicants have submitted plans of the proposed stables which have not yet been erected on the site. The horses are already on site. The large metal barn is currently in use at the present time for the welfare and safety of the horses, however this will cease when the stable block is erected.

5.0 RELEVANT SITE HISTORY

5.1 UTT/1756/88 -
Construction of new vehicular access. Conditional planning permission was granted on 01 December 1988.

5.2 UTT/0957/90 -
Outline application for two storey dwelling. Conditional planning permission was granted on 2nd October 1991.

5.4 P/A/2/14/17 -

Agricultural determination application for erection of a building. The application was determined on 04 January 1993 and the applicant was advised that a planning application would be required because the land was less than 5 hectares

5.5 ENF/43/96/D-

Storage of mobile home and containers. File opened 21st February 1996. This was closed for compliance.

5.6 ENF/13/0108/C

The original complaint was that a stable block had been erected which was to form part of an unauthorised animal rescue centre activity being carried out on the site. As a result of the investigation into the unauthorised works the Council issued an enforcement notice. This notice was upheld and varied at the appeal stage. The activity has now ceased and the chattel's associated with the activity which included stables, mobile homes and portaloos have been removed from the site. As such the notice has been complied with and the case has been closed.

6.0 POLICIES

6.1 National Policies

- NPPF

6.2 Uttlesford District Local Plan 2005

- S7 Countryside
- GEN2 Design
- ENV13 Poor Air Quality
- E4 Farm Diversification

7.0 PARISH COUNCIL COMMENTS

7.1 Stansted Parish Council did not wish to make any comments on this application

8.0 CONSULTATIONS

Environmental Health

8.1 The development has the potential to cause loss of amenity to nearby residential premises due to odour and smoke from handling of the waste arising from the development, and the installation of external lighting. There is also potential to contaminate surface water features outside the control of the Environment Agency.

The following safeguarding conditions are requested:

A detailed scheme for the management of waste shall be submitted to and approved by the local planning authority. The storage and disposal of solid waste, run off and waste water shall be carried out in accordance with the approved scheme at all times and thereafter.

No external lighting to be installed without the prior written consent of the local planning authority.

Highways

- 8.2 No objection as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Fisher German

- 8.3 We can confirm that our client's apparatus, the CLH Pipeline System – Energy Act 2013 (CLH PS), may be affected by your proposals as indicated on the attached plan(s).

BAA Aerodrome Safeguarding

- 8.4 There are no safeguarding concerns for Stansted Airport

Stansted Airport Limited

- 8.5 No response received

OPA Central Services

- 8.6 No response received

9.0 REPRESENTATIONS

- 9.1 4 neighbourhood were consulted on this application. 4 Representations were received by the Council. The issues raised in the representations are as follows:

- This land is outside of development limits
- Why is only part of the site included in this application
- The access is a private right of way and not owned by the applicants
- Neighbours have not been consulted by the applicants this application was going to be submitted
- The speed level of the road is 50/60 and with the new housing development in Elsenham there will be an increase in the level of traffic movements on this road which will not be good for the horses and horse riders.
- The area is becoming over developed with larger stables
- There should be consistency with the address used for this plot of land
- The stables will be located within an area where a neighbours roadway is being proposed.
- There is no septic tank on site
- The location of the stables has not changed since the enforcement notice was issued so therefore still within the poor air quality buffer zone
- The application states that the use has not started however it has.

Officer response to representations

- It has been noted that the use has started on site subsequent to the application being submitted. As such the description of the application has been amended to be a retrospective application.
- Access to the site over private access is a private matter for which the Council cannot control
- The Council cannot take into consideration potential future developments.

10.0 APPRAISAL

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

- A The loss of agricultural land and the impact of the activity on the countryside setting (S7, GEN2, GEN1 and GEN8)
- B Impact on the neighbouring properties (GEN4)
- C Poor Air Quality (ENV13)

A The loss of agricultural land and the impact of the activity on the countryside setting (S7, GEN2, GEN1 and GEN8)

- 10.1 Policy S7 states that development will only be granted planning permission in the area outside of development limits where the development needs to occur or its appropriate to a rural area. The application is for the erection of a modest stable block and the change of use of the parcel of the land within the wider site for personal equine use. This will ensure that some of the site will remain for agricultural land. There are also a number of other sites within the surrounding area which are currently used for equine activities and as such it is not considered that this use will be out of keeping with the area
- 10.2 Policies S7 and GEN2 state that new development including new buildings will only be permitted if its appearance protects or enhances the particular character of the environment the site is located in. The proposed stable will be of modest height and scale and will not be out of keeping with the rural location. A condition requiring the details of the external finishing could be implemented to ensure that the final appearance of the stable block will be appropriate for the location.
- 10.3 Stansted Road is a main route between Stansted and Elsenham and the resultant traffic movements as a result of the change of use of the land will be not be noticeable on the road network. There is sufficient area for parking on the site as well for the vehicle of the permission attending the horses. As such it is considered that the development meets the Council's policies GEN1 and GEN8 of the ULP.
- 10.4 Policy E4 for which guides development for diversification of agricultural land states that development will be permitted where it complies with the criteria set out including that there will not be an increase in noise or any other adverse impacts beyond the holding; the continued viability and function of the agricultural holding will not be harmed; and that the development would not place unacceptable pressures on the surrounding rural road network. The site has been vacant for a number of years, with the exception of the unauthorised animal rescue and educational centre which was being carried out on the site.

B Impact on the neighbouring properties (GEN4)

- 10.5 Policy GEN4 states that any development which produces amongst other matters, odour and light pollution which would cause material disturbance or nuisance to occupiers of the surrounding properties will not be permitted. It is not considered that this use is causing or will cause material disturbance or nuisance for the occupants of the neighbouring properties which are some distance away from the site. This permission can be conditioned to ensure mitigation measures are put in place as well.

C Poor Air Quality (ENV13)

- 10.6 Policy ENV13 states that within 100metres of the M11 there is poor air quality and any development in this area will not be permitted if users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. Only part of the site falls within this area of poor air quality zone, and as such it is not considered that the change of use and the erection of the stables will be adversely affected by this buffer zone. It is considered that with a condition requiring the stables to be located outside of the buffer zone this matter will be overcome.

11.0 CONCLUSION

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

- A The change of use of the small part of the site for the erection of a stable block and the grazing of horses will not have an adverse impact on the character and appearance of the rural location and will be in keeping with the development within the surrounding location. The site has been vacant for a number of years and it is not considered that the change of this area for the grazing of horses for private use will have an adverse impact on the viability of the agricultural holding. It is considered that the activity will not cause an increase in traffic which will impact on the surrounding road network and there is sufficient car parking on the site. As such it is considered that the development accords with Policies S7, GNE2, E4 GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005)
- B Due to the distance of the site from the neighbouring properties and through conditions the proposed activity will not have a detrimental impact on the residential amenities of the neighbouring properties. As such the development is considered to accord with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)
- C It is not considered that the use, which is only partially within the M11 poor air quality buffer zone will not be affected by the poor air quality from the M11. As such it is considered that the development accords with Policy ENV13.

RECOMMENDATION CONDITIONAL APPROVAL

1. Notwithstanding the site plan submitted details of the location of the stable block outside of the buffer zone shall be submitted to and approved by the Local Planning Authority within 4 months of the date of this decision.

REASON: To ensure that the use will not be adversely affected by the poor air quality in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005).

2. The materials used in the stable block shall be submitted to and approved by the Local Planning Authority within 4 months of the date of this decision.

REASON: To protect the rural amenities of the surrounding location in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

3. A detailed scheme for the management of waste shall be submitted to and approved by the local planning authority within 4 months of the date of this decision. The storage and disposal of solid waste, run off and waste water shall be carried out in accordance with the approved scheme at all times and thereafter.

REASON: In the interests of the residential amenities of the neighbouring properties in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

4. No external lighting to be installed without the prior written consent of the local planning authority.

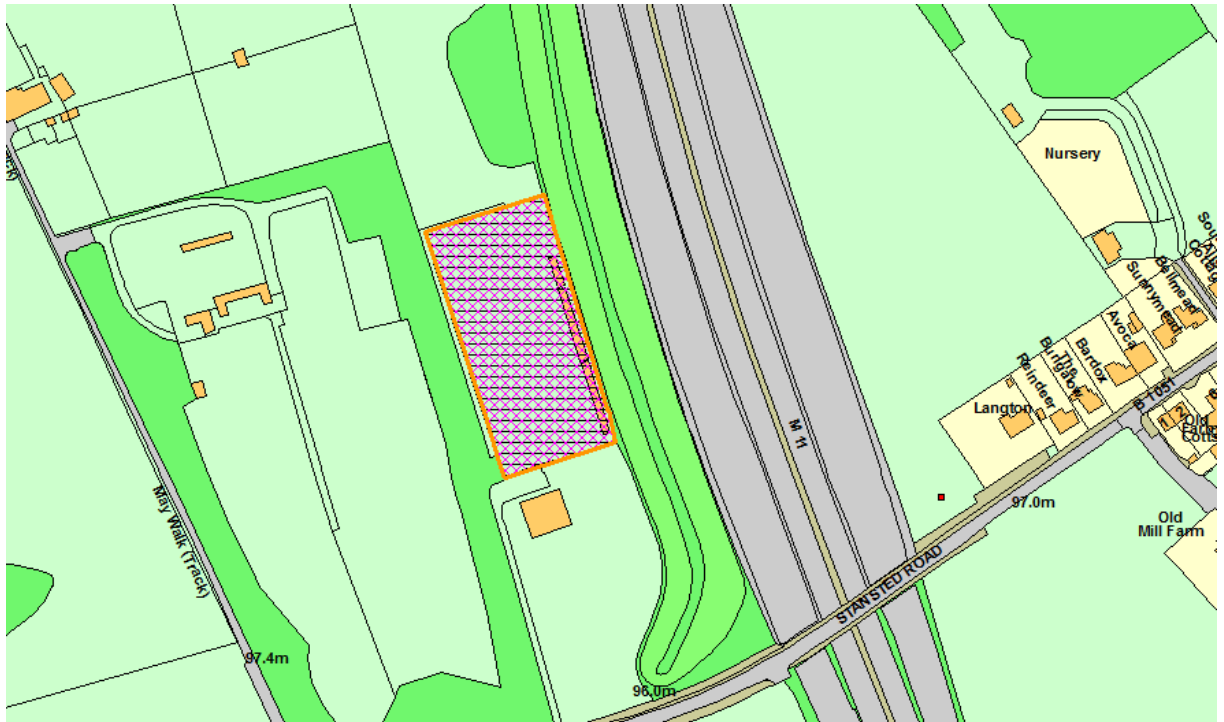
REASON: In the interests of the residential amenities of the neighbouring properties in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

5. This use shall be for a private use and no commercial activities such as a livery can be used from the site.

REASON: To protect the amenities of the countryside location in accordance with S7 and E4 of the Uttlesford Local Plan (adopted 2005).

Application number: UTT/15/2045/FUL

Location: Land At New Farm Stansted Road Elsenham



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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688

UTT/15/2178/HHF – SAFFRON WALDEN

(Called in by Councillor Freeman if recommended for approval – Loss of off-road parking in an area already experiencing traffic and parking difficulties)

PROPOSAL: Proposed two storey side extension and single storey rear extension.

LOCATION: 81 Castle Street, Saffron Walden.

APPLICANT: Mr A Plume.

AGENT: Mr N Cook.

EXPIRY DATE: 7 September 2015 (extended to 28 October 2015).

CASE OFFICER: Clive Theobald.

1. NOTATION

1.1 Within Development Limits / Conservation Area.

2. DESCRIPTION OF SITE

2.1 The site is situated on the north side of Castle Street adjacent to St Marys Primary School at the north-eastern end of a long line of dwellings which lead up and front onto the street on this side. The site itself contains an attractive non-listed two storey end terraced one bedroomed period dwelling externally clad in red Flemish bond brickwork with a plain peg tiled roof incorporating a decorative barge boarded front gable which benefits from a small rear garden curtilage falling away from the street frontage with side paved hardstanding which can and is used for resident parking in association with the dwelling. The dwelling has a modern full width conservatory onto the rear elevation. A private pedestrian right of way for the benefit of Nos.77 and 79 Castle Street runs over the hardstanding leading down to an unmade path running parallel with the site's enclosed NE boundary which then dog legs at the bottom of the site and runs parallel with the site's rear boundary into the adjacent properties.

3. PROPOSAL

3.1 This application relates to the erection of a two storey side extension and single storey rear extension to provide improved family accommodation to include provision of a second bedroom. The two storey side extension would measure 2 metres wide by 7.8 metres deep at ground floor level and 3 metres wide by 7.8 metres deep at first floor level incorporating a front and rear gabled dormer and side jettied first floor, whilst the single storey rear extension would measure 2.4 metres across by 4.5 metres deep to stand on a new raised rear ground level with slight aesthetic modifications to the existing rear conservatory which would remain in situ.

3.2 The two storey side extension would be external clad with matching red brick and clay peg roof tiles with matching brick detailing and would have matching front windows and window detailing. The single storey rear extension would be externally clad with painted timber weatherboarding and matching roof tiles to the main dwelling.

The submitted plans show that a 1 metre wide private right of way walkway for the benefit of the occupants of Nos.77 and 79 Castle Street would be retained between No.81 as extended to the side under the proposed jettied first floor and the side boundary as part of the designed scheme.

4. APPLICANT'S CASE

4.1 The application is accompanied by a Design and Access Statement which describes the background to the proposal making reference to pre-application consultation with the Council relating to the principle of a side and rear extension to No.81 Castle Street, including consideration of existing site constraints and the design rationale of the now submitted extension scheme (i.e., use, amount, layout and scale).

4.2 The following extract is taken from the Design and Access Statement at Page 3 relating to design principles:

“The amount of development is for a two-storey side extension as a continuation of the two gable ends that currently exist. The extended gables would overhang the ground floor extension which would allow space for a study off the existing living room. Apart from the insertion of some new glazed double doors, the rear garden conservatory extension would remain. There would be an additional single storey timber frame element built to provide a dining area and entrance area with cloaks cupboard. This intention would be to look subservient to the main building and would be clad in timber weatherboarding. The scale of the extension would not be disproportionate in size or out of scale with the existing building. The main ridge height would be a continuation (as per the advice of the planning department) and small dormer windows would be introduced to the front and back as a replicate of the adjacent properties. The overhang of the new gables would provide a covered access to the main entrance and right of way access. The internal layout of the extension can be seen on drawing ref: NWA-15-012-2 and has been designed to meet the requirements of modern day living”.

4.3 An email communication has been received from the applicant's agent dated 1 September 2015 relating to existing car parking arrangements at the property as follows:

“My client has not got a parking space to lose. Given the width of the property / proximity to the boundary (i.e. 3m) and the 1.0m wide private right of way which needs to remain clear at all times for the neighbouring property, my client has less than 2.0m width to the side, which is insufficient to park even a small car. Under the current arrangements, the gap has no chance of meeting the minimum requirements for Essex Highway standards”.

5. RELEVANT SITE HISTORY

5.1 No relevant planning history.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S1 – Settlement Boundaries for the Main Urban Areas
- ULP Policy ENV1 – Design of development within Conservation Areas
- ULP Policy H8 – Home extensions
- ULP Policy GEN2 – Design
- ULP Policy GEN8 – Vehicle Parking Standards

- Essex County Council Parking Standards: Design and Good Practice – September 2009

- Uttlesford District Council Parking Standards – February 2013

- Saffron Walden Conservation Area Appraisal Document 2012.

7. TOWN COUNCIL COMMENTS

- 7.1 Object - Loss of off road parking in an area already experiencing traffic and parking difficulties. The loss of parking is contrary to policy GEN8 of the District Plan.

8. CONSULTATIONS

Essex County Council Highways

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

Informative: It is noted that whilst the width of the land between the dwelling and the school boundary is 3 metres and could accommodate a car, this would leave insufficient width to park a car as a right of way has to be maintained for neighbouring dwellings Nos.77 and 79. Castle Street. Castle Street currently operates a parking permit system for residents./

UDC Conservation Officer

- 8.2 This application seeks permission to erect a two storey side extension to No.81 Castle Street in brick with a gabled dormer to the front as well as a single storey extension to the rear, which would be clad in weatherboarding with a pitched clay tile roof and large glazed screen facing onto the garden. The side extension would be jettied so as to retain a walkway underneath the first floor. However, the existing private parking facilities would be lost necessitating on-street parking for the property.
- 8.3 The dwelling is one of three terraced houses positioned in a highly prominent location along Castle Street. It falls within the boundary of the Saffron Walden Conservation Area (Area 1) and although not listed is considered to make a significant positive contribution to the character and appearance of the Conservation Area. Further to this, by virtue of the form, materials and architectural detailing, this late C19th/early C20th property is considered to be a non-designated heritage asset. Specific mention has also been made to the property in the Saffron Walden Conservation Area Appraisal 2012 in Section 1.100 which states that Nos.77-81 would be 'candidates for protection by possible Article 4 Direction'. This document also identifies selected windows, decorative bargeboards and gabled dormers and prominent chimney stacks among the features which contribute to the significance of this row of properties.

