



Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Wednesday, 18 November 2015
Time: 14:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

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

AGENDA PART 1

Open to Public and Press

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

- 2 Minutes of previous meeting** 5 - 12
To receive the minutes of the meeting held on 21 October 2015

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

- 4 Planning Applications**

- 4.1 UTT/15/0726/FUL Felsted** 13 - 32
To consider application UTT/15/0726/FUL Felsted

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6	Chairman's urgent items	
	To consider any items that the Chairman considers to be urgent.	

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 21 OCTOBER 2015**

Present: Councillor V Ranger (Chairman)
Councillors R Chambers, J Davey, P Fairhurst, R Freeman, J Lodge, J Loughlin, A Mills and H Ryles.

Officers in attendance: E Allannah (Senior Planning Officer), N Brown (Development Manager), A Lee-Moore (Principal Environmental Health Officer), S Marshall (Planning Officer), L Mills (Planning Officer), C Oliva (Solicitor), A Rees (Democratic and Electoral Services Officer), M Shoemsmith (Development Management Team Leader) and C Theobald (Planning Officer).

PC27 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Hicks.

Councillor Mills declared a non-pecuniary interest in application UTT/15/0726/FUL as both the applicant and the agent were known to him.

Councillor Chambers declared non-pecuniary interests in applications UTT/15/2449/FUL and UTT/15/1561/NMA as he had known the applicants of both applications for a long time. He would leave the room for the consideration of both applications.

Councillor Freeman declared non-pecuniary interests in application UTT/15/2178/HHF as he lived nearby the house and was a member of Saffron Walden Town Council.

PC28 MATTERS ARISING

(i) UTT/15/2218/LB and UTT/15/2221/AV Saffron Walden

The Development Manager said that the additional condition attached to both applications stating that the suspended chevron should not be illuminated was not appropriate. However, the applicant had agreed to install a non-illuminated chevron so no further action was necessary.

Councillor Ranger thanked Councillors Loughlin and Hicks for chairing the previous meeting in his absence. He also thanked Members and officers for the messages of support they had sent his wife following her recent illness.

PC29 PLANNING APPLICATIONS

(a) Approvals

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

UTT/15/2526/FUL Great Canfield – Proposed change of use of land for two additional pitches at existing gypsy caravan site – Tandans, Great Canfield Road, Takeley for Mr and Mrs Boswell

James Kellerman and Councillor Mackley spoke against the application. Mr Perrin spoke in support of the application

UTT/15/2152/FUL Newport – One proposed dwelling and garage – Land at Bishops Way, London Road, Newport, Essex for Mr and Mrs N P Bishop

Neil Cook spoke in support of the application.

UTT/15/2045/FUL Stansted – Retrospective change of use of part of the land from agricultural to equine and the erection of a stable block – Land at New Farm, Stansted Road, Elsenham for Mrs Medwell

Peter Calver spoke against the application. Councillor Sell and Claire Smith spoke in support of the application. A statement was read out on behalf of Mrs Medwell in support of the application.

UTT/15/2178/HHF Saffron Walden – Proposed two storey side extension and single storey rear extension – 81 Castle Street, Saffron Walden for Mr A Plume

Andy Plume spoke in support of the application.

UTT/15/2449/FUL Littlebury – Conversion and extension of existing barn to provide a one bedroomed annexe – Paddock rear of Walnut Tree Cottage, Littlebury Green Road, Littlebury for Mrs J Menell

Councillor Chambers left the room for the consideration of this application.

UTT/15/1561/NMA Great Chesterford – 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 – The Delles, Carmen Street, Great Chesterford for Mr and Mrs Redfern

Councillor Chambers left the room for the consideration of this item.

(b) Approval with legal obligations

UTT/15/0726/FUL Felsted – Residential development comprising 22 dwellings and associated garages, roads, parking, open space and part demolition of existing buildings – Former Ridleys Brewery, Mill Lane, Hartford End for Stockplace Hartford Ltd

RESOLVED that conditional approval be granted for the above application subject to the conditions set out in the report

1) The following additional conditions and no Member raising an objection within 7 days of the meeting on grounds relating to the viability report carried out by the Council's consultant.

- a) 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 trees which are protected for their amenity value, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- b) Prior to occupation of Plot 1, details of a privacy screen to prevent overlooking of Plot 1 from the Plot 8 terrace must be submitted to and approved in writing by the Local Planning Authority. The privacy screen must be erected in accordance with the approved details prior to occupation of Plot 1.

REASON: To protect the privacy of the occupants of Plot 1, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

2) And a legal obligation as follows

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

Robert Pomery spoke in support of the application.

Subsequent to the meeting, an objection was made by Councillor Lodge on grounds related to the viability assessment and the application is now deferred to the next meeting of the Committee.

(c) Refusals

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

UTT/15/2424/FUL Takeley - Residential development comprising 7 dwellings and associated garaging and landscaping – Land North of Dunmow Road and East of Church Lane, Takeley for Taylor Wimpey East London

Reasons: Undeveloped land beyond development limits contrary to policy H1, development is not appropriate for a rural area contrary to policies S7 and S8.

A statement was read out on behalf of Takeley Parish Council against the application. Stuart Willsher spoke in support of the application.

(d) Deferment

RESOLVED that the following application be deferred

UTT/15/1666/FUL Stansted – 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 – 14 Cambridge Road, Stansted for Developments & London and Stansted Furnishing Co

Reason: To allow information about traffic flows to be provided

(e) District Council Development

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

UTT/15/2738/NMA Saffron Walden – 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 – Council Depot, Shire Hill, Saffron Walden for Uttlesford District Council

LAND SOUTH OF ONGAR ROAD, GREAT DUNMOW UTT/14/0127/FUL

The Development Manager presented his report. On 29 July 2015 the Committee had resolved to grant planning permission for the application subject to conditions and the completion of a Section 106 Obligation. A subsequent noise report had been submitted by Sharps Acoustics which questioned the rationale and conclusions in the report produced by Acoustic Air Limited.

In light of the issues raised by Sharps Acoustics, the Principal Environmental Health Officer revisited the report submitted by Acoustic Air Limited. She had noted that although the assessment submitted by Acoustic Air Limited was not based on current accepted practice, the assessment was not sufficiently flawed to justify a refusal on grounds of insufficient information. The Principal Environmental Health Officer had concluded that matters related to internal and external amenity could be addressed through the following condition.

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 LAmx
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.

The Chairman then invited Mr Lloyd, Mrs Lloyd and then Dr Price to speak.

Mr Lloyd said the assessment carried out by Acoustic Air Ltd used a poor methodology and as a result found the level of noise to be lower than that found by Sharps Acoustics. Allowing the development to continue would cause the cause the degradation of the average quality of Uttlesford's housing stock. There was currently a lack of green space in the district and the green space offered as part of the development was not sufficient. The development also did not give due regard to the Uttlesford Cycle Strategy.

Mrs Lloyd began by stating she felt the planning department had failed. In the future more consultation was needed with residents and the views of residents needed to carry more weight in the decision making process. The development set a dangerous precedent which would lead to more schemes being approved on buffer land.

As Councillor Ranger invited Dr Price to speak, he asked her to ensure the points she made were relevant to the matter being discussed.

Dr Price said the information provided by the Planning Department had been inaccurate throughout the process of determining the application. At the meeting on 29 July 2015, the Development Manager had claimed the site was part of the current Local Plan and counted towards the five year land supply even though it didn't.

Councillor Ranger reminded Dr Price that the Committee were not re-determining the other aspects of the application. The Committee were deciding whether the noise assessment supplied by the applicants was sufficiently flawed to render it grounds for refusal. He asked the Development Manager to clarify the situation surrounding the site.

The Development Manager said he did not claim the site was part of the current Local Plan, but was one of the suggested sites on the draft local plan which had been withdrawn. The site did have outline planning permission and therefore was part of the five year land supply. With any application due regard had to be given to the National Planning Policy Framework (NPPF) as well as the current Local Plan.

The Solicitor advised the Chairman to allow Dr Price to speak about the item as she wished. It was up to Members to decide whether the points made by Dr Price were relevant.

Dr Price spoke again. In addition to the points she initially raised, Dr Price added that Great Dunmow's development boundaries should not be changed. The initial application for the site had been rejected and that environmental reports had been flawed.

Councillor Loughlin said one of the key reasons she had voted in favour of the application previously was the provision for 40% affordable housing. The amended condition as recommended in the report was sensible. She proposed the amended condition as outlined in the report. This was seconded by Councillor Chambers.

In response to a question by Councillor Freeman, the Development Manager said that in most cases sites were not monitored for noise levels due to the cost of continued enforcement. However it could be considered appropriate with more contentious developments to monitor them to ensure the conditions were not breached.

The Principal Environmental Health Officer concurred with the Development Manager. In response to a point by Councillor Lodge, she said although it was preferable that noise assessment were over a 24 hour period, the flaws in the assessment were relatively minor and did not constitute the application being refused on the grounds of insufficient information.

Councillor Lodge motioned that the matter was deferred until a new full noise report was submitted. Upon being put to the vote, three voted in favour, with five against and one abstention. The motion for deferral was lost.

Councillor Fairhurst said he believed the first obligation of Members was to residents and to attempt to address the concerns they raised, even if the decision which was eventually made was not the will of the public.

Councillor Mills noted that both noise reports were identical in most respects. It was important to trust the judgement of professional acoustics experts when determining applications.

A recorded vote was requested and the voting was as follows.

For: Councillors Chambers, Davey, Freeman, Loughlin, Mills, Ranger and Ryles

Against: Councillors Fairhurst and Lodge

RESOLVED that condition 8 of the application's conditions was amended to reflect the recommended condition in the report.

PC31

APPEAL DECISIONS

The list of appeal decisions was noted.

The meeting ended at 4.35pm.

UTT/15/0726/FUL (FELSTED)

Referred to Committee by Cllr Lodge, (Following the resolution of Planning Committee on 21 October 2015, requested that the matter be reported back to Planning Committee)

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
EXTENSION OF TIME:	21 November 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. Representations have been received, which are 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
 - lack of affordable housing provision

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. The applicant has submitted a Viability Assessment to demonstrate that this is the case. A Council-appointed consultant has reviewed this document and produced an initial report and a supplementary report on the findings. Taking into account the advice of this 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. 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 trees which are protected for their amenity value, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. 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.

6. 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.

7. 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.

8. 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.

9. 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).

10. 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).

11. 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).

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

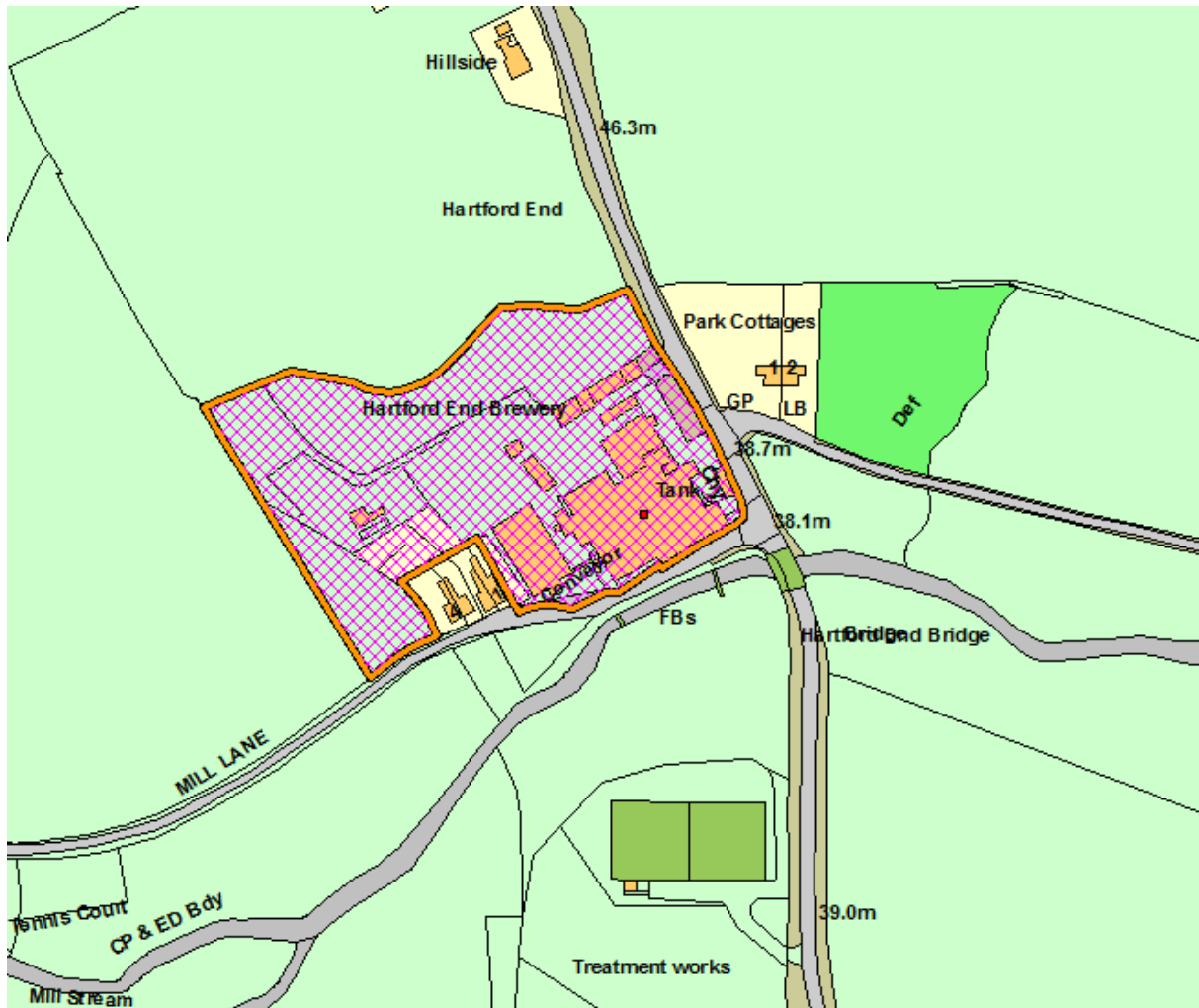
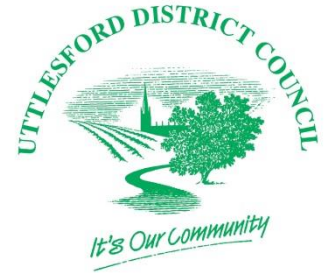
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the 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 no.: UTT/15/0726/FUL

Address: Former Ridleys Brewery, Mill Lane, Hartford End



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Organisation: Uttlesford District Council

Department: Planning

Date: 04 November 2015

SLA Number: 100018688

UTT/15/1666/FUL - STANSTED

(MAJOR)

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.

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, Parish Council offices 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 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 in a traditional 'maltings style' is proposed 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 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.
- 3.4 A total of 16 car parking spaces have been provided for the commercial units, including a visitor's 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.
- 3.5 As part of the application that there would be a pedestrian access located between commercial unit 2 and Plot 10. This would create a link between the application site and the adjacent Crafton Green Car Park providing a direct link from Cambridge Road to the car park and library.
- 3.6 The application also consists of 10 residential dwellings. Plots 6, 8, and 9 are proposed to have open ended garages 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.
- 3.7 The proposed heights of the dwellings vary between 8.5m – 9.8m.
- 3.8 The proposed residential units are as follows;

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 aim is to create 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 of 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 scheme, there is now sufficient parking for the commercial element and careful regard has been had to the immediate context.
- 4.4 The proposal seeks to redevelop a vacant commercial site to provide mews style housing and commercial units with a link footpath to the car park which lies to the immediate south.
- 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 market dwellings and will include the provision of private amenity areas for each individual dwelling.
- 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 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 The previous scheme was presented to the Planning Committee 30 May 2012 under UTT/0215/12/FUL. The scheme under the previously involved the following:
- i) The demolition of 8 no. existing employment buildings and the erection of 14 no. 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 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 was then 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 29 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 and the appeal was dismissed 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)

- 6.3.1 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).

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)

6.5.1 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.

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.

7.3 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 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 contrary to Policy GEN1.

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. Obscuring visibility splays.

7.7 ECC recommended conditions only relate to matters which are applicable within the curtilage of the site. They do not relate to highway concerns expected to arise off-site in accordance with ECC Development Management Policies.

- 7.8 Consideration of ECC's Development Management Policies suggests 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.
- 7.9 The proposal is also contrary to Policy GEN2 as it does not provide an environment because of safety access, no playspace or amenity greenspace on site, does not accord with regard to the provision of 'lifetime homes' and wheelchair-accessible housing. Also, contrary to UDC's Developer Contributions Guidance Document.
- 7.10 UDC has adopted ECC's Development Management Policies and therefore must be in a position to apply them in the determination of planning applications accordingly.
- 7.11 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.
- 7.12 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.
- 7.13 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: Comments received 17 June 2015;

- 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.
- 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.

Further comments received dated 15 October 2015, following amended Transport Statement;

- 8.10 The Technical Note was produced by SLR Consulting Ltd to provide further clarification on the highway aspects of the above proposal for 14 Cambridge Road, Stansted in particular regarding the likely trip generation for the period when the site was at maximum occupancy.
- 8.11 In the absence of any historic data, the industry standard trip generation software TRICS was used to provide likely figures and these were calculated using the historic GFA figures of the buildings now demolished which are being disputed and have not been verified.
- 8.12 The Technical Note in re-examining the trip generation, removes the TRICS estimated historic trips for the site and maintains the TRICS proposed trip generation figures without applying any reduction relating to any previous use of the site.
- 8.13 To assess the impact of the proposed development, the Technical Note then looks at junction capacity and safety. For capacity, reference is made to the Design Manual for Roads and Bridges document TD42/95 Geometric Design of Major/Minor Priority Junctions, a standard to which the highway authority would expect compliance. The document demonstrates that the predicted traffic flows are within the recommended threshold for a simple priority junction.
- 8.14 Highway safety is addressed by stating again the accident information obtained from Essex Highways which shows no accidents near the application site. (Since the Transport Statement was written, this authority is aware of 2 further accidents in January and July 2015 in the vicinity of the application site and in both cases 'failure to look properly' was cited as a likely cause. This information was not available to SLR when the Transport Statement was written.) The proposed width of the access is 4.8 metres which is adequate for a car and large vehicle to pass each other and the visibility splays comply with DMRB requirements.
- 8.15 To summarise the Technical Note, the predicted trip generation as originally stated in the Transport Statement has been used without any reduction or allowance made for any previous use on the site and it has been shown that:
- A simple priority junction is appropriate;
 - The width of the junction is adequate for a car and a large vehicle to pass each other;
 - The visibility splays comply with the Design Manual for Roads and Bridges standards rather than the lower requirements of Manual for Streets which could be considered entirely appropriate in this location.

Additional comments received from ECC Highways following additional letters from Barker Parry & Rowland Bisland Town Planning, dated 16th October 2016;

- 8.16 I shall summarise the highway authority position. The development is proposing to use an existing vehicular access off Cambridge Road and the submitted GFA of the now demolished buildings has been disputed and no verification has been provided. This therefore throws doubt on the conclusion drawn by the Transport Statement that the proposal would result in a reduction in vehicle movements, to a position where the access has to be assessed on its ability to cater for the development traffic without any consideration being given to any previous use on the site. The industry standard software for trip generation, TRICS, requires the GFA to be able to calculate likely trips for a commercial use. The Technical Note produced by SLR demonstrates adequately that the existing access can cater for the development traffic in terms of access width, visibility splays and capacity and the highway authority agrees. This is dealt with in detail in my email dated 15 October 2015.

- 8.17 There has been mention of the loading bay to the north of the access and the bus stop to the south reducing visibility when in use. This is an existing situation over which the highway authority has no control and is a common feature of such a typical High Street setting where there are many businesses with vehicle accesses and parking bays for customers. This is dealt with in more detail in my email dated 7 September 2015. The width of the footway outside 14 Cambridge Road allows vehicles when exiting the site to see further north along Cambridge Road to gauge the level of traffic before vehicles then become obscured by any HGVs parked in the loading bay. It should also be pointed out that there is frequent and persistent abuse of the loading bay by vehicles not permitted to use it and stricter enforcement by the North Essex Parking Partnership is required. A balanced view of the existing surrounding situation has to be taken when dealing with a proposal such as this and I would add that Manual for Streets 2 has undertaken further research into parking in visibility splays and concludes that this is common in built-up areas and yet does not appear to create significant problems in practice.
- 8.18 The highway authority formal comments on the proposal were sent to you dated 17 June and although these have not been amended as it was not considered necessary, further statements justifying and clarifying this authority's position in the light of further documentation have been sent dated 7 September and 15 October. In addition, at the request of Stansted Parish Council, 2 highway authority officers met them on site last month to discuss their safety concerns surrounding this proposal and general congestion issues on Cambridge Road. It is therefore clear that the highway authority has made every effort to respond positively and promptly to the concerns raised throughout the consultation period for this proposal.

UDC Environmental Health

Noise

- 8.19 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

- 8.20 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.
- 8.21 The Environment Agency should be consulted regarding the risk to groundwater.

Access and Equalities Officer

- 8.22 Plots 1, 2, 4 and 5 show no lift space identified for the through floor lift provision. 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. If application is approved this can be resolved 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 planning grounds;

- Should be refused on the same grounds as before;
- Congestion/(commercial) traffic;
- Construction congestion;
- 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;
- Scale and design;
- Overlooking;
- Camped form of development;
- Small gardens;
- Limited parking;
- No separate pavement;
- Limited outdoor space;
- Inadequate space for vehicle manoeuvring;
- Impact on adjacent conservation area and Greenfields;
- Parking spaces would be lost as a result of the development;
- Reduction in speed limit;
- 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 anywhere 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 ceased 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 Bilisland 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 area 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 highway 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 applicant's 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 than 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 development 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 publics 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 relatively 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 Lower Street, 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 & ownership it has not been incorporate into the proposed scheme, likely due to its size and relationship with neighbouring properties. Details of boundary treatment can be conditioned should planning permission be granted;
- There is an element to the south of the site which has been shown as a commercial bin store;
- There is proposed side access along the southern boundary between commercial unit 1 and the former bank number 12 Cambridge Road and either side of 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. It's 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 to the refuse bin storage area;
- 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 should planning permission be granted;
- The plans submitted form part of the application including the floorspace highlighted within those plans. These are a material consideration even though the forms have been poorly filled in. This is the case with any application, as the plans show a clear intension of what is proposed to be constructed;

- 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 due to their open nature. 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. No additional representations have been received in relation to this.

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, SM1, RS2, 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 Council can demonstrate a deliverable 5 year supply of housing land. However, 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.
- 10.6 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*”.
- 10.7 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.
- 10.8 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.
- 10.9 The site is not an identified safeguarded employment 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.
- 10.10 The 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 and RS2. 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.

10.11 “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.*”

10.12 This is still considered to be the case and there has been no material change in this respect.

10.13 In conclusion the site is a brownfield site located within development limits, with limited main road frontage. Policy positively looks upon the re-development of such sites first. The site is identified as acceptable 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 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 this assessment is reinforced by the Inspectors decision.

B Density, Scale, layout, design, amenity and sustainable construction issues (Local Plan Policies GEN2, GEN4, H10, ENV2, ENV15 & SPD: Energy Efficiency and Renewable Energy);

10.14 Local Plan Policy GEN2 seeks a 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 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.

10.15 The scheme would see redevelopment within Development Limits and previously developed land. The development would make more efficient use of a currently underutilised site which is supported both by National and local plan policies.

10.16 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. This would be compatible with the surrounding area and not considered to be an overdevelopment or inconsistent development within its urban setting. The scheme not only achieves a mixed use development, which would provide a mixture of employment to, but it also proposes residential to ensure that the employment element can be viably provided. The proposal has been redesigned to address the concerns raised in the appeal decision.