- 8.4 A pre-application enquiry was submitted to the Local Authority in May 2015 to discuss the principle of a side extension to the dwelling. It is understood that both designs put forward featured an open-fronted car-port with first floor extension over. The formal feedback from the planning officer indicated that such an extension could be supported in principle. Having carefully considered the application and in light of the pre-application advice previously given, I consider that whilst the loss of the detailing to the end gable including the chimney breast and brick banding would be regrettable, the current scheme would be sympathetic to the host non-designated heritage asset and the wider street-scene.
- 8.5 The proposal would see the addition of a modest two storey-side extension repeating the fenestration detailing seen on the adjacent properties, and brick detailing along with a modest gabled dormer with decorative bargeboard to match those on the existing dwelling. The extension would draw reference from the existing terrace and would appear subservient in its form and scale. Furthermore, whilst I appreciate that the loss of the off-street parking would be unfortunate, I consider that the benefit of achieving a more sympathetic design which will respect the historic character and appearance of the host dwelling and the surrounding Conservation Area would outweigh this. With regard to the rear single storey extension, I consider that the impact upon the character and appearance of the Conservation Area would be minimal. It would also appear modest in its scale and ancillary with timber weatherboarding denoting this as a later addition.
- 8.6 Should the planning officer feel minded to approve the scheme, I would suggest that the following conditions be applied:
- Material samples for all external surfaces to be submitted to the Local Authority for approval prior to the commencement of works
 - Details of all new windows and doors to be submitted to the Local Authority for approval prior to the commencement of works
 - All doors and windows to be timber
 - All rainwater goods to be metal painted matt black, of a profile to match the main dwelling
 - Details of proposed fencing to be submitted to the Local Authority for approval prior to the commencement of works

9. REPRESENTATIONS

- 9.1 4 representations received (object). Neighbour notification period expired 10 August 2015. Site notice expired 18 August 2015.
- 9.2 Summary of objections received as follows:
- Concerned about infilling within the conservation area. The remaining gaps in the buildings along Castle Street with views to trees and farmland beyond very much form the character of the street and are appreciated by both residents and visitors to the town. They add positively to everyone's wellbeing.
 - The development would result in the loss of two off street parking spaces for the property. This would be significant as the latest figures from the North Essex Parking Partnership show that there are 75 annual residents parking permits in Castle Street for 56 actual parking spaces. In practice, this means that residents who have paid for annual parking permits often have great difficulty parking in the street in the evenings and at weekends.

- Previous occupiers parked a large Saab on the hardstanding at the property for many years and the neighbour could still access the side, e.g. with bins. Another car (or two) requiring to park in Castle Street is a material planning consideration especially for a 2 bedroomed house. This is well stated planning guidance. Pedestrian safety would be further eroded from an already low base if everyone with a drive on Castle Street tried to develop them not to mention the blight on the “streetscape” which would result and the diminished parking ratio.
- The Design and Access statement claims that it is 'not possible to maintain the Right of Way over the drive and the parking of one car'. It is in fact perfectly possible as the previous residents had no difficulty with parking their cars with the right of way next to their cars being maintained.
- With regard to losing a parking space on Castle Street, it would be a pity as there is already great pressure on parking with many more residents' permits issued than there are spaces. Car parking is already at a premium in the street and the loss of a drive for parking would intensify an already severe problem.
- There needs to be gaps maintained between the parked cars within Castle Street so that people, including parents and children at St Mary's can see and be seen when crossing the road.
- Parking cannot and must not be created in front of the existing drive to No.81 if the drive is developed as this would further jeopardize pedestrian safety. The natural crossing point for schoolchildren is between the area in front of No.81 and Nos.34-36. It would be patently unsafe for children wishing to cross the street to contend with parked cars both sides of the road with no gaps. There is no safer crossing point available and no zebra crossing possible without losing many parking spaces, e.g. opposite the school gate. Motorists routinely flout the 20mph limit, even in front of the school, even at school hours.

10. APPRAISAL

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

- A Design / whether the development would preserve or enhance the character and appearance of the essential features of the conservation area (ULP Policies H8, GEN2 and ENV1).
- B Impact on residential amenity (ULP Policy GEN2).
- C Whether the loss of an off-road parking space would be acceptable at this town centre location (ULP Policy GEN8).

A Design / whether the development would preserve or enhance the character and appearance of the essential features of the conservation area (ULP Policies H8, GEN2 and ENV1).

- 10.1 ULP Policy H8 of the Council’s adopted local plan states that extensions will be permitted if their scale, design and external materials respect those of the original building whilst ULP Policy GEN2 states amongst other design objectives that development should be compatible with the scale, form, layout, appearance and materials of surrounding buildings and would not have an adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property. Additionally for this application ULP Policy ENV1 states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a conservation area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features.

- 10.2 The proposed two storey side extension would have a subservient scale to the host dwelling whereby part of its bulk has been lessened by reason of its jettied nature and as the indicated front dormer for the extension would be smaller than the main frontage dormer. As such, the extension would respect the proportions of the original building and would not give rise to any “terracing effect” by the manner in which the extension has been expressed. No objections are raised to the small rear extension. In the circumstances, the proposal would not be contrary to ULP Policies H8 and GEN2.
- 10.3 The site is located within the town’s conservation area at the northern end of the town’s historic core. The proposed side extension would effectively fill the gap which presently exists between the dwelling and the site’s NE flank boundary onto the adjacent primary school. The dwelling forms part of a short terrace of dwellings which front onto Castle Street which contains a pleasant and varied mix of period housing styles, many of which are listed, and which provides the street with its particular character and heritage qualities. In terms of building grain, it is acknowledged that small gaps exist between some of the historic buildings that run along Castle Street either side which generally comprise connecting pathways to dwellings set back from the street frontage or leading up to the church or down towards Bridge End Gardens. A view is also afforded to the rear of No.77 Castle Street down the side of that dwelling on the site at the beginning of the terrace with No.81. However, this view is not considered to be of any particular heritage significance whereby sheds and other outbuildings within the curtilage of that property can be seen. Likewise, the view down the opposite side of No.81 Castle Street is similar with a tree screen existing beyond the site’s rear boundary blocking any longer views.
- 10.4 The proposed extensions to this non-listed building have been assessed by the Council’s Conservation Officer who has not raised any specialist design objections to the proposal on heritage grounds. Whilst noting that the dwelling is positioned within a highly prominent location along Castle Street and makes a significant positive contribution to the character and appearance of the conservation area as a non-designated heritage asset, she comments that the side extension would be sympathetic to the asset and the wider streetscene and would draw reference from the existing terrace, whilst the rear extension would not have a detrimental upon the character and appearance of the conservation area. The proposal would therefore comply with ULP Policy ENV2.

B Impact on residential amenity (ULP Policy GEN2).

- 10.5 No.81 Castle Street is situated at the end of the line of dwellings leading up the street at its north-east end. The existing NE flank elevation of the dwelling does not contain any window openings, although the proposed side extension would introduce a two window range at both ground and first floor level. The first floor bedroom windows to the side extension would be naturally screened by an existing mature tree line which runs parallel with the side boundary of the site just slightly beyond with the school. No amenity objections are therefore raised under ULP Policy GEN2.

C Whether the loss of an off-road parking space would be acceptable at this town centre location (ULP Policy GEN8).

- 10.6 The property currently has the benefit of a paved hardstanding to the side of the dwelling. The hardstanding measures 3 metres wide to the side boundary and 7.9 metres deep to the side door of the existing rear conservatory. The Design and Access Statement accompanying the application provides the following information regarding the existing constraints at the site in relation to parking:

“Currently, the width of land between the property and the north-east boundary with the school is less than 3.1m. Within this area is a private ‘right of way’ for use by the neighbouring properties Nos.77 and 79 for wheelie bins, bikes and general access. Parking of the applicant’s car and maintaining sufficient clear access for this purpose is impossible as this space is simply not wide enough to perform both functions. Conveyance drawing ref: NWA-15-012-CONV submitted as part of the planning application shows the private right of way over for the neighbouring property. With the above in mind, the proposal submitted maintains a consistent 1.0m access way from the rear garden area of the adjoining neighbour property along the rear and side of the applicant’s garden to the highway. The access arrangements would be visually improved by replacing the existing 2.0 metre high fence to the side garden boundary with a 1.0m metre high picket fence. The surface would be either block paving or slabbed to allow wheelie bins to be easily pulled over and a majority of the access will be illuminated with down-lighters in the overhang of the extension proposed for security purposes...Currently, the land is used for parking. However, under the current arrangements the private right of way is not satisfactorily accessible for the neighbouring property. Unfortunately, it is not practical to maintain off-street parking in this case due to the right of way needed for the adjacent property. Parking immediately outside the property on the road is an acceptable arrangement in this part of Saffron Walden”.

- 10.7 It is known that the hardstanding is used for parking and at 7.9 x 3.0 would normally qualify as an appropriately sized vehicle parking space (although not two as stated in neighbour representation) under adopted parking standards, which state that a resident parking space should have a minimum bay size of 5.5m x 2.9m. However, as stated by the applicant’s agent, the private right of way which exists across the hardstanding to the road frontage for the benefit of the residents of Nos.77 and 79 Castle Street compromises the proper functionality of this parking space and this “sub-standard” situation is reflected by the consultation comments received by Essex County Council Highways, who, whilst acknowledging that the width of the hardstanding is wide enough to accommodate a car, also provide an informative that there is insufficient width to park a car at the site in view of the private right of way which has to be maintained, adding that Castle Street currently operates a parking permit system. As such, it raises no objections to the proposal on highway grounds.
- 10.8 The submitted scheme would formalise the private right of way arrangement which exists at the site by providing a 1 metre clearance gap between the side of the proposed side extension for its entire depth and the side boundary of the site. Thus, it is argued that the extension proposal would improve upon this situation by allowing a defined right of access and which would avoid potential disputes over private access rights being obstructed due to inadequate space to park a vehicle, although it is noted that the occupier of No.79 Castle Street has stated in representation that right of way access is not restricted and that it is possible to bring recycling bins to the front of the site when a car is parked on the hardstanding.
- 10.9 The side extension would result in the loss of this parking space whether or not it is regarded as being of appropriate parking width given the existence of the private right of way. It is accepted of course that there are many situations where, historically, “sub-standard” parking spaces at residential properties are practically used for domestic parking. It is noted that representations have been made by the Town Council and by local residents for the current application expressing concern regarding the loss of the parking space at 81 Castle Street where this would result in on-street parking and where this in turn would place pressure on the existing parking permit scheme for Castle Street. The dwelling is currently described as being one bed roomed and it can be argued from this that the introduction of a second bedroom for the extension

proposal would strictly require a second parking space under locally adopted car parking standards.

- 10.10 The site is situated within a sustainable location very close to the heart of the town centre and also to Bridge End Gardens and is therefore within walking distance of both local services and recreational amenities. Given this, it is considered that it is not essential for the existing on-site parking space to be retained. It is accepted that the loss of the parking space would increase pressure on the existing parking permit system for Castle Street as noted in representation, although it should be emphasised that the proposal would not in itself lead to an increase in on-street parking in Castle Street where parking is strictly controlled by the permit system whereby only a finite number of resident vehicles can be parked at any one time. The Council is not aware through this application submission that the applicant would be subsequently applying to have an additional parking permit space outside the front of the property beyond the parking permit scheme zone should planning permission be granted, although this is outside the remit of this proposal. Any future sale of the property by the applicant would of course have to be advertised without an on-site parking space (caveat emptor).
- 10.11 It will be seen with this application that a balance has to be struck between the present status quo of retaining what is considered by ECC Highways to be a sub-standard on-site parking space at this site in view of private rights of way access restrictions for the reasons described above against the loss of this space where the extension proposal seeks to remedy this access restriction through its design and is considered to be acceptable by the Council's Conservation Officer. It is considered by your Officers on balance that there are no legitimate parking grounds under which the proposed development should be refused where, as previously mentioned, the proposal would not introduce on-street parking because of the designated parking permit scheme for Castle Street. In the circumstances, it is considered that the proposal would not be contrary to the ULP Policy GEN8.

11. CONCLUSION

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

- A The proposed extension scheme would be acceptable in terms of design and would by its appearance preserve the character and appearance of the essential features of the conservation area.
- B The proposal would not have a detrimental impact on residential amenity.
- C The loss of the existing sub-standard on-site parking space would not result in an increase in on-street parking in Castle Street in view of the existing parking permit scheme.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

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

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

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

REASON: In the interests of the appearance of the development in accordance with ULP Policies ENV1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

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

3. Details of all new windows and doors shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with ULP Policies ENV1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of windows and doors 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.

4. All external joinery to the development hereby permitted shall be of painted/stained timber. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of the appearance of the development in accordance with ULP Policies ENV1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

5. All rainwater goods shall be of cast iron/metal painted matt black of a profile to match the main dwelling.

REASON: In the interests of the appearance of the development in accordance with ULP Policies ENV1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

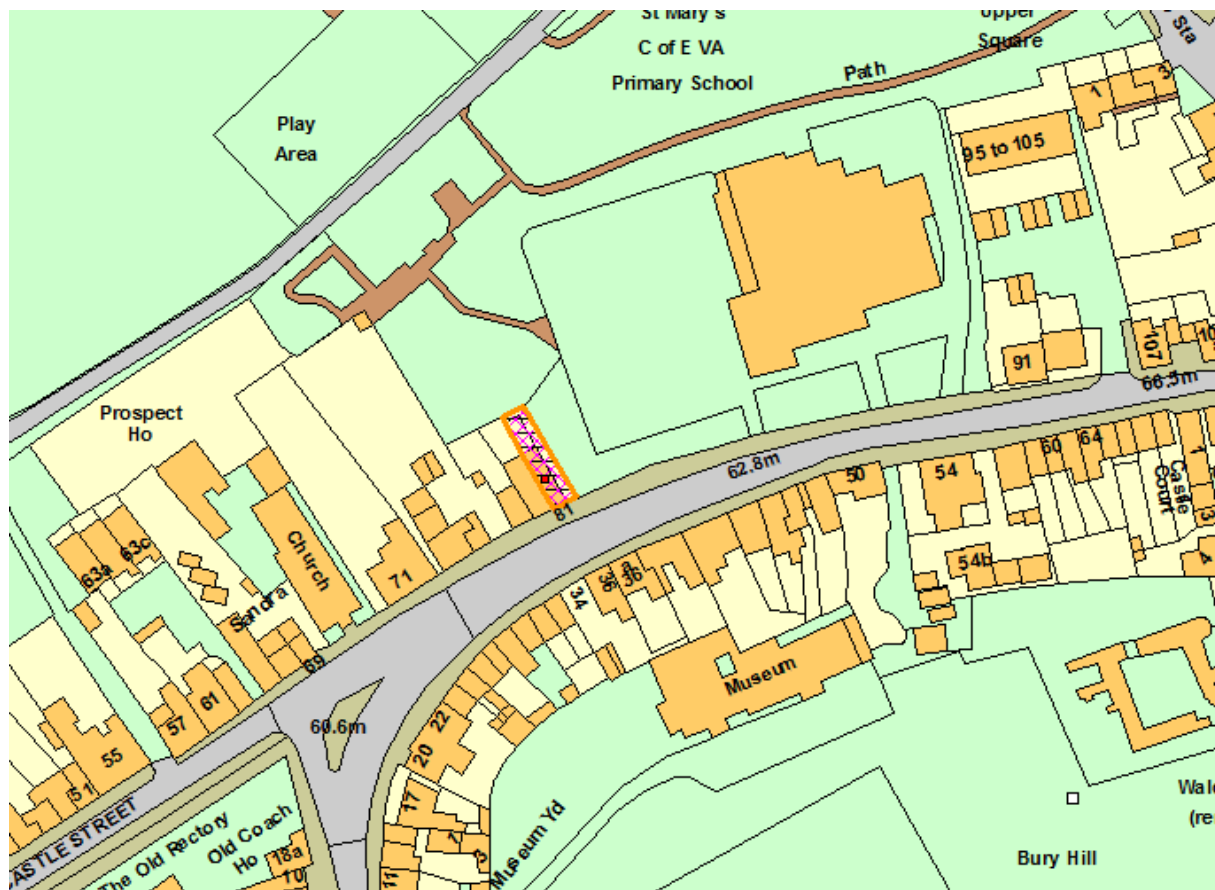
6. Details of fencing proposed for the north-east flank boundary of the site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with ULP Policies ENV1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of fencing 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.

Application number: UTT/15/2178/HHF

Location: 81 Castle Street Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688

UTT/15/2449/FUL - LITTLEBURY

(Applicant a former Ward Councillor and former Member of the Council's Planning Committee)

PROPOSAL: Conversion and extension of existing barn to provide a one bedroomed annexe.

LOCATION: Paddock rear of Walnut Tree Cottage, Littlebury Green Road, Littlebury.

APPLICANT: Mrs J Menell.

AGENT: Hibbs & Walsh Associates Ltd.

EXPIRY DATE: 28 September 2015 (extended to 28 October 2015).

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site is situated towards the end of Littlebury Green Road on its north side and comprises a range of single storey corrugated roofed timber and blockwork outbuildings with separate cart shed to the front used for domestic stabling and storage purposes which extend in a line to the rear of Walnut Tree Cottage, an attractive 1½ storey thatched cottage set back from the road frontage at the end of a long entrance drive, together with enclosed land to the side of the range which is used as additional garden land/smallholding in association with the residential use of that property. Further paddocks lie to the rear of the site. The land within the site is flat.

2.2 Littlebury Green comprises a small linear settlement whereby two storey dwellings front onto the road to the east of the site, whilst a two storey cottage set within extensive grounds (Old Rose Cottage) lies to the immediate west.

3. PROPOSAL

3.1 This proposal relates to the conversion and extension of the existing outbuilding range, including the frontage cart shed to provide a one bedroomed self-contained residential annexe which would accommodate the applicant who currently resides in the main dwelling at the site (Walnut Tree Cottage) and represents a revised application to withdrawn application UTT/15/0787/FUL relating to a similar although larger annexe proposal for this site.

3.2 The principal outbuilding range beyond the frontage cart shed would be extended in width by approximately 1 metre on either side for approximately 4/5ths of its length, whilst the corrugated roof which exists to the range would be replaced with a pitched roof comprising oak shingles. The new external walls to the altered structure would comprise compacted straw bale with a lime render finish. The existing clay tiled roof and external feather-edged boarding for the existing frontage building to be converted would remain. New windows for the new window openings for the annexe would

comprise flush casements. The design scheme would still allow for vehicular access to be gained to the rear of the building range as converted/extended from the front driveway of Walnut Tree Cottage as presently exists.

4. APPLICANT'S CASE

4.1 A Design and Access Statement has been submitted with the application which states as follows:

“The applicant has lived in Walnut Tree Cottage for many years. However, the cottage does not have level floors and the bedroom accommodation is on the first floor. Mrs Menell has no wish to leave Littlebury Green and this application is therefore for a fully accessible annexe with a ground floor bedroom and bathroom”.

4.2 The statement goes onto say that the existing outbuilding range is constructed of poor quality materials and has no aesthetic value by reason of its appearance and generally detracts from the site's rural setting, that the converted/extended building would by reason of its improved appearance compliment the rural setting of Walnut Tree Cottage, that the building would be constructed of highly sustainable materials and would be fully accessible/future proofed for disabled use.

4.3 The application is accompanied by an ecology survey report relating to Great Crested Newts prepared by JP Ecology dated 4 June 2015 and also requested information from ECC Ecology relating to bats.

5. RELEVANT SITE HISTORY

5.1 A previous planning application for a proposed annexe at Walnut Tree Cottage was withdrawn upon Officers' advice earlier in 2015 as the converted/extended outbuilding range as shown for that application partially incorporated a two storey element at the front end and provided a total of three bedrooms across both floors as self-contained residential accommodation whereby it was considered that the modified structure did not constitute an ancillary annexe to the main dwelling on the site but was tantamount instead to representing a new dwelling in the countryside which would have been contrary to the countryside protection aims of ULP Policy S7 of the adopted local plan had the application been determined (UTT/15/0787/FUL).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S7 – The Countryside
- ULP Policy GEN2 – Design
- ULP Policy GEN7 – Nature Conservation

7. PARISH COUNCIL COMMENTS

7.1 Comments not received.

8. CONSULTATIONS

Essex County Council Ecology

- 8.1 I note the results of the Great Crested Newt Survey (June 2015) which indicates that a non-breeding population inhabit ponds close to the site and that a breeding pond exists beyond managed lawns and the road. The report concludes that the proposal is “highly unlikely” to result in a contravention to wildlife law subject to appropriate mitigation. These mitigation measures are provided in Section 6.2 of the report and should be adhered to in full.
- 8.2 I note that the barn which forms part of the outbuilding range (cart shed) has not had a bat survey undertaken of it. I am unsure of the construction style of this structure and whether it would be a suitable structure for bats to inhabit and would welcome some photographs from the applicant showing all aspects of the building and preferably any loft void so that I can determine whether or not a bat survey is necessary prior to determination of the application.

Access and Equalities Officer

- 8.3 The application meets the requirements of the SPD on Accessible Homes and Playspace.

9. REPRESENTATIONS

- 9.1 No representations received. Neighbour notification period expired 28 August 2015.

10. APPRAISAL

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

- A Countryside protection / Design (NPPF and ULP Policies S7 and GEN2)
- B Whether the proposal would be harmful to protected species (ULP Policy GEN7)
- C Impact on neighbouring residential amenity (ULP Policy GEN2)

A Countryside protection / Design (NPPF and ULP Policies S7 and GEN2)

- 10.1 ULP Policy S7 of the adopted local plan has a clearly stated presumption against development within the countryside except for that which needs to take place there or is appropriate to a rural area. It is generally accepted, however, that appropriate development includes limited extensions and alterations to dwellings situated within the rural areas and it is for each proposal to be considered on its merits with regard to its impact on countryside character. ULP Policy GEN2 states amongst other design criteria that development shall be compatible with the scale, form, layout, appearance and materials of surrounding buildings, does not have a materially adverse effect on the occupiers of neighbouring dwellings and has due regard to Supplementary Design Guidance.
- 10.2 The proposed annexe building the subject of this revised application would stand on the approximate footprint of the existing outbuilding range behind and within close proximity of the main dwelling on the site and would be restricted to single storey height as one bedroomed self-contained accommodation to Walnut Tree Cottage. As such, the annexe as re-designed and as reduced in scale from withdrawn application UTT/15/0787/FUL would appear as an ancillary and subordinate building to the main dwelling in terms of its presented form, size and physical relationship and would in the

circumstances represent an acceptable annexe “extension” to the dwelling of limited size at this rural location outside development limits under the rural provisions of ULP Policy S7 and be acceptable in terms of its revised design as negotiated with the Council for the current application under ULP Policy GEN2 whereby the annexe building as introduced would represent a visual enhancement on the existing outbuilding range in terms of its impact on the rural amenities of the immediate area.

B Whether the proposal would be harmful to protected species (ULP Policy GEN7)

10.3 As previously mentioned, the site is within close proximity of ponds and surrounding terrain which have been identified within the applicant’s accompanying ecology survey report as in some cases being good aquatic breeding, non-breeding and terrestrial habitats for Great Crested Newts (GCN’s) with one pond located 150-200 metres away from the site being the main breeding pond. The conclusions from the survey are as follows:

“Based upon the Great Crested Newts population class assessment only very small numbers of Adult Great crested newts, 4 maximum during early May, were found on the site. <10 = low. Small numbers of Great Crested Newts were found to be present. However, no evidence of egg laying was found during any of the surveys suggesting the ponds are not being used as breeding ponds and the newts found on the site were an outlying population of young and foraging newts. The main breeding pond was located 150-200m away and separated by close mown lawn and a road”.

10.4 The executive summary for the report states that “Subject to the mitigation recommendations outlined below, it is reasonable to conclude that the development will be highly unlikely to result in an offence” and further that “Subject to the development being undertaken in accordance with the detailed mitigation measures included then it is reasonable to assume the risk of causing harm to individual newts will be negligible”.

10.5 ECC Ecology have been consulted on the proposal and has advised that it has noted the findings of the applicant’s ecology survey report relating to Great Crested Newts and that it raises no objections to the proposed outbuilding scheme in terms of nearby newt activity providing that the newt mitigation measures put forward in the report are adhered to in full to reduce any harm to this protected species. The applicant has provided further details to the Council relating to the condition of the frontage cart shed as requested by ECC Ecology. In response, ECC Ecology have stated in an email to the Council dated 30 September 2015 that the building is open to the front and rear and that the roofing tiles appear tightly sealed and further that the cut timber construction is unlikely to provide any suitable crevices for roosting bats. Taking these factors into account, it advises that it does not consider a bat survey to be necessary as there is not a ‘reasonable likelihood’ of bats being present. As such, the proposal would not be contrary to ULP Policy GEN7 in terms of impact upon protected species.

C Impact on neighbouring residential amenity (ULP Policy GEN2)

10.6 The annexe by reason of its single storey nature, its distance to the flank boundary with Old Rose Cottage situated to the immediate west (some 30 metres) and the enclosed nature of that boundary would mean that the proposal would not have any significant, if any detrimental effect on the residential amenities of that nearby property and the proposal would not therefore be contrary to ULP Policy GEN2.

11. CONCLUSION

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

- A The proposed annexe building would not have a significant harmful impact on the rural amenities of the area at this location by reason of its reduced scale and level of accommodation to be provided and would be acceptable in terms of design.
- B The development would not have a harmful impact on protected species.
- C The proposal would not have a detrimental impact upon residential amenity.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

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

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

2. The development hereby permitted shall be carried out in strict adherence to the mitigation measures and “Generic Method Statement for Reptiles and Amphibians” as set out on pp12-15 of the “Ecology Survey Report for Protected Species (Great Crested Newts) Presence / Presence & Population Assessment” prepared by JP Ecology dated 4 June 2015.

REASON: To ensure that the development hereby permitted does not cause harm to protected species which have been identified as being present within the immediate vicinity of the site in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Application number: UTT/15/2449/FUL

Location: Paddock At Rear Of Walnut Tree Cottage Littlebury Green Road Littlebury



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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688

UTT/15/1561/NMA - GREAT CHESTERFORD

(Application by Councillor)

PROPOSAL: Non-material amendment to UTT/14/1709/FUL – Modifications to rear elevation, omit sash window in rear elevation and replace with two horizontal slot windows, omit chimney stack, replace lean-to roof to side with parapet walls and lead roof, raise dormer windows to garage and introduce flint panels in garage brickwork.

LOCATION: The Delles, Carmen Street, Great Chesterford.

APPLICANT: Mr & Mrs Redfern.

AGENT: J.A.P. Architects.

EXPIRY DATE: 12 June 2015

CASE OFFICER: Mr C Theobald.

1. NOTATION

1.1 Outside Development Limits / Within Conservation Area.

2. DESCRIPTION OF SITE

2.1 The site comprises part of the extensive grounds of The Delles which contains a large non-listed Victorian dwelling fronting onto Carmen Street within close proximity of the junction with Jackson's Lane. The site is enclosed along its frontage boundary onto Carmen Street and along its north-eastern boundary with Jacksons Lane by flint curtilage walling and is further screened along these boundaries by an extensive tree belt. The majority of the site beyond the dwelling footprint and associated courtyard is set to lawn.

3. PROPOSAL

3.1 This proposal seeks non-material amendments to approved planning application UTT/14/1709/FUL for a new two storey four bedroomed detached dwelling with basement with detached triple bay garage block to the front to be erected within the grounds of The Delles between the existing dwelling and Jacksons Lane as an alternative dwelling design scheme to approved application UTT/1615/12/FUL.

3.2 The design amendments sought by this Non-Material Amendment (NMA) application are as follows:

- Reduction in level of glazed elements to first floor master bedroom to rear elevation of dwelling;
- Omission of first floor traditional sash window to cross-wing section to rear elevation and introduction by way of replacement of 2 No. horizontal narrow module (slot) windows;
- Omission of double chimney stack to south-east flank elevation and replacement with single chimney stack;
- Omission of lean-to roof to utility room to south-east flank elevation and replacement with flat lead roof with parapets;

- Raise height of 2 No. dormer windows to principal elevation of detached garage block by 300mm from eaves line to represent practical dormer height;
- Introduction of brick quoins and flint panels into garage brickwork for rear and side elevations;
- Handing of position of internal staircase leading to attic space above and introduction of side service door.

4. APPLICANT'S CASE

- 4.1 It is stated within the NMA submission that aesthetic improvements are sought to the approved dwelling design to omit flush eaves and barge detailing, that apex glazing is not required and that practical improvements to the approved garage accommodation are required to raise dormer windows off internal floor level.

5. RELEVANT SITE HISTORY

- 5.1 Planning permission granted by the Council in 2012 for the erection of a two storey cross-winged detached dwelling in period style with forward positioned detached triple garage block within the grounds of The Delles (UTT/1615/12/FUL) following refusal of permission for the same development earlier in that year (UTT/0579/12/FUL). Permission subsequently granted in 2014 for design changes to the dwelling as approved, including the interchanging of the principal and rear elevations (UTT/14/1709/FUL) – Note: the design of the approved ancillary garage block remained unaltered from the 2012 approved scheme (i.e., it would have a gabled roof with small front dormers in the roofspace).

6. APPRAISAL

The sole issue to consider in the determination of this NMA application is whether the design modifications now sought would represent non-material amendments to approved planning application UTT/14/1709/FUL for the erection of a new dwelling with detached garage block at this location.

- 6.1 The design amendments proposed as shown on submitted drawings 15007-10 and 15007-11 accompanying the application as itemised above are considered both individually and collectively to be minor in nature as they do not materially alter the design of the new dwelling and associated garage block as approved and as no neighbouring residential amenity issues would arise from the changes sought. In the circumstances, the changes proposed represent non-material amendments to approved planning application UTT/14/1709/FUL and a further grant of planning permission from the local planning authority is not required for the changes.

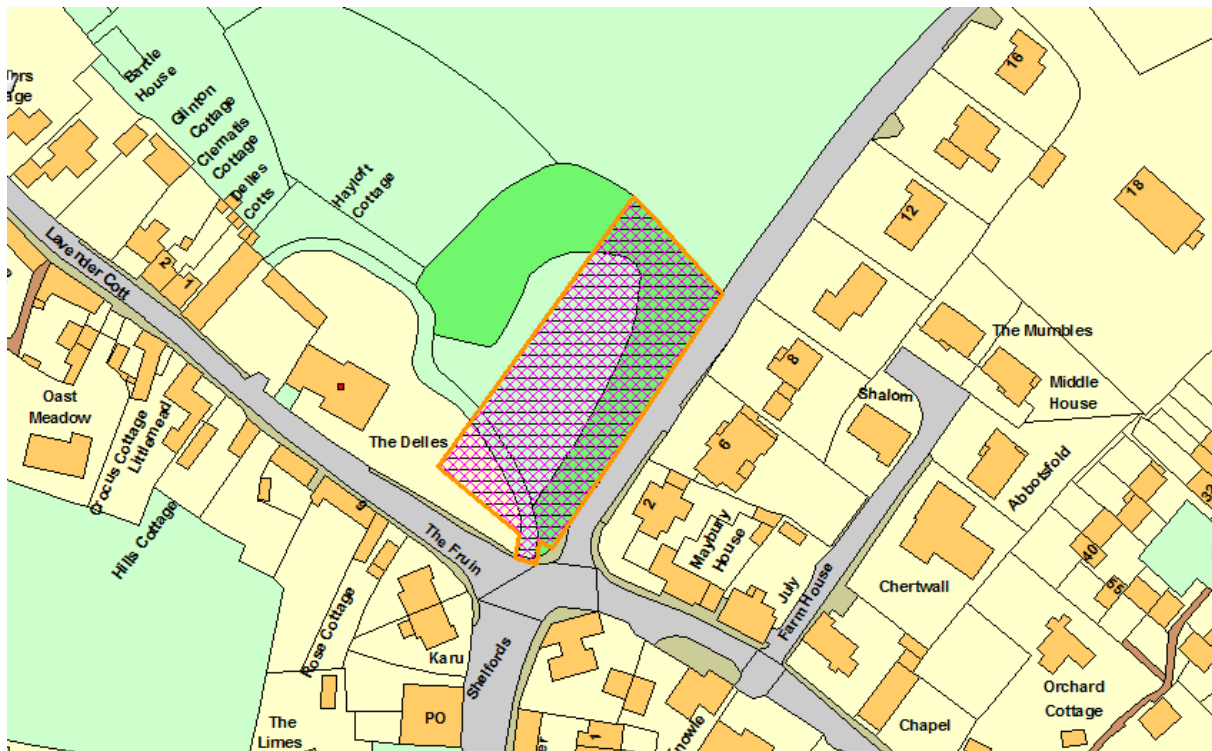
7. CONCLUSION

- 7.1 The design changes proposed represent non-material amendments to approved planning application UTT/14/1709/FUL.

RECOMMENDATION – Issue Non Material Amendment (NMA) decision notice.

Application number: UTT/15/1561/NMA

Location: The Delles Carmen Street Great Chesterford



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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688

UTT/15/2738/NMA – SAFFRON WALDEN

(Application relates to a Council building)

PROPOSAL: Non Material Amendment to UTT/13/0263/DC – Insertion of 3 no. windows to end elevation of workshop – this application proposed the insertion of 6 no. windows to end elevation in different locations to those approved under previous application

LOCATION: Council Depot, Shire Hill, Saffron Walden

APPLICANT: Uttlesford District Council

AGENT: Mr Stephen Friend

EXPIRY DATE: 21 October 2015

CASE OFFICER: Rosemary Clark

1. NOTATION

Within Settlement Boundary

2. DESCRIPTION OF SITE

The application site is an industrial building located within Shire Hill Industrial Estate. The site is located off the main Saffron Walden to Thaxted road. The surrounding area consists of a range of industrial and commercial building all of differing styles and sizes.

3. PROPOSAL

- 3.1 The applicant seeks to amend the previously approved application UTT/13/0263/DC which allowed the insertion of 3 no. windows to the ground floor, end elevation of the building to enable creation of office space. This application relates to the insertion of 6 no. windows in total, 3 at ground floor level and 3 at first floor level.

4. APPLICANT'S CASE

- 4.1 N/A

5. RELEVANT SITE HISTORY

UTT/13/0263/DC – Insertion of 3 no. windows in the northern elevation of the building - approved 14.3.13

UTT/13/0266/DC – Erection of steel framed storage building – approved – 14.3.13

6. APPRAISAL

The sole issue to consider in the determination of this NMA application is whether the design modifications now sought would represent non-material amendments to approved planning application UTT/13/0263/DC for the insertion of 3 no. windows in the northern elevation of the building.

- 6.1 The proposal involves the re-location of the windows on the end elevation of the building. There will still be 6 no. windows in total on this elevation but will be arranged differently to previously approved.
- 6.2 The proposed changes would not detract from the character of the building and would not be considered to be harmful to the character of the wider industrial estate. It would therefore be considered acceptable.
- 6.3 In terms of the amenity of the neighbouring land users, the site is surrounded by other commercial and industrial buildings. The change of location of the proposed windows would not lead to a significant loss of amenity through direct overlooking. It is therefore considered that in terms of amenity, the development is considered acceptable.

7. CONCLUSION

- 7.1 The proposed amendments to the window locations are considered to be minor amendments and will not have an adverse impact on the character of the building or any neighbouring buildings

RECOMMENDATION – Issue Non Material Amendment (NMA) decision notice.

Application number: UTT/15/2738/NMA

Location: Council Depot Shire Hill Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 5 October 2015

SLA Number: 100018688

Committee: Planning

Agenda Item

Date: 21 October 2015

5

Title: UTT/14/0127/FUL; 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

**Author: Nigel Brown
Development Manager**

Summary

1. The above planning application was reported to Planning Committee on 29 July 2015 where members resolved planning permission subject to conditions and the completion of a Section 106 Obligation which is progressing. The report to this Planning Committee is appended to this report.
2. Since the resolution of Planning Committee a Noise Report has been submitted by the Sharps Acoustics questioning the rationale and conclusions made by the acoustic report carried out by Acoustic Air Limited on behalf of the developer. The acoustic report submitted by the developer has been revisited by the Council's Principal Environmental Health Officer in light of the issues raised by Sharps Acoustic.
3. The purpose of this report is for members to consider the matters raised on this issue in their consideration of this application.

Recommendations

It is recommend that the approval of this application be confirmed subject to the terms of the Section 106 and conditions agreed at Planning Committee on 29 July 2015 subject to a replacement condition 8

8 Prior to commencement of development a detailed Road Traffic Noise Impact Assessment and noise attenuation / insulation scheme to protect residential amenity shall be submitted to and approved in writing by the Local Planning Authority.