10.17 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 has been designed at 3 storeys and 10.7m in height 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.

- 10.18 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 existing screening.
- 10.19 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 this requirement.
- 10.20 The proposed heights of the residential units would vary from 8.5m to 9.8m. The siting, distances and relationship with surrounding properties the proposed heights are considered to be acceptable subject to a condition relating to levels.
- 10.21 The houses development is well designed and has been adapted to respect its neighbouring relationship. This is acceptable and considered to accord with Local Plan Policy GEN2.
- 10.22 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. It should be noted that whilst the public footpath has been incorporated within the design of the scheme, it would be down to the developer to secure the access rights into the adjoining car park both with the Parish and District Council, which is a separate civil matter.
- 10.23 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.
- 10.24 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 and 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 family size units including meeting the need for 2 and 3 bedroom units, in accordance with Local Plan Policy H10 and the Community Plan.
- 10.25 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.
- 10.26 The proposed flexible retail unit has been designed to provide both retail/office space in order to retain retail/office frontage, in accordance with Policies RS1, RS2, and E2. The retail/office unit fronting Cambridge Road has been designed to be sympathetic with the surrounding heights and design of adjacent units, and to provide a streetscene frontage whilst entering into the site so it provides 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. This accords with Local Plan Policy GEN2, and NPPF.

10.27 Local Plan 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. Within the appeal decision the Inspector stated *“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”*. The dwellings are capable of meeting Lifetime Homes Standards and have been conditioned accordingly.

10.28 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 therefore these are still considered acceptable. Garden sizes of Plots 4 and 5 have since been increased to exceed the required size.

10.29 In paragraph 12 of the Inspector’s decision concern was raised regarding the proximity of the dwellings R11 to R13 to the shared southern boundary with Geneva 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 addressed 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 Inspector’s concerns and improve amenity for future occupiers.

10.30 Following the revised scheme on the subject site UDC Environmental Health does not raise 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);

- 10.31 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. The site is located on a brownfield site within the development limits of Stansted which has very good access to road, rail, bus and air network. It is the most sustainable settlement within the district. The application site is within the town centre location. Immediately on Cambridge Road from exiting the site there is a bus stop to the left which provides good accessibility. The site accords with Local Plan Policy GEN2 and GEN1 in this respect.
- 10.32 Over the past couple of years 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.
- 10.33 It should be noted that due to the size of the proposed development a Transport Statement is not a formal requirement. Nonetheless, 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. Following concerns raised by Barker Parry regarding inconsistencies of floorspaces within the applicant's Transport Statement undertaken by SLR, a revised Transport Statement has been submitted to address these concerns which will form the basis of assessing the highway implications of the scheme. This can be seen in Appendix 2.
- 10.34 The revised Transport Statement takes account of the proposed development in terms of the proposed floorspace and use, in relation to population density of the area. These figures were processed using the TRICS (v7.1.3 2015 database) methodology which is the standard industry methodology for trip generation forecasting, comprising a database of transport surveys for a wide variety of developments in the UK and Ireland. The software provides an average trip rate based upon a selection of relevant sites identified which is then used to assist the trip generation forecast for the proposals. It has been confirmed by ECC Highways that this methodology is acceptable.
- 10.35 Third parties have raised the point that the junction cannot cope with proposed number of vehicle movements. The Transport Statement stated that *"the summary within Table 6-3 shows that the proposed scheme is likely to generate 98 vehicular arrivals and 101 vehicular departures per day, equating to a total of 199 vehicle movements."* The Statement goes on to state that *"The application site access road forms a simple priority junction with Cambridge Road. Technical guidance provided within DMRB TD42/951 (Design Manual for Roads & Bridges) states that the use of 'simple' priority junctions, in new build situations, is appropriate up to a level of 300 vehicles Annual Average Daily Traffic (AADT) 2-way flow on the minor arm and that on the major road is not expected to exceed 13,000 vehicles 2-way AADT. An AADT 2-way flow of 500 vehicles is quoted as being the desirable maximum level of use for an existing junction without upgrading being considered, or where vehicles waiting on the major road to turn right inhibit the through flow and create a hazard. The traffic forecast has determined that the proposed development is likely to generate a total of 98 arrivals and 101 departures each day, well within the recommended 300 vehicles threshold recommended by DMRB."*
- 10.36 ECC Highways have provided a full response to this application; please refer to Section 8.5 - 8.18 above. ECC Highways have reaffirmed the Transport Statement findings

and that the level of vehicle movements would accord with Design Manual for Roads and Bridges. This has resulted in no objection being raised subject to conditions.

10.37 The safety of the access has been raised in third party representations. In terms of visibility splays the access has adequate visibility splays which comply with DMRB visibility standards. Again, this has been re-affirmed by ECC Highways. The proposed retail unit has been set back from the adjacent building line and the edge of the pavement by 3.6m, which would facilitate in improving visibility splays. Representations have highlighted that parked vehicles at the access obscures visibility and increases the risk to pedestrian and highway safety. It is understood that there are a couple of mornings a week where delivery vehicles deliver to the local retail shops. There are occasions where there are also unauthorised cars in the delivery bay, or a number of delivery vehicles coincide delivery times which causes obstruction for a short period whilst those vehicles are delivering. The delivery bay has loading restrictions which are operational between 6am-6pm. The bus stop parking bay which is located to the south of the site's entrance, is large and possibly capable of occupying two buses at one time. There are frequent occasions whereby both the loading bay and part of the bus stop is occupied through unauthorised parking. This is unfortunately not a planning matter but a parking enforcement matter which would need to be addressed outside of this application. There is limited alternative parking provisions along the high street which allows parking for up to an hour. This is considered to be a typical situation along a regular high street.

10.38 In terms of on-site car parking, the lack of off-street parking was an issue that was raised as part of the previous reason for refusal and the resultant on-street parking effect. Please refer to paragraph 18-25 of the Inspector's report, Appendix 1.

10.39 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.

10.40 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 no more than 30 car parking spaces. The commercial units are within the maximum requirement. The residential and visitors parking space for residential complies with standards unlike the previous application. Since the previous application there are now a dedicated car parking spaces and an area with turning facility for the commercial units, 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.

D Contaminated land issues, Flood risk issues, Impact on biodiversity (Local Plan Policy ENV12, ENV14, GEN3 and GEN7);

10.41 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.

10.42 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.

10.43 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.

10.44 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;

10.45 As the development has been reduced down to 10 residential units there is now no education requirement.

10.46 At the time the application was submitted the Developers Contribution which was in force was the UDC Developers Contribution January 2015. This stated that the following would be required;

Affordable housing provision (rounded up to the nearest whole number)

- 40% on sites of 15 or more dwellings or sites of 0.5ha or more;
- 20% on sites of 11 - 14 dwellings or sites between 0.30ha and 0.49ha or an equivalent financial contribution as advised by the District Council; and
- Financial contribution on sites of less than 10 dwellings but with a combined gross floorspace of more than 1000sqm.

10.47 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 units are 10 units, and the floorspace proposed equates to 978sqm. As a result no affordable housing is now required.

10.48 It has been argued within third parties submissions that application should be assessed against policy prevailing at the time of assessing applications. Advice and policy available at the time pre-submission impacts on the design and viability of schemes and they would have been designed in this respect, similarly with lawful development applications. If policy has changed post submission of schemes this would be inappropriate and unjust to impose amended policies post submission of schemes, and refuse schemes when they accorded at the time of submission. The approach taken here has been consistently taken on other applications.

10.49 The Developers Contribution also requires children playspace for 10 or more dwellings. Due to the site's constrained town centre location it is considered inappropriate to require this, particularly as Stansted Cricket and Football pitch is located a couple of minutes off Cambridge Road and the Recreation Ground which is located off Chapel

Hill, Recreation Ground road.

10.50 The scheme therefore accords with Local Plan Policy GEN6.

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 proposed development for a mixed use scheme would preserve employment opportunities on the 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 associated studies undertaken by Place Services and Carter Jonas, with minimal impact upon residential and visual amenity. The scheme has also been revised to address the previous applications shortcomings and the Inspector's concerns.
- C The revised Transport Statement indicated that the predicted level of vehicle movements for that type of junction would accord with Design Manual for Roads & Bridges, therefore the proposed level of movements is acceptable. ECC Highways have fully appraised the statement submitted and raised no objection.

The visibility splays comply with DMRB visibility standards.

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. The scheme is therefore in accordance with Local Plan Policies GEN2 and GEN1.

- D No objections or issues have been raised with regards to contamination, flood risk, surface water drainage, ecology and landscaping subject to conditions. This is in accordance with Local Plan Policies ENV14, GEN3, GEN7 and GEN2, and the NPPF.
- 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.

The Developers Contribution also requires children playspace for 10 or more dwellings. Due to the site's constrained town centre location it is considered inappropriate to require this, particularly as Stansted Cricket and Football pitch is located a couple of minutes off Cambridge Road and the Recreation Ground which is located off Chapel Hill, Recreation Ground road.

The scheme therefore accords with Local Plan Policy GEN6.

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. The scheme shall thereafter be implemented in accordance with the approved details.

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. Thereafter the development shall be implemented in accordance with the approved details.

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).

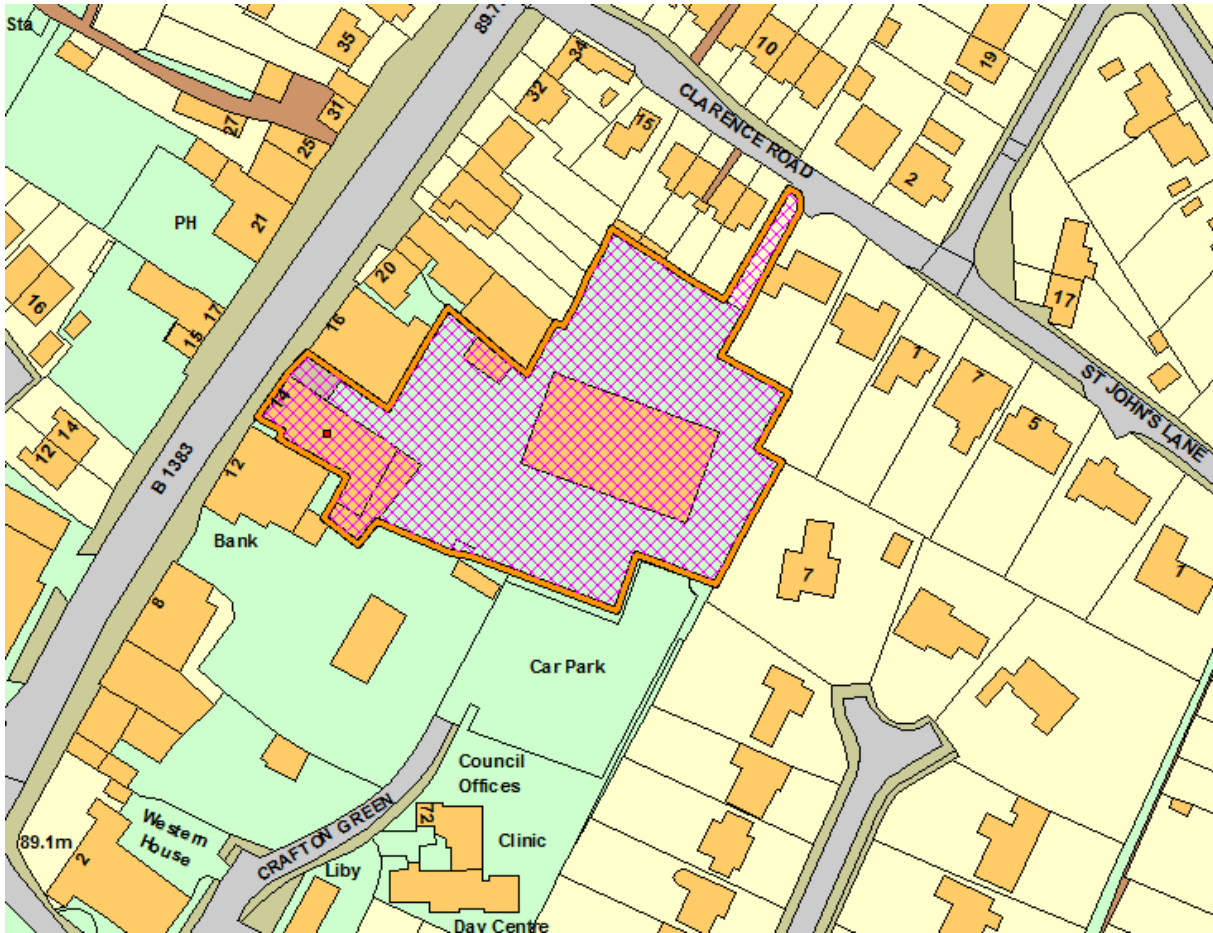
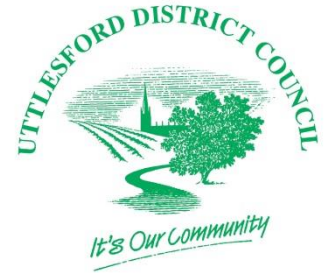
18. Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before 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 no.: UTT/15/1666/FUL
Address: 14 Cambridge Road, Stansted



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Organisation: Uttlesford District Council
Department: Planning
Date: 04 November 2015
SLA Number: 100018688

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.



global environmental solutions

Proposed Mixed Use Development
Land at Cambridge Road, Stansted Mountfichet, Essex

Technical Note
Amendment to SLR Transport Statement (May 2015)
Concerning Existing (Historic) Site Trip Generation Potential

SLR Ref: 418.05186.00003

October 2015

Ford Wells Construction Group

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1.0 INTRODUCTION

1.1 Background

SLR Consulting Limited (SLR) was appointed by the Ford Wells Construction Group to provide consultancy services to support a planning application for a proposed mixed use development to the rear of 14 Cambridge Road, Stansted Mountfitchet, Essex.

SLR produced a Transport Statement (May 2015) to accompany the planning application ref: UTT/15/16666/FUL. The principal purpose of the Transport Statement was to provide a detailed consideration of the proposed development in terms of its implications for highway and transportation matters.

In order to assess the likely overall traffic and transport impact of the development proposals, the Transport Statement included an assessment of the existing (historic) site vehicular trip generation potential set against the proposed vehicular trip generation forecast (Section 6.0 Vehicular Trip Generation), in order to determine the net increase or decrease in potential traffic levels resulting from the development proposals (Section 7.0 Impact Assessment).

As the application site currently lies vacant and generates no traffic, details relating to the site's historic use and likely vehicular trip generation were sought, however as no trip data was available for the period when the site was in full occupation the TRICS v7.1.3 2015 database was interrogated to provide a relevant trip generation estimate for each weekday period to be assessed.

In order for TRICS to provide the required trip generation estimate, the trip rate generated by the software is multiplied by the GFA of the existing (historic) use. In this particular case, reliance was placed on the transport assessment work submitted in support of a previous planning application for the application site, ref: UTT/13/1126/FUL, whereby the existing (historic) GFA was deemed to be 7,973sqm. However, representations made on the application indicate that this figure is incorrect.

With the uncertainty that surrounds the existing (historic) GFA we are therefore unable to provide an accurate estimate of the existing (historic) site vehicular trip generation potential.

In light of the above, this Technical Note provides an amendment to the submitted Transport Statement (May 2015); the following sections to replace those previously written:

- 6.0 Vehicular Trip Generation;
- 7.0 Impact Assessment; and
- 8.0 Summary & Conclusions.

6.0 VEHICULAR TRIP GENERATION

An assessment considering the existing/historic and proposed land use trip generation potential will be undertaken.

6.1 Existing (Historic) Site Trip Generation Potential

At present the application site is a vacant plot of brownfield land.

The previous occupants of the site, Sworders Antiques, left the area approximately 8 years ago and during their tenancy the site was used as both an auction house and storage. Since their departure the site has hosted several short-term lease holders.

Details relating to the site's historic use and likely vehicular trip generation were sought, however no trip data was available for the period when the site was in full occupation and uncertainty surrounds the size of the buildings that previously occupied the application site.

It is reasonable to assume however that the previous site use, in addition to the daily staff and visitor movements associated with Sworders Antiques (and following this the short-term lease holders), generated a number of Heavy Goods Vehicle (HGV) trips associated with the storage and distribution element of the site.

6.2 Proposed Vehicular Trip Generation Forecast

In order to forecast the level of vehicular movement generated by the proposed development the TRICS v7.1.3 2015 database has been interrogated, selecting developments of a similar nature to the development proposals in order to provide a relevant trip rate estimate for each weekday period.

TRICS is the standard industry methodology for trip generation forecasting, comprising a database of transport surveys for a wide variety of developments in the UK and Ireland. The software provides an average trip rate based upon a selection of relevant sites identified which is then used to assist the trip generation forecast for the proposals.

6.2.1 Residential

Suitable sites were determined on the basis of 03: Residential - A: Houses Privately Owned, selecting sites ranging between 4,000 and 12,000sqm. Freestanding sites were filtered out, as were sites where the density of population exceeded 25,000 people within 1 mile and 125,000 people within 5 miles.

Weekday trip rates are provided which are subject to a calculation factor of the number of residential units. Therefore each trip rate has multiplied by 10.

The TRICS data is attached at **Appendix B** of the SLR Transport Statement (May 2015). The trip rates and calculated trips for the network peak periods and the development's operational peak are provided within **Table 6-1** below.

**Table 6-1
Proposed Residential Traffic Forecast**

	Arrivals		Departures		Two Way	
	Trip Rate	Trips	Trip Rate	Trips	Trip Rate	Trips
AM Peak (0800-0900hrs)	0.212	2	0.394	4	0.606	6
PM Peak (1700-1800hrs)	0.439	4	0.303	3	0.742	7
Daily (0000-2400hrs)	3.030	30	3.471	35	6.501	65

The summary within **Table 6-1** shows that the proposed scheme is likely to generate in the region of 30 vehicular arrivals and 35 vehicular departures per day, which is a combined total of 65 movements.

During the AM peak period it has been forecasted that 2 vehicular arrivals and 4 vehicular departures will occur. During the PM peak period it has been forecasted that 4 vehicular arrivals and 3 vehicular departures will occur.

6.2.2 Commercial

Suitable sites were determined on the basis of 02: Employment - A: Office with B1 use, selecting sites ranging between 300 and 2,000sqm.

Weekday trip rates are provided which are subject to a calculation factor whereby they are multiplied by the proposed GFA (in 100sqm). Therefore each trip rate is multiplied by 7.37 (whilst this is actually the proposed Gross Internal Area (GIA) it is considered robust).

The TRICS data is attached at **Appendix B** of the SLR Transport Statement (May 2015). The trip rates and calculated trips for the network peak periods and the development's operational peak are provided within **Table 6-2** below.

**Table 6-2
Proposed Commercial Traffic Forecast**

	Arrivals		Departures		Two Way	
	Trip Rate	Trips	Trip Rate	Trips	Trip Rate	Trips
AM Peak (0800-0900hrs)	1.333	10	0.229	2	1.562	12
PM Peak (1700-1800hrs)	0.256	2	1.253	9	1.509	11
Daily (0000-2400hrs)	9.249	68	8.954	66	18.203	134

The summary shows that the proposed commercial element of the scheme is likely to generate 68 vehicular arrivals and 66 vehicular departures per day; a total of 134 vehicular movements.

During the AM peak period it has been forecasted that 10 vehicular arrivals and 12 vehicular departures will occur. During the PM peak period it has been forecasted that 2 vehicular arrivals and 9 vehicular departures will occur.

6.2.3 Total Development Traffic

The combined traffic forecast for the proposed development is summarised within **Table 6-3** below.

Table 6-3
Proposed Combined Development Traffic Forecast

	Arrivals	Departures	Two-way
AM Peak (0800-0900hrs)	12	6	18
PM Peak (1700-1800hrs)	6	12	18
Daily (0000-2400hrs)	98	101	199

The summary within **Table 6-3** shows that the proposed scheme is likely to generate 98 vehicular arrivals and 101 vehicular departures per day, equating to a total of 199 vehicle movements.

During the AM peak period it has been forecasted that 12 vehicle arrivals and 6 vehicle departures will occur. During the PM peak period it has been forecasted that 6 vehicle arrivals and 12 vehicle departures will occur.

The proposal site would generate the occasional HGV movement associated with refuse collection, servicing or deliveries.

7.0 IMPACT ASSESSMENT

7.1 Introduction

This section considers the potential impacts of the proposed development in terms of capacity and safety. The following assessments have been undertaken:

- Theoretical junction capacity; and
- Highway safety.

7.2 Theoretical Junction Capacity

The application site access road forms a simple priority junction with Cambridge Road.

Technical guidance provided within DMRB TD42/95¹ states that the use of 'simple' priority junctions, in new build situations, is appropriate up to a level of 300 vehicles Annual Average Daily Traffic (AADT) 2-way flow on the minor arm and that on the major road is not expected to exceed 13,000 vehicles 2-way AADT.

An AADT 2-way flow of 500 vehicles is quoted as being the desirable maximum level of use for an existing junction without upgrading being considered, or where vehicles waiting on the major road to turn right inhibit the through flow and create a hazard.

The traffic forecast has determined that the proposed development is likely to generate a total of 98 arrivals and 101 departures each day, well within the recommended 300 vehicles threshold recommended by DMRB.

Therefore, 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.

7.3 Highway Safety

Accident data has been reviewed based on the information obtained using the Essex Highways Traffweb website.

It has been determined that there have been two incidents recorded within the most recent three years period of data available on record in the vicinity of the site access. Both of the incidents were categorised as slight in severity.

The following observations have been made:

- Incidents in the study area are rare with only two occurrences within the three year study period;
- Only one of the two incidents occurred within relevant proximity of the development site; and
- No incidents were recorded at or adjacent to the application site access junction.

It is therefore concluded that on the basis of the recorded accident data in the area there are no existing highway safety concerns in the proximity of the application site.

¹ Design Manual for Roads & Bridges TD42/95 Geometric Design of Major/Minor Priority Junctions.

Furthermore, the site access has been reviewed in terms of junction visibility and it has been concluded that the level of visibility would be acceptable.

The proposed site access road width is designed as 4.8 metres which would be sufficient to allow a car to pass a large vehicle. It is very unlikely that the need would arise for 2 large vehicles to pass. A swept-path analysis has also been undertaken which demonstrates that a refuse collection vehicle and emergency vehicle can access and manoeuvre within the site without any issues.

7.4 Impact Summary

This section has demonstrated that the site access is adequate to accommodate the level of forecasted traffic without any safety or capacity issues.

It has therefore been concluded that the application proposals would be acceptable in traffic and transport terms.

8.0 SUMMARY & CONCLUSIONS

This report provides a detailed assessment of the highways and transportation matters relating to a proposed mixed use development on land to the rear of No. 14 Cambridge Road, Stansted Mounfitchet, Essex.

A detailed site audit has been undertaken which assessed the existing local highway conditions. This included a detailed accessibility appraisal to ensure the proposed development is located within a sustainable location in terms of transport and as a result the overall traffic and transport impact of the development proposals are acceptable in planning terms.

During the AM peak period it has been forecast that 12 vehicle arrivals and 6 vehicle departures will occur. During the PM peak period it has been forecast that 6 vehicle arrivals and 12 vehicle departures will occur. The proposal site would also generate the occasional HGV movement associated with refuse collection, servicing or deliveries.

It has also been demonstrated that the site access is adequate to accommodate the level of forecasted traffic without causing any safety or capacity issues.

The proposed development adheres to the local requirements in terms car and cycle parking provision.

The development also provides sufficient space for service vehicles off the main highway, with a commercial refuse store located within the development. Any emergency vehicles required to access the development (i.e. fire tenders) will be fully compatible with the proposed scheme, with direct access able to be gained from the B1383 Cambridge Road.