The noise attenuation/ insulation scheme shall ensure that dwelling rooms and external amenity areas meets the following internal / external guideline criteria as detailed within BS 8233:2014 and the World Health Organisation Guideline for Community Noise 1999.

▪ Location	▪ 07:00 – 23:00	▪ 23:00 – 07:00
▪ Living Room	▪ 35 dB LAeq (16hr)	▪ -
▪ Dining Room	▪ 40 dB LAeq (16hr)	▪ -
▪ Bedroom	▪ 35 dB LAeq (16hr)	▪ 35 LAeq (16hr) + 45 dB LAmax
▪ Garden Areas	▪ 55 dB LAeq (16hr)	▪ -

The scheme as approved shall be fully implemented prior to occupation and shall be retained thereafter and not altered without prior approval.

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

Financial Implications

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

Background Papers

None

Impact

- 5.

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

Situation

6. This application was considered by Planning Committee on 29 July 2015. Members resolved to grant Planning Permission subject to the completion of a S106 Legal Obligation and certain conditions. The Section 106 Obligation is progressing.
7. Since the resolution of Planning Committee a Noise Report has been submitted by the Sharps Acoustics questioning the rationale and conclusions made by the acoustic report carried out by Acoustic Air Limited on behalf of the developer. The acoustic report submitted by the developer has been revisited by the Council's Principal Environmental Health Officer in light of the issues raised by Sharps Acoustic.
8. The purpose of this report is for members to consider the matters raised on this issue in their consideration of this application.

Comments by the Principal Environmental Health Officer

9. I refer to the acoustic assessment provided by Acoustic Air Limited, dated January 2014.
10. The assessment is not based on current accepted planning guidance. Noise impact should be considered in accordance with the WHO Guidelines for Community Noise, BS 8233: 2014 Guidance of Sound Insulation and Noise Reduction in Buildings, and the Planning Practice Guidance on Noise.
11. The site is affected by reasonably high levels of road traffic noise and ideally I would have preferred a full 24 hour survey. However, based on measured levels and the assessment methodology, I do not consider it warrants a further assessment at this time.
12. I note the assessment report prepared by Sharpes Acoustics LLP. In the main, do not disagree with many of the points raised, however, in my opinion; the acoustic assessment provided by Acoustics Air is not sufficiently flawed to be a justified reason for refusal on grounds of insufficient information.
13. In the main, the impact of transport noise can be typically mitigated against through the use of barriers, enhanced glazing and ventilation. On balance and taking into consideration Planning Practice Guidance on Noise, I am of the opinion that matters relating to internal and external amenity should be addressed through the use of appropriate worded conditions (See below).

14. Recommended Conditions

Prior to commencement of development a detailed Road Traffic Noise Impact Assessment and noise attenuation / insulation scheme to protect residential amenity shall be submitted to and approved in writing by the Local Planning Authority.

The noise attenuation/ insulation scheme shall ensure that dwelling rooms and external amenity areas meets the following internal / external guideline criteria as detailed within BS 8233:2014 and the World Health Organisation Guideline for Community Noise 1999.

Location	07:00 – 23:00	23:00 – 07:00
Living Room	35 dB LAeq (16hr)	-
Dining Room	40 dB LAeq (16hr)	-
Bedroom	35 dB LAeq (16hr)	35 LAeq (16hr) + 45 dB LAmax
Garden Areas	55 dB LAeq (16hr)	-

The scheme as approved shall be fully implemented prior to occupation and shall be retained thereafter and not altered without prior approval.

Informatives

If the applicant is unable to achieve the internal levels listed with windows partially open, an appropriate acoustically treated ventilation system must be proposed to ensure that the occupiers can achieve good ventilation rates without the need to open windows. For the purposes of this condition, good ventilation shall be equivalent to purge ventilation at 4 air changes per hour. Façade sound insulation calculations must be presented and based on the calculation give in Annex G2.1 of BS 8233:2014

According to the acoustic report, it is expected that noise levels of 55dB LAeq can be achieved through the use of screening from the buildings and fencing. The applicant is advised that it will be necessary to demonstrate that the occupants of each property will be protected from levels in excess of 55dB LAeq (16hr). Measures to ensure compliance with this standard typically include acoustics barriers and fencing. Any barriers/fencing to protect amenity areas shall be robust and be of sufficient mass, density and construction so as to adequately protect the future occupiers of the site. It is expected that the barriers will come with a min 15 year guarantee.

Conclusion

15. It is concluded that the Principal Environmental Health Officer is content and in light of the observations made regarding the Noise Report submitted on behalf of the developer.

UTT/14/0127/FUL (GREAT DUNMOW)

This matter was deferred from Planning Committee on 1.7.15 to allow members to visit the site.

PROPOSAL:	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.
LOCATION:	Land South Of Ongar Road Ongar Road Great Dunmow
APPLICANT:	Taylor & Ms.J.R.Mortimer, Ms S.M.Staines & Ms C.A.Stoneman
AGENT:	Boyer Planning Limited
EXPIRY DATE:	21 April 2014
CASE OFFICER:	Nigel Brown

1.0 NOTATION

1.1 Outside Development Limits / Protected Lane (part).

2.0 DESCRIPTION OF SITE

- 2.1. The application site is situated to the south-west of the town and comprises a broadly rectangular parcel of arable land comprising 4.07 hectares bounded by the B184 Ongar Road to the north, the unclassified Clapton Hall Lane to the east and south and residential properties and residential amenity land to the west. A mini-roundabout lies at the north-eastern corner of the site, whilst Hoblings Brook and the A120 bypass lie beyond the site's southern boundary. The land comprises countryside lying outside the settlement limits.
- 2.2. The northern side of Ongar Road is characterised by a line of post-war bungalows which stand behind highway verges, to the north of this row of housing is a modern housing estate accessed from Lukin's Drive. Clapton Hall Lane is characterised by a mixture of single and two storey dwellings, including Crofters (the exception with 2.5 storeys) and Crofters Barn, which are listed buildings. Another listed building, Gatehouse, is located close to the appeal site fronting Ongar Road to the east of the roundabout junction with Clapton Hall Lane.
- 2.3. The site is relatively level from east to west, but land levels slope from north to south to the south-western corner of the site with Clapton Hall Lane with a pronounced land level difference between the level of the site and the carriageway of Clapton Hall Lane at this point. The change in levels across the site overall is around 7 metres however on the parts of the site that are proposed to be developed the change in levels from the north to south in terms of finished floor levels is around 5 metres. The northern boundary of the site comprises a line of established trees and indigenous hedgerow with gaps that return along the western boundary, whilst the southern and eastern boundaries are relatively open with verges to Clapton Hall Lane.
- 2.4. A balancing pond is located between the site and the A120.

3.0 PROPOSAL

- 3.1. This application relates to a proposal for 99 dwellings, including 40 affordable houses, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a central children's play area (LEAP), green corridors, associated parking and landscaping.
- 3.2. The proposed layout for the site shows the provision of a central green and play area and perimeter public open space totaling 0.31 ha, parking areas, landscaping, and sustainable drainage measures to include provision of drainage "swales" and a balancing (attenuation) pond with pumping station in the south western corner of the site.
- 3.3. The development would comprise an "outward facing" development, including 40 affordable housing units (40.4%) and a proportion of smaller market housing properties with an average net density of 33 dwellings per hectare across the developable area of the site (as opposed to the total site area). The highest site density is around the central street through the use of terraced and semidetached properties. The lowest density housing would be the detached bungalows on the eastern boundary facing out onto Clapton Hall Lane.
- 3.4. The Design and Access Statement provides a design code which states that the site lends itself to the provision of 1, 2 and 2.5 storey housing having maximum ridge heights of 9.6 metres and 10.5 metres with single storey dwellings fronting onto Clapton Hall Lane having a ridge height of 5 metres. The external appearance of the new dwellings would draw upon the Essex and Great Dunmow vernacular with the use of chimneys and dormers and a palette of external materials.
- 3.5. The highway layout shows the slight realignment of the proposed priority access road from the mini-roundabout to facilitate a short section of segregated access road with turning area for 1 to 7 Clapton Hall Lane rather than leading directly off of the new access road.
- 3.6. Pre application discussions were held to address the relationship of development with Heritage assets such as the Listed Building at Crofters. Units 23 was re-orientated and changed to a true bungalow in order to address previous reasons for refusal and the garage block at units 24 – 25 was reduced from two storey to single storey by way of the removal of the first floor flat and the consequential reduction in footprint was achieved by reason of the removal of a garage space.
- 3.7. The plans were amended in accordance with these agreed changes and the application was submitted. Following a meeting during the application processing further amendments were made to address the previous main reason for refusal and comments of third parties. These amendments included the change of all units on the eastern boundary (19 – 23 inclusive) to single storey bungalows – house type V.
- 3.8. Around the new junction plots 1 – 4 have been amended to provide two bungalows (plots 1 and 4) and two 1.5 storey chalet style half hipped detached dwellings to replace the detached two and two and a half storey gabled dwellings previously proposed. Units 5 – 7 are retained as two storey units but they all now have full hips on their main elevations facing Ongar Road. Units 53 – 56 are two pairs of semi-detached houses and these have been amended to incorporate half hips to reduce their overall mass. The detached unit 57 – 59 has been amended to fully hip its roof slopes in order to reduce the silhouette of this building, which is located adjacent to the

western boundary at the north western corner of the site.

- 3.9. Along the western boundary units such as plots 60, 61, 81, 82, 83 and 84 have been amended to provide half hips in lieu of gables and plots 67 and 80 as well as the units at 62-64 and 97-99 all have full hips in lieu of gables. A larger gap has been provided between plots 82 and 83 and the garages to plots 80 – 82 have been hipped.
- 3.10. On the southern boundary the land level of the site is elevated above Clapton Hall Lane. House types have been changes to reduce ridge heights and hips are again used on a number of properties (plots 26, 27 and 92) and half hips on plots 24 and 25, 93 and 94 and 95 and 96). The houses at plots 93 – 96 have been amended from two and half storey units to two storey units with consequential reductions in ridge height and vertical emphasis.
- 3.11. Within the site generally semi-detached House Types C and D have been changed to a half hipped roof design and House Type P to a fully hipped main roof design. The area has a mixed collection of house styles with a mix of hips, gables and half hips throughout the area. In terms of roof design the proposal now have a much greater mix of roof styles ranging from hips to half hips to gables as opposed to the previous scheme, which proposed exclusively gabled roof designs.
- 3.12. In terms of clustering the affordable housing units have been re-organised on site and 4 of the new bungalows are proposed to be for affordable housing purposes.
- 3.13. Finally amendments were submitted to change the three 2 bed flats above garages (FOGs) from two bedroom units to one bedroom units with inset balconies, these units would all be small relatively inexpensive open market units and the two FOG units previously used as affordable units would be replaced by a pair of semidetached 3 bedroom houses. This represents a significant enhancement on the original affordable housing offer when taken together with the four two bedroom bungalows previously offered.

4.0 APPLICANTS CASE

4.1 The application is accompanied by the following reports:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Tree Survey Report
- Ecological Appraisal
- Phase One Environmental Assessment
- Flood Risk Assessment
- Transport Assessment
- Noise and Air Quality Assessment
- Archaeological Desk Based Assessment
- Drainage and Services Report
- Site Waste Management Strategy
- Surface water Storage Requirements for Site
- Heads of Terms for any legal agreement
- Heritage Report
-

4.2 Summary of applicant's case

- This is a suitable and sustainable site for housing development, confirmed by the Council's published SHLAA (December 2010) and the range of detailed assessments carried out by Taylor Wimpey in connection with the preparation of the application. The SHLAA assesses the site to be suitable, available and deliverable for the scale of development proposed and this application is within the indicative timeframes for development set out in the assessment;
- The recent appeal decision remains a material consideration and the Inspector found the site to be suitable for residential development.
- The Council is currently unable to demonstrate a five-year supply of deliverable housing land as required by national planning policy. In these circumstances there is a presumption in favour of the grant of planning permission for sustainable development.
- The development site relates well to the existing residential area on the southern side of the town and is within walking distance of the town centre, local employment opportunities and sustainable transport options;
- The proposed development of the site will contribute towards meeting requirements for both general market housing and the local need for additional affordable housing. In turn, the occupants of the development will support local businesses and service providers, whilst also contributing to the local labour market. The Framework is clear that sustainable development should not be refused if it complies with its policies, and in this case it is considered that development is needed now in order to help maintain a five year supply of housing land;
- The infrastructure required for the proposed development will either be met on site, funded through the proposed section 106 undertaking or can be accommodated within existing capacity.
- Provision of a new children's play area within the site will not only benefit new residents, but also those within the vicinity of the site;
- The technical reports prepared as part of the application show that there are no physical or environmental constraints, which would restrict or prevent development of this site and mitigation solutions have been developed to ensure that the development has no adverse effect on protected species.
- The amendments incorporated into this application overcome previous reasons for refusal relating to context, amenity and heritage assets.

5 RELEVANT SITE HISTORY

- 5.1. An outline application for 100 houses including details of access only (**ref. UTT/1255/11/OP**) was recommended for approval but refused on four grounds relating to the loss of and damage to the character of the countryside, failure to secure affordable housing, the inability of educational infrastructure to accommodate the development and the traffic generated by the development compromising the safety and convenience of road users.
- 5.2. That decision was the subject of an appeal, which was decided by way of a Hearing. The initial Hearing was adjourned due to issues with the notification of third parties and

following resumption of the hearing the appeal was allowed.

- 5.3. In his decision the Inspector concluded that the site and development would be capable, subject to details, of comprising a sustainable form of development, would not cause traffic safety or flow issues and was entitled to benefit from the presumption in favour of sustainable development arising out of the shortfall in deliverable housing land which outweighed the contravention with Policy S7.
- 5.4. The decision to allow the appeal was the subject of a successful challenge having regard to the conduct of the Hearing. The Inspector's decision to allow the appeal was Judicially Reviewed, and the allowed appeal was duly quashed. This decision was ultimately challenged by both the Planning Inspectorate and the applicant, and the quashed decision was reversed and the allowed appeal reinstated. The result of this later challenge has happened since this matter was reported to Planning on 7 May 2014.
- 5.5. The appeal decision therefore is a material consideration. It should also be reiterated that the site does have outline planning permission for 100 dwellings and this in itself is a material planning consideration.
- 5.6. A full application for the erection of 100 houses at the site was submitted in 2013 (**UTT/13/1979/FUL**) it contained identical access arrangements to the current application and a similar layout. However it contained a high proportion of 2.5 storey dwellings and no single storey dwellings. All buildings had gabled roof designs and tall buildings were located close to sensitive boundaries.
- 5.7. That application was refused under delegated powers for the following reasons:
 1. The proposal would fail to have proper regard to its context and site levels such that it would appear as an incongruous form of development introducing prominent buildings on this edge of town site in conflict with the existing form of development and contrary to Policies GEN2, therefore absent a satisfactory form of development for the site the proposal would cause harm to the countryside contrary to Policy S7 of the adopted Uttlesford Local Plan and the National Planning Policy Framework.
 2. The proposed dwelling at plot 23, by reason of the siting, orientation, levels and design, would lead to an unacceptable degree of overlooking and a loss of privacy to the occupiers of Crofters contrary to Policy GEN2 of the adopted Uttlesford Local Plan.
 3. The application makes no provision to secure the provision and retention of affordable housing needed to provide for local housing needs and as such would be contrary to the provisions of Policy H9 of the adopted Uttlesford Local Plan as well as the National Planning Policy Framework.
 4. The application makes no satisfactory provisions to secure necessary infrastructure in terms of contributions to primary and secondary education, healthcare facilities, improvements to the Hoblong's junction, provision of travel packs and a travel plan contrary to the provisions of Policy GEN6 adopted Uttlesford Local Plan as well as the National Planning Policy Framework
- 5.8. Reasons 3 and 4 could have been overcome by way of a satisfactory section 106 undertaking; however it was the applicant's position at that time that secondary school contributions were not necessary.

- 5.9. It should be noted that no in principle objection was made to the erection the 100 houses subject of that application at the same site.
- 5.10. That refusal of planning permission on detailed grounds was subsequently appealed, however, the appeal was withdrawn following the initial resolution approve of this current planning application.
- 5.11 This application was considered by Planning Committee on 7 May 2014. Members resolved to grant Planning Permission subject to the completion a S106 Legal Obligation and certain conditions. The Section 106 Obligation was completed and planning permission was issued on 31 July 2014.
- 5.12 The planning permission was subsequently legally challenged on the following grounds:
- a. Failure to carry out an Environmental Impact Assessment (EIA) Screening but relied instead upon screening opinions from previous similar applications;
 - b. Failure to consider the cumulative effects of planned developments in Great Dunmow;
 - c. The EIA Screening we relied upon was flawed
- 5.13 The Council accepted the failure on Ground a, but not on Grounds b & c. On this basis the Council did not contest the challenge.
- 5.14 The planning permission was quashed by the High Court on Ground a, alone, and the application has been returned to the decision maker, i.e. the Council, to be re-determined
- 5.15 In response to quashed planning permission, the applicant's submitted a formal request for an EIA Screening Opinion, registered as UTT/15/0460/SCO on 30 March 2015. An officer's screening opinion was provided on 20 February 2015; with a further revised opinion provided on 7 April 2015. Both concluded that the Environmental Impact (including Cumulative) was not significant; so an EIA was not required.
- 5.16 On 15 May 2015; a letter was received from legal representatives of local residents raising various concerns over the robustness of the Screening Opinion of 7 April 2015. In response to this a further Screening Opinion was provided on 10 June 2015; accepting some and addressing other points raised. It was concluded that the Environmental Impact (including Cumulative) was not significant; so an EIA was not required.

6 POLICIES

6.1. National Policies

- National Planning Policy Framework
- National Planning Practice Guidance

6.2. Uttlesford District Local Plan 2005

- ULP Policy S1: Development Limits
- ULP Policy S7: The Countryside
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design

- ULP Policy GEN3: Flood Protection
- ULP Policy GEN6: Infrastructure Provision to Support Development
- ULP Policy GEN7: Nature Conservation
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy E4: Farm Diversification: Alternative use of Farmland
- ULP Policy ENV2: Development affecting Listed Buildings
- ULP Policy ENV5: Protection of agricultural land
- ULP Policy ENV10: Noise Sensitive Development
- ULP Policy ENV13: Exposure to poor air quality
- ULP Policy ENV15: Renewable Energy
- ULP Policy H9: Affordable Housing
- ULP Policy H10: Housing Mix

6.3. Supplementary Planning Guidance

- SPD2 Accessible Homes and Playspace
- SPD4 Energy Efficiency and Renewable Energy
- Essex Design Guide
- ECC Parking Standards (Design & Good Practice) September 2009

7.0 TOWN COUNCIL COMMENTS

- 7.1. Object: This application refers to land outside the designated development limits and the Town Council does not accept that there is a deficit on the five year supply of deliverable housing. Full details are at 9.3.
- 7.2 Two further letters from the Great Dunmow Town Council since the reconsultation of this application are attached as Appendices A & B.

8.0 CONSULTATIONS

Highways Agency

- 8.1. No highway objections are raised to the proposal. The Highways Agency does not intend to issue a Highways Agency direction as the application of itself is unlikely to materially impact on the A120 road at this location or Junction 8 of the M11.

NATS Safeguarding

- 8.2. The proposal has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly raise no safeguarding objection.

Airside OPS Limited

- 8.3. No aerodrome-safeguarding objection subject to the submission of a Bird Hazard Management Plan, which can be secured by condition.

Environment Agency

- 8.4. No objections in principle. Application site lies within Flood Zone 1 defined by Technical Guide to the NPPF as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on site and/or off site if surface water run-off is not effectively managed. A Flood Risk Assessment has been submitted in support of the application. The Environment Agency has no objections to the proposed development on surface water flood risk grounds based upon the

information provided. Waste generation should be considered as early as possible in the property design phase to ensure that minimal volumes of waste arise during the construction of the development and water efficiency measures should be planned into the development. No objection subject to conditions

Water Authority (Anglia Water)

- 8.5. The local sewerage treatment works and foul sewerage network have sufficient capacity to accommodate the new development subject to discharge rates not exceeding 3.8 litres per second via a pumped regime.

Natural England

- 8.6. Refer to our comments on application 2013/01979. The proposal does not appear to significantly affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils. The protected species survey has identified that the following protected species may be affected by this application: Bats and Great Crested Newts. However subject to the imposition of conditions no objection is raised pursuant to the surveys submitted by the applicant. This application may provide opportunities to incorporate features into the design that are beneficial to wildlife and these measures should be secured from the applicant.

Essex County Council Highways

- 8.7. The access design was developed following discussions during the previous application between the applicant and the Highway Authority utilising the existing Clapton Hall Lane arm of the B184 roundabout into the site segregating the existing access for Nos. 1-7 Clapton Hall Lane from the new access road and this is considered acceptable.
- 8.8. The roundabout has no record of Personal Injury Accidents (PIA's) and the applicant's Transport Assessment demonstrates to the satisfaction of the Highway Authority that there is plenty of spare capacity.
- 8.9. The Highway Authority would not wish to raise an objection to the above application subject to the following highway conditions:
- Provision of turning and loading facilities etc within the site
 - An appropriate construction access
 - Parking area during construction
 - Wheel washing etc
 - Means of preventing surface water discharge onto highway
 - Subsequent approval of details of the provision of highway works to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/ Lukin's Drive roundabout along with the access amendments for Nos. 1-7 Clapton Hall Lane
 - Compliance with Essex Design Guide highway standards
 - Provision of bus stop improvements along Chelmsford Road
 - Compliance with adopted parking standards
- 8.10. Section 106 obligations as follows :
- Financial contribution of £27,183.00 toward investigation and works to improve capacity at the B184 Chelmsford Road with the B1256 Hobblings

- junction
- Residential Travel Information Packs
- A Residential Travel Plan

Essex County Council - Archaeology

- 8.11. The site lies within an area of archaeological importance to the south west of Great Dunmow and to the west of an area of prehistoric deposits. A condition is proposed to require trial trenches and open area excavation ahead of any works including preliminary ground works.

Essex County Council - Ecology

- 8.12. Subject to the imposition of conditions no objections are raised (comments from application 2013/1979).

Essex County Council - SUDS

- 8.13. No objections raised to the FRA subject to the Standing Advice Note

Essex Police

- 8.14. No objection subject to imposition of conditions

Essex County Council - Education

- 8.15. There are likely to be sufficient preschool places to serve the needs of the development. However primary and secondary provision in the area is likely to be at or beyond capacity and therefore contributions are required to mitigate the impact of the development. Contributions are calculated in accordance with the 2010 Developers Guide to Infrastructure Contributions and the Education Contribution Guidelines Supplement July 2010. If the development results in a net increase of 93 dwellings of two or more bedrooms contributions of:

£286,194.00 – toward primary education and
£289,854.00 – toward secondary education would be sought.
£576,048.00 - Total

Sport England

- 8.16. No comment.

Uttlesford Access and Equalities Officer

- 8.17. Please confirm that there will be level access to each dwelling on this site and that there will be no stepped access. I have reviewed the various house types and note that from the drawings submitted, house types N, R and R3 show no through floor lift space being identified. There is no mention of the plots to be Wheelchair Accessible plots, these need to be identified and there needs to be provision for 5. These need to be provided across both tenures.
- 8.18. **Note:** The threshold to each unit will be flat to accord with Part M of the Building Regulations. The revised plans show wheelchair accessible plots including seven two-bedroom bungalows of which four are affordable units.

Uttlesford Housing Enabling Officer

- 8.19. I am pleased to confirm the size and tenure mix together with the location of each plot of affordable homes meets the Council's policies and I appreciate the changes Taylor Wimpey have made with regards to the flats over garage (FOG) property types on plots 39 and 85 which were not suitable for affordable homes. I accept the 2X3 bed properties, plots 95 and 96 as suitable alternative properties under the affordable housing banner.

NHS Property Services

- 8.20. Raise a holding objection to the proposal, as the development of 99 new dwellings is likely to have a significant impact on the NHS funding programme for the delivery of healthcare within this area.
- 8.21. There is a capacity deficit in the catchment surgeries and a developer contribution of **£16,800.00**, required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal, is sought.

9.0 REPRESENTATIONS

- 9.1. The application has been advertised by means of letters of notification, site notices and a press notice. **170** letters of representation have been received in respect of the original receipt of the application some comprise multiple replies from the same address, however this does not diminish the weight that should be given to any material planning considerations raised. A petition has also been sent to the Council however it appears to be an on line document and no signatures are attached.

37 further letters of representations have been received since the further reconsultation of this application.

9.2. The Dunmow Society

- Site is outside the settlement limits on countryside and will lead to the loss of such land contrary to Policy S7. The proposed Market housing does not need to be located in the countryside and will harm the character of the area which policy seeks to protect for its own sake
- The proposal would not be able to address local infrastructure shortages such as in education, healthcare and the local highway network contrary to Policy GEN6 and the Guide to Infrastructure Contributions.
- Unacceptable level of traffic generation that will adversely impact on road safety and convenience contrary to Policy GEN1.
- Poor visibility at the proposed roundabout junction
- The scheme is too dense and provides insufficient car parking
- Affordable housing is provided for the benefit of nonresidents of the District

9.3. Great Dunmow Town Council

The Council resolved to object strongly on the following grounds:

- Inconsistencies in the plan approach do not assist local councils and the status of a five year supply should not override local concerns
- The Town permitted built sites amounting to 1090 dwellings. The shortfall is caused

not by a lack of sites but unwillingness to deliver by a developer. The GDTC does not accept that the Council is correct to assert that there is a five year under supply of available housing sites.

- Outside the development limits contrary to Policy S7 which seeks to protect the countryside for its own sake.
- Would prejudice the Local Plan Consultation and it is noted that this site was not included as a draft allocation because of its negative score in the Sustainability Appraisal
- Unsustainable form of development contrary to the social, economic and environmental strands
- Adverse impact on neighbouring dwellings
- Damages the historic settlement pattern of Great Dunmow
- Will lead to the loss of 4 hectares of Grade 2 Agricultural Land which comprises the best and most versatile land
- The Traffic Analysis submitted with the application is inadequate and does not provide a sound basis for a safe decision
- No healthcare or secondary education provision made

9.4. Great Dunmow Neighbourhood Plan Steering Group

No specific response has been received to this application but the summary comments made in respect of application 2013/1979 are reproduced below:

- The development of this site is not envisaged in the draft Local Plan and Sustainability Appraisal and was refused in 2011. The site is of significance to the town and its development would set an entirely negative precedent and is contrary to the emerging Neighbourhood Plan.
- Will adversely affect the rural agricultural setting of Dunmow contrary to the Town Design Statement 2008
- Adversely impacts on the setting of Crofters a Grade 2 listed building
- Poorly designed scheme
- A significant part of the site is blighted by noise from the motorway and trunk road

9.5. Additional points

- In reality everyone drives in this area and the junctions are incapable of providing the additional capacity required
- There is no need for this development
- The site is surrounded by good quality low rise low density properties that will be overwhelmed by the proposed development
- Cramped site layout
- The bridleway will encourage quad bikes and noise
- Unacceptable loss of Greenfield site
- Great Crested Newts from Oaklands will be adversely affected by the development
- The site has been overwhelmingly rejected as a potential development site by residents and town council in questionnaires and at planning consultations well before Taylor Wimpey's planning application.
- The loss of the field and far reaching vistas beyond has been underplayed. UDC commissioned a report which recommended that the views from one side of a valley to another should be protected. In this case the Roding Plateau is considered special and it was recommended that the views from one side of the valley to the other should be protected and remain visible. Furthermore, the massive investment by Highways to sink the A120 to help retain these vistas will be wasted. At the time of building the A120 the Planning Inspector advised Dunmow residents that the A120 would not form

the boundary of the town.

- Residents do not agree with the design and the design does not reflect the rural and semi rural environment that exists. This is compounded by the raised height of the field and the proximity to the edge of Clapton Hall lane
- Unacceptable loss of attractive agricultural land
- This is another housing estate which is not needed in Dunmow
- There is far too little parking on the proposed estate as every working adult will need a car to get to work as public transport in Dunmow is almost nonexistent.
- The access to the estate is inadequate as this will soon be clogged with parked cars.
- Local services such as the doctors' surgeries struggle now to cope with the number of people in Dunmow, never mind hundreds more. The local primary schools are full and the comprehensive far too large and cannot cope with more children.
- Recent studies indicate that there will be future water shortages in this part of the country and the proposed plans do not indicate any water storage facilities for these houses or how they will use grey water for flushing toilets etc.
- Woodlands Park will provide for the needs of Dunmow
- Where will the children play and how will they get to school?
- The existing volume and tonnage of vehicles passing through the town are detrimental to the amenity of existing residents any increase would exacerbate this harm
- The proposed site has been farmed for at least 60 years with good management. It is Grade 2 (excellent) arable land providing much needed crops. This land forms an attractive entrance to Great Dunmow when travelling from the West.
- Despite an exhibition and a poorly managed design workshop, virtually nothing has been incorporated into the proposed plan and layout in response to residents' concerns apart from a few cosmetic changes to layout. Adjoining Clapton Hall Lane, proposed housing has an overbearing presence on existing properties due to house design, unit density, proximity to the lane and the fact that the site is at an increased elevation above existing properties
- Adverse impact on the setting of Crofters a Grade 2 Listed Building
- Major development should not be contemplated in Great Dunmow until the council is satisfied that key infrastructure issues such as water supply, sewage treatment have been addressed. There are general concerns also, which I share, that key demographic information is lacking with regard to provision of education facilities. A key element of this is that, 'pro tem', children of families living in any new development on this site will necessarily have to be bussed through the town to existing primary schools and to the Helena Romanes School and Sixth Form Centre. A pick-up and dropping-off point/bus-bay will be required on the Ongar Road itself.
- High quality agricultural land, and far reaching countryside vistas would be lost unnecessarily in exchange for an estate of 2 and 3 storey houses that do nothing to protect the character of the countryside

9.6. Uttlesford Ramblers do not accept the proposed open space will compensate for existing rights of way.

9.7. Following the receipt of amended plans a further consultation was undertaken. At the time of preparing this report having allowed 14 days for responses no further responses had been received. Any responses received ahead of the committee will be reported orally.

10 APPRAISAL

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

A. The principle of development in this location (NPPF and ULP Policies S1, S7 and

ENV5)

- B. The Impact of the development on the Character and Appearance of the Area (NPPF and ULP Policies S7 and GEN2)
- C. Impact of the Development on the Setting of Heritage Assets (NPPF and ULP Policy ENV2)
- D. Impact on the Amenity of Occupiers of Neighbouring Properties (NPPF and Policy GEN2)
- E. Amenity of Future Occupiers (NPPF and ULP Policy GEN2 and Essex Design Guide)
- F. Mix of housing and affordable housing (NPPF and ULP Policies H9 and 10)
- G. Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice, updated by Uttlesford Local Residential Parking Standards, 2013)
- H. Is this a Sustainable Form of Development? (NPPF and SPD4 Energy Efficiency and Renewable Energy)
- I. Infrastructure provision to support the development (NPPF and ULP Policy GEN6)
- J. Drainage, noise and pollution issues (NPPF and ULP Policies GEN3, GEN4, ENV10, ENV11, ENV13)
- K. Impacts on biodiversity and archaeology (NPPF and ULP Policy GEN7, ENV8, ENV4)

A The principle of development in this location

- 10.1. The site is located outside the development limits and is therefore located within the countryside, an area where there is a presumption against development except for that which needs to take place there.
- 10.2. Residential development would not normally be permitted outside development limits for housing, although an exception to policy can be made for proposals for affordable housing when supported by a Registered Provider. This scheme is for 99 residential units of which 40 would be affordable and the remainder would be market housing.
- 10.3. The NPPF sets a presumption in favour of sustainable development which means approving development which accords with the development plan; and where the relevant policies in the development plan are out of date, granting permission for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 10.4. The NPPF requires Councils to maintain a 5-year supply of deliverable housing land with an additional buffer of 5% .
- 10.5. The 5-year land supply is a rolling target, which moves forward a year each April and therefore the Council must continue to monitor this delivery closely. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with 5.4 year's supply. Based upon the Local Plan's Inspector's indication

that the Council requires a 5% buffer this would indicate that the Council has a 5.1 year's supply. Indications from recent appeal decisions have mainly accepted the Council as a 5% authority; a few decisions have cited the Council as potentially a 20% authority, although this stance is not accepted this would indicate that the Council's has a 4.4 year's supply. It should be highlighted that the outline permission for the site (UTT/1255/11/OP) is included within this supply.

- 10.6. Therefore policies of constraint such as those relating to the protection of settlement limits and the countryside may well carry less weight given the Council may not be able to demonstrate a five year supply of deliverable housing land and does not have in place an up to date development plan that allocates sites for at least the next five years. In any case sites relied upon to deliver the five-year supply of housing breach policies of restraint such as S7.
- 10.7. The development of the application site is programmed in the housing trajectory to come forward in the short term and there are no obvious barriers to delivery from the site.
- 10.8. Consideration must be given to establish whether the site is sustainable for residential development and whether the development proposed can be considered to be sustainable and thus benefit from the presumption set out in the Framework.
- 10.9. As established the site lies outside the development limits of Great Dunmow. The boundary of the development limits of the settlement run along the northern side of Ongar Road to the north of the site and to the east of Clapton Hall Lane along the eastern side of the site. The other two boundaries are with open countryside.
- 10.10. The site has its northern boundary to Ongar Road facing existing and established residential development comprising a row of bungalows interspersed with the occasional chalet bungalow. Behind, to the north of, these bungalows is an estate development of two storey dwellings accessed from Lukin's Drive that are located within the development limits of the settlement. The eastern boundary with Clapton Hall Lane is framed by a row of houses comprising a mix of bungalows chalet bungalows and two storey houses. In addition, and exceptionally for the area, there is also a two and a half storey house that comprises a Grade 2 Listed Building (Crofters). To the east of (i.e. behind) the houses fronting Clapton Hall Lane are open fields comprising a protected Landscape Area and allocated Employment Land both within the settlement development limits.
- 10.11. The southern boundary is largely open with a late twentieth century detached two-storey house with low eaves and ridge height occupying the north most part of this boundary. The western boundary again appears mostly open with the curtilage of Oaklands, a chalet bungalow, occupying the northernmost two thirds of the boundary. To the west of this boundary lies three more bungalows and running northwest – south east beyond them is the A120 trunk road.
- 10.12. The character of this part of Great Dunmow is urban fringe with the town petering out before it reaches the A120. Dwelling houses become more irregular in siting and location such as Oaklands, Tiggers etc.) or whilst maintaining a regular pattern of siting become less prominent via their scale (see the bungalows on the northern side of Ongar Road) or combine an element of both these characteristics in terms of Clapton Hall Lane travelling from north to south.
- 10.13. The Council's *Historic Settlement Character Assessment* (2007) indicates that the land forms part of the wider visual landscape, concluding that development of this area,

whilst not affecting the historic core, would diminish the sense of place and local distinctiveness. The loss of the rural appearance and quality of this site could also detrimentally affect entry into the town from the west, along Ongar Road. An appeal decision concerning housing on land to the north west of the site dated February 2012, concluded, inter alia, that this part of Ongar Road provides a cut-off between town and countryside.