The proposed development of the site accords with the national and local planning policies outlined within Section 3.4 of this report. In particular, attention should be drawn to paragraph 32 of the National Planning Policy Framework (NPPF) which states that:

'...Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

It is obvious from on-site observations and theoretical capacity consideration that this level of traffic can be safely accommodated within the operational capacity of the local highway network and it is unlikely that these levels of additional traffic will be perceptible when set against daily fluctuations.

For the above reasons, the proposed development of the site accords with the national and local planning policies and is considered to be acceptable in traffic and transport terms.

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Addendum to UTT/14/3266/OP (NEWPORT)

MAJOR

PROPOSAL: Outline application for the erection of 15 no. dwellings with all matters reserved except access and scale.

LOCATION: Land South of Wyndhams Croft, Whiteditch Lane, Newport.

APPLICANT: Ford-Wells Ltd

AGENT: KMBC Planning

EXPIRY DATE: 26 January 2015

CASE OFFICER: Maria Shoesmith

1. INTRODUCTION:

- 1.1 This application was considered at the Planning Committee meeting dated 11th March 2015, copy of the report is attached in **Appendix A**. Planning permission was granted at that meeting.
- 1.2 Following the granting of planning permission the consent was Judicially Reviewed. It had been found that a Screening Opinion was not undertaken and the High Court subsequently quashed the planning permission in May 2015. As a result the application remains undetermined and reverts to the District Council.
- 1.3 As part of the assessment of the application a screening opinion has been undertaken.

2. REPRESENTATIONS:

- 2.1 Since the initial determination of this application the following comments have been received from Save Newport Village (dated 6 September 2015);
- Flooding;
 - Missing information on application;
 - Lack of detail on housing;
 - Principle of development;
 - Highway safety;
 - Lack of sustainability;
 - Cumulative development;
 - No mains sewer on site - Newport sewage works is already overloaded;
 - The application is incomplete in having no reptile survey. There are newts in the ponds on the glasshouse site next to this site. The need for a reptile survey is confirmed in the habitat report dated August 2015
 - Lack of education provision in S106;
 - No health contribution.

2.2 *Comments;*

- Flooding, highway safety, detailing of the application, the principle and sustainability has been assessed as part of the initial application, whereby no objections have been raised. There is nothing before which changes this stance;
- An updated ecological survey has been provided which is assessed below;
- Education contributions have been addressed;
- Due to the size of the proposed development no health contribution is required.

3. **APPRAISAL:**

- 3.1 Since the High Court's findings a Screening Opinion has been undertaken under the reference UTT/15/2106/SCO, issued in August 2015. The Screening Opinion outlined that the proposal constitutes a Schedule 2 development under the EIA Regulations 2011. However, the impact of the development would be limited to the village of Newport, when considered on its own. When considered cumulatively the environmental impacts are unlikely to extend beyond Newport and would not be significant to warrant an EIA. Therefore, it has been concluded that the proposed development would not have significant effects and does not constitute EIA development.
- 3.2 Since undertaking the Screening Opinion other committed development which have been granted in the surrounding locality are;
- 3.3 UTT/14/3815/FUL - Land at Holmwood, Whiteditch Lane – proposed new dwelling (site area is 0.14ha) – Granted 5 March 2015
- 3.4 UTT/15/1942/FUL -Erection of a pair of detached dwellings and garages – Land adj Bury Grove Whiteditch Lane – granted 7 August 2015, whilst not determined at the time this application was still taken into account while the Screening was being undertaken.
- 3.5 UTT/15/1664/FUL – Removal of existing structures and erection of 2 No. detached and garages – Land rear of Branksome, Whiteditch Lane - approved 25 August 2015
- 3.6 It should be noted that Cumulative impacts only need to be considered in respect of proposals that have the benefit of or a resolution to grant planning permission. The Screening Opinions which have been more recently undertaken on current applications at Redbank, Burywater Lane (UTT/15/2460/OP) for the proposed 7 dwellings and Holmwood, Whiteditch Lane (UTT/15/2512/OP) for the proposed 12 dwellings have taken the subject site into account as well as the above more recent committed development. The conclusion from those Screening Opinions concurred that the impacts are not considered to be significant and the proposals do not constitute EIA development. There is nothing before me to warrant an alternative decision in this respect.
- 3.7 In terms of other material changes at the time the application was submitted the Contribution which was in force was the UDC Developers Contribution January 2015. This stated that the following would be required;

Affordable housing provision (rounded up to the nearest whole number)

- 40% on sites of 15 or more dwellings or sites of 0.5ha or more;
- 20% on sites of 11 - 14 dwellings or sites between 0.30ha and 0.49ha or an equivalent financial contribution as advised by the District Council; and

- Financial contribution on sites of less than 10 dwellings but with a combined gross floorspace of more than 1000sqm.
- 3.8 At the time this application was submitted the affordable housing required was for more than 10 units or if the floorspace is 1000sqm or above. As policy has evolved since the submission of the application, and has reverted back to the January 2015 standards, the application has to be assessed against the policy requirements at the time of submission, as outlined above. Therefore, 40% affordable housing is still required from this development (equating to 6 units), in accordance with the UDC Developers Contribution.
 - 3.9 In accordance with Local Plan Policy GEN6 relating to Infrastructure provision to support development an education provision is still required to be secured as per previous recommendation.
 - 3.10 An Updated Ecological Survey and Tree report has been submitted to cover the time lapsed during the handling of the application. The survey identified the following;
 - 3.11 No signs or evidence of brown hares, badgers, hedgehogs or any other mammals were observed on the site or in the adjacent habitats.
 - 3.12 The grassland on site was mostly very shortly grazed and of low suitability for reptiles. However, patches of taller grassland in the south of the site and boundary scrub habitat were considered potentially suitable for widespread reptiles such as grass snake and common lizards.
 - 3.13 Reptiles were not observed during the survey visits in 2013, 2014 or 2015.
 - 3.14 Weather conditions in 2014 and 2015 were optimal for active reptiles (mild, dry, light wind).
 - 3.15 As detailed above for reptiles, the boundary scrub and taller grassland areas were considered potentially suitable for sheltering, foraging and dispersing amphibians including great crested newts. Three ponds were identified of which one was not suitable for GCN due to containing ornamental fish and the other two ponds which were the subject of previous surveys failed to identify GCN with the third pond also containing fish. Amphibians were not observed during the survey visits.
 - 3.16 No nesting protected birds or invertebrate was observed during the survey.
 - 3.17 There are structures within close proximity of the site which showed signs of roosting bats. However the survey identified that there are no structures or trees potentially suitable for roosting bats were present within the construction zone or proposed for direct impact from the proposed development.
 - 3.18 The updated ecological survey submitted is considered acceptable subject to the recommendations identified within the report.

4. CONCLUSION:

- 4.1 Screening opinions have been conducted addressing the High Court's findings which concluded that the impacts from the proposed development both on its own and cumulatively is not considered to be significant and the proposals do not constitute EIA development.

- 4.2 40% affordable housing is still required from this development (equating to 6 units), in accordance with the UDC Developers Contribution.
- 4.3 In accordance with Local Plan Policy GEN6 relating to Infrastructure provision to support development an education provision is still required to be secured as per previous recommendation.
- 4.4 The updated ecological survey submitted is considered acceptable subject to the recommendations identified within the report.

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 by the 21 December 2015 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) Provision of 40% affordable housing**
 - (ii) Education Provision**
 - (iii) Pay monitoring costs**
 - (iv) Pay Councils reasonable costs**
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below:**
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:**
 - (i) Lack of affordable housing**
 - (ii) Lack of education capacity and supporting local infrastructure**

RECOMMENDATION – CONDITIONAL APPROVAL

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

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

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

(B)The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

- 3 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.

4. Prior to commencement on site, the provision of 2 accesses into the site as shown in principle on Drawing No. 1 4 with minimum 5.5 metre carriageway width and visibility splays of 33 metres x 2.4 metres x 33 metres. These details shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development. The approved scheme of works shall then be implemented in its entirety prior to commencement on site in accordance with the approved details.

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

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

5. Prior to commencement of the development details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

6. Prior to occupation, the provision of 3 passing bays along the site frontage of 6 metres in length, the details of which shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development. The approved scheme of works shall then be implemented in its entirety prior to occupation of site and in accordance with the approved details.

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

Justification: It is essential that details of the passing bays are submitted for approval to mitigate the proposed development and implemented prior to the occupation of the development therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

7. 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 of which shall be submitted to, and approved by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

Justification: The commencement of the development is likely to impact upon archaeological artefacts and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

8. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

Justification: The commencement of the development is likely to impact upon archaeological artefacts and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

9. No development or preliminary groundwork's 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 in conjunction with its historic environment advisors.

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

Justification: The commencement of the development is likely to impact upon archaeological artefacts and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

10. A post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority) shall be submitted to the Local Planning Authority. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

Justification: The commencement of the development is likely to impact upon archaeological artefacts and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

11. No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 407.05186.00001 and subsequent letter dated 2nd February 2015.

REASON: In order to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with Policy GEN3 of the adopted Local Plan (2005).

Justification: The development is likely to impact upon surface water drainage which could result in flooding in a sensitive area and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

12. In order to discharge the surface water condition, the following information must also be provided based on the agreed drainage strategy:
- Infiltration test results and test locations in accordance with BRE 365.
 - Testing of groundwater levels at different locations across the site.
 - A detailed maintenance regime highlighting how all parts of the surface water drainage scheme will be maintained.
 - A detailed plan showing the final drainage strategy for this site which includes either infiltration or storage for the proposed 1.05l/s discharge rate. Treatment stages will also need to be detailed on any drainage plan.
 - A plan detailing where exceedance flows above the 1 in 100+30% will be directed.

REASON: In order to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with Policy GEN3 of the adopted Local Plan (2005).

Justification: The development is likely to impact upon surface water drainage which could result in flooding in a sensitive area and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

13. The proposed development shall be implemented in accordance with the recommendations highlighted within the updated Phase 1 Habitat Survey dated 3 August 2015.

REASON: In order to protect and preserve wildlife and biodiversity in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

14. One dwelling approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining 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

APPENDIX 1

UTT/14/3266/OP (NEWPORT)

MAJOR

PROPOSAL:	Outline application for the erection of 15 no. dwellings with all matters reserved except access and scale.
LOCATION:	Land South of Wyndhams Croft, Whiteditch Lane, Newport.
APPLICANT:	Ford-Wells Ltd
AGENT:	KMBC Planning
EXPIRY DATE:	26 January 2015
CASE OFFICER:	Emmanuel Allanah

1. NOTATION

- 1.1 S.S.S.I Consultation Area and Outside Development Limits.

2. DESCRIPTION OF SITE

- 2.1 The site is a flat regular shape approximately 4 acres located between the existing residential garden of 'Wyndhams Croft' to the north and Chadham House and Red Bank to the South, to the west is the public highway which forms the frontage of the site. It is bounded on the west by residential development which has recently been approved on the former greenhouses site. To the east it is bounded by a public footpath followed by Newport Free Grammar School and its playing fields. The southern part comprised of residential properties and tree belt; and the northern part is bounded by small group of houses along Whiteditch Lane in a linear manner.

3. PROPOSAL

- 3.1 This is an outline application for the erection of 15 no. dwellings with all matters reserved except access and scale.
- 3.2 The proposed access would be from Whiteditch Lane from the northern side of the proposed site opposite existing residential and recently approved five dwellings houses in connection with the approved outline application registered as UTT/13/1817/OP.

4. APPLICANT'S CASE

- 4.1 The application is the result of pre-application enquiry for up to 11 to 36 dwellings with associated parking, landscaping and roads. (UTT/14/0529/PE).
- 4.2 The applicant has submitted the following supporting documents:
- Design and Access Statement
 - Tree Survey
 - Natural England Checklist
 - Phase 1 Habitat Survey of Land

5. RELEVANT SITE HISTORY

- 5.1 UTT/14/1543/OP; Refuse. Outline application for the erection of 14 no. dwellings with all matters reserved except access and scale.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – Outside Development Limits
- Policy GENE1 – Access
- Policy GEN2 – Design
- Policy GEN6 –Infrastructure provision

7. PARISH COUNCIL COMMENTS

7.1 The proposed dwellings would be outside development limits

- No new houses should be built until the road infrastructure is improved. Newport Parish Council's policy on any new applications, which involve School Lane and Bury Water Lane, has always been that no new houses should be built until the road infrastructure is improved.
- The proposal includes a 5.5M road within the site which would come out on to White Ditch Lane which is 4M wide and then into Bury Water Lane and School Lane, two further narrow roads unfit for purpose. Additional housing will increase demands on the lane and lead to congestion.
- There is no footpath or pavement in the lane currently, or any planned with this proposal, the doubling of traffic caused to the lane by this application would be extremely dangerous for pedestrians.
- The distance to the Primary School and other village amenities is considered unreasonable.
- Each development is being considered separately rather than looking at the total; no upper limit has been placed on the number of houses that can be built on White Ditch Lane or Bury Water Lane
- A proper foul water sewage system needs to be installed before any further development takes place.
- There is a significant flood risk; flooding has occurred on numerous occasions in the past and no doubt this will happen more frequently due to our changing climate. Earlier this year the junction of Bury Water Lane/School Lane was totally impassable.
- Emergency vehicles would have problems accessing the lane.

- UDC plan for 50 “windfall” houses per year. Newport seems to have had a very large share of these.
- The County Council’s comments under reference CO/EGD/SD/CMJ/17069 dated 11.11.14 appear to require two accesses of 5.5 metres width. The road within the site does not appear to be 5.5metres wide throughout its length. This does not seem to meet the County Council’s requirements.
- There is now an adequate supply of land and developments approved within Uttlesford to meet the five year needs of the Local Development Plan. Since this land lies outside the proposals within the Local Development Plan, as well as the village development limits, combined with other problems associated with this site, it should be rejected.
- Seven of the proposed buildings are two and three bedroom houses, eight are four and five, Development Management Policies intended that three quarters of all new build houses in Uttlesford should be three bedroomed or less. While this policy appears to have been lost in the consultation process, it should not be lost sight of. Accordingly, this development should contain no more than four houses with four bedrooms or more.

8. CONSULTATIONS

ECC Highways Authority

8.1 No objection.

Environment Agency

8.2 Due to insufficient information provided for the proposed flood risk assessment scheme the Environment Agency advised they are holding on their objection.

Flood and Water Management (SuDs)

8.2 No objection subject to their recommended planning conditions.

Minerals and Waste

8.3 No comments to make.

Natural England

8.4 No objection.

Senior Historic Environment Officer

No objection subject to recommended planning conditions.

ECC Education Authority

8.5 In summary; considering the proposed outline development would add pressure to existing local infrastructure such as education capacity and school transport services; in order to mitigate such impact applicant would be required to make a financial contribution for early years and childcare sum of £16,675. The primary school sum would be £48,749 and the primary school transport sum would be £35,100. The

secondary school sum would be £49,371 and the secondary transport sum would be £11, 407.50 giving a total of £161, 302.50. This would be secured through the completion of Section 106 Agreement.

Access and Equality Officer

- 8.5 There is a requirement that all dwellings will need to meet the lifetime Homes Standards, but in addition that one dwelling will be required to meet the Wheelchair Accessible Housing Standard as set out in Appendix 2 of the SPD on Accessible Homes and Playspace. This is triggered by the number on this site. Details will need to be provided if the application is approved.

9. REPRESENTATIONS

- 9.1 13 Letters of objection received and in summary their common ground of objection includes the following:

- Generation of traffic on a narrow road
- Pressure on doctors, primary school and on local amenity
- The development is not sustainable
- Impact on wildlife
- Insufficient parking
- Impact on footpath
- It would lead to flooding
- No gas supply in the area

10 APPRAISAL

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

- A The principle of the outline application (ULP Policy S7)
- B Whether the scale of the proposed outline application for 15 dwellings at this location would harm the character and appearance of the area (ULP Policy GEN2)
- C Whether the proposed flood risk assessment scheme is acceptable (ULP GEN3)
- D Traffic impact
- E Impact on local infrastructure
- F Other matters

A Whether the principle of residential buildings outside development limits is acceptable.

- 10.1 Policy S7 affirms that “the countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area....”

- 10.2 In land use terms the application site is an existing paddock land adjacent to a residential dwelling known as Wyndham Croft which lies within the open countryside;

hence the application site is considered to be outside development limits which Policy S7 applies; although the area is also characterised by parcels of farm land, redundant cucumber farm which also have planning permission for care home, a recent 5 market housing dwellings which form part of the proposed outline application for the care home registered as UTT/13/1817/OP. The site is also wrapped round with other residential buildings nearby in addition with an existing Newport Grammar School. In land use terms the planning history of the immediate surroundings have secured the benefit of major planning applications involving different types of residential schemes.

- 10.3 Given the location of the proposed site is easily accessible to other local infrastructure such as shops, community hall, school, Doctor's surgery, bus services and Newport Train Station hence the proposal therefore can be considered as a sustainable development in accordance with paragraph 7 of the National Planning Policy Framework (NPPF). For example; the economic role is seen as the temporary jobs the development would create during construction stage; the Social role is seen from the point where by the proposed dwellings would provide opportunity in delivering housing needs and affordable housing which would be easily accessible to nearby local infrastructure. The Environmental role is considered as a development that would contribute in enhancing the immediate built environment and provide housing scheme future occupiers would relied upon local infrastructure by making the proposed scheme more environmentally friendly. Hence, the principle of the outline application can be considered as a sustainable development subject to the evaluation of the outstanding reserved matters.

B Whether the proposed scale of the 15 dwellings would harm the character and appearance of the area.

- 10.4 Policy GEN2 states for example;” development will not be permitted unless its design in terms of scale, form, layout, appearance and materials are compatible with surrounding buildings...”
- 10.5 The area is characterised by different forms, layout, appearance, materials and scale of residential buildings ranging from bungalow, one and half storey to two storey detached residential buildings. The planning history of all the recent approved residential development in the surrounding areas also mirror the character and scale of the buildings in the area. The proposed outline application involving 15 detached dwellings with attached and detached garages mirror the scale and form of the existing character and appearance of the area. This is considered acceptable subject to the evaluation of the layout, appearance and landscaping scheme during reserved matters stage in order to assess their likely impact on the character of the area and the living condition of the adjoining occupiers; hence in policy terms the proposal in terms of scale only partly comply with Policy GEN2.

C Whether the proposed Flood Risk Assessment Scheme is considered acceptable

- 10.6 Policy GEN3 affirms that “within the functional floodplain, buildings will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment...”. The application site lies within a designated Flood Risk Assessment Zone 1 Area in which Policy GEN3 applies
- 10.7 The updated applicant's Flood and Water Management Scheme has been considered by ECC Flood and Water Management Team and on 6 February 2015 advised that the proposed drainage scheme that provides the required 498 cubic metres storage need if it is found that infiltration is not feasible at this site is considered viable and the

applicant letter also provided clarification that the necessary treatment stages will be included on this site. And the ECC (Sud's Team) further advised that outline planning permission can be granted to the proposed development subject to recommended planning condition as detailed in this Planning Committee report.

D Traffic impact

- 10.8 Policy GEN1 objective include development will be permitted provided it does not compromise road safety or harm other road users.
- 10.9 The Highway Authority considered the proposed access and concluded it is acceptable subject to recommended planning conditions in order to protect and safeguard other road users and traffic in the area in accordance with Policy GEN1.

E Impact on local infrastructure

- 10.10 Policy GEN6 affirms development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.
- 10.11 The proposed outline application for 15 dwellings with scale and access has been considered by other external consultees and on balance reached a conclusion that the scale of the development would add pressure to existing local infrastructure such as education capacity and school transportation services. In order to mitigate the impact the ECC Education Authority advised applicant would need to make some agreed financial contribution for early years and childcare sum would be £16, 675. The primary school the sum would be £48,749. The secondary school sum would be £49, 371, giving a total of £114, 795 indexes linked to April 2014 costs. This financial educational capacity contribution would help to mitigate the impact on education capacity around this part of Newport area which would be secured through the completion of Section 106 Agreement. In addition, 40% of the proposed 15 dwellings would be secured for affordable housing in order to meet housing need within Newport area which would also be secured through the completion of Section 106 Agreement in accordance with Policies H9, H10 and GEN6.

F Other matters

- 10.12 The proposed outline application for the erection of 15 no. dwellings with all matters reserved except access and scale has been considered in accordance with the adopted Local Plan (2005) and it is considered acceptable subject to recommended planning conditions including details of conditions of proposed flood defence scheme and the completion of Section 106 Agreement in addition with all the relevant recommended planning conditions in accordance with the adopted Local Plan (2005).

11. CONCLUSION

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

- A. The proposed outline application with scale and access with its easy access to local services is considered sustainable. Therefore the proposal is considered to meet the requirements of the NPPF.

- B. The proposed scale would be compatible with the existing residential buildings within the area subject to the evaluation of other reserved matters.
- C. The application has all other matters reserved and therefore not all issues can be considered at this time. Highways concerns by local residents have been considered by Essex County Highways and the view is that the proposed outline application can be considered acceptable subject to the recommended planning conditions.
- D. The outline application comprising of 15 dwellings would provide different housing needs within this area of Newport which would be secured through the provision of affordable housing; in addition with agreed financial contribution towards improving the education capacity and school transport within this area of Newport. This local infrastructure would be secured through the completion of Section 106 Agreement.

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 by the 20 March 2015 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) Transfer of cleared land to the Council, free from contamination and with services and infrastructure, including access provided to the boundary of the site.**
 - (ii) In the event that a care home cannot be built on the site, that the site should be used for affordable housing.**
 - (iii) Pay monitoring costs**
 - (iv) Pay Councils reasonable costs**
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below:**
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:**
 - (iii) Lack of affordable/social housing**
 - (iv) And lack of education capacity and supporting local infrastructure**

RECOMMENDATION – CONDITIONAL APPROVAL

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

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and

Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

- 3 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).

15. Prior to commencement on site, the provision of 2 accesses into the site as shown in principle on Drawing No. 14 with minimum 5.5 metre carriageway width and visibility splays of 33 metres x 2.4 metres x 33 metres. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development. The approved scheme of works shall then be implemented in its entirety prior to commencement on site.

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

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

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

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

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

18. Prior to commencement of the development details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

19. Prior to occupation, the provision of 3 passing bays along the site frontage of 6 metres in length. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development. The approved scheme of works shall then be implemented in its entirety prior to occupation of site.

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

20. The public's rights and ease of passage over public byway 2, Newport shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

21. 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.

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

22. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

23. No development or preliminary groundwork's 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 order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

24. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three 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 order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

25. No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 407.05186.00001 and subsequent letter dated 2nd February.

REASON: In order to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with Policy GEN3 of the adopted Local Plan (2005).

26. In order to discharge the surface water condition, the following information must also be provided based on the agreed drainage strategy:

- Infiltration test results and test locations in accordance with BRE 365.
- Testing of groundwater levels at different locations across the site.
- A detailed maintenance regime highlighting how all parts of the surface water drainage scheme will be maintained.
- A detailed plan showing the final drainage strategy for this site which includes either infiltration or storage for the proposed 1.05l/s discharge rate. Treatment stages will also need to be detailed on any drainage plan.
- A plan detailing where exceedance flows above the 1 in 100+30% will be directed.