- 10.14. The impact of the proposed housing would be minimised by the existing mature landscaping along approximately 75% of the northern perimeter and it is proposed to retain and enhance this landscaping if development was to be permitted.
- 10.15. The proposals therefore have to be considered in the context of not maintaining a five-year supply of housing and less weight being attributed to policies that restrain housing growth, such as S7 (albeit such policies are broadly consistent with the Framework).
- 10.16. The proposal would clearly lead to the loss of existing countryside formed by the open arable field that comprises the application site. Clearly there are local views over the site and it can be appreciated as part of the wider countryside. These views are most notably from the north east and east. The development of the site would not materially impinge on the parkland setting of Great Dunmow, any loss would be more localised. Therefore, the proposal would not have regard to the intrinsic beauty and character of this part of the countryside of which the application site forms part.
- 10.17. The site is contained on two sides by existing residential development and a third side contains some more sporadic existing residential development. Therefore the consequence of the grant of permission for housing on this site would be residential development that does not extend further west than existing residential development within the town and Development Boundary (i.e. the development along the north of Ongar Road to no. 60 and also within the Lukin's Drive development) and does not extend further south than existing residential development that fronts Clapton Hall Lane ending in 19 Clapton Hall Lane (Crofters) which comprises the edge of the town and Development Limits of Great Dunmow.
- 10.18. Therefore, whilst clearly contrary to the provisions of Policy S7 of the adopted Local Plan, which is in general conformity with the provisions of the Framework, it is material to note that in general townscape terms the development of the site would be contained on two sides by the existing development limits of the settlement (north and east) and would not protrude outwards beyond existing established development limits (west and south).
- 10.19. Given this level of containment the application site would not lead to the loss of land that is part of the open countryside beyond the confines of the settlement and its influence. In his decision on the previous outline application at appeal the Inspector concluded:

The main detrimental effect would be the loss of the open vista from Clapton Hall Lane and around the Ongar Road roundabout. This has a value, recognised in the Historic Settlement Character Assessment, and helps to provide a visual connection between the urban areas and the wider countryside. However, this aspect is not of overwhelming importance. The field itself is relatively featureless, with limited intrinsic landscape value, and it is surrounded on two sides by residential development. The view of the countryside beyond, whilst characteristic of the wider area, is not subject to any special landscape status. There would be the potential, in the detailed design of a new scheme, to ameliorate the impact of the new development by the use of landscaping, and to replace the present openness with a

sense of containment. Changes to the area would not necessarily have a significant negative impact on its character.

10.20. That decision remains a material consideration (following the decision being reinstated from the successful challenge reversing the quashing) Giving additional weight to these findings are the following two facts:

- The Council relies on the provision of circa 100 houses from this site to form part of its housing land supply figure.
- The previous application was refused on detailed grounds and not on grounds related to the principle of developing the land

10.21. The site is located on Agricultural Lane within Classification 2, which comprises the best and most versatile land (Grades 1, 2 and 3a). Given all land in Uttlesford would fall within the definition of best and most versatile land with the vast majority in Grade 2 it is not considered that an objection on the loss of such land could be sustained in the circumstance of the Council being unable to demonstrate a five year supply of deliverable housing land.

10.22. Accordingly it is not considered that the current proposal can be resisted on grounds relating to the principle of development on this site.

B Impact on the Character and Appearance of the Area

10.23. It now falls to consider the details of the siting of the scheme. The northern boundary features outward facing dwellings fronting an internal access road or driveways to the west (i.e. plots 5 to 7 and 54 to 59) or an internal footpath (plots 1 to 4). All these plots are proposed to be located behind structural landscaping which would be a mix of existing and reinforced landscaping in terms of plots 5 to 7 and 54 to 59 but would be largely new planting in terms of plots 1 to 4.

10.24. The outward looking nature of this part of the development is welcomed and reflects the orientation of dwellings on the northern side of the road. The degree of spacing is less regular than on the northern side of the road but the proposal incorporates more generous spacing between buildings overall and this is a welcome and positive divergence from the pattern of development opposite.

10.25. The approach to the eastern boundary with Clapton Hall Lane is less formal and more spacious than that fronting Ongar Road, which to a degree reflects the differences between these two roads and their appearances. The scheme proposes two bungalows fronting Clapton Hall Lane (i.e. plots 20 and 21) and three bungalows with their side elevations facing the lane (such as plots 19, 22 and 23). Landscaping is proposed along the road frontage. In principle such an approach to siting is welcome and responds positively to local context.

10.26. The outward looking nature of the development along Ongar Road is continued on the western and southern boundaries of the site along its countryside boundaries. The southern boundary with Clapton Hall Lane is elevated above local land levels with the eastern part of this boundary some 1 metre above road level rising in the western part to over 1.5 metres.

10.27. Between the proposed housing at plots 24 – 27 and 92 - 96 and the southern boundary an 8 metres wide landscape corridor incorporating swales and a bridleway (in part) is proposed. There are reservations about the true width of the landscape

corridor given the obvious conflict between maintaining an open accessible bridleway and planting any landscaping and any conflicts between the proposed swales and maintaining structural landscaping. Such an approach in siting terms, subject to addressing any conflicts and a detailed landscaping proposal, represents an acceptable response to the local context softening the impact of the development on one of the countryside boundaries.

10.28. The western boundary is again characterised by outward looking dwellings that provide surveillance to the proposed access road and bridleway beyond. Plots 60 – 63 and plot 67 as well as plots 80 – 84 all front the western boundary of the appeal site. These houses are all sited between 14 and 22 metres away from the boundary and between the houses there are proposed to be an access road (4- 5 metres wide) a bridleway (3 meters wide) and the existing ditch (4 metres wide) which runs within the site boundary. Whilst there would appear to be limited opportunities for meaningful additional landscaping save to separate the bridleway and access road the removal of dead trees within and on the ditch side may well present new opportunities to increase screening along this part of the boundary and the combination of planting along the boundary will form a significant structural landscape boundary to the settlement (see Soft Landscape Proposals Plan 13.1705.02).

10.29. Whilst it is disappointing to note the relative proximity of Plot 58/ 59 to the side boundary (10 – 11.5 metres) overall the approach to this siting of dwellings along boundary in siting terms is not harmful.

10.30. In siting terms the internal arrangements within the site are successful and compare favourably with estate development in the area and the requirements of the Essex Design Guide. The central amenity green incorporating a Local Equipped Area for Play (LEAP) is noted and welcomed, as is the role of structural landscaping in this area to green the site.

10.31. The siting of the proposed development is to welcome and broadly follows the approach in the previous scheme to which no objection was raised.

10.32. Overall the scale and impact of the proposed houses was much less successful in the previous scheme and also in the original plans. Drawing 12/030/156B now shows the approach to storey heights at site. The existing area is characterised by a mixture of single storey and two storey dwellings. Of the 28 dwellings facing onto the application site (including Oaklands) the mix in terms of storey heights is:

Storey Height	Percentage
1	64%
1.5	21%
2	12%
2.5	3%

10.33. Taking the proposed buildings facing these properties along Clapton Hall Lane and Ongar Road the proposed mix in storey heights is:

Storey Height	Percentage
1	41%
1.5	12%
2	47%
2.5	0%

10.34. The proposed mix of dwellings together with the use of hips and half hips has led to a scheme that respects and harmonises with its context. In particular the street scene along the eastern boundary would be exclusively single storey, which responds positively to the context given the strong dominance of bungalows in this existing street scene.

10.35. Another positive change from the plans originally submitted has been the use of bungalows and 1.5 storey dwellings fronting onto the roundabout junction (plots 1 – 4). This serves to reinforce the strong pattern of single and 1.5 storey development in the area.

10.36. The presence of existing and proposed reinforced landscaping along the other parts of the northern boundary together with the use of hipped roof designs would make the use of two storey properties in this area complementary to the existing street scene providing both a degree of space and reduced building silhouettes that will assist in harmonising with the existing mixed street scene.

10.37. Overall the proposed development will provide a satisfactory response to the overall context, which is informed by more than just the dwellings fronting Ongar Road and Clapton Hall Lane. For instance the dwellings that sit behind 30 – 60 Ongar Road comprise an estate of late twentieth century housing predominately two storey in height arranged around Lukins Drive. Looking at an area of land from Ongar Road northwards as deep as the application site stretches south including the houses fronting Ongar Road and the houses in Lukins Drive it is estimated that the mix of storey heights is:

Storey Height	Percentage
1	10%
1.5	10%
2	75%
2.5	5%

10.38. Overall the proposed development comprises a mix of 1, 1.5, 2 and 2.5 storey dwellings. The storey heights as proposed are:

Storey Height	Percentage
1	7%
1.5	2%
2	78%
2.5	12%

10.39. The overall scale of the proposed development would therefore compare favourably to the local context both in terms of analysing the street frontages and the development overall.

10.40. I therefore consider that the proposed development will integrate with its urban fringe context successfully given the scale and spacing of dwellings both fronting Ongar Road and Clapton Hall Lane as well as throughout the site.

10.41. The amendments to properties along the western boundary have removed all 2.5 storey dwellings fronting this countryside boundary. Space between buildings has also been increased and the use of hips and half hips to the proposed buildings also assists in creating a sense of space along this boundary allowing viewed into and out of the site and views of landscaping beyond dwellings within and outside the site to form part

of its context.

- 10.42. The effect of amendments on the southern boundary have been to remove a large two storey flat and garage block, reduce ridge heights, remove two and a half storey properties and hip roofs. These amendments taken together with the generous spaces between the properties fronting this part of the site (i.e. 12 metres between plots 26 and 27; 10 metres between plots 27 and 92 and 12 metres between plots 92 and 93) all serve to present a sensitive response to this countryside boundary
- 10.43. As such, the proposed development would comply with Policy GEN2(a) insofar as it would be compatible with the scale, form and appearance of surrounding buildings. The Framework advises that good design is a key element of sustainable development (56). It is considered that the proposed development for the foregoing reasons would respond to local character and reflect the identity of local surroundings and therefore accords with policies of the adopted local plan which are consistent with the Framework as well as the Framework itself.
- 10.44. Furthermore, on balance the development of the fringes of the site by reason of the use of space, set back, scale and landscaping will provide a sensitive response to the countryside edge and whilst the development will be visible from the countryside to the south because of its elevated nature it will be viewed in the context of other buildings in the area and an open backdrop to existing buildings on higher ground (Ongar Road). Therefore the proposed development would provide a suitable edge to the settlement with space and building scale providing a suitable low-density boundary for the settlement. Whilst the development of the site must conflict with policy S7 of the local plan and its appearance would harm the particular character and appearance of the countryside within which the application site is set, it is not considered that the proposed layout and design of the development site would provide an unsuitable edge to the settlement given the issue of principle has already been established.

C Impact on the Setting of Heritage Assets

- 10.45. Two Grade 2 Listed Buildings are located close to the application site. The Gatehouse fronts Ongar Road just to the east of the roundabout junction with Clapton Hall Lane. The proposed developments is separated from that building by the modern housing that already fronts Clapton Hall Lane and a series of single storey outbuildings that wrap around the southeastern limb of the roundabout junction.
- 10.46. The setting of gatehouse is already suburban with modern estate development in the form of David Wright Close directly opposite that building. It is not considered that the proposed development will have any material impact on the setting of Gatehouse.
- 10.47. Crofters (No. 19 Clapton Hall Lane) is located close to the southeastern part of the application site on land below the level of the application site. The closest buildings proposed to the Listed Building are the single-storey garages to plots 24 and 25 and the bungalow at plot 23.
- 10.48. The applicant's approach has been to locate single storey houses along the eastern boundary and to try and introduce some space between dwellings. The report addresses the impact of this approach in section A in terms of the wider context. Plot 23 comprises the closest single-family dwellinghouse. The combination of its overall height (5 metres to ridge) and level mean the proposed building will have a ridge level over 2.2 meters below that of Crofters.
- 10.49. The previous Inspector concluded that the present openness of the application site did

not especially contribute toward the setting of the Listed Building and that the development of the site would preserve the special historic and architectural character of Crofters and Gatehouse.

10.50. In this case it is considered that the amendment to house types fronting Clapton Hall Lane resulting in significant reductions in height and scale of those buildings will overcome objections previously raised in respect of the preservation of the setting of the Listed Building. The proposals will preserve the special historic and architectural character of Crofters in accordance with the duty under the act and the policies of the Framework.

D Impact on the Amenity of Neighbouring Properties

10.51. Whilst there are some height differences between existing houses facing the application site and two storey houses proposed on the site, those houses are generally located some distance apart and have front to front relationships. For instance the houses in Ongar Road and those proposed facing them are sited between 26 metres and 43 metres apart.

10.52. Such a degree of separation, across the road and with intervening existing and proposed landscaping, will ensure that the amenities of the occupiers of properties in Ongar Road are protected.

10.53. Similar conclusions can be reached in the main for properties in Clapton Hall Lane despite the proposed buildings being sited closer to the existing properties. The use of buildings that present their flank elevation to this boundary (plots 19, 22 and 23) also assists in presenting a more open boundary and removing the potential for overlooking. The remaining properties at plots 20 and 21 are single storey and do not feature any roof lights or dormers, as such there is no undue overlooking of neighbouring properties.

10.54. The second reason for refusal on the previous scheme related to overlooking from a two storey building into the garden of Crofters. That has been addressed in the amended scheme by the use of a re orientated single storey dwelling that will not lead to overlooking of any neighboring garden.

10.55. Accordingly, it is considered that the proposed development would not lead to harm to the amenity of occupiers of Crofters or any neighbouring properties and as such it would not conflict with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan.

10.56. With regard to the western boundary only one property shares that boundary, it is known as Oaklands. Oaklands has an extensive curtilage and properties fronting this boundary are separated by a landscaping corridor and access road. Separation distances from the front elevation of plots 68 and 81 – 85 and the side boundary to the rear garden of Oaklands range from 14 – 19 metres and include a wide belt of existing landscaping which is proposed to be supplemented as part of the proposed landscape strategy.

10.57. It is considered that the relationship of the development to properties beyond the western boundary is acceptable.

E Amenity of Future Occupiers

10.58. All dwellings are provided with satisfactory private rear gardens. All gardens exceed

the Essex Design Guide requirements in terms of size. Average garden space for three bedroom units exceeds the 100 sq metre requirement, and there are notable excesses in terms of some of the two bedroom units with gardens to the two bedroom bungalows averaging 130 square metres.

10.59.The Flats over garages are now all one-bedroom open market dwellings and each comes with a six square metre inset balcony.

10.60.Back to back distances and orientation of units to one another are considered to be satisfactory such that units do not lead to significant amenity issues for occupiers of other proposed houses.

10.61.Car parking for individual units is largely provided within or adjacent to the curtilage of the proposed dwelling. The exceptions are the small parking courts to plots 85 – 87 and 99 and 35 - 37. However these spaces are provided in close proximity to the dwelling they serve. Other spaces are not immediately adjacent to the plots they serve, such as car parking spaces for plots i.e. 31, 51, 54, 69; however these spaces are typically located within 12 metres of the front door and/ or have direct access into the rear garden of the property.

10.62.Fifteen visitor car parking spaces are provided centrally within the site.

10.63.A central amenity green is provided incorporating a Local Equipped Area of Play (LEAP) no details of this area and the equipment are provided with the application. However such matters can be the subject of a suitably worded condition and there is adequate space to accommodate such equipment together with landscaping.

10.64.The landscape strategy plan was amended following concerns about the level of planting between buildings in some of the larger rear gardens. The applicant considered such matters could be the subject of conditions however given they include landscaping within their description of development and include a landscape strategy plan it was considered important that the overall strategy is reflected on this plan. The inclusion of more planting between buildings is considered to improve the overall appearance of the site and assist in breaking up the hard materials used on the buildings and hard surfaces.

10.65.All buildings are designed to meet Lifetime Homes requirements and potential through lift facilities can be incorporated on house types A N and R.

10.66.Overall satisfactory living conditions and amenity are considered to be provided for future occupants.

F Mix of housing and affordable housing

10.67.The proposed development comprises a scheme of family dwelling houses with six one-bedroom units mixed in. Otherwise the scheme comprises a satisfactory mix of units as detailed below:

	1 bed	2 beds	3 beds	4+ beds
Proposed Overall	6	28	46	19
Affordable Mix	6	18	16	0

10.68.Policy H10 requires all new development on sites of 0.1 hectares and above to include a significant proportion of market housing comprising small properties. Paragraph 6.10 defines smaller houses as 2 and 3 bedroom market houses. The percentage mix of

market houses is set out below:

	1 bed	2 beds	3 beds	4+ beds
Overall Housing Mix	6%	28%	47%	19%
Market Housing Mix	0%	18%	51%	32%

10.69. It is considered that the proposed mix of market housing with 69% allocated to smaller dwellings would satisfy local need and the terms of Policy H10 and the mix of affordable intermediate units accords with the requirements of the Council's Housing Officer. Of particular note is the provision of four of the proposed bungalows as affordable units.

10.70. It is common ground that 40% affordable housing is necessary to meet the policy requirement and the housing should be split 70:30 between rental and split ownership.

10.71. Any failure to provide an undertaking to secure the satisfactory provision and retention of housing would comprise a reason to refuse planning permission. However the applicant has already indicated willingness to accord with these requirements.

10.72. Whilst the provision of affordable housing to meet identified and substantive local needs is a matter that would weigh in favour of the grant of planning permission any failure to secure such matters and thus not provide satisfactorily for the provision and retention of affordable housing would comprise an objection to the scheme that would carry substantial weight.

G Access and Parking Provision

10.73. Access to the application site is via a limb of the Ongar Road roundabout. Such arrangements have been the subject of discussion and agreement between the Highway Authority and applicant.

10.74. Indeed the access arrangements were finalised as part of the previous appeal application (1255/11) and the Highway Authority raised no objection to these arrangements at that time. The Highway Authority maintain their position that the access arrangements are acceptable on safety and convenience grounds and accept that there is adequate capacity on the Ongar Road roundabout. No evidence that additional traffic from the site would exacerbate the likelihood of accidents on Ongar Road and that the proposed traffic from the application site would materially exacerbate queuing issues at the Hoblong's junction have been provided. The Highway Authority is content that a proposed s106 payment towards addressing queuing issues at the Hoblong's junction would overcome any issues associated with that junction.

10.75. The previous Inspector's decision, which remains a material consideration, did not object to the proposals on technical highway grounds and supported the view of the Highway Authority.

10.76. The Highway Agency raises no objection to the scheme on the basis of any adverse impact on the A120 or M11.

10.77. Therefore, despite the views of local residents, there is no evidence to assist the Council in refusing planning permission on highway grounds. Indeed it is considered that a decision contrary to the advice of the Highway Authority that also sought to go behind the substantive findings of the Inspector in the previous appeal at this site and was also contradictory of findings in the recent North of Ongar Road appeal decision

would run the real risk of being found to be unreasonable.

10.78. Bridle way access is provided along part of the west and south boundaries of the site the bridle way is 2 - 3 metres wide and proposed to be natural surfaced. Sustrans have objected to this approach and it was suggested as a compromise that at least 1 metre of the bridle way should be hard surfaced so pedestrians can access this resource.

10.79. When requested to consider such an amendment the applicant has responded

“there are constraints that limit our ability to accommodate hard standing within the green corridors; those arising from drainage requirements (AWA), Ecological constraints (Newts) and Arboriculture. We have endeavored to reach a compromise, which allows DDA/cycle compliant access through the centre of the site and foot/horse access along the green corridor. Unless these other constraints are to be given less weight in planning terms than the need for a bridleway, we do not have a choice but to remain with our current proposal. “

10.80. Sustrans do not accept this position. However it is not considered, having regard to the history of this site and the main function of the green corridors for ecology and drainage purposes that a reason for refusal could be sustained on this ground.

H Is this a Sustainable Form of Development?

10.81. The application site is located within 1 kilometre of the town centre with its wide range of shops, employment and community facilities. Employment facilities are located close to the application site and primary and secondary schools facilities are provided within the town.

10.82. I note that the Inspector in his findings on the latest appeal relating to the North of Ongar Road site found that site to comprise a sustainable location for new housing development and noted that it would bring forward a new bus stop and diverted 42A service. That Inspector noted that the diverted service would bring forth sustainability benefits for the site subject of this application.

10.83. Moreover in his 2012 appeal decision at this site the Inspector noted that on balance the application site *“represents an adequately sustainable form of development in respect of accessibility to local facilities and public transport”*.

10.84. Given the findings of two independent Inspectors with regard to sites in Ongar Road it is concluded that the site comprises a sustainable location for new housing development.

10.85. The proposed houses will be constructed to Code for Sustainable Homes Level 3 (or its equivalent), which meets the minimum requirements of the adopted Energy Efficiency and Renewable Energy SPD. Further measures to reduce carbon dependency may well be capable of being incorporated into the proposed homes and the applicant has invited the Council to impose a condition to secure such matters.

10.86. The location for these new homes and their fabric can be considered to be sustainable together with the principal of developing this site. It is considered that the proposals would accord with the three strands of sustainable development insofar as they would provide satisfactory relationships with the existing urban properties that bound the site, respect their environment and context as well as allowing social cohesion with existing residents and populous and providing economic benefits in terms of the development

of the site and greater markets for local businesses.

10.87. Any failure to secure the affordable housing and its retention and necessary contributions toward infrastructure would create concerns about the sustainability of the proposed development in particular its social dimension.

I Infrastructure provision to support the development

10.88. The application was the subject of pre application discussions to secure a range of facilities and or contributions to ensure that the development will be served by adequate infrastructure.

10.89. The application was accompanied by Draft Heads of Terms that relate to:

- the provision of 40% affordable housing split 70:30 between rented units and shared equity units
- 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
- Primary education contribution of £294,013.00
- Highway contribution of £27,183 toward improvements of the Hobblings junction
- Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops
- Healthcare contribution of £16,800.00
- The Council's reasonable legal costs

10.90. It is understood that the applicant is willing to enter into an agreement with the Council to secure these necessary contributions and works. The Council's solicitor has advised that an agreement would be necessary and it is understood that the applicant has no objection to such an approach.

10.91. Subsequently confirmation has been received from the applicant that a contribution for secondary education (£297,773) is acceptable. Furthermore, the Heads of Terms and any undertaking can secure the Travel Plan and Travel information packs required by the Highway Authority.

10.92. One significant change since the previous consideration of the application in May 2014; is as from April 2015; under the CIL Regulations, pooling of contributions to a single project is restricted to only five planning permissions. This has resulted in a change of stance from Essex County Council Education with regards to contributions to secondary school education. In this case the County Council have indicated that contributions from this development would be considered as one of the five. As such, the contribution is still sought..

J Drainage, Noise and Pollution Issues

10.93. A Phase 1 Environmental Assessment accompanies the application and confirms that the site has low to medium environmental sensitivity and has identified no potentially complete pollutant links to Human health. It is clarified that the site has never been used as landfill.

10.94. A Drainage and Services report also accompanies the application with no connection problems or issues identified and foul and surface water drainage solutions demonstrated to work. A packaged pumping station is proposed with connection to the Foul Sewer on Ongar Road. It is proposed that Anglian Water would adopt this facility.

- 10.95. The FRA confirms the site is located in zone 1 and proposes a surface water drainage solution for the site with a hierarchy of SuDS measures as well as ponds and swales.
- 10.96. The developable area of the site falls with Noise Exposure Category B where Annex 1 to the now revoked but not replaced PPG24 advised that Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
- 10.97. The scheme has been designed to mitigate the main sources of noise to the site (traffic noise from Ongar Road and the A120) with the private garden spaces to houses facing these sources either located to the rear of the dwellings and thus shielded by the dwelling itself from the source of noise or mitigated through the use of close boarded fencing to bring the amenity spaces within World Health Organisation noise criterion levels.
- 10.98. Air quality is also investigated and the report concludes that the annual mean air quality objectives will be met at the most exposed receptor locations and therefore air quality over the site is acceptable for residential development.

K Impact on Biodiversity and Archaeology

- 10.99. There would be no impacts likely to ecological value of wildlife sites within 2 kilometres of the application site. The site is considered to have low nature conservation value and it is proposed that the landscape strategy would enhance ecological value by supplementing the existing gappy/ remnant hedgerow.
- 10.100. Great Crested Newts occupy ponds close to the application site and therefore it is reasonable to assume that they use terrestrial habitats within the site. Mitigation measures are proposed and will be the basis for a detailed mitigation strategy to be presented to Natural England as part of a post planning permission European Protected Species license application.
- 10.101. Green corridors are provided along the west and south site boundaries these will assist GCN dispersal between wet areas and ponds including the new large pond in the southwest corner of the site.
- 10.102. There is potential for the development to proceed subject to suitably worded conditions without significant ecological effects and with the potential for some habitat enhancement and biodiversity gains.
- 10.103. A desk based assessment has been undertaken and concludes that the site has been undeveloped throughout its mapped history. The study has identified low potential for Palaeolithic and Mesolithic, Iron Age and Anglo Saxon, Medieval, Post Medieval and Modern period. Moderate potential is identified for the Neolithic and Bronze age periods and Good potential for the Roman period.
- 10.104. The applicant has therefore suggested that a condition similar to that imposed by the Inspector on the outline permission would be appropriate. Essex County Council concurs and proposed the wording of suitable conditions.

11 CONCLUSIONS

- 11.1. The proposal provides for development outside the existing settlement and would harm the aims of Policy S7, which seeks to protect the countryside for its own sake.

However reduced weight has to be given to such matters as the obligation of the Council to maintain a five year supply of housing. The current situation at 5.1 year's supply, and the fact that this site contributes to this supply (through the outline planning permission, this factor is material to the consideration of this application.

- 11.2. The proposed development would provide a satisfactory mix of market housing and affordable housing in an area where there is a need for deliverable housing land. These matters are to be afforded substantial weight in the planning balance. Satisfactory access arrangements are provided to the site and the landscaping strategy demonstrates that the site can be satisfactorily landscaped whilst incorporating an equipped play area.
- 11.3. The application, as amended, has overcome previous objections relating to the scale of proposed dwellings and a failure to relate satisfactorily to the immediate and wider context. Concerns about overlooking of neighbouring properties and the impact on heritage assets have also been overcome.
- 11.4. The site would provide satisfactory amenity for future occupants with garden spaces largely conforming to or exceeding the Essex Design Guide requirements. Car parking is provided within or close to the curtilage of all dwellings and separation distances between all proposed dwellings are acceptable.
- 11.5. The agreement to secure necessary infrastructure requirements associated with the scheme overcome previous objections to the scheme.
- 11.6. The benefits of developing this site for housing in the short to medium terms outweigh any harm to outdated local plan policies seeking to protect the countryside. Therefore, the application is recommended for favourably.

12 RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**
 - (i) the provision of 40% affordable housing split 70:30 between rented units and shared equity 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) Primary education contribution of £294,013.00**
 - (iv) Secondary education contribution of £289,854.00**
 - (v) Highway contribution of £27,183 toward improvements of the Hobblings junction**
 - (vi) Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops**
 - (vii) Healthcare contribution of £16,800.00**
 - (viii) Travel Plan**
 - (ix) Council's reasonable legal costs**

- (x) 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**

Conditions/ reasons

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

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

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

4. Prior to the erection of the development hereby approved (not including footings and foundations) 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).

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.

REASON: To enhance the sustainability of the development through efficient use of water resources.

7. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

8. 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).

9. 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).

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

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

11. 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 Planning Policy Statement 5.

12. 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 Planning Policy Statement 5.

13. 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 Planning Policy Statement 5.

14. 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.

15. 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).

16. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.
 - (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [*the date of the occupation of the building for its permitted use*], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
 - (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition (), 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).

17. 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).

18. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

19. 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).

20. 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).

21. 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

22. 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.

23. 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.

GREAT DUNMOW TOWN COUNCIL

CAROLINE FULLER, MILCM
FOAKES HOUSE
Town Clerk
47STORTFORD ROAD
& Responsible Financial Officer
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29th May 2015

Mr N Brown
Development Manager
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

Dear Mr Brown

UTT/14/0127/FUL Land South of Ongar Road, Great Dunmow – Amended

The Town Council met on 28th May 2015 and resolved unanimously to continue to object strongly to this planning application as it does not comply with local or national planning policy and would cause significant unsustainable economic and social harm to the town and environmental harm to the countryside.

It is noted that Uttlesford District Council refused permission to applications UTT/1255/11/0P and UTT/13/1979/FUL. Although this latest application and its amendments go some way towards meeting those reasons for refusal, our objections remain as stated below:

OUTSIDE DEVELOPMENT LIMITS

UDC refused planning application UTT/1255/11/0P as the site lies outside the development limit where, in accordance with Policy S7 the countryside is to be protected for its own sake and the countryside will be protected from development unless it needs to be there or is appropriate to a rural area. This development does not need to be there, would not protect the character of the countryside, and would be harmful to the character of the area. The Inspector in the 2012 appeal (paragraph 15 explicitly accepted this judgement). However he went on to give limited weight to the harm and without explaining his reasoning accepted the fact that S7 would be breached. We strongly disagree with this conclusion, which we consider is not justified. However, bearing in mind the ambiguity over the status of the ALP and S7 we would also argue strongly that the development of this site would be contrary to the core principles of the NPPF which require Councils to recognise the intrinsic character and beauty of the countryside, to protect and

enhance valued landscapes and to use land of lesser environmental value (14 and 109). We deal below with the specific characteristics and value of this particular site and with the very urgent and significant policy implications. Fails to comply with Policy S7.

CONTRARY TO UDC LOCAL PLAN CONSULTATION 2012

Responses to the draft Local Plan consultation (January-March 2012) showed overwhelmingly that development would be unacceptable to local people in this location (identified as GtDUN03). The sustainability appraisal that supported both the January 2012 and July 2012 consultations did not recommend the inclusion of GtDUN03 but, on the contrary, identified a number of strong negative factors. We are entitled to conclude that this site was not included as a draft allocation in 2012 precisely because of the negative score arrived at by the SA.

Fails to take regard of Local Plan Consultation and Sustainability Appraisal results

UNSUSTAINABLE DEVELOPMENT

The application does not contribute to the achievement of sustainable development as required by the National Planning Policy Framework (NPPF).

Economic

It is not sustainable to introduce the population of a further 99 homes, on top of Draft Local Plan allocations and other planning commitments, into the town which has limited employment opportunities. This development will speed it towards the inevitability of being a dormitory town with people living here but working elsewhere. The Neighbourhood Plan Questionnaire (2012) asked residents whether this was what they wanted for Great Dunmow over the next 15-20 years. Less than 1% of participants want this for the town.

This development will do absolutely nothing to broaden the economic base of the town. On the contrary it will impose economic burdens.

Social

The location of the development is detached from the town centre and will do nothing to further social interaction and healthy inclusive community as the NPPF requires (69). The high density of housing results in an overcrowded layout more suited to an urban setting. The design is inappropriate in this rural setting.

The proliferation of tandem parking may address the developer's need to provide sufficient parking spaces, but in practice residents will often find themselves blocked in and park elsewhere which will not only look unsightly, but could result in damaged property and blocked streets.

As can be seen at Flich Green, garages 'en bloc' tend not to be used for the purpose of parking cars, which park out on the roads. These garages are often used for storage instead and are therefore more vulnerable to vandalism and being broken into. The Town Council would prefer to see individual garages placed next to houses to encourage cars to park off the roads and discourage crime.

Contrary to NPPF Policies 56 & 64

The current application does not provide an acceptable or accurate analysis of the accessibility of the site but focuses merely on modelled traffic movements. This is

unacceptable and should not be used as a basis for taking a decision. More analysis that demonstrates the sites sustainability should be required.

The Transport Report contains an accessibility assessment and design review. The document shows all the main facilities are outside the 'acceptable' 1km walking distance. Hence the town centre, for example is, at 1.3km, beyond an acceptable walking distance.

The nearest bus stop is 450m away and bus services are shown but without making it clear that only the 42, 42A and 542 (which are essentially the same service) are valid being 7 day, and run at best once per hour. The Rodings service can be ignored for this purpose as it runs only once per week.

The development demonstrably does not support reductions in greenhouse gas emissions and reduce congestion as set out in NPPF Policy 30.

The development does not fulfil the NPPF's policy to promote sustainable transport. Contrary to NPPF Policy 30

Environmental

The Adopted Local Plan contains no locally specific policies. The environment section, 5, however has the following aims:

- To safeguard the character of Uttlesford historic settlements;
- To conserve and enhance the historic buildings in Uttlesford and their settings;
- To protect the natural environment for its own sake particularly for its biodiversity, and agricultural, cultural and visual qualities.

The evidence base of the local plan contains the Historic Settlement Character Assessment and the Landscape Appraisal. The landscape appraisal discusses the western fringe of Dunmow but not in great detail. It is quoted in the Town Profile

'Views across the (Rodings) plateau to Great Dunmow are an important characteristic of this area'.

Great Dunmow Town
Profile 2012 (UDC)

It recommends protecting the rural character and it recognises the pressures such as ' the expansion of suburban character and pattern Pressure on open character of countryside gaps.

It recommends a policy to protect and enhance the locally distinctive and historic character of the ..urban settlements and their settings..' (8.3.6)

The Historic Settlement Character Assessment described the area of the site as follows:

This general approach, whilst being rural in nature, is also characterised by the presence of occasional buildings before the A120 crossing is reached. At this point the A120 is in a cutting and because of this its impact on the landscape is minimal. Immediately beyond the new bypass and to the north, there is an area of former parkland with a number of quality individual trees whilst to the south west there is an area of flat open arable countryside hemmed in by the bypass and Clapton Hall

Lane. The open arable farmland with the clear-cut and precise urban edge abutting it makes a firm transition point between town and country. Despite being separated by the bypass from the wider countryside beyond, the arable farmland is visually part of the wider landscape because the A120 is in cutting in this location.

And it concluded:

'It is considered that development in this sector (Land on the Ongar Road approach north of the A120)

would diminish the sense of place and local distinctiveness of the settlement.

Historic Settlement Character
Assessment 2007 (UDC)

The Town Design Statement which the Council adopted in its Guidelines for New Development draws specific attention to the need to protect and enhance the setting and the agricultural land to the west of the town fringing the A120. (pps 30-31)

The Inspector in the 2012 appeal explicitly accepted much the same view:

"Whilst the rectangular shape, gentle slope, and lack of internal landscape features gives the appeal site a utilitarian, arable character, views across it provide continuity with the countryside beyond. This effect is most marked at the north eastern end of the site, which presently has an open, semi-rural appearance"

The site is bounded by a protected land, which despite new frontage development largely retains its rural character and continues to be worthy of protection and enhancement.

In addition and by no means least the site is adjacent to a very significant colony of great crested newts, a protected species. The ecological report accepts this but fails to reflect the cumulative effect on this unique habitat of this development and those of Smiths Farm and Ongar Road North. The inevitable result of this massive scale of development would be serious ecological damage and the loss of the protected species. We are not persuaded that the scrutiny given to the ecological evidence matches the importance of the asset.

It is the firm view of the GDTC that the significance of the site, described in the above extracts from important policy documents is poorly reflected in the application.

The developer's statement in the Design and Access Statement that 'the site is unused field land with no significant features' does not convey the reality that the land is on the outer fringe of this rural market town offering long reaching views over the countryside. The application does contain a landscape analysis that touches on the site and the developer has provided a Built Heritage Impact Assessment, but we request that a landscape appraisal is carried out by an independent body (eg ECC), and the impact on the listed building in Clapton Hall Lane should be the subject of a specific appraisal by the Conservation Officer or independent expert.

Furthermore the GDTC believes that the low weight given to this site in the past is a direct result of the inadequacy of the policies to protect and enhance the unique setting of Great Dunmow in general and this site in particular. We intend that the emerging Neighbourhood Plan will propose such policies and trust that the Council will give greater weight to the setting as described in the above documents in particular the Town Design Statement in the interim so that irrevocable damage is avoided.

AGRICULTURAL LAND

The development would result in the loss of 4 ha of the best and most versatile Grade 2 agricultural land. The NPPF requires Councils to take into account the economic and other benefits of BMV. Faced with the need to develop agricultural land it should seek land of lesser value. There is no evidence of the value of this land being taken into account. The case for the applicant is based on mere supposition. In the absence of such an evaluation the proposal is contrary to the NPPF (112 and Annex 2).