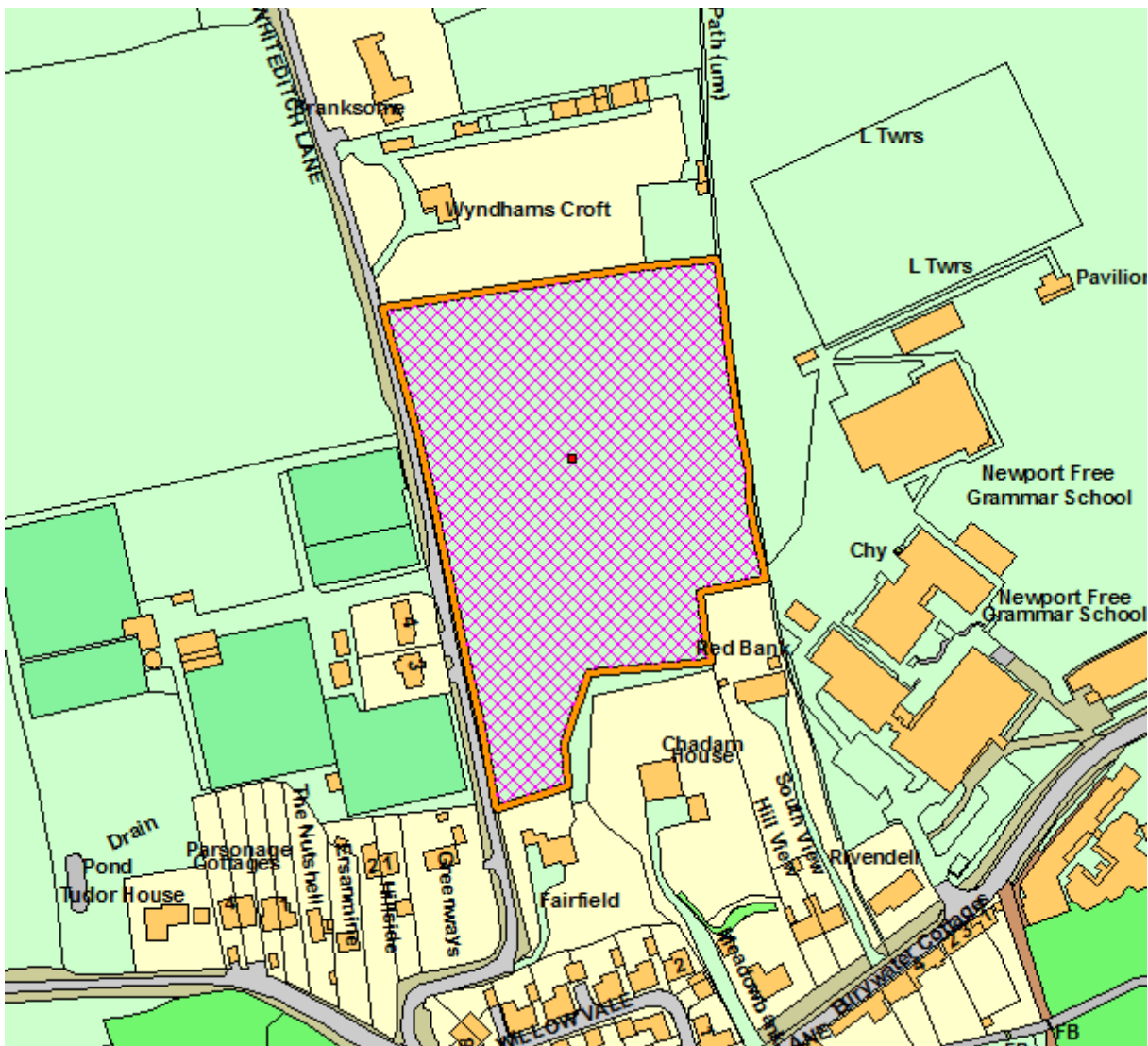
REASON: In order to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with Policy GEN3 of the adopted Local Plan (2005).

27. Prior to the implementation of the hereby approved outline development there is a requirement that all dwellings will need to meet the Lifetime Homes Standard, but in addition that one dwelling will be required to meet the Wheelchair Accessible Housing Standard as set out in Appendix 2 of the SPD on Accessible Homes and Playspace. This is triggered by the number on this site. Details will need to be provided if the application is approved.

REASON: In order for the outline approved development complies with the adopted Supplementary Design Guidance and Supplementary Planning Documents in accordance with Policy GEN2 of the adopted Local Plan (2005).

Application no.: UTT/14/3266/OP

Address: Land South of Wyndhams Croft, Whiteditch Lane, Newport.



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Organisation: Uttlesford District Council
Department: Planning
Date: 04 November 2015
SLA Number: 100018688

UTT/15/2460/OP (NEWPORT)

(MINOR)

PROPOSAL: Outline application with all matters reserved except access for the demolition of existing dwelling and erection of 7 No. dwellings.

LOCATION: Redbank, Bury Water Lane, Newport

APPLICANT: Mr & Mrs Sivell.

AGENT: Landmark Town Planning Group.

EXPIRY DATE: 12 October 2015

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Part within / Part outside Development Limits / adjacent to conservation area.

2. DESCRIPTION OF SITE

2.1 The site is situated on the north side of Bury Water Lane and comprises a narrow, rectangular and sloping residential plot of land of approximately 0.27 ha. containing a single dwelling (Redbank) which stands to the rear of the frontage properties South View and Hill View to the immediate west of the Joyce Frankland Academy. The site is accessed from Bury Water Lane by a long single width tarmac entrance drive which runs between South View and Rivendell, whilst a public footpath runs parallel with the drive from Bury Water Lane past the site along its eastern banked boundary and continues in a northwards direction alongside the side boundary with the school through to the top of Whiteditch Lane. The dwelling on the site is positioned in a slightly elevated position towards the enclosed rear boundary, whilst the front of the site is set mainly to grass either side of the approach drive. The top (northern) end of the site has a measured datum point of 68.71 metres, whilst the bottom (southern) end of the site onto Bury Water Lane has a datum point of 59.76 metres (difference of 8.95 metres). Chadam House is situated to the side of the site in a set-back position on its west side, whilst Wyndham Croft lies to the immediate rear.

3. PROPOSAL

3.1 This revised outline application proposal relates to the erection of 7 No. detached 4+ bedroomed dwellings with associated parking, amenity areas and formation of new access road from Bury Water Lane involving the demolition of the existing dwelling. The indicative drawings submitted with the application show that the dwellings would be 2½ storied in height (albeit 3 storey in reality) with an indicated ridge height of 8.4m and having a traditional design and appearance in the Essex Design Guide style. The dwellings for Plots 1 and 2 would stand at the head of the site behind a rear turning head, whilst the dwellings for Plots 3 to 7 below would stand in a line parallel with the access road leading down to the rear boundary with South View and Hill View. The dwellings would appear in stepped fashion taking into account the sloping nature of the site.

4. APPLICANT'S CASE

- 4.1 A Design & Access Statement has been submitted with the application which sets out the planning background to the revised application, the site context, design rationale, access considerations and reference to Lifetime Homes. The application is also accompanied by a Transport Statement which assesses the transport impacts of the proposed development, including whether an acceptable vehicular access can be achieved at the site.

5. RELEVANT SITE HISTORY

- 5.1 An outline planning application for the erection of 10 no. dwellings with new access road with all matters reserved except access involving the demolition of the existing dwelling at Redbank was refused planning permission under the Council's delegated powers on 13 March 2015 under ref; UTT/14/3265/OP. The indicative drawings submitted with that application showed that the dwellings would have been mainly in the form of a terrace of 3 storey town houses with car parking underneath (4 storey height in reality) running up the site facing onto the access road with a further terrace facing back down the road at the head of the access road. The officer report for the application concluded that this type of residential development for the site would not be in keeping with the existing character of the area, including the built form along Bury Water Lane and that the application details did not contain any mitigating measures to address the accumulative impact of the development upon local infrastructure, such as provision of affordable housing. The application was thus refused for the following reasons:

1 The proposed illustrative drawing showing 10 no. town houses comprising of two and three and half storey residential buildings would not be compatible with the character of the area and its immediate built environment in terms of the siting, form, scale and appearance of the dwellings contrary to ULP Policies GEN2 and H3 of the adopted Uttlesford Local Plan (2005).

2 The proposed illustrative drawing for 10 town houses within this part of Newport would adversely add pressure to local infrastructure in the absence of any agreement for the provision of affordable housing and financial contributions to mitigate the education capacity impact and the provision of affordable housing within Newport. The proposal is therefore contrary to ULP Policy GEN6 of the adopted Uttlesford adopted Local Plan (2005).

- 5.2. A subsequent appeal against the Council's decision was subsequently withdrawn on 28 August 2015. The current revised application arises from the withdrawal of that appeal.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy S7 – The Countryside
- ULP Policy H3 – Infilling with new houses
- ULP Policy H4 – Backland Development
- ULP Policy H9 – Affordable Housing

- ULP Policy H10 – Housing Mix
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Protection
- ULP Policy GEN4 – Ancient Monuments & Sites of Archaeological Importance
- ULP Policy GEN6 – Infrastructure Provision to Support Development
- ULP Policy GEN7 – Nature Conservation

- SPD – “Developer Contributions Guidance Document” – (January 2015 version)

7. PARISH COUNCIL COMMENTS

7.1 The Parish Council have submitted a detailed letter of representation against the revised application currently under consideration, the salient comments which have been listed as follows:

- The proposed dwellings would be located outside development limits.
- No new houses should be built until the local road infrastructure is improved.
- The proposed development would include a 5.5m access road into the site. which would lead out onto Bury Water Lane, which is a narrow road. Additional housing will increase demands on the lane and lead to congestion.
- There is currently no continuous footpath or pavement to the main Cambridge Road or any planned for this development. The resulting increase in traffic from the development would be extremely dangerous for pedestrians, including the disabled.
- The distance to the primary school and other village amenities is considered unreasonable.
- Each development [for Newport] is being considered separately rather than looking at the total; no upper limits has been placed on the number of houses that can be built on White Ditch Lane or Bury Water Lane.
- There will be an additional load on an already inadequate foul water sewerage system.
- There will be a significant flood risk; flooding has already occurred on numerous occasions in the past and no doubt this will happen more frequently due to the changing climate.
- The proposed development is out of context with the village setting in terms of profile and style.
- There is no provision for visitor parking.
- There is now an adequate supply of land and developments approved within Uttlesford to meet its 5 year housing supply and this site should be rejected.
- The dwellings are 4 bedroomed. Development management Policies intend that all new build houses within the district should be 3 bedroomed or less and this policy appears to have been lost, although should not be lost sight of.
- The drawings do not show a swept path analysis.
- Insufficient access details and proposed re-arrangement of public footpath or pedestrian access to public transport have been provided.
- There are no parking spaces for residents of Bury Water Lane.
- The density of the development is too high and not in keeping with the village and surrounding properties.
- The provision for refuse bins is inadequate.
- There is no provision for disabled vehicles.
- The tandem parking is not workable.
- Access into the development is opposite a row of C16 listed cottages that have no parking provision. This would restrict access for construction vehicles and subsequent utility vehicles, i.e., fire, water refuse vehicles.

- UDC plan for 50 “windfall” houses per year. Newport seems to have had a very large share of this.

8. CONSULTATIONS

Aerodrome Safeguarding

- 8.1 There are no safeguarding concerns for Stansted Airport arising from this application.

Essex County Council Highways

- 8.2 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to the following:

1. Prior to commencement on site, provision shall be made for an access into the site as shown in principle on Drawing No.1 to include but not be limited to a minimum 5.5 metre carriageway width with a minimum 1.8 metre wide footway on the eastern side the details of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development. The approved scheme of works shall thereafter be implemented in its entirety prior to commencement on site.

REASON: In the interests of highway safety and to provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

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

REASON: In the interests of highway safety and efficiency.

3. The gradient of the proposed vehicular access shall not be steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

4. There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

5. The public's rights and ease of passage over Public Footpath 4, Newport shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

Essex County Council Ecology

- 8.3 We responded to previous planning application UTT/14/3265/OP for this site on 17th November 2014. No information relating to ecology has been provided for this more recent application; our comments therefore still remain and are repeated below:

"I wish to object based on insufficient information regarding ecology. Not enough information has been provided with this application to enable the impacts of the development on biodiversity to be assessed. Due to the habitats on and adjacent to the site, I recommend an ecologist is engaged to undertake a survey. If they feel there are no issues with regard to protected and priority species, clear photographs of all habitats and a statement from the ecologist explaining why there are no issues will suffice. If they feel there may be issues, a full Preliminary Ecological Appraisal should be carried out which will assess the value of the site and identify any further protected species surveys that may be necessary. The statement/PEA and any surveys found to be necessary must be submitted prior to determination to allow the Local Authority to assess the impacts on biodiversity in accordance with the Natural Environment and Rural Communities Act 2006, NPPF and Natural England Standing Advice. No site clearance should take place until ecological work is complete".

Access & Equalities Officer

- 8.4 The application will need to meet the requirements of the SPD on Accessible Homes and Playspace as part of the Local Plan requirement which would now form part of the M4(2) of Approved Document M Volume 1 of the Building Regulations.

9 REPRESENTATIONS

- 9.1 Notification period expired 9 September 2015. 9 representations received, including one from Save Newport Village.

Summary of representations as follows:

- Tightly packed linear site of which a significant area would be taken up by the (restricted) access road and would result in a high density and overdevelopment.
- Access carriageway width is 1 metre too narrow to incorporate adjacent footpath and adjacent residential boundary wall, particularly if the re-submitted Wyndhams Croft application for 15 houses to the rear of the site is approved this time around following Judicial Review where it has been stated by the applicant for that application that the footpath would provide an alternative pedestrian access route through to Bury Water Lane rather than having to use Whiteditch Lane.
- Dwellings would have small gardens for the occupants.
- Development will be out of keeping with adjacent properties, some of which are listed and will tower over them and cause overlooking.
- Difficult/impossible to provide suitable curved access point onto Bury Water Lane given physical restrictions.
- Appears to be no provision within the site to provide turning for emergency and refuse lorries. Reversing out down the single width access road would represent a safety issue.
- In the conspicuous absence of a sensible strategic plan, residents continue to witness piecemeal development in this northwest corner of Newport with no one other than local residents seeming willing to consider cumulative effects.
- Development would cause noise and disruption by use of access road.

- The school pedestrian crossing is used constantly throughout the day and many evenings, increase of traffic in Bury Water Lane will increase risk of accidents
- Proposal would represent a hazard to road safety.
- 20mph speed limit throughout the roads leading to Whiteditch routinely ignored and Bury Water Lane and school lane is a mainstay 'rat run' for people travelling to and from the Clavering direction.
- Proposed development does not show any provision for wheelie bins. This would mean that up to 14 No. wheelie bins (two per household) would be left outside the entrance of the site along Bury Water lane representing another hazard.
- Site previously used as a quarry and no investigations have been carried out to ascertain substrate conditions and site stability. The proposal appears to require a substantial reduction of the ground level along the western boundary and this could affect adjacent properties. Adjacent site (now Chadham House) was formerly a sandpit and the development could compromise the cliffs for that site.
- Issues with drainage. Flooding along Bury Water Lane is considered to be a serious problem, particularly in winter (the lane has been flooded six times in the last six years, including this year and run-of water from this site would go into Wicken Water which has caused flooding to properties downstream from the site. Implying that a soakaway will be sufficient without checking geology etc. is not considered acceptable. A SuDS tanked drainage system was required on an adjacent site.
- Anglian Water has reported that the nearby sewer pipe, which is a combined foul and surface water system and is not large enough to take capacity. Houses in nearby Willow Vale suffer sewerage blow back after heavy rain. It should not be assumed that Anglian Water will wish or be able to connect more properties. In addition, Newport Sewerage Works is already overloaded. Further connections should be refused until Anglian Water does the necessary upgrade works.
- Car parking is shown as tandem which is considered unrealistic and should not be accepted, particularly on a site with such restricted access. On-street parking would not be acceptable; particularly as existing residents of Bury Water Lane with no off-street parking leave their vehicles in the road/on the footpath. No details given of cycle parking provision.
- Bury Water Lane gets congested during school opening and closing times with buses queuing up along Bury Water lane to serve the school and which regularly block the access to the site. The problem has existed for years and will get worse as the school will have another year group and the lane is not going to be altered.
- The site slopes sharply from north to south with a height difference of several metres and the proposed dwellings would be seen in plain view above the skyline viewed from the south where no screening is possible.
- No requirement or need for this site to be developed to meet the Council's 5 year housing supply
- The applicant proposes to widen the present drive from Bury Water Lane up the hill to Redbank by taking over most of the grassy bank to the east. However, most of this grassy bank is not part of Redbank's property.
- The initial 7.5 metre length from the Bury Water Lane carriageway will have a width of 5.5 metres. However, this is clearly less than the recommendation by Clare Jenkin who stated that the drive should be increased to 'at least' 5.5m wide for the first 10m – it is assumed the reason why the proposal does not satisfy the minimum stipulated by ECC is that there is insufficient room to do so.

10 APPRAISAL

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

- A Principle of development, including sustainability, flood risk, countryside protection and quantum (NPPF and ULP Policies S3, S7, H3, H4, GEN2, GEN3, GEN6);
 - B Whether access arrangements would be satisfactory (ULP Policy GEN1);
 - C Housing mix and affordable housing contributions (infrastructure) (ULP Policies H9 and H10);
 - D Whether the proposal would be harmful to protected species (ULP Policy GEN7).
- A Principle of development, including sustainability, flood risk, countryside protection and quantum (NPPF and ULP Policies S3, S7, GEN2, GEN3, GEN6, H3 and H4)**

10.1 The application site is situated on the north-west edge of the built-up area for Newport, which is regarded as being a key settlement for future growth for Uttlesford district in the Council's adopted local plan in view of the availability of local services it provides for the village and surrounding area. Therefore, consideration has to be given in this context and in view of the site's location as to whether the proposed development would amount to a presumption in favour of sustainable development in accordance with the requirements of the National Planning Policy Framework (NPPF). The NPPF identifies three dimensions to sustainable development; economic, social and environmental where these dimensions are not to be treated in isolation as they are to be seen as being mutually dependent. The NPPF states that *"Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system"*.

10.2 The economic argument is such of course that the proposed development would generate economic activity for the duration of the development and has a limited wider impact beyond this. In terms of the social dimension, the site is located immediately adjacent to a large school complex which has a large catchment area and is within close range of local services and amenities within the village. Set against this social dimension, the site is regarded as having good social connectivity in terms of its location.

10.3 In environmental terms, the site forms a single dwelling garden strip adjacent to the school in what can be considered to be a backland location, albeit that an access track currently serves the site. Whilst it is not true of the applicant to say that the site represents a brownfield location (garden land is not by definition brownfield land) nor arguably does it represent a "rare opportunity" (they seldom are), it can be argued nonetheless that the site is presently underutilised and that an appropriate form of residential development on it would provide an opportunity to increase the housing stock for the district. The majority of the site lies outside development limits (the settlement boundary runs along the rear of Rivendell, South View and Hill View to incorporate the front end of the entrance track) and is strictly contrary to ULP Policy S7 because of this. However, the site beyond the public footpath to the eastern boundary is bordered by school buildings, whilst Chadam House and the extensive grounds in which it stands is situated to the immediate west. The residential development of the site as proposed would therefore not have a damaging impact on the wider countryside at this location and the proposal would not as a consequence of this be contrary to the countryside protection aims of ULP Policy S7 or the environmental strand of the NPPF. As such, it is further considered that the proposal would represent a presumption in favour of sustainable development when viewed against the three sustainability

dimensions of the NPPF when taken together. It should be further stated that the proposal has been subject to a Screening Request by the applicant and this has since been carried out. The Council has assessed the proposed development against the requirements of the Environmental Impact Regulations and it is the Council's opinion that the development would not require an Environmental Impact Assessment in terms of its cumulative impacts.

- 10.4 In terms of flood risk, the site is zoned as being Flood Risk 1 (lowest probability of flood risk) on the Environment Agency's Flood Risk map, although the land to the south of Bury Water Lane behind the line of frontage cottages is zoned as Flood Risk 3 in view of Wicken Water. It is therefore not necessary for the applicant to submit a Flood Risk Assessment (FRA) for the proposed development and this has not been submitted. The comments raised by the Parish Council and others regarding flooding in Bury Water Lane is noted where this has been evidenced by various photographs showing the road in flood. Whilst an objection cannot be made to the proposal on flood risk grounds given its identified level of flood risk, it is considered nonetheless that the proposed development could exacerbate the level of flooding elsewhere in view of the sloping nature of the site in terms of surface water run-off and that it would be appropriate in the circumstances for any reserved matters application to be accompanied by a sustainable drainage strategy to be approved by ECC SuDS to show how surface water from the development could be successfully managed to reduce run-off onto Bury Water Road and into the adjacent water course, which can be conditioned (ULP Policy GEN3).
- 10.5 Issues of scale and appearance do not fall to be considered with the current outline application. This is reiterated by the applicant at paragraph 1.7 of the submitted Design & Access Statement where it is stated that *"...This will enable the local planning authority - as in the previous application – to determine issues such as height, form, design and layout upon receiving a subsequent reserved matters planning application"*. As with the previously refused application for this site, indicative drawings have been submitted to show how seven dwellings could be accommodated on the site, together with an indication of garden sizes and parking arrangements. As also with the previous application, the housing layout would have a linear form following up the side of the new access road. The dwellings would have a traditional design and appearance and would in view of this be in contrast with the more urban form and larger scale of the three to four storey terraced town houses refused under the previous planning application for the site (UTT/14/3265/OP). As such, the form of dwellings indicated by the revised application would be more appropriate and in keeping with the character of the area compared with the previous proposal where the area comprises a mixture of single storey and two storey housing, including historic buildings which line Bury Water Lane within the adjacent conservation area and modern housing further along the road at Willow Vale.
- 10.6 The proposed dwellings are shown at approximately 8 metres with effectively a three storey height whereby the roof spaces would be capable of being additional bedrooms. The Council is mindful of the objections received concerning the height of the dwellings and how this would impact on both the skyline and on residential amenity. However, as previously mentioned, scale would be subject to consideration at reserved matters stage where the final form of the proposed dwellings, including ridge heights and appearance can be negotiated if necessary between the Council and the applicant in order to reduce the visual impact of the development. Some of the rear gardens shown for the new dwellings would in their indicative form either just comply with Essex Design Guide recommended minimum garden standards or be under and it would be for the applicant to demonstrate at reserved matters stage that the quantum of development proposed, i.e., seven dwellings, would be an acceptable number for the site to be able

to meet the necessary minimum standards. It is noted that the development would involve tandem parking, which is accepted as not being an ideal form of parking, although it is considered that this could be appropriate at this site subject to the parking spaces complying with adopted parking standards.

B Whether access arrangements would be satisfactory (ULP Policy GEN1)

10.7 Access falls to be considered with the current outline application. Vehicular access to the site would be along the alignment of the existing domestic access to Redbank extending up to the top of the site alongside the site's eastern boundary incorporating a turning head at the top end. Access was also a matter which was considered at outline stage for application UTT/14/3265/OP when no highway objections were raised by ECC Highways to that previously refused residential scheme.

10.8 Objections have been received concerning the width of the access and whether it would be wide enough to accommodate the required width as required by ECC Highways in their consultation response and for the existing public footpath alignment to also be retained. The Parish Council's own representation is also accompanied by Land Registry documents and other documents presented in evidence in an attempt to show that the application site as edged in red encroaches on land not within the applicant's control or ownership and it makes the case from this document submission that the application should be treated as invalid unless and until such time that appropriate notice is given on those third parties which have a registered interest in the land or that the applicant can prove ownership. The applicant's agent has responded to this submission and reference to access by stating the following:

"Several objectors have questioned the precise detail of Essex County Council's (Highways) requirements for access onto the site and whether the proposed access arrangements meet these requirements. Both the proposed access arrangements and Essex County Council's (Highways) response to them are clearly set out in the documentation submitted as part of the application. The site is capable of delivering both the proposed access arrangements and Essex County Council's (Highways) requirements for access. To avoid any confusion, however, page 7 of the submitted Access Appraisal (SLR Ref 407-05186-00002 dated June 2015, point 4.2.1 'Previous Essex County Council Discussions') details how Essex County Council (Highways) offered an informal response to an informal approach by Mr Sivell in February 2014. In the course of an exchange of emails, Ms Clare Jenkin (Strategic Development Officer, Essex County Council) wrote on 19 March 2014, "I have now heard back from Public Rights of Way colleagues and there does not appear to be any historic width to footpath 4..." (which runs to the east of Redbank). There was not then and there is not now any suggestion that this footpath forms a part of the property, Redbank. However it is also clear from this exchange that the footpath has no defined width.

On 13 March 2015, an application UTT/14/3265/OP for ten dwellings on the site, Redbank was refused, but access was not among the reasons given for refusal. On 4 August 2015, planning application UTT/15/2460/OP was submitted for seven dwellings on Redbank. This included Access Appraisal SLR Ref: 407-05186-00002 dated June 2015, which stated (page 9, point 5.1 'Access Design') "a 4.8 metre shared access road will be provided. The initial 7.5 metre length from the Bury Water Lane carriageway will have a width of 5.5 metres..." On 1 September 2015, Essex County Council (Highways) responded to this application. Its letter includes the requirement (point 1) "...the provision of an access into the site as shown in principle on Drawing No. 1 [of Access Appraisal SLR Ref: 407-05186-00002 dated June 2015] to include but not be limited to minimum 5.5 metre carriageway width with a minimum 1.8 metre wide footway on the eastern side."

10.9 Whilst the submission by the Parish Council regarding the suitability of the existing access to carry the new access road and the retention of the public footpath are noted, it is considered that any contention of land ownership rights are outside the scope of the current application. ECC Highways are satisfied by an analysis of the position that a suitable minor access road can be constructed at the site, whilst leaving sufficient room for the public footpath to be retained and strengthened. No highway objections are therefore raised under ULP Policy GEN1.

C Housing mix and affordable housing contributions (ULP Policies H9 and H10)

10.10 The proposed development would comprise 7 No. 4+ bedroomed market dwellings and therefore would not include any lower priced market dwellings within the indicated housing mix. The proposal is not subject to financial contributions for affordable housing as the gross floorspace for the development has been calculated as not exceeding 1,000sqm and where the Council's updated guidance document (adopted September 2015) relating to affordable housing contributions which now requires 20% affordable housing provision on sites of 5-14 dwellings or on sites between 0.17ha and 0.49ha cannot be applied given the fact that the application was submitted prior to this SPD change. Furthermore, the proposal at seven dwellings is not subject to education provision given that the number is less than 10 units.

E Whether the proposal would be harmful to protected species (ULP Policy GEN7).

10.11 The submitted application did not originally contain ecology information beyond the completed bio-diversity questionnaire to show whether the proposed development would have a harmful impact upon protected/priority species. This has generated a holding objection from the ECC Ecology Officer who has requested that further ecology information be submitted to show the extent to which the site may contain habitats conducive to such species, including a Preliminary Ecology Survey (PEA) and individual species surveys if found to be necessary.

10.12 In response to this objection, the applicant has since submitted a PEA to the Council for the application to establish the extent of flora/fauna habitat potential at the site with particular reference to bats given the fact that the site contains an older style dwelling with outbuildings including an Anderson shelter used for domestic storage. The site was subject to a walkover habitat survey, including inspection of these buildings for the PEA by a qualified ecology officer on 7th September 2015. The survey/inspection found there are no trees within the application site with the potential to support bats (i.e. with cavities or other features), whilst no evidence of bat roosts was recorded during thorough external and internal inspections of the site buildings.

10.13 The report of findings concludes from the survey/inspection, based on the high levels of accessibility afforded, that the potential for the site buildings to support bat roosts of conservation significance is low, adding that whilst the garden may provide foraging opportunities for bats that it is unlikely to form a major component of the habitat range of local bat populations due to its relatively small size. No evidence of other species such as badgers was found during the PEA survey, although the report states that the presence of single animals of crevice-dwelling species such as common pipistrelle cannot be ruled out. The PEA main summary conclusion from the site findings state that *"The application site supports common and widespread habitats that are of limited intrinsic interest in their own right. On the basis of existing information, the site is considered unlikely to be critical for the maintenance of populations of any species of fauna or flora of nature conservation importance. As a whole, the site is deemed to be of less than local value"*. The ECC Ecology Officer has since removed her objection based upon the PEA received and no ecology objections are now raised under ULP

Policy GEN7.

11 CONCLUSION

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

- A The proposed development by reason of its location would represent a presumption in favour of sustainable development and would not be harmful to the countryside given its close proximity to adjacent properties running along Bury Water Lane. It would also make more efficient use of the land for housing purposes. The site is not on land prone to flooding, although it is considered that any reserved matters application should be accompanied by a SuDS drainage mitigation strategy to show how surface water run-off from the site can be attenuated. The quantum of development is considered acceptable where the proposal would in effect only represent a net gain of 6 No. dwellings on the site given that the proposal would involve the demolition of the existing dwelling.
- B Access arrangements at the site are considered to be satisfactory by ECC Highways whereby the adjacent public footpath would be able to be maintained. The Council is unable through the current application to be able to challenge the applicant on land ownership rights, although the Parish Council comments have been noted.
- C The indicative more traditional design for this revised housing scheme would be acceptable for this site subject to matters of scale, layout, appearance and landscaping being negotiated at reserved matters stage to minimise the visual impact of the development upon the surrounding area and upon adjacent residential amenity.
- D The proposal would not have a harmful impact upon protected species.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

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

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

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

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

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

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

4. Prior to commencement of development, provision shall be made for an access into the site as shown in principle on Drawing No.1 to include but not be limited to a minimum 5.5 metre carriageway width with a minimum 1.8 metre wide footway on the eastern side, details of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development. The approved scheme of works shall thereafter be implemented in its entirety prior to commencement on site.

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

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

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

6. The gradient of the proposed vehicular access shall not be steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

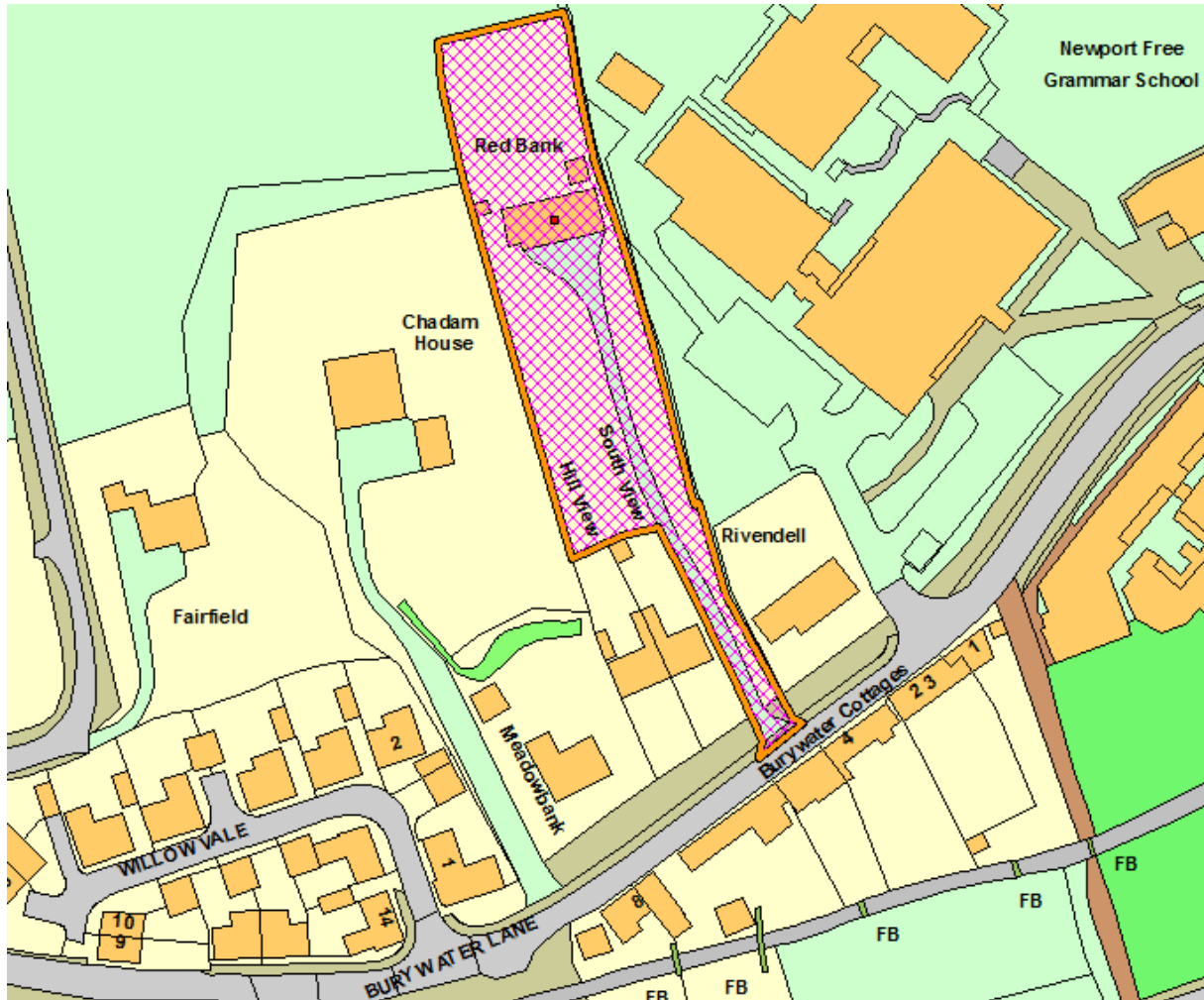
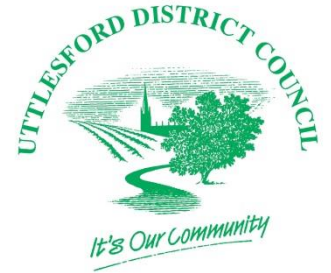
7. The public's rights and ease of passage over Public Footpath 4, Newport shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. Details of a surface water drainage strategy (SuDS) shall be submitted to the Council for approval at reserved matters stage showing how surface water run-off from the proposed development shall be properly attenuated/disposed of to reduce the risk of flooding elsewhere given the sloping nature of the site in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/2460/OP

Address: Redbank, Bury Water Lane Newport



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Organisation: Utlesford District Council

Department: Planning

Date: 04 November 2015

SLA Number: 100018688

UTT/15/2160/FUL (NEWPORT)

Referred to Committee by Cllr Neil Hargreaves Reason: Development is higher than the surrounding properties, it would lead to loss of light, inadequate car parking, spaces in between the car parking spaces are not sufficient and the plans are not accurate.

PROPOSAL: Demolition of existing office and garages. Erection of two storey detached residential building comprising of 4 self-contained flats, 8 car parking spaces plus rear general amenity space (REVISED APPLICATION)

LOCATION: Police Station London Road Newport Saffron Walden Essex

APPLICANT: Archers Development Ltd

AGENT: Brian Christian

EXPIRY DATE: 27 November 2015

CASE OFFICER: Emmanuel Allanah

1. NOTATION

- 1.1 Within Development Limits, SSSI Consultation Areas, Aerodrome Direction, Water Authority and within Floods Plain Zones 2 and 3.

2. DESCRIPTION OF SITE

- 2.1 The application site is a two storey detached building with an attached rear garages and a side gated access. It was the former Police Station which is located along London Road in Newport. It is bounded to the front by other residential properties across the road which range from bungalows to two storey detached buildings. It is bounded on both west and east by two storey detached residential properties. The rear comprised of unattended hedgerow and plants. The application site is approximately 0.07hectares.

3. PROPOSAL

- 3.1 Demolition of existing office and garages. Erection of two storey building comprising of 4 No. flats, 8 car parking spaces and rear general amenity space (Revised Application).
- 3.2 The proposed access would be from existing gated access and would be widened by 3m as advised by the Highways Authority.

4. APPLICANT'S CASE

- 4.1 The applicant supported the revised application with amended proposed plans, Bats Survey, Flood Risk Assessment, Supplementary Ecological Assessment for the Old Police Station in addition with detailed responses to the Parish Council objection and concerns in a letter dated 17th August, 23rd September and 13th October 2015 demonstrating how the revised scheme is considered acceptable.

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/0589/FUL. Demolition of existing office and garages. Erection of 7 no. flats with garages and parking. Refused on 6 May 2015.
- 5.2 UTT/0708/05/FUL. Change of use from police traffic unit to single dwelling. Approve with condition on 17 August 2005.
- 5.3 UTT/1268/79. Change of use of existing Police House and Office to all office accommodation and construction of 4 garages and driveway onto A11 road. Approve with condition on 7 January 1980.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S3: Other Settlement Boundaries
- 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

Uttlesford District Council - Developer Contribution Document 2015.

7. PARISH COUNCIL COMMENTS

7.1 The concerns and objection raised from Newport Council include the following:

- There are five flats, not six as stated.
- There is insufficient amenity space for six dwellings
- This is still overdevelopment of the site even with the removal of the flat over the garage
- We would question the purpose of the garage which is shown with roof lights. There should be a condition to restrict and change of use.
- We note the garage has been made narrower but wider
- There is insufficient turning space for vehicles, access and sight lines are impeded by cars parking in the lay by. We do not believe could turn on site so this would necessitate leaving the site in reverse onto the main road.
- 6.00 metres is needed behind a car space in order to get out; all the spaces are impossible to exit. None of these issues have been rectified on the revised plan.
- We do not believe that on site parking comes under the remit of ECC.
- The parking for P5 is not ideal; the boundary wall is in a vulnerable position when moving out.
- The amenity space is virtually non-existent
- No provision has been made for bins (5 flats would mean 15 bins)
- Cars in the lay-by compromise the sight line looking south

- The access alley is impracticable as it is far too narrow (an SLK is 2.006 over all the mirrors)
- It is normal practice that when drawings are revised the revision and the date of same should be shown. Without this information it is difficult to recognise the changes and extremely time consuming, i.e. we notice that the “adornment” on the roof has been removed on the revised drawing.
- Additional properties will overload our existing foul drainage system
- A part wall agreement will be required.

Further objection received from the Parish Council on 27th October 2015 following the revised scheme and their ground of objection includes the following and all the above:

- We note there are now 4 flats, although we were originally advised that it was 5.
- The amenity space has not changed. Even though the agent’s letter dated 23 September states that the amenity space has been improved, this is not the case.
- Clarity required on the external finishes
- In our opinion the site is best suited for a single detached or a pair of semi-detached houses. The developer should have considered the viability of this site before purchase.
- We have been issued with a copy of Drawing 4, revision 6, showing garages. These have been removed from the latest site plan which is drawing No.5, revision 7.
- We are not here to design the car parking layout but parking for 3A, 3B, 4A and 4B has now reappeared on Drawing 5, revision 7.
- Drawing No. 2, revision 6, no change but on the elevations it is not showing what appears to be boarding. Please clarify external materials.
- Drawing No. 3, revision 6, no change but clarification of materials and the proposed new garages should be deleted.
- Drawing No. 4, revision 6, no change. Not relevant as there are no garages on the latest drawing No. 5, revision 7.
- Drawing No.5, revision, 7 the pavement is not part of the site, plans require amendment.
- There is insufficient space for cars to reverse, P3A and P4B. Tandem parking is not practical.
- Still no indication of provision for bin and cycle storage.
- The agent would appear to be completely dismissive of the Essex Design Guide in his letter of 23rd September with particular reference to amenity space. We are concerned about this attitude but would welcome his contribution to providing funds for play equipment or a MUGA pitch
- The agent completely disregards the existing lay-by on London Road and if cars are parked in the lay-by this completely impairs the sight lines from traffic approaching from the south in particular. We would anticipate that casual callers and even residents of the flats will find this lay-by convenient to use.

8. CONSULTATIONS

Natural England

8.1 No objection.

Network Rail

8.2 No objection.

ECC Ecologist Consultant

8.3 No objection.

ECC Highways Authority

8.4 No objection subject to the recommended planning conditions.

Essex County Council Flood Risk Team

8.4 Given that this is a minor application they would not normally comment on sites of this size.

Environment Agency

8.5 No objection.

Housing Enabling Officer

8.6 The proposed development would attract Council's policy of a commuted sum to the value of £375,000 (£125,000 x 3) which would be used to deliver affordable homes for low and intermediate income households within the District.

9 REPRESENTATIONS

9.1 Five letters of objection and concerns received from neighbouring properties and their common grounds are as follows:

- Overdevelopment of the site leading to overbearing and out of keeping with the village atmosphere
- Overlooking and overshadowing
- Obstruction of light
- The parking layouts and location are potentially dangerous to other road users
- The form, scale, height not in line with village or surrounding houses
- Amenity space is too small

9.2 One letter of support received on the following grounds:

- Great to see land previously built on have the potential to come back in use.
- Parking looks a little tight maybe a slight reduction in the amenity space would allow easier access.

9.3 **Save Newport Village:** Object to the proposed development due to the following reasons:

- The intended footprint is more than twice as deep as the existing building
- The proposed design remains out of scale with the neighbouring properties
- Proposal would lead to overdevelopment of the site.
- Inadequate parking spaces
- The rear parking spaces are not viable due to insufficient turning space
- The proposed development is too close to neighbouring buildings, but other buildings on London Road are well spaced.
- The amenity space is too tiny

9.4 **Councillor Hargreaves** – Object to the proposal for the following reasons:

- Over development of the site
- Overpowering and out of keeping
- Overcrowded
- Overlooking
- Loss of light and views
- Generation of noise
- The development is higher than the surrounding properties
- Inadequate car parking
- No turning round space within the car park

10 APPRAISAL

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

- A Whether the principle of the development within development limits is acceptable (NPPF and ULP Policies S3 H3 applies)
 - B Whether the proposal would harm the character or the amenity of the area (ULP NPPF and Policy GEN2)
 - C The impact on local infrastructure (NPPF and ULP Policy GEN3)
 - D The impact of the proposal on wildlife (ULP Policy GEN7)
 - E Whether the development within the functional floodplain zone is acceptable (ULP Policy GEN3)
 - F Whether the proposal would harm traffic and other road users (ULP Policies GEN1 and GEN8)
 - G Other matters
- A Whether the principle of the development within development limits is acceptable (NPPF and ULP Policy S3 applies)**

10.1 The application site is a former Police Station located along London Road in Newport. It has been vacant for a very long period of time. It can therefore be described as brownfield site (i.e.; existing building) which is located within development limits and in a sustainable location because of its easy access to bus services and the Newport train station.

10.2 Paragraph 7 of the National Planning Policy Framework stated that there are three dimensions to sustainable development namely economic, social and environmental roles. The economic role of this application can be seen from the perspective of creating local jobs during the construction stages which would assist to support local economic growth. The social role would be through the means of supporting strong, vibrant and healthy communities, by providing housing needs through the brownfield site or vacant building. And the environmental role could be seen from the view of the design approach in enhancing the character of the built environment and locating housing within an area that is easily accessible to different mode of public transport network.

- 10.2 Policy S3 states that within other development limits such as within Newport development compatible with the settlement's character and countryside setting will be permitted.
- 10.3 The application site and its surroundings are characterised by different scale, form, layout and design of residential buildings and other commercial premises ranging from bungalows, two storey detached buildings and two storey terraced properties.
- 10.4 The proposed development would involve the demolition of the existing former Police Station and the rear garage in order to erect two storey detached residential building comprising of 4 self-contained flats, 8 car parking spaces and rear general amenity space. Given that the area is predominantly residential in character and the site is within development limits; in land use terms the principle of the proposal can be considered acceptable subject to the evaluation of its impact on the character and amenity of the area.

B Whether the proposal would harm the character or the amenity of the area (ULP NPPF and Policy GEN2)

- 10.5 Policy GEN2 affirms that development will not be permitted unless its design for example; in terms of its scale, form, layout, appearance and materials are compatible with the surrounding building; it would not harm the living condition of the adjoining occupiers in terms of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 10.6 Given that the area is characterised mainly by two storey buildings, bungalows and two storeys detached terraced residential buildings in addition with other commercial premises with different heights such details has been taken into consideration through the proposed design approach for this proposed development. For example; the existing eaves height of the vacant Police Station is approximately 5m. The revised proposed development eaves height is 5.4m with an overall height of 9m with a pitched roof. The neighbouring property height to the north is approximately 170mm higher than the proposed development. And the neighbouring property to the south the height is approximately 530mm higher than the existing Police Station. Given the variation of different building heights and design within the immediate surroundings, it is considered that the revised proposed scheme in terms of its scale, design, mass, layout and form are considered acceptable because it is compatible with the variety of building heights, form and scale within the surroundings and the immediate built environment.
- 10.7 In an attempt to address the concerns and impact of the proposed development on the amenity of the adjoining occupiers in terms of overlooking or overbearing the applicant agreed to amend the proposal by changing the design details. For example; by removing the detached one and half storey garage at the rear, by reducing the height and mass of the revised scheme in order to ensure it respect the character of the area and avoid intrusion of privacy or overbearing on adjoining properties.
- 10.8 The upper floor side window facing the adjoining occupiers at the western side and the rear side upper floor windows as shown in the proposed plan would be obscured in order to safeguard the amenity of the adjoining properties or to prevent the intrusion of privacy. Such details would be condition in accordance with Policy GEN2.
- 10.9 In order to make the building more aesthetically pleasing the details of the external materials would be condition in order to ensure that they are sympathetic to the character of the area and in accordance with Policy GEN2.

10.10 The combination of all the proposed general rear amenity space is approximately 103sq.m which equates to 25.7sq.m per flats. This is considered acceptable because the Essex Design Guide minimum standard is 25sq.m per flat and given the location of the site the overall general amenity space at the rear of the site can be considered acceptable for the benefit of proposed four self-contained flats.

C Whether the proposed development would induce or be affected by flooding (ULP Policy GEN3)

10.11 The application site lies within a designated flood zone 3 plain area in which Policy GEN3 applies.

10.12 Policy GEN3 states that within the functional floodplain, building will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment. Where existing sites are to be redeveloped, all opportunities to restore the natural flood flow area should be sought. Within areas of flood risks, within development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.

10.13 The application site comprised of an existing building which would be demolished in order to erect a new two storey detached dwelling comprising of four self-contained flat and the site located within a designated flood zone 3. The Essex County Council Drainage and Flood Risk Team advised that they would not normally comment on sites of this size. It can therefore be taken that the proposed development would not be exposed to flooding and considering it is located within an existing built up environment area comprising of different types and scale of residential buildings and other commercial premises, there is no evidence to suggest the site would induce the risk of flooding. In conclusion, the Essex County Council Drainage and Flood Risk Team did not raise objection to this revised scheme.

10.14 The Environment Agency advised having considered the proposed flood risk assessment scheme, they confirmed it is acceptable and raise no objection to the location of the proposed development. Hence, the proposal is not considered to be in conflict with Policy GEN3 of the adopted Local Plan (2005).

D The impact of the proposal on wildlife (ULP Policy GEN7)

10.15 Policy GEN7 states that development that would have harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation.

10.16 Taken into consideration that the building and existing rear garages has been vacant for a very long period it is considered that it might harbour some wildlife such as bats and for that reason the applicant carried out a bats survey. In conclusion, there is no evidence of bats on the building and the Essex County Council Ecologist advised there is no need for further surveys; hence no objection. The proposal therefore is not in conflict with Policy GEN7.

E The impact on local infrastructure (ULP Policies GEN6 and H9)

10.17 Policy H9 affirms that the Council will seek to negotiate on a 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 consideration.

10.18 In view of the above policies the Council in September 2015 published the up-to-date Housing Strategy (Developers contribution) which is considered relevant to the current proposed four self-contained flats. This scheme as advised from the aforesaid document would attract the Council's policy of a commuted sum to the value of £375,000 (£125,000 x 3) which would use to deliver affordable homes for low and intermediate income households within the District. Such contribution would therefore be secured through the completion of Section 106 Agreement. At the time of considering this application the Essex County Council Education Authority comment/advice are still pending or not received.

F Whether the proposal would harm other road users or traffic in the vicinity (ULP Policies GEN1 and GEN8)

10.20 Policy GEN1 affirms that development will only be permitted if the access to the main road network is capable of carrying the traffic generated by the development safely; and design of the site must not compromise road safety and must take account of the needs of other road users.

10.21 The proposed access would be widened by 3m as advised by the Essex County Council Highways Authority. The increase in width of the proposed access is considered necessary compared to the existing width which used to serve the former Police Station need; because the current proposal is different in land use compared to the use of the site as a Police Station. In conclusion, the proposed access width is considered acceptable because it complies with Essex Design Guide and the adopted Local Plan (2005); in order to protect and safeguard traffic movement within the proposed development.

10.22 Policy GEN8 states that development will not be permitted unless the number, design and layout of vehicles parking places proposed are appropriate for the location.

10.23 The proposed four self-contained flats would be serviced with the provision of four car parking spaces at the rear with additional four car parking spaces to the front all measuring 5m in length and 2.9m in width respectively in addition with sufficient manoeuvring space. They are considered acceptable because they complied with Essex Design Guide.

10.24 Highways Authority have considered the proposed access and car parking facilities and concluded they are in compliance with the adopted Local Plan Policies GEN1 and GEN8 subject to the recommended planning conditions in order to protect other road users and traffic in the area.

Other matters

10.25 Having considered all representations and evaluated the above identified planning issues in accordance with the National Planning Policy Framework and the adopted Local Plan (2005); in addition with other material planning consideration the proposed development would not affect the aerodrome direction or any sensitive site as a result the proposed revised scheme is acceptable subject to the implementation of the

recommended planning conditions and the completion of Section 106 in order to secure financial contribution towards the provision of affordable housing off-site.

11 CONCLUSION

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

- A The principle of the proposal is acceptable because it would revert a vacant former police station into a beneficial use which would assist in providing housing need required within Newport. It is also Government policy to use brownfield site (i.e, existing building) in providing housing supply particularly when they are in a sustainable location such as the case of this application site.
- B The proposed scale, form, layout, design and appearance of the proposed development would not harm the character of the area or the amenity of the adjoining occupiers.
- C The revised scheme is considered acceptable because the proposed four self-contained flats would positively be compatible to the immediate land use character of the area which can be described as predominantly residential in character.
- D The proposed development would not generate adverse traffic when compared to the use of the site as a Police Station.

RECOMMENDATION – CONDITIONAL APPROVAL

- I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph III unless by 8 January 2016 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive-Legal, in which case he shall be authorised to conclude such agreement to secure the following:**
 - i. Provision of Affordable Housing**
 - ii. Payment of the Council's reasonable costs of monitoring**
 - iii. Payment of the Council's reasonable legal costs**
- II) In the event of such an amended agreement being made, the Assistant Director of 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, the Assistant Director of Planning and Building Control shall be authorised at his discretion to refuse planning permission for the following reasons:**
 - i. Lack of contribution to affordable housing.**

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).

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

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

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

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

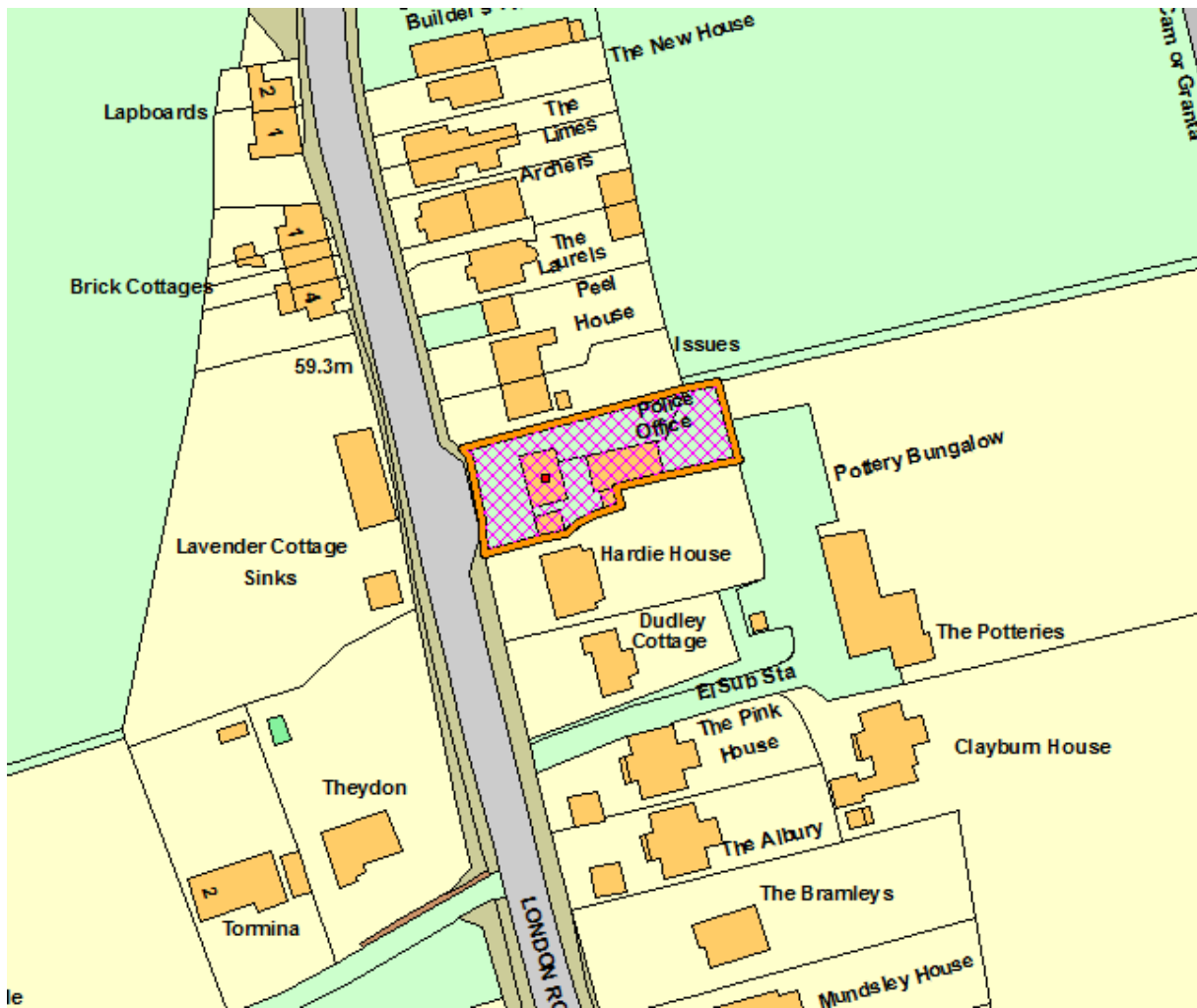
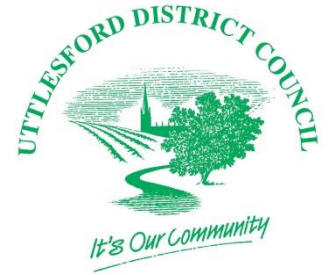
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy GEN1 of the adopted Local Plan (2005).

6. The indicated obscured first floor windows shown in proposed Elevation drawing Number A 3 Rev 6 elevation and as indicated in the proposed drawing Number A 5 Rev7 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: In order to prevent overlooking on the adjoining occupiers in accordance with Policy GEN2 of the adopted Local Plan (2005).

Application no.: UTT/15/2160/FUL

Address: Police Station, London Road Newport



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Organisation: Uttlesford District Council
Department: Planning
Date: 04 November 2015
SLA Number: 100018688

UTT/15/2431/FUL – (GREAT EASTON)

(Referred to Committee by Cllr Foley. Reason: In the interests of openness and transparency following unsubstantiated allegations in relation to the applicant and the Council)

PROPOSAL: Retrospective application for re-alignment of solar panels
(Permission for solar panels granted under UTT/14/3212/FUL)

LOCATION: Land south of Radleys End, Dunmow Road, Great Easton

APPLICANT: Mr Christopher Askew

AGENT: Mr Edward Parsley

EXPIRY DATE: 20 November 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site is located off the Dunmow Road (B184) and comprises a former agricultural field adjacent to the road. To the North West are the properties at Radley's End. To the north east is Blamsters Hall and Blamsters Rise. To the south west and south east is further agricultural land with a tributary the River Chelmer running along the boundary of the field. There is existing dense vegetation along the boundary of the tributary to the River Chelmer.

3. PROPOSAL

3.1 The application is for retrospective planning permission for the solar panels as erected on the site. The principle of solar panels has previously been agreed with the planning permission granted under UTT/14/3212/FUL. However, the requirement to comply with conditions imposed on that consent has resulted in the panels being relocated.

3.2 There are 5 rows of panels totalling 600 panels. There is to be an earth bund adjacent to the highway with planting, which has not yet been carried out due to the applicant being requested to stop work. In addition there would be a security fence 1.84m in height.

4. APPLICANT'S CASE

4.1 The application has been submitted with a statement, a Landscape Impact Assessment and a Biodiversity Questionnaire.

4.2 Summary of statement:

- Site was in agricultural use until recently but was unproductive and not a easy piece of land to farm with modern machinery
- The solar array will cover 0.2ha with an output of 150kw

- Retrospective application is to enable us to comply with condition on UTT/14/3212/FUL dated 6th March 2015. It was not envisaged in our original plan that the parking and turning area would be required to be sited on land that we had been granted permission to site solar panels.
- This application is for exactly the same number of panels, with exactly the same output covering exactly the same area of ground. It is in the same area of the field, the access to the highway is the same. The hard and soft landscaping will be the same as that approved under UTT/14/3212/FUL, all planting will be native species.
- The design and construction of the proposal is exactly the same as that granted on UTT/14/3212/FUL. Please note there is a storage shed noted on the drawing, this is for storing tools and will be removed upon completion of the project.
- It is acknowledged that the site is adjacent to the B184 and there are nearby houses to the site. It is therefore proposed to fence and plant the new hedge as soon as is possible to further mitigate any visual impact concerns.
- The footpath that runs through the field will be left unobstructed.

5. RELEVANT SITE HISTORY

- 5.1 UTT/14/3212/FUL – Change of use of land and installation of solar panels. Conditionally approved 6 March 2015.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7 – Countryside
- GEN1 – Access
- GEN4 – Good Neighbours
- GEN7 – Nature Conservation
- ENV2 – Development affecting Listed Buildings
- ENV5 – Protection of agricultural land
- ENV15 – Renewable Energy

7. PARISH COUNCIL COMMENTS

- 7.1 No comments received. Notification period expired 23 October 2015.

8. CONSULTATIONS

ECC Highways

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

ECC Ecology

- 8.2 No objections. I have read the Ecological Walkover Assessment (January 2015) and agree that the most valuable ecological features are the stream and woodland adjacent

to the site. I have no objections provided these features are retained and a condition requesting a construction environmental management plan (CEMP) is appended to any consent.

9. REPRESENTATIONS

9.1 A total of 49 neighbours have been notified of the proposals and 2 letters of representation have been received. Notification period expired 16 October 2015.

- When will a hedge emerge to shield the view?
- Although, in my opinion, the panels have ruined the visual quality of the area, we are now stuck with them.
- Provided screening hedging is provided as proposed and the 'store' is removed I have no objections.

10. APPRAISAL

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

- A Principle of development and impact on the character and appearance of the countryside (Policies S7, ENV5, ENV15; NPPF)
- B Impact on the setting of listed buildings (Policy ENV2; NPPF)
- C Impact on neighbours (ULP Policies GEN4, ENV15)
- D Biodiversity (ULP Policy GEN7; NPPF)
- E Highway safety (ULP Policy GEN1)

A Principle of development and impact on the character and appearance of the countryside (Policies S7, ENV5, ENV15; NPPF)

10.1 The application site is located outside development limits where Policy S7 restricts development to that which needs to take place there, or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the area within which it is set, or there are special reasons why the development in the form needs to take place there. Policy S7 is partially compliant with the NPPF in so far as it relates to the protection and enhancement of the natural environment, but the NPPF has a positive rather than protective approach.

10.2 Policy ENV5 seeks to protect the best and most versatile agricultural land. Development should be directed to areas of poorer quality land, except where other sustainability considerations suggest otherwise. This site is classified as Grade 3 agricultural land, thus is poorer grade, although no assessment has been carried out as to whether this is Grade 3a or 3b land. Notwithstanding this, the applicant states that it was unproductive and was hard to farm.

10.3 Policy ENV15 supports small scale renewable energy schemes where they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. This policy is partly consistent with the NPPF which indicates applications should be approved if impacts are, or can be made, acceptable.

- 10.4 Paragraph 98 of the NPPF states that planning authorities should recognise that even small-scale low carbon energy projects provide a valuable contribution to cutting greenhouse gas emissions. Significant weight must therefore be given to the reduction in emissions as a result of the proposal.
- 10.5 The impacts on the character of the landscape and the loss of agricultural land were considered as part of the decision making process in respect of UTT/14/2312/FUL. The original application related to a site area of 0.2ha and this revised application relates to a site area of approximately 0.46ha. However, the area covered by solar panels is approximately 0.2ha, in line with the area of land previously granted consent.
- 10.6 The original site layout as approved under UTT/14/2312/FUL resulted in the panels being located adjacent to the highway and stretching towards the tributary to the River Chelmer. The panels have been constructed approximately 38m further to the southwest from the position they were approved in. This was a result of complying with a condition requiring the applicant to provide a turning and parking area for vehicles during the construction period. The details approved to discharge the condition resulted in a substantial area of the application site being used for the purpose and hence the panels moving further over.
- 10.7 Therefore it is necessary to assess whether the location of the panels as constructed is more damaging than the location in which they were approved. The site is located at the edge of the Upper Chelmer River Valley, which extends to the north, west and south-west. The Lindsell and Bardfield Farmland Plateau extends to the north-east and south. To a lesser degree, the Rayne Farmland Plateau to the east would be affected. The application site is located on the relatively flat valley floor adjacent to a tributary of the River Chelmer. The Landscape Character Assessment identifies that development on valley sides would be particularly damaging to the character of the Upper Chelmer River Valley. As the proposed solar panels are sited on the valley floor, the sensitive valley slopes have been avoided. Furthermore, the scale and position of the array ensures that, in views of the valley floor from public footpaths to the south, it does not form a significant feature in the landscape and is viewed as a close neighbour to the housing to the west. In short-distance views from the road and footpath, native species hedgerows could prevent significant harm, and this element of the proposals has yet to be carried out. While the Landscape Character Assessment seeks to protect views of the Lindsell and Bardfield Farmland Plateau to the east and south, it is considered that the overall openness of the valley floor ensures that such views largely remain.
- 10.8 Taking into account the Landscape Character Assessment, the submitted Landscape Impact Assessment and the findings of the officer's site visit it is considered that the proposal does not adversely affect the character of a sensitive landscape. The valley floor does not represent one of the key sensitivities to change, and the solar panels do not represent a significant feature in the landscape. Indeed, from the footpath to the south the location of the panels results in only partial views of the panels due to the existing vegetation along the banks of the tributary to the River Chelmer.
- 10.9 Notwithstanding this, the previous consent had a requirement for additional landscaping to be carried out around the panels. Details which were approved included a 3 metre wide soil bund to be planted with native hedgerow shrub species. This would be positioned adjacent to the road and partially along the side boundary on the north eastern side. The landscaping would be planted along the north western, south western and south eastern boundaries. Due to the shape and size of the site being altered the previously approved landscaping scheme cannot be fully implemented. Therefore the condition imposed on the previous consent should be reimposed to

ensure the new landscaping scheme reflects the current situation. It is therefore considered that the proposal complies with Policy ENV15 and, in turn, Policy S7.

B Impact on the setting of listed buildings (Policy ENV2; NPPF)

10.10 Policy ENV2 states that development which would adversely affect the setting of a listed building will not be permitted. A number of buildings and structures around the historic farmyard of Blamsters Hall are Grade II listed, as is the house known as Greenarbour to the north. From the public footpath to the south of the application site, the proposal solar panels do appear within the view against the backdrop of these listed buildings. However, the existing vegetation along the banks of the tributary to the River Chelmer results in the view being only partial and the buildings appearing more dominant than the panels. It is therefore considered that the impact of the development on the setting of the listed buildings is less than substantial. In accordance with paragraph 134 of the NPPF, the benefits of the proposal need to be weighed up against the less than substantial harm. In this instance it is considered that the public benefits of the renewable energy provision outweigh the less than substantial harm. As such the proposals comply with Policy ENV2 and the NPPF.

C Impact on neighbours (ULP Policies GEN4, ENV15)

10.11 Policy GEN4 states that development will not be permitted where light would cause material disturbance or nuisance to occupiers of surrounding properties. Similarly, Policy ENV15 states that small scale renewable energy development to meet local needs will be permitted if it does not adversely affect residential amenity. The panels erected on site are anti-reflective. In any event, the south-facing orientation of the array ensures that any light would not be reflected directly into the windows of the residential properties to the west and south-west. Overall, it is considered unlikely that significant nuisance would be caused to the occupiers of nearby residential properties and the proposals comply with Policies GEN4 and ENV15.

D Biodiversity (ULP Policy GEN7; NPPF)

10.12 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. Similarly, Policy ENV15 states that small scale renewable energy development to meet local needs will be permitted if it does not adversely affect nature conservation interests. The applicant submitted an Ecological Walkover Assessment report with both the original and this subsequent application. Taking into account the comments of ECC Place Services, it is considered unlikely that the proposal caused harm to wildlife.

E Highway safety (ULP Policy GEN1)

10.13 Policy GEN1 states that the design of development sites must not compromise road safety. The construction access to the site was constructed in relation to approved details following a condition on the original application. This will remain in place and ECC Highways raise no objections to the proposals, which therefore comply with Policy GEN1.

11. CONCLUSION

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

- A The proposal does not have a detrimental impact on the character and setting of the rural area. The landscaping scheme, which has still to be carried out, will further reduce the less than significant impact of the proposals within the landscape. The proposals therefore comply with Policies ENV15 and S7.
- B The proposal has a less than significant impact on the setting of adjacent listed buildings. Any harm arising is outweighed by the public benefits of the proposals which therefore comply with Policy ENV2 and paragraph 134 of the NPPF.
- C The proposal does not result in a significant adverse impact on neighbouring properties and therefore complies with Policies ENV15 and GEN4.
- D The proposal was unlikely to have had an adverse impact on protected species and biodiversity and therefore complies with Policy GEN7 and the NPPF.
- E The proposal does not result in any highway issues and complies with Policy GEN1.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. Within 3 months of the date of this decision details of all hard and soft landscaping (including boundary treatment and planting) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 compatibility with the character of the surrounding area and to protect the setting of listed buildings, in accordance with Policy S7 and Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

2. The development shall be completed in accordance with the requirements of the Construction Environmental Management Plan approved under discharge of condition application UTT/15/1152/DOC.

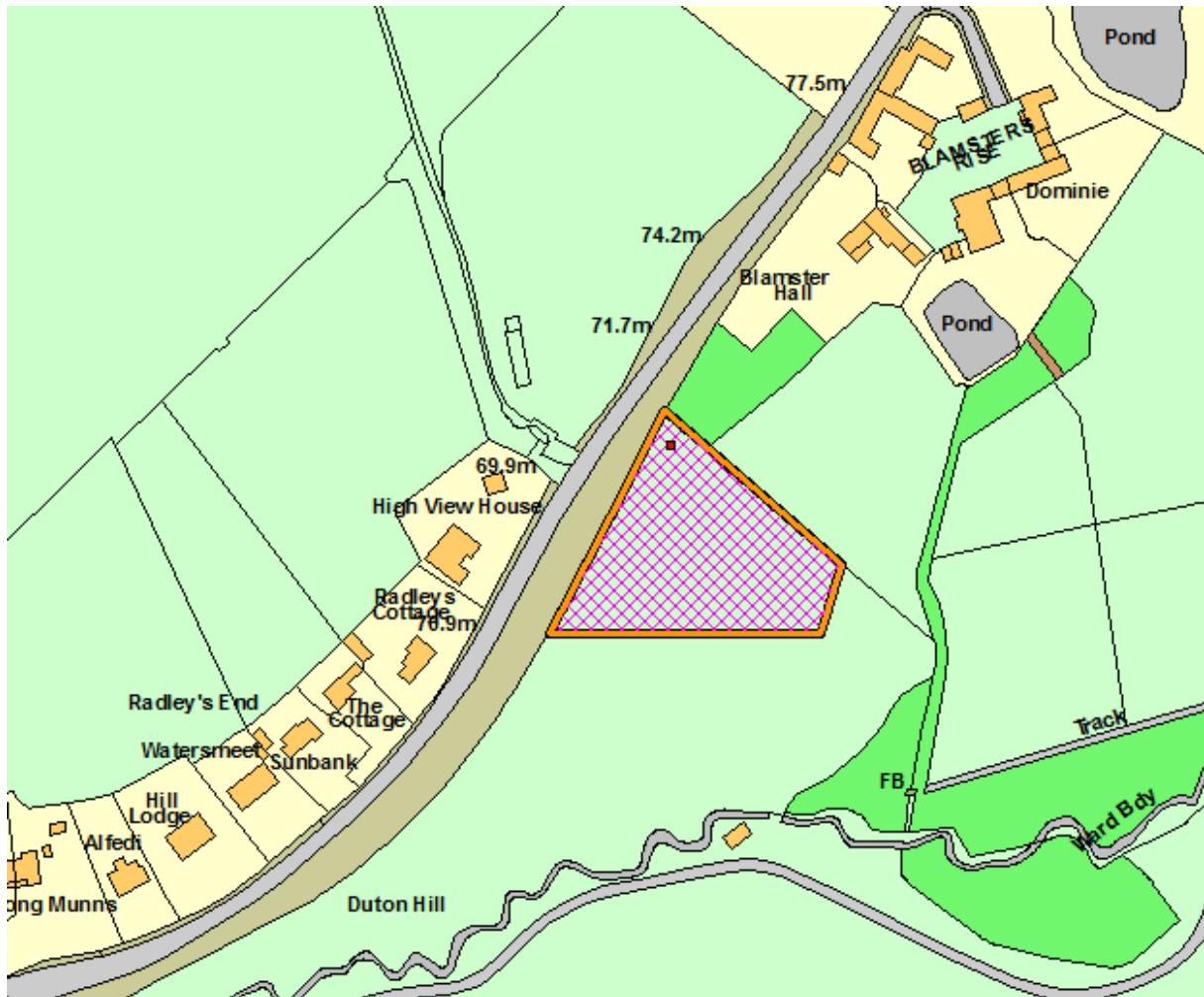
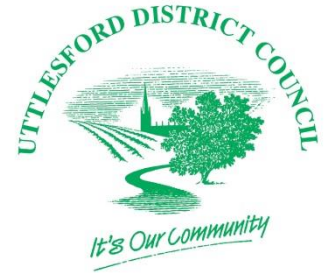
REASON: To ensure the protection of biodiversity within the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

3. Within three months of the completion of the development hereby permitted the building marked “store” on drawing no 9715.01 shall be removed from the site.

REASON: To protect the character of the rural area, in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/2431/FUL

Address: Land South Of Radleys End, Dunmow Road Great Easton



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Organisation: Uttlesford District Council

Department: Planning

Date: 04 November 2015

SLA Number: 100018688

UTT/15/2318/FUL – GREAT DUNMOW/LITTLE DUNMOW

(MAJOR)

PROPOSAL: Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, composting toilet, access tracks, fencing, pole-mounted CCTV cameras

LOCATION: Bumpstead Hill, Land west of A120, Chelmsford Road, Great Dunmow

APPLICANT: Lightsource SPV 91 Ltd

AGENT: Mr Colm Ryan, Lightsource Renewable Energy Holdings Ltd

EXPIRY DATE: 13 November 2015

EXTENSION OF TIME: 27 November 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Adjacent Important Woodland and close to Local (County) Wildlife Site.

2. DESCRIPTION OF SITE

2.1 The application site is located to the west of the A120 on the eastern extremity of Great Dunmow. The site is located to the north of the Flich Way and to the southeast of woodland known as Bumpstead Hill, which is designated as an important woodland.

2.2 The site area is 13.2ha and is Grade 3 agricultural land, and the application states this is Grade 3A land. The site rises from the south to the north with the lowest part of the site being approximately 55m AOD and the highest part being approximately 73m AOD. There is mature hedging to the boundaries with the hedging being on average between 2 and 3 metres higher than the adjoining ground level. However, given the nature of the site and the local topography, the upper parts of the site are visible from outside the site, in particular from the A120 and across the valley from Barnston.

2.3 Access to the site is via Little Dunmow and Grange Lane and the byway that passes over the A120.

3. PROPOSAL

3.1 The application relates to the construction of a 5MW solar farm, capable of generating enough power for 1400 typical households. The proposed development would constitute rows of solar panels mounted on frames, having a maximum height of 2.5m above ground level.

3.2 Additional structures will be required including:

- Inverters – small green cabinets of approximately 2.8m high and 4.4m long and 1.5m wide
- Transformers – probably located inside a small cabinet of a similar size to the inverter or surrounded by a fence with an accompanying switchgear cabinet
- Substations – two are required, one to shut the solar farm off from the grid (client substation) and one to shut the grid off from the solar farm (DNO substation)
- Perimeter fence – 2m high agricultural timber and wire fence
- Security cameras – erected around the perimeter of the site on poles of 2m in height
- Communications building – a small cabinet of approximately 3.6m in length, 3m in width and 2.5m in height
- Composting toilet – for the use of operations and maintenance staff

3.3 The development is expected to cover approximately 30% of the ground area.

3.4 The access to the site would be via Little Dunmow. The vehicles associated with the development would use Grange Lane and follow this to the bridge that passes over the A120 and then a field track down the edge of the field adjacent to the A120.

4. APPLICANT'S CASE

4.1 The application is accompanied by the following documents:

- Planning, Design and Access Statement
- Agricultural Land Classification
- Biodiversity Management Plan
- Preliminary Ecological Appraisal
- Construction, Decommissioning and Traffic Management Method Statement
- Sequential Analysis Study
- Solar Photovoltaic Glint and Glare Study
- Historic Environment Setting Impact Assessment
- Flood Risk Assessment
- Archaeological Desk-Based Assessment
- Archaeological Geophysical Survey 2015
- Statement of Community Involvement

4.2 Conclusion of Planning, Design and Access Statement:

The Bumpstead Hill solar farm will increase the UK's sustainable, locally generated, energy supply, by providing enough clean energy to power 1400 households. Growing our renewable energy generation capacity will both reduce our carbon emissions and enhance the security of energy supply by lowering our reliance on volatile international fossil fuel markets. The proposal also provides the opportunity to enhance biodiversity values.

Government policy promotes the development of large and small scale renewable energy developments, provided that the environmental impacts of individual proposals are acceptable, or can be made so through mitigation strategies.

The proposed location has a number of advantages. From an energy generation perspective the relatively flat ideal (sic) for maximising daylight capture, and proximity to existing National Grid infrastructure provides for efficient transmission of the electricity generated. It is considered that the impacts of the proposal will be

acceptable, and where potential environmental impacts have been identified, detailed assessments have been undertaken and these accompany this application.

Consultation will be undertaken with the LPA, local Parish Councils and local community, and issues raised during this engagement process have been addressed as detailed in the accompanying Statement of Community Involvement (sic).

The proposal has been shown to comply with the relevant planning policy framework, therefore planning permission should be granted.

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/1927/SCO – Request for screening opinion for proposed solar farm. Opinion given 2 July 2015.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7 – Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN7 – Nature Conservation
- E4 – Farm Diversification: Alternative Use of Farmland
- ENV5 – Protection of Agricultural Land
- ENV8 – Other Landscape Elements of Importance for Nature Conservation
- ENV11 – Noise Generators

7. TOWN COUNCIL COMMENTS

- 7.1 Great Dunmow Town Council objects to this application on the following grounds:

- Impact on the A120 – distraction to drivers as it is very close to the road.
Impact on views from the Flich Way.
- In conflict with the Town Council's aspirations on its adjacent land to protect and enhance public open space and woodland
- Poor access

8. CONSULTATIONS

Environmental Health Officer

- 8.1 No comments.

ECC Archaeology

- 8.2 Recommend a trial trenching and excavation condition as the site lies in a sensitive area immediately adjacent a known medieval windmill. This site was excavated during the construction of the A120 and it is possible that associated medieval buildings will

be located within the development area. Other features identified from the geophysical survey will also need to be assessed.

ECC Highways

- 8.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to a Traffic Management Plan, a before and after survey of the construction traffic route, and the submission of a Construction Management Plan.

ECC Ecology

- 8.4 The application is supported by both a Preliminary Ecological Appraisal and a Biodiversity Management Plan. The BMP is acceptable and should be adhered to in full. Recommend a construction environmental management plan is conditioned.

Highways England

- 8.5 Offer no objection.

ECC Lead Local Flood Authority

- 8.6 Having reviewed the Flood Risk Assessment and the associated documents we support the granting of planning permission subject to a condition requiring the consent to be carried out in accordance with the approved Flood Risk Assessment.

BAA Aerodrome Safeguarding

- 8.7 No safeguarding concerns for Stansted Airport.

Landscape Officer

- 8.8 The cumulative impact of the proposed development on the wider landscape is considered to be limited and acceptable. Part of the proposed array would be visible in views taken from the public footpath network [FP 61] south-west of the site, north of Martels Manor Farm. However, the viewpoints are over 1km distant from the site and the development would be satisfactorily assimilated within the pattern of broader landscape. Parts of the site can be seen from the footbridge over the A120 [FP 4] to the north of the site at a distance of some 0.3km, however, the site is generally screened by the hedge on the northern boundary of the site. The site is not visible from the Flitch Way [FP 42], or the bridleway [BW 5] to the south of the site. The site is not visible from the A120 due to topography and roadside planting.

9 REPRESENTATIONS

- 9.1 This application has been advertised and 3 letters of representation have been received. Notification period expired:
- We are owners of the land that the same company is at present erecting a similar project at Toolies Farm.
 - Many more heavy movements of materials onto the site than we appreciated, including about 35 workers in vehicles
 - Grange Lane is a single track road well used by many as a footpath as it is part of a circular walk, also off-road vehicles and bikes

- Condition relating to times heavy traffic is permissible has been difficult to totally adhere to, especially with foreign drivers
- Grange Lane would need 2 or 3 passing places and speed restrictions
- Grange Lane has never, beyond Grange Farm, had to accommodate 40 tonne traffic
- Support proposals
- Proposed solar farm will power over 1,400 households with clean, locally produced energy
- Existing hedgerows and trees in and around the site will be retained
- This form of renewable energy production allows farmers to diversify their land use
- Biodiversity enhancement measures and included in proposals
- We all need to use electricity, but if we continue to rely on the burning of fossil fuels for our energy, we will pollute the planet and remain vulnerable to volatile price fluctuations of the global fossil fuel markets
- Solar power is a much needed part of the renewables mix that this country so desperately needs
- Renewable energy production is a responsible choice that as a society we must support

10 APPRAISAL

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

- A The recognised benefits of providing renewable forms of energy in the interests of climate change as weighed against the impact of the proposed development upon the countryside at this rural location having due regard to design and the particular characteristics and sensitivity of the site and its immediate surroundings, the loss of arable farmland and the cumulative impact of having a second solar farm within the same geographical operational area (NPPF, NPPG and current government advice on solar farms and ULP Policies S7, E4, ENV5, ENV8, ENV11 and GEN2);
- B Whether access arrangements would be satisfactory (ULP Policy GEN1);
- C Whether the development would constitute a risk to flooding (ULP Policy GEN3);
- D Impact of the proposed development on wildlife and protected species (ULP Policy GEN7);
- E Impact upon residential amenity (ULP Policies GEN2 and GEN4);
- F Impact upon sites of local archaeological importance, listed buildings and conservation areas (ULP Policies ENV4, ENV1 and ENV2; NPPF);
- G Other material considerations: Glint and Glare.
- A The recognised benefits of providing renewable forms of energy in the interests of climate change as weighed against the impact of the proposed development upon the countryside at this rural location having due regard to design and the particular characteristics and sensitivity of the site and its immediate surroundings, the loss of arable farmland and the cumulative impact of having a second solar farm within the same geographical operational area (NPPF, NPPG and current government advice on solar farms and ULP Policies S7, E4, ENV5, ENV8, ENV11 and GEN2);**

10.1 The UK Government is committed to meeting its legally binding targets for reducing the country's carbon footprint and a key component of this is increasing the levels for renewable energy generation in the UK. This will have the benefit of insulating the UK from volatility in the global fossil fuel markets by increasing domestic energy self-sufficiency. The Department of Energy and Climate Change (DECC) document, Energy Security Strategy (2012) provides statistical data in support of the argument for carbon reduction and increase in renewable energy generation. The current application through the generation of solar energy to the National Grid is seen as representing a further contribution in fulfilling this national target and in reducing the country's carbon footprint. The Council has granted consent for four similar facilities in the district which demonstrates the Council's commitment to this national policy when these were considered in line with prevailing government advice at the time.

10.2 The NPPF advises that all communities have a responsibility to help increase the use and supply of green energy, but adds that this does not mean that the need for renewable energy automatically overrides the environmental protections and the planning concerns of local communities, adding that as with other types of development that it is important that the planning concerns of local communities are properly considered in matters that directly affect them. Updated National Planning Policy Guidance (NPPG) (Paragraph: 013 Reference ID: 5-013-20150327) provides national guidance on the particular planning considerations that need to be considered in relation to large scale ground-mounted solar PV farms and states that the deployment of large scale solar farms (such as the application proposal submitted) can have a negative impact on the rural environment, particularly in undulating landscapes. It continues, however, that the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively.

10.3 It goes on to list the particular factors an LPA will need to consider, namely:

- encouraging the effective use of land by focusing large scale solar farms on previously developed land and non-agricultural land provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons, including latitude and aspect.

10.4 The government advice under the NPPG update concludes by saying that the approach to assessing cumulative landscape and visual impact of large scale solar

farms is likely to be the same as assessing the impact of wind turbines, although adds that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography that the area of a zone of visual influence could be zero. It is against this overarching national criteria and also assessment against relevant adopted and saved local planning policies that the planning merits of the application proposal as submitted are now considered.

- 10.5 The application site is located within the countryside outside development limits as defined within the Council's adopted local plan. ULP Policy S7 of the plan states that the countryside will be protected for its own sake and that permission will only be given for development that needs to take place there or is appropriate to a rural area. The policy adds that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. The rural safeguard provisions of this local constraint policy therefore have to be balanced against the benefits of providing solar energy at this selected rural site by the applicant and whether it satisfies the advice criteria set out in the NPPG relating to greenfield solar. It should be noted that ULP Policy ENV15, which is the Council's specific local policy on renewable energy is not applicable to the application as the proposal does not by reason of its medium to large scale size and direct feed into the National Grid represent a small scale renewable energy development scheme to meet local needs.
- 10.6 A sequential Analysis Study (SAS) has been undertaken by the applicant for this solar farm proposal to support the applicant's contention of compliance with extant national planning policy and other material considerations, in particular the aforementioned National Planning Practice Guidance. The study, for the purposes of geographical context comprises the Uttlesford District boundary and the western extents of Braintree District. The findings and conclusions of the SAS are such that the applicant considers the SAS to be compliant with the NPPG, namely that;
- i) the use of agricultural land (Greenfield) is necessary in the absence of previously developed land within the defined study area and barriers to the deployment of large scale commercial roof space within the study area for solar photovoltaic development;
 - ii) there are no potential alternative sites of any poorer agricultural quality land and subject to any less environmental constraints than the application site within the study area; and
 - iii) that the application site would remain in agricultural use and that biodiversity improvements would be delivered as part of the proposed development.
- 10.7 The Council has considered the detailed SAS methodology and site analysis process carried out on behalf of the applicant in an attempt to establish appropriate, available and sufficiently large brownfield sites within the geographical area to justify solar installations both on an operational and commercial basis and also its findings and conclusions as an alternative siting to greenfield solar. The SAS as prepared is similar in its methodology and geographical inclusion area for previous solar farm applications received by the Council for its district, most recently being the refused site at Hawkspur Green, Little Bardfield, earlier this year when the SAS was accepted at that site and it is considered that there are no specific grounds in the circumstances under which the Council is effectively able to challenge the findings and conclusions of the SAS submitted for the current application on this basis.
- 10.8 The site is currently used for arable farming purposes. ULP Policy E4 states that alternative uses for agricultural land will be permitted if (a) the development includes measures for landscape and nature conservation enhancement, (b) the development

would not result in a significant increase in noise levels or other adverse impacts beyond the holding, (c) the continued viability and function of the agricultural holding would not be harmed and (d) the development would not place unacceptable pressures on the surrounding rural road network. ULP Policy ENV5 states, however, that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for possible alternative development locations on poorer quality agricultural land except where other sustainability considerations suggest otherwise.

- 10.9 The applicant has carried out a full BRE agricultural land classification study to establish the agricultural land classification grading for the site and this has concluded that the site comprises Grade 3a land, thereby constituting best and most versatile agricultural land. The SAS concludes that there are no suitable sites within the search area of lower quality land, or previously developed land. In the absence to any quantifiable evidence to the contrary, the Council accepts the findings of the report.
- 10.10 It is the case that many farms in the UK undertake some form of activity that fall outside of the core business of farming in order to support farm operations, i.e. farm diversification. This can result in a more productive use of part of the farming unit and can provide a regular form of income to the farm to balance the traditional fluctuations in farm incomes. In the case of solar farms, diversification towards renewable energy increases farm income security as well as representing an opportunity to provide a dual use of the site livestock can be kept in with the panels. In this particular instance it is suggested that bee keeping and/or hay cropping could be carried out. It is considered from this that the proposals comply with ULP Policies E4 and ENV5.
- 10.11 Consideration now needs to be given to landscape impact. The submitted Landscape and Visual Impact Assessment (LVIA) notes that the site is not covered by any landscape designations. The site falls within the County Landscape Area of Chelmer Valley, and the District Landscape Character Area of the Upper Chelmer River Valley. The skyline is noted as being sensitive to change, with open and framed cross-valley views and long views along the river corridor potentially affected by new tall or non-screened new development. The susceptibility of the landscape to changes is considered to be medium, due to the close presence of the A120.
- 10.12 The LVIA states that there would be very limited inter-visibility between the proposed development and the wider landscape due to the existing field boundary hedgerow network which restricts views towards the site from publically accessible highways and public rights of way. As a result the magnitude of the change on the wider landscape is assessed as being negligible, resulting in a negligible overall effect. However, the magnitude of change within the site itself would be high resulting in a major effect on the landscape character of the site.
- 10.13 The local topography and landscape components such as woodland blocks limit the inter-visibility of the site within the surrounding landscape. The receptors that would result in the highest effects are limited to those in the immediate vicinity of the site, in particular a short section of the public right of way as it crosses the A120 to the northeast of the application site. The cumulative impact of the proposed development on the wider landscape is also considered to be limited and acceptable.
- 10.14 The impact of the proposed solar farm on the rural landscape at this countryside location has been assessed by the Council. It has been identified that part of the proposed array would be visible in views taken from the public footpath network south-west of the site, north of Martels Manor Farm. However, this viewpoint is over 1km from the application site and the development would be satisfactorily assimilated within

the patten of the broader landscape. The site is not visible from the Flitch Way or the bridleway to the south of the site. There would be limited visibility from the A120, but this could be mitigated by additional planting. Overall it is considered that the proposals would not have an adverse impact on the character of the rural area.

B Whether access arrangements would be satisfactory (ULP Policy GEN1);

- 10.15 Access to the site would be via Little Dunmow and Grange Lane, crossing over the A120 and using a field access at the northern end of the site. Swept path analysis from the junction with the Braintree Road (B1256) to the site has been submitted and this indicates that the roads can accommodate the proposed vehicles. ECC Highways raise no objections to the proposals subject to a survey to ensure the road does not suffer deterioration as a result of the development, and any damaged is subsequently repaired.
- 10.16 Grange Lane is a single track road which leads into the local public right of way network. Where Grange Lane meets the bridge crossing the A120 there is a public right of way heading westwards towards Great Dunmow. Further south Grange Lane becomes a byway leading towards the Flitch Way. As such Grange Lane has the potential to be well used by walkers, cyclists and horse riders as well as general traffic. The width of the lane is insufficient to permit two vehicles to pass each other comfortably and potential conflict with other road users increases due to the relationship between Grange Lane and the surrounding public rights of way.
- 10.17 Policy GEN1 requires development proposals to be located where the traffic generated is capable of being accommodated on the surrounding transport network in a safe manner and must not compromise road safety for all potential users. As stated above, the applicant has demonstrated that the access route is capable of accommodating the proposed vehicular traffic associated with the construction phase. This will be a short-term period of approximately 6-8 weeks and it is envisaged that 95 HGV movements will be required to deliver the components to the site, with average deliveries being between 2 and 4 a day throughout the construction period. Additional vehicles associated with the construction team are envisaged to be a maximum of 10.
- 10.18 The Construction, Decommissioning and Traffic Management Method Statement states that delivery times will be restricted to 8am to 6pm Monday to Friday and 8am to 1pm on Saturday. Deliveries will be scheduled to avoid peak times such as rush hour and school pick up/drop off times.
- 10.19 Following concerns raised about potential conflict with non-vehicular users of Grange Lane further discussions have been carried out, including with the landowner who has written a letter of representation in respect of concerns relating to a similar development being carried out on their land. A further document detailing Construction Traffic Management Arrangements has been submitted and this give details of passing bays that will be constructed for the construction period. A new temporary passing bay would be constructed on the northern side of Grange Lane adjacent to the last property at the eastern end. There is space within the existing farm entrance further to the west. A second temporary passing place would be constructed between the farm entrance and the approach to the bridge over the A120. Immediately adjacent to the A120 there is an area of hardstanding which would provide a further passing bay.
- 10.20 The proposed passing bays, together with other measures such as signage and use of banksmen ensures that the developer would be undertaking the best measures possible to ensure the potential for conflict is significantly reduced during the construction phase. During the operational phase vehicular movements associated

with the solar farm would be limited to several times a year for maintenance purposes and a twice a month visit by operations and maintenance staff.

10.21 In view of the additional information submitted detailing the proposed measures to ensure highway safety is maintained for all road users, it is considered that the proposals are in accordance with Policy GEN1.

C Whether the development would constitute a risk to flooding (ULP Policy GEN3);

10.22 The NPPF and the NPPG both advocate the use of a risk based "Sequential Test" to direct development away from areas at the highest risk of flooding. The site is zoned as Flood Risk Zone 1 (lowest risk of flooding) and the applicant makes the case in the submitted Flood Risk Assessment (FRA) that the proposed development would not result in any discernible change in the quantity or rate of surface water run-off from the site. Notwithstanding this, the FRA proposes a sustainable drainage strategy involving the implementation of a Sustainable Drainage System (SuDS) in the form of water collection swales which would be formed along the southern boundary of the site. It is stated that the solar farm would result in a 0.2% increase in hardstanding areas at the site (where at present no hardstanding areas exist given its arable nature).

10.23 The proposal has been considered by the ECC LLFA team who raise no objections to the proposals, subject to a condition requiring the development to be carried out in accordance with the recommendations set out in the FRA. The proposal is in compliance with ULP Policy GEN3 relating to flood protection.

D Impact of the proposed development on wildlife and protected species (ULP Policy GEN7);

10.24 The site comprises an arable field bordered by hedgerows and woodland. The wider landscape supports similar arable fields, pockets of woodland and grasslands. An Extended Phase 1 habitat survey report has been submitted as part of the application which concludes that the ecological value of the site overall is considered to be low and that the potential for adverse effects on protected notable species can thus be avoided through the implementation of the proposed development. Biodiversity enhancement measures have been proposed within the accompanying Biodiversity Management Plan, including the creation of grasslands and wildflower habitats, tree planting and hedgerow augmentation. It has been submitted that the implementation of these measures would lead to a net biodiversity gain at a local ecology level.

10.25 The Extended Phase 1 habitat survey report and the Biodiversity Management Plan has been examined by the ECC Ecology Officer who states that the site shows limited potential for protected species owing to domination of arable land use. She notes that the site boundaries show some potential for birds, bats and badgers. However, as all boundary features are to be retained, no further surveys for bats or birds have been recommended and she agrees with this assessment. The Reasonable Avoidance Measures for badgers and protected species are acceptable. It is considered that the Biodiversity Management Plan is acceptable and should be adhered to in full. Accordingly, she has not raised any ecology objections to the proposal, subject to a condition requiring a Construction Environmental Management Plan: Biodiversity. As such, the proposal would conform to ULP Policy GEN7.

E Impact upon residential amenity (ULP Policies GEN2 and GEN4);

10.26 The impact upon residential amenity falls to be considered with a medium to large scale solar farm proposal such as the scheme submitted. It is generally recognised

that solar farms are not by their very nature noisy developments. Associated plant infrastructure such as inverter cabinets are fitted with cooling fans which generate a small amount of noise whilst the solar farm is operating during the day, although usually contain most of the noise generated with no noise generated during the night. The applicant has stated that it stipulates through its own site management measures that it requires that a maximum noise level of 35dBA is not exceeded at the site boundaries, which means in practice that there would be no audible noise beyond the site boundary once ambient noise is taken into account.

10.27 The closest dwellings to the site are Clobbs Cottage and Langleys. Clobbs Cottage is located on the eastern side of the A120 and therefore is more likely to be adversely affected by road noise than any potential noise from the solar farm. Langleys is located approximately 150m from the southwestern corner of the site. There is extensive screening along the boundary of the site and around Langleys which provide a significant buffer from the site. As such neither Clobbs Cottage nor Langleys would suffer adverse effects on amenity either through noise or other nuisances. As such the proposal is in accordance with ULP Policies GEN2 and GEN4.

F Impact upon sites of local archaeological importance, listed buildings and conservation areas (ULP Policies ENV4, ENV1 and ENV2; NPPF);

10.28 The application has been submitted with an Archaeological Desk Based Assessment and an Archaeological Geophysical Survey. These refer to ECC's Historical Environment Record (HER) and assess the potential for the site to contain archaeological finds of importance. Based on current evidence, including the results of the geophysical survey, the assessment identified a moderate potential for Prehistoric and Medieval activity in the eastern part of the site. A low potential has been identified for all other periods and in the rest of the site. As such, ECC Archaeology has recommended that an archaeological trial trenching and excavation condition be imposed on any planning permission granted to allow field work to take place. As such the proposals are in accordance with ULP Policy ENV4.

10.29 The application is also accompanied by a Historic Environment Settings Impact Assessment. This identifies that there are 19 Grade II listed buildings located within 1km of the site. There are also 10 Scheduled Monuments, 38 Grade I and II* listed buildings within 5km. There are also 3 Conservation Areas within 2km. The report concludes that the proposed development would not materially harm the significance of any designated heritage assets through the alteration of their setting due to them having no visual, historical or functional relationship with the site. As such the proposals are considered to be in accordance with ULP Policies ENV4, ENV1 and ENV2, and the NPPF.

G Other material considerations: Glint and Glare.

10.30 The Glint and Glare report accompanying the application concludes that there is no potential for the proposed solar arrays to represent a glint or glare issue to aircraft or to receptors on the ground, including nuisance to users of the A120. It adds that the solar panels would be comprised of specialist glass to reduce the incidence of glint and glare and would be fixed and not rotating.

10.31 Both NATS and Stansted Airport Limited (SAL) have been consulted on the application. NATS have confirmed that the proposals do not give rise to any safeguarding concerns in respect of operations at Stansted Airport.

11 CONCLUSION

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

- A The proposal is located in a rural area and would involve the loss of Grade 2 agricultural land. A Sequential Assessment has been undertaken which confirms that no other sites of lesser land value or brownfield have been identified. The visual impact of the proposal would be limited to the immediate vicinity of the site and the proposals are considered to be in accordance with Policies S7, ENV5 and GEN2.
- B The application has adequately demonstrated that the proposed development can be carried out without adverse harm to other road users. Therefore the proposal, subject to the implementation of the mitigation measures, is considered to be in accordance with Policy GEN1.
- C The proposal would not significantly affect the greenfield runoff rate of surface water. The scheme includes the provision of swales within the site which would actually result in a betterment of surface water runoff. As such the proposal is in accordance with Policy GEN3.
- D There are no protected species within the site and the completed development will result in the planting of a wildflower meadow which would increase the potential for biodiversity. As such the proposals are in accordance with Policy GEN7.
- E Given the relationship of the site with the closest residential properties, the development would not result in the loss of residential amenity. As such the proposals are in accordance with Policies GEN2 and GEN4.
- F The application site has the potential to contain archaeological remains and it is recommended that a trial trenching and excavation condition be imposed to mitigate any potential impacts. Given the relationship of the site with nearby listed buildings and nearby Conservation Areas it is not considered that there would be any adverse impacts on heritage assets. As such the proposals are considered to be in accordance with ULP Policies ENV4, ENV1 and ENV2, and the NPPF.
- G The proposals are unlikely to give rise to significant concerns in respect of glint and glare.

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. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. The implementation of archaeological works shall be carried out in accordance with the written scheme.

REASON: The site lies in a sensitive area immediately adjacent to a known medieval windmill and possible medieval buildings may be located within the development area. Recording of heritage assets is required in accordance with Uttlesford Local Plan Policy ENV4 (2005) and the NPPF.

STATEMENT: This pre-commencement condition is required to ensure the archaeological investigation works are carried out prior to the development and to ensure any archaeology can be recorded prior to works being undertaken on the site.

3. The Construction Traffic Route Plan as detailed within the "Construction, Decommissioning and Traffic Management Method Statement", prepared by Lightsource, and the "Construction Traffic Management Arrangements", prepared by PFA Consulting, shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

REASON: To ensure that the adjoining highway is not obstructed by construction activity in the interest of highway safety in accordance with Uttlesford Local Plan Policy (2005).

4. No development shall take place until a comprehensive condition survey of the agreed construction traffic route has been completed. Details of such survey having first been submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of heavy goods vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction/decommissioning periods.

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

STATEMENT: This pre-commencement condition is required to ensure the condition of the highway is properly recorded prior to the commencement of works so that any damage arising as a result of the development can be repaired at a later date, as required by the provisions of condition 5 below.

5. Following completion of the construction/decommissioning, a further comprehensive survey of the agreed construction routes shall be completed in accordance with the details approved in 2 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction/decommissioning periods to a programme to be agreed with the Local Planning Authority if they present an immediate hazard to road users.

REASON: In the interests of highway safety.

6. No development shall take place (including demolition, 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 include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

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

STATEMENT: This pre-commencement condition is required to ensure that adequate measures are put in place to protect the biodiversity of the site.

7. Prior to the commencement of the development hereby permitted, full details of the final locations, design and materials to be used for the panel arrays, inverters, transformers, control room, switchgear substations and CCTV cameras shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details.

REASON: To ensure the development is carried out in a manner which minimises the visual impact on the character of the rural area in accordance with Adopted Uttlesford Local Plan Policy GEN7 (2005).

STATEMENT: This pre-commencement condition is required because the information submitted with the application is subject to minor changes due to the requirements of the operator and this allows some flexibility in relation to the final site layout and design.

8. No lights shall be erected within the site without the prior written agreement of the local planning authority.

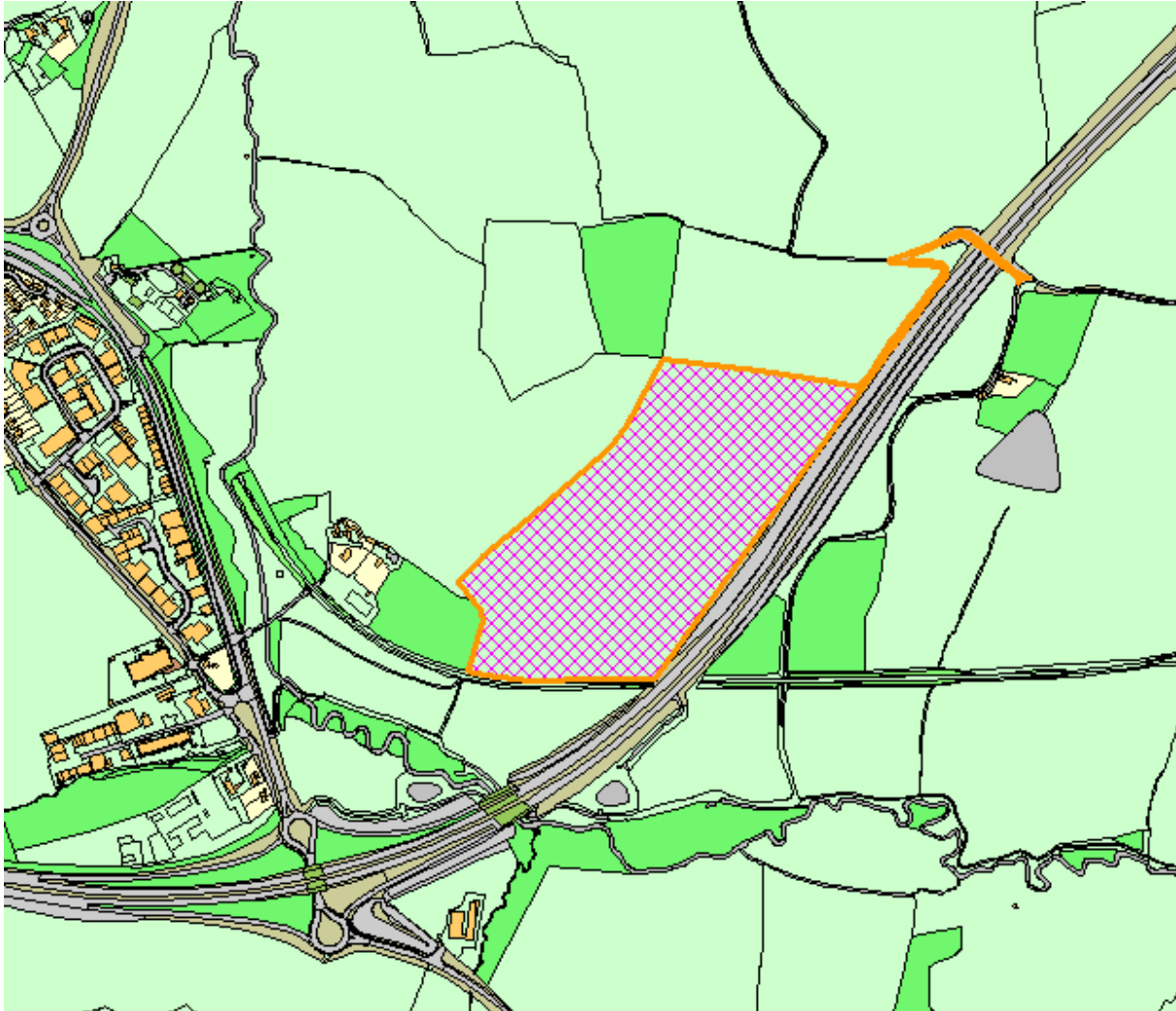
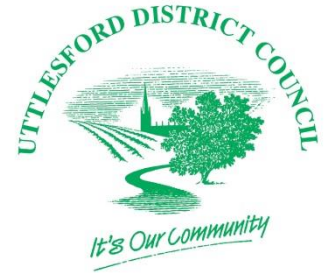
REASON: To safeguard the character and appearance of the countryside in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

9. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

Application no.: UTT/15/2318/FUL

Address: Bumpstead Hill, Land west of A120, Chelmsford Road,
Great Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 04 November 2015

SLA Number: 100018688

UTT/15/2446/HHF (FELSTED)

(Referred to Committee by Cllr Mills. Reason: The nature of Willows Green is overwhelmingly Bungalow low-level development admittedly with some chalet style 1 1/2 level construction and various dormers etc. This development lifts the roof level [ridge] over 2.5 mtr. and nearly doubles the footprint changing the nature of the scale of development in this road, its surroundings and the village green. The site is currently being used as a waste consolidation and transfer site by a developer, and is vacant, pending this application which has designs more on profit than the community in which it stands.)

PROPOSAL: **Proposed demolition of existing garage and conservatory, erection of two storey side and front extension first floor extension including dormer windows and widening of existing access**

LOCATION: **Pantiles Molehill Green Road Felsted Chelmsford Essex**

APPLICANT: **Mr Nicholas Seels**

EXPIRY DATE: **20 October 2015**

CASE OFFICER: **Madeleine Jones**

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

- 2.1 The application site comprises a detached bungalow with single garage attached to the side. There is post and rail fencing to the front boundary and close boarded timber fencing to the rear boundaries. There is picket fencing between the shared front boundary with Ashley to the west.
- 2.2 The adjacent properties are bungalows in a linear development, with Pantiles and Ashley set further back from the road than the properties to the east.
- 2.3 The front garden has been cleared and the rear garden is laid to lawn with a single tree in the middle of the lawn.
- 2.4 The conservatory to the east of the bungalow has been demolished.
- 2.5 The front boundary to the east is part timber boarding and part open with a couple of small trees
- 2.6 There is a listed building 46m to the west.
- 2.7 The property to the east is a chalet bungalow with dormer windows to the front and Velux windows to the rear and the bungalow further to the east has a large flat roof dormer window to the side.

3. PROPOSAL

- 3.1 The proposal is for the demolition of existing garage and conservatory and the erection of a two storey side extension, raising the roof to provide first floor accommodation, insertion of front and rear dormer windows, erection of front porch and widening of existing access.
- 3.2 Revised plans have been submitted as the original plans were not to scale and omitted the front porch on the floor plan.
- 3.3 The proposed roof will be 7.2m high (to ridge) which is 2.6m higher than the existing roof. (the neighbouring property to the west is 5.2m in height to the ridge and the property to the east is 6.1m to the ridge)

4. APPLICANT'S CASE

- 4.1 None.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0028/89 – Bay window - Approved

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7 – The Countryside
- GEN1 – Access
- GEN2 – Design
- GEN8 – Vehicle Parking Standards
- H8- Home Extensions

6.3 Supplementary Planning Documents

- SPD1 - Home Extensions
- ECP - ECC Parking Standards (Design & Good Practice) September 2009
- Uttlesford Local Parking Standards

7. PARISH COUNCIL COMMENTS

- 7.1 A condition of approval should be that the roof height of the house shall not be any higher than that shown on the submitted plan.

8. CONSULTATIONS

Essex Ecology Advice

- 8.1 No objections

Essex County Council Highways

- 8.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:
- 8.3 The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
- 8.4 There shall be no discharge of surface water onto the Highway.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.
- 8.5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.
- 8.6 The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

9. REPRESENTATIONS

- 9.1 8 neighbours have been notified of the application and four representations have been received. Three objections and one in support. Expiry date: 22nd October 2015

A summary of the issues raised are:

- Out of character with settlement
- Prominent position
- Unacceptable scale – size and appearance
- overwhelming
- Dormers too large
- Impact on setting of Listed Building
- Height – far taller than the rest of the street
- Untraditional span
- Unacceptable/inappropriate design
- Overlooking
- Highway issues- parking
- Overbearing

- Overshadowing
- Inaccuracies regarding the planning history
- No application for an increase in height to an existing roof or the total rebuild of a property has been allowed thus respecting the character of the hamlet.
- Consideration should also be given to the impact the proposed development will have on the existing pattern of build of the hamlet edge viewed across open country and the valley of the River Ter to the north. This view was specifically mentioned in an earlier draft village plan by Uttlesford District Council.
- The planning application recently submitted for works at Pantiles relates, in essence for a replacement dwelling that pays little respect to the constraints and character of the existing linear development in this part of the hamlet of Willows Green.
- The scheme presented creates, from a modest two bedroom property, a large four bedroom family dwelling with considerable floor space proposed at a new first-floor level. The volume that is enclosed under a single wide spanning roof form creates an unacceptable and overbearing bulk set just over 100 mm from the boundary between our properties and only just over a metre between dwellings. This form of enclosure completely erodes the open spatial character between relatively modern properties that become loose knit as you travel further away from the hamlet centre. The application drawings show a large blank flank gable elevation set just under 1.1 m from the outside wall of our property. At present the integral single storey garage abuts our boundary however the proposal is to extend the boundary wall a further 5.5 metres forward with a maximum height increase above the garage roof of 4.7 metres. This height and massing will remove any chance of being able to maintain natural sunlight throughout the day and large shadows will be cast across our property. At first-floor level a dormer window shown to bedroom three looks directly into our back garden. Although this may be acceptable in a suburban situation, any scheme submitted should respect the current status quo that exists between properties to ensure that, within the constraints of policy development does not adversely affect the personal enjoyment of neighbouring residents.
- We are concerned that the height of the building has been raised to an un-acceptable level when read in conjunction with, in essence single-storey accommodation located to the East and West of the application site.
- Inaccurate plans - On the submitted proposed drawings a porch is shown on the front elevation. However this does not appear on plan or side elevation and we assume that this will be omitted from the current application. The agent employed to produce the drawings requested permission to take a dimension from the front corner of the garage of Pantiles to the front corner of the side extension of Ashley. This diagonal dimension is then shown at right angles on the existing and proposed plans submitted rendering it incorrect. It is interesting to note that no attempt has been made to define the boundary dimension between the existing and proposed build of Pantiles to the boundary of Ashley. The drawings all show a true scale bar that has been used for comparisons.
- e.g. maximum height quoted on drg. No. MG14_13_08 at 6875mm is not shown to full ridge height and from scale is 7200mm, whereas their height 6100mm to dormer is to full ridge height. This inaccuracy leaves the final maximum height unknown.

- Biodiversity Questionnaire inaccurate – there are two ponds to the front of Lower Rays
- Extensive external ground works including the erection of maximum height close boarded fence and demolition works to conservatory, internal partitions and chimney stack have already been undertaken. These are all part of the works specified under the current submitted application.
- It is acknowledged that individually many of the works undertaken would not require consent.
- However, it appears that these were works undertaken by the owners building firm in an attempt to pre-empt consent for a planning application formulated in March but not submitted until August.
- Although no dimensions are given on the existing elevation drawings (MG14_13_02C) The scale suggests an existing ridge height of approx. 4.5m compared to a proposed ridge height of 6.875m (drawing MG14_13_05C) This suggests an increase in height of around 52% from the existing structure
- The increase in scale of the building from small two bedroom bungalow to large two storey house is again a fundamental change which is contrary to existing buildings and I feel would create a significant visual juxtaposition in a road of otherwise modest bungalows
- In principle I'd fully support the applicant to extend and modernise the property if the scale of the proposed designs were more conducive to retaining the character of the area.

One representation supports the application

- The modernisation of a tired property will be a welcome addition to street. The dimensions are proportionate to the other houses nearby and the plans contain no first floor windows which look east or west into other gardens and properties.

10. APPRAISAL

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

- A Whether the proposal would detract from the character of the countryside, and be of appropriate design and scale respecting the original property (ULP Policy S7, GEN2 and H8)
- B Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policy H8 and GEN 2)
- C Biodiversity (Policy GEN7)
- D Whether the proposal would adversely affect Highway safety and parking provision (ULP Policy GEN8 and Uttlesford Parking standards)
- A Whether the proposal would detract from the character of the countryside, and be of appropriate design and scale respecting the original property (ULP Policy S7, GEN2 and H8)**

- 10.1 Uttlesford Local Plan Policy S7 is concerned with the protection of the countryside and supports development that needs to take place there or is appropriate to a rural area.

Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.

The neighbouring properties are predominantly bungalows of similar designs and materials; however the immediate neighbouring property to the east has been extended into the roof to create a first floor and has dormer windows to the front elevation.

Additionally a further property to the east has a dormer window extending the full length of the side of the property; as such the properties in the immediate vicinity are of mixed design and appearance.

The design is acceptable and the extensions are in proportion to the original dwelling.

Adequate amenity space would be provided for the size of the property.

Although the property would be higher than its immediate neighbours it is not considered that the difference in height would result in harm significantly enough to warrant refusal of the proposal. The proposal complies with policies GEN2, H8 and S7.

- 10.2 Representations have been made in relation to the impact the proposal would have on the character of the setting of the Listed building which is located to the west of the application site. The listed building is however, some 46m away from the site and in view of this separation distance, it is considered that proposal not adversely affect the setting of the adjacent listed buildings and therefore complies with policy ENV2.

B Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policy H8 and GEN 2)

- 10.3 Policies H8 and GEN2 of the Local Plan state that development should not have a materially adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. There are residential properties to the south, east and west of the site. The proposed building would not have doors and windows facing the residential properties to the west of the site and there is only one ground floor window facing east. There would be a gap of 17m from the rear elevation and the rear boundary fencing and 44m from the property to the south. The proposal therefore complies with the recommended back to back separation distance within the Essex Design Guide. Although the built form of the property would be slightly forward of the front elevation of the property to the west

The proposal would not result in any material detrimental impact to neighbours amenity. The proposal therefore meets the criteria of ULP Policies GEN2 and H8.

C Biodiversity (Policy GEN7)

- 10.4 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured. The proposal includes the demolition of the existing conservatory and as such there is the potential of the proposal to have a detrimental impact to protected species. The Applicants have completed a biodiversity checklist form and answered no to all of the questions. It was observed at the site visit that the conservatory has already been demolished and that the site has been cleared. The rear garden has a small tree and recently cut lawn.

10.5 Representations have been received in respect of the ponds located at Lower Ray's Farm, however, they are some distance away from the application site and Essex County Council Ecologists have been consulted. They have no objections to the proposal and it is considered that the proposed development is unlikely to adversely impact upon protected species.

D Whether the proposal would adversely affect Highway safety (ULP Policy GEN8 and Uttlesford Parking standards)

10.6 The proposal would increase the number of bedrooms at the property to four which would require the provision of three parking spaces to comply with the adopted parking standards document. The proposal shows the provision of two parking bays, but there is sufficient space to the frontage to accommodate a further parking bay. This can be achieved by an appropriate condition.

11. CONCLUSION

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

- A The proposal is of acceptable design and scale and would not be materially detrimental to the character of the area.
- B The proposal would not result in any material detrimental impact to neighbours amenity
- C The proposed development is unlikely to adversely impact upon protected species.
- D Adequate parking can be provided to comply with the adopted Parking Standards requirements.

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 vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Uttlesford local plan policy GEN1.

- 3 There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Uttlesford local plan policy GEN1

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Uttlesford local plan policy GEN1

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 no development within Classes A of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings in accordance with Uttlesford Local Plan policy GEN2

6. Before development commences a revised plan shall be submitted to and approved by the local planning authority in writing showing the following amendments which shall be incorporated into the design for the development/works hereby permitted and the permission shall be implemented in accordance with the amendments listed below:

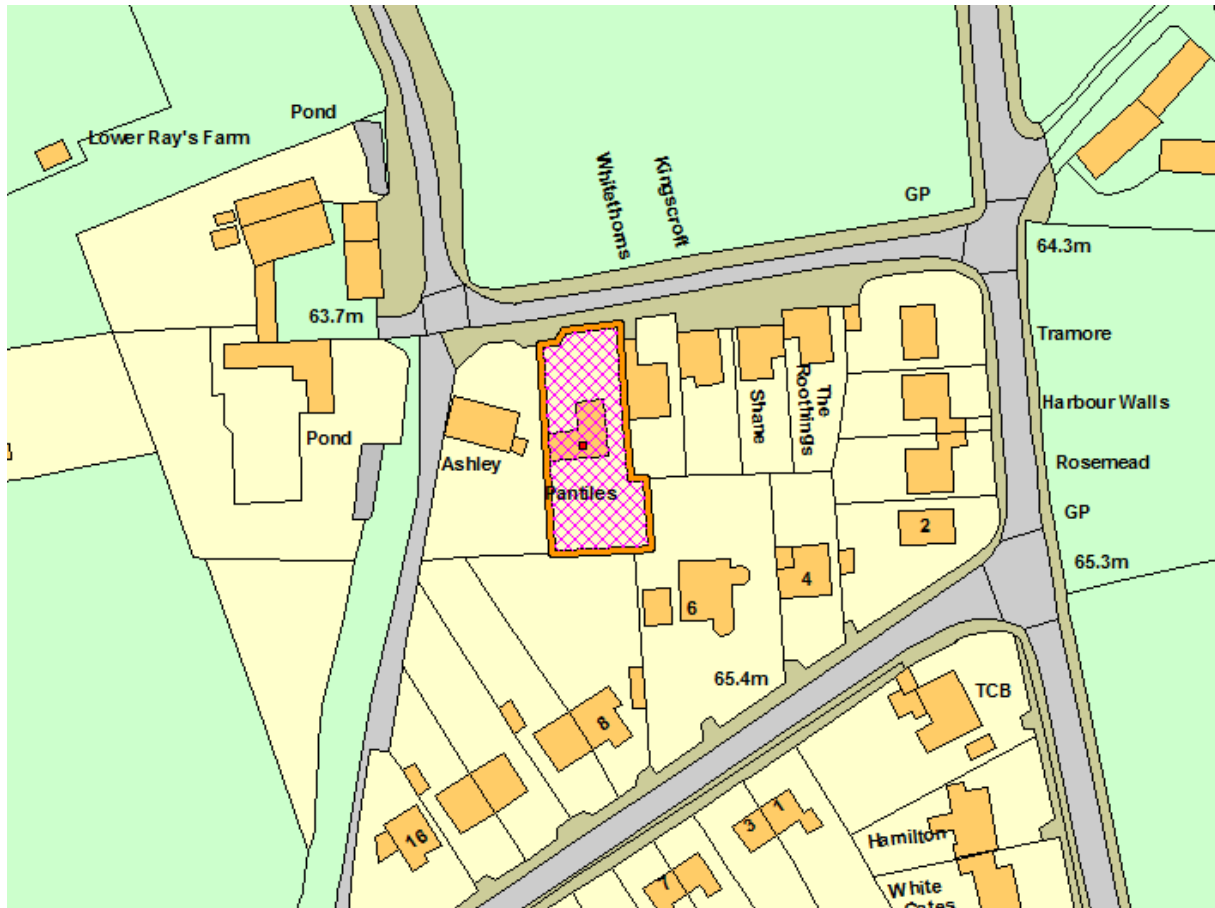
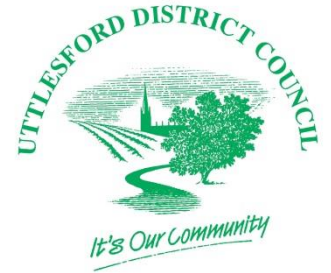
The provision of three parking spaces to the adopted