INFRASTRUCTURE

There is not the necessary evidence for assessing the implications of new development for infrastructure in the town as clearly required by the NPPF (156, 157 and 162). It is urgent and essential that this gap is remedied so that decisions can be taken on major developments with more consistency and confidence and that necessary financial contributions can confidently be secured.

Doctors

One of the town's doctor's surgeries is at capacity and the other is close to it. This development will put further strain on the town's health facilities. It is noted however that a financial contribution of £16,800 would be secured via a Section 106 agreement.

Schools

UDC refused application UTT/1311979/FUL on the grounds that it made no satisfactory provisions to secure the necessary infrastructure in terms of contributions to primary and secondary education. Essex County Council has calculated an education and childcare contribution of £591,786 for this size of development. However, only £294,013 has been included in the draft Heads of Terms of the Section 106 agreement for primary education. There is no financial provision as yet for secondary education.

Sports

The Neighbourhood Plan Steering Group has identified that all of the town's sports clubs are at capacity. There are deficiencies in sports and recreational and play facilities. This proposal will exacerbate these deficiencies.

The approval of this application will stretch the local infrastructure close to breaking point. No provision is made for community facilities, school capacity, public services or transport provision.

Fails to comply with Policy GEN6 and the infrastructure requirements of the NPPF (7, 17, 21, 156, 157 and 162).

ROADS & ROAD SAFETY

Ongar Road carries over 5000 vehicles per day and the peak flows are in excess of 500 (ECC 2007). UDC refused the outline proposal on the grounds that it would 'give rise to unacceptable level of road safety and traffic generation which would compromise the safety and convenience of users of the highway'. This application does not address this reason for refusal and concerns remain that the increased amount of traffic using the only access onto the roundabout (Clapton Hall Lane/Ongar Road) will result in increased safety risks for vehicles and pedestrians.

The plans show a visibility distance of only 35m at the roundabout junction of Clapton Hall Lane and Ongar Road. We need assurance that this is adequate for road safety when exiting Clapton Hall Lane. The design of the roundabout shows visibility lines for the internal junctions but omits any for the roundabout itself. This underlines the need to have the roundabout independently verified in the light of the increased flow onto it.

The accompanying traffic analysis is considered to be inadequate and does not provide a sound basis for a safe decision.

Fails to comply with Policy GENI and the NPPF (32 and 35).

The Town Council has listened to residents and strongly objects to this development. It urges the District Council to uphold its original refusal of planning permission on this site on the grounds that it is unsustainable and contrary to local and national planning policies.

GREAT DUNMOW TOWN COUNCIL

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3rd June 2015

Mr N Brown
Development Manager
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

Dear Mr Brown,

UTT/14/0127/FUL Land South of Ongar Road, Great Dunmow – Amended Application

Further to my letter dated 29th May 2015 this letter raises further objections to the above application particularly in light of two recent planning appeal decisions. The reasons given for dismissal in each case could apply equally to the above application.

Firstly, appeal ref: APP/C1570/A/14/2222950 by Gladman Developments Ltd. Up to 120 dwellings on Land off Walden Road, Thaxted which was dismissed on 1st June 2015 for the following main reasons:

- The effect on the character and appearance of the surrounding area.
- The provision of open space within the development along with the provision of affordable housing and contributions to mitigate the impact on healthcare and education would do little to make up for the harm of the loss of the countryside.
- The effect on heritage assets, including nearby listing buildings and conservation area.
- Acceptance that the five year housing supply is close to the target.

The inspector concluded that extent of harm to the character and appearance of the area and balancing social, economic and environmental roles would still not result in sustainable development. He noted that the Thaxted Design Statement was produced by local people with guidance from professionals and subject to public consultation and 'reasonable weight should be attached to it'. The benefits of the development would not outweigh the harm.

Secondly, appeal ref: APP/C1570/A/14/2221494 by Kier Homes Ltd. Up to 300 dwellings on Land off Thaxted Road, Saffron Walden which was dismissed on 2nd June 2015 for the following main reasons:

- The effect on the character and appearance of the area. The inspector noted that the appeal site is in a location where the countryside meets the town and development will amount to a 'substantial urban built form that will have a very significant effect on the character of the area.
- A materially adverse effect on the efficient operation of the local highway network.
- Loss of the best and most versatile agricultural land which was not justified.
- Effects on local infrastructure and services including education and waste water treatment.

The inspector concluded that, in the presence of a five year housing supply, along with the reasons above, the development is not sustainable and should be dismissed.

With the failure of the Local Plan at examination in 2014, Land South of Ongar Road remains outside of development limits in the adopted 2005 Local Plan. The site is also outside development limits in the emerging Neighbourhood Plan which, although not yet 'made', has reached its current stage with full public involvement.

The Great Dunmow Town Design Statement draws specific attention to the need to protect and enhance the setting and the agricultural land to the west of the town fringing the A120. It was, as was the Thaxted Design Statement, produced by local people, guided by professionals, subject to public consultation and adoption by the Town Council, and should therefore have 'reasonable weight' attached to it.

The Winslow Neighbourhood Plan, which succeeded at examination, set out what it deemed to be sustainable housing numbers for the town when the Vale of Aylesbury Local Plan had been withdrawn. The Great Dunmow Neighbourhood Plan sets out development limits when the Uttlesford Local Plan had been withdrawn and these limits do not include Land South of Ongar Road. The Neighbourhood Plan Steering Group and the Town Council therefore feel fully justified in omitting the Land South of Ongar Road (and indeed Land North of Ongar Road) from the development limits and are encouraged by the Winslow case that this decision would be supported if tested in law.

The application does not take into account the impact of the development on the town's infrastructure, nor the cumulative impact with other recently granted applications, eg Smiths Farm. The Town Council feels that the consents already granted will push the town's infrastructure and public services to (and in some cases beyond) its limits.

The Neighbourhood Plan Steering Group and the Town Council strongly object to the application as the proposed development is unwanted, unnecessary and unsustainable and urges the District Council to refuse planning permission.

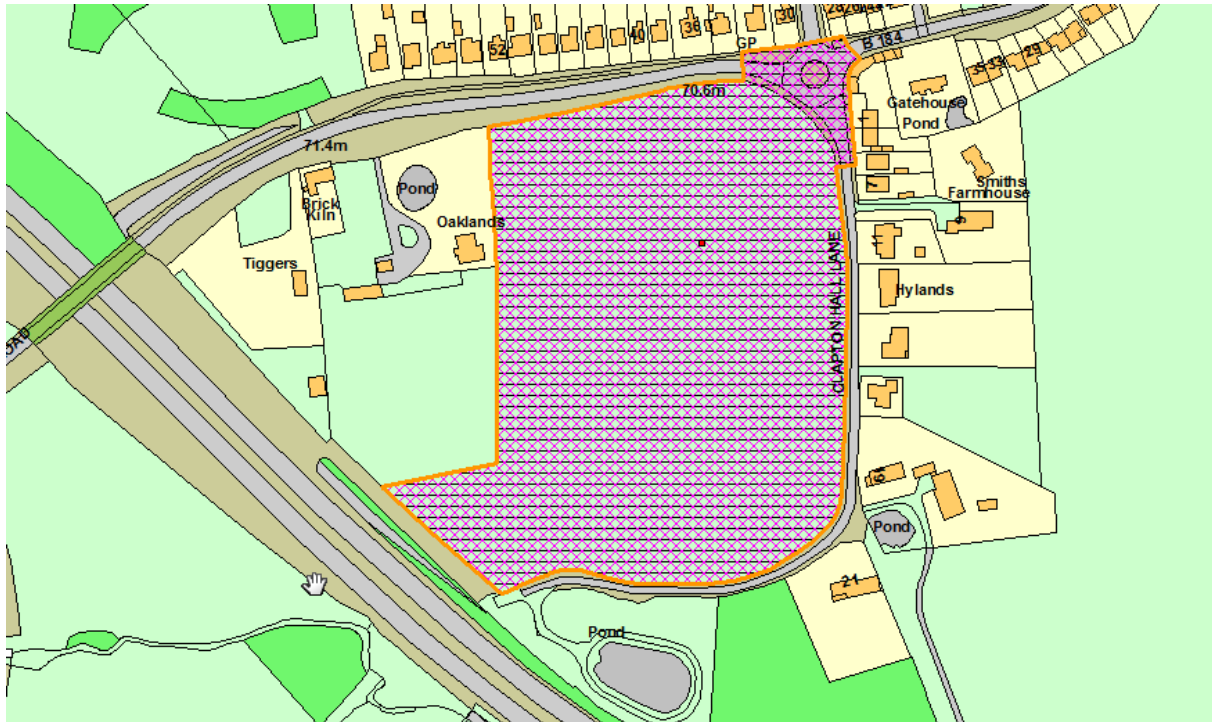
Yours faithfully

Caroline Fuller
Town Clerk

Cc District Councillors G.Barker
J.Davey
P.Davies
E.Hicks
V.Ranger

Application number: UTT/14/0127/OP

Location: Land South of Ongar Road Great Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

Title: Appeal Decisions

Item 6

Author: Nigel Brown –

SITE ADDRESS	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION	DECISION BY OFFICER/OVERTURNED BY COMMITTEE
Lindsell Stores Holders Green Road Lindsell	ENF/14/0079/C	Appeal against Enforcement Notice Change of use from scrap metal dealing to airport parking	18/08/2015 Appeal dismissed (Enforcement notice varied)	<p>The Inspector considered that the use of land for airport parking was not an appropriate use in a rural area, and although the visual impact was possibly less than the authorised use of the site as a scrap yard, the Ground (a) appeal (i.e. whether planning permission should be allowed), should be rejected on policy grounds.</p> <p>On the appeal regarding the compliance period of 4 weeks. Although the Inspector accepted that the tenancy agreements do not outweigh planning requirements, he did consider that a 3 month period was more appropriate to allow certain bookings to be honoured.</p>	N/A
Kingstone Lodge Water End Road Ashdon	ENF/13/0389/C	Appeal against enforcement notice Unauthorised change of use from an annexe to a separate dwelling.	14/09/2015 Appeal Dismissed, and Enforcement Notices upheld.	<p>The Enforcement Notice relates to the unauthorised change of use of an annex building to a separate residential unit. The Inspector concluded that the change of use of the annex to a separate dwelling would result in a new dwelling in an isolated countryside location and as such should be rejected on sustainability terms.</p> <p>The Inspector considered a Ground (f) appeal as to whether the requirements of</p>	

				the Enforcement Notice were excessive. The Inspector concluded that the requirements of the Notice (i.e. to prohibit the use of the annex as separate dwelling) were appropriate.	
Land Opposite Branksome Whiteditch Lane Newport	UTT/14/1794/OP	Outline application with all matters reserved for 15 residential units (incorporating alteration to access road and garage position previously approved under UTT/13/2973/FUL)	23/07/2015 Appeal Allowed	<p>The appeal site related to a further fifteen dwellings to the north and unconnected to an existing site with outline planning permission for 84 dwellings. The fundamental case over the refusal of the planning permission was around piecemeal development. No issues over sustainability were raised by the Council.</p> <p>In allowing the appeal, the Inspector did consider that other sites in the vicinity had planning permission for single plots and a development of 15 dwellings (Wyndhams Croft). As such, he accepted that the development would be suitably screened and not isolated from the key settlement of Newport. He did not consider that there would be problems over highway safety based upon the views of the Local Highway Authority.</p>	N/A
The Lilacs Chelmsford Road White Roding	ENF/14/0235/C	Appeal against Enforcement Notice Erection of 2 metre high green wire fence.	23/09/2015 DISMIS - Appeal Dismissed	<p>The appellant's first argument on Ground (c) (i.e. there was no breach of planning control), was that the fence was not adjacent to the highway and therefore a 2 metre fence was permitted development. The Inspector concluded that the fence was in close proximity to the highways, and therefore through "fact and degree" was adjacent to the highway and required planning permission.</p>	N/A

				<p>On the Ground (a) appeal (i.e. whether planning permission should be granted). The Inspector considered that the fence offered a discordant and intrusive effect on the street scene. He added that it introduced an urban effect to this rural location (also within the Green Belt). He stated that the fence eroded the sense of openness of the Green Belt.</p> <p>He did accept that the business did require some element of enclosure, but this need did not justify the imposition of such an inappropriate form of fencing.</p> <p>He allowed the appeal on Ground (g) (compliance period), extending it to 6 months to allow the further consideration of an appropriate form of enclosure.</p>	
<p>Stansted Tennis Club Cambridge Road Stansted</p>	<p>UTT/14/2914/TPO</p>	<p>Fell 1 no. Horse Chestnut (TPO: 9/09/25 - G1)</p>	<p>01/09/2015</p> <p>ALLOW - Appeal Allowed</p>	<p>The Inspector concluded that the preserved horse chestnut had the amenity value to justify its TPO, and that its removal would have a negative effect upon the character and appearance of the locality.</p> <p>The second part of the Inspector's decision relates to the justification of the proposed felling of the tree. The Inspector was provided evidence of a cavity/decay area within the trunk of the tree. There was also evidence of bacterial/slime flux. In light of the fact that the main footpath from Cambridge passes under the canopy of the tree, he allowed its felling. It was conditioned to provide a replacement tree.</p>	<p>N/A</p>

Stansted Tennis Club Cambridge Road Stansted	UTT/14/2913/TPO	Fell 1 no. Beech (TPO:2/76/25 - G2)	01/09/2015 ALLOW - Appeal Allowed	<p>The Inspector concluded that the contribution that the preserved beech tree is limited, but nonetheless it does contribute in a moderate way to the pleasant, leafy landscape of the locality. Its loss would have a minor negative effect on the character and appearance of the locality.</p> <p>The Inspector considered that there was evidence of decay, and bearing in mind its proximity to a footpath route allowed its felling. It was conditioned to provide a replacement tree.</p>	N/A
Wimbish Lodge Maple Lane Radwinter	UTT/14/3661/TPO	Fell 1 no. Scots Pine	02/09/2015 ALLOW - Appeal Allowed	<p>The Inspector considered that although the public amenity value of the preserved scots pine was limited to those driving past, it should not be removed unless there are clear justifications.</p> <p>The Inspector considered submission from the appellant regarding the potential of needle fall upon the thatched roof adjacent. In addition the impact of the blocking of rainwater goods was also considered. He noted that the tree was subservient in age terms by around 400 years from the thatched property and as such allowed its felling. It was conditioned to provide a replacement tree (but a different species to scots pine).</p>	N/A
Roundhouse Buttleys Lane	UTT/14/3706/HHF	Single storey extension and alteration to form annexe	07/08/2015 ALLOW -	The inspector considered that the proposed extension would still be dominated by the existing Grade II listed building. As such, he	N/A

Dunmow			Appeal Allowed	concluded that the proposal would conserve the particular significance of the Grade II listed building, and would not be harmful to the character and appearance of the area.	
Land South Of Ramseys High Easter Road High Easter	UTT/14/2239/OP	A single new self-build dwelling and community use astronomical observatory.	10/09/2015 DISMIS - Appeal Dismissed	<p>The Inspector concluded that the proposal would be an intrusive an urbanising form of development and would be harmful to the rural character and appearance of the area, which is open countryside.</p> <p>Although the proposal would result in the loss of agricultural land, the loss was modest and therefore it would not conflict with the NPPF on this point.</p> <p>The proposed new dwelling would be some distance from High Easter (1.2km), and such was an isolated dwelling. He found that the dwelling would result in a high dependency upon the motor car to access local services and therefore would be unsustainable development.</p> <p>The appellant did run an argument that the additional development to provide an astronomical observatory would justify a dwelling to finance this. The Inspector that the observatory provided minimal public/community benefit and therefore did not provide the exceptional justification for the dwelling.</p>	N/A
Land East Of Cedar Cottage Church Road Great Hallingbury	UTT/14/3785/OP	Outline application for erection of 1 no. dwelling with all matters reserved except access, layout and scale	07/08/2015 ALLOW - Appeal Allowed	The Inspector concluded that the provision a further bungalow-type dwelling on this site would not have a harmful impact on the character and appearance of the area. He considered that the development would continue the existing development pattern of	N/A

				<p>this part of the village.</p> <p>He considered that the location was in a reasonable walking distance of facilities of the village and therefore was considered sustainable.</p>	
Holly House Cophthall Lane Thaxted	UTT/15/0099/HHF	Two-storey and part single-storey side extension and ancillary works	30/09/2015 ALLOW - Appeal Allowed	Although the proposed extension would significantly increase the bulk of the appeal property, the Inspector considered that height and scale of the extension would not jar with the host dwelling. As such the proposal would not have a harmful effect on the character and appearance of the host building or the surrounding area.	N/A
Yew Tree Cottage Rickling Green	UTT/14/3145/FUL	Proposed erection of a detached dwelling with existing access.	22/07/2015 ALLOW - Appeal Allowed	The primary consideration within this appeal was the effect of the proposal upon the character and appearance of the Quendon and Rickling Conservation Area. The Inspector considered that due to the dwelling's design and location it would not encroach or harm the open spacious character or appearance of the central part of the village. He concluded that the proposal would not harm the character and appearance of the area.	
Henham Lodge Chickney Road Henham	UTT/14/2829/LB	Retention of replacement windows	14/07/2015 DISMIS - Appeal Dismissed	The Inspector considered that the replacement windows were dissonant and unsatisfactory for a number of reasons including them being double glazed, separation of panes and the depth of the frames. As such the replacement windows fail to preserve the listed building.	
Roding Hall The Street High Roding	UTT/14/3301/FUL	Construction of dwelling in garden land belonging to Roding Hall. Replacement of the existing front	24/09/2015 DISMIS - Appeal Dismissed	The Inspector considered that the development of this site would result in a loss of openness in this part of the High Roding Conservation Area. The development would also not constitute infill	

		boundary treatment.		<p>development and therefore constituted unjustified harmful development in the open countryside.</p> <p>In terms of the design of the proposed dwelling, the Inspector considered although its form would generally accord with traditional buildings in the Conservation Area, the size of the proposed dormers and associated double garage would not reflect local traditional buildings.</p> <p>He did not consider that the development would have a harmful affect upon the setting of the adjacent listed buildings.</p>	
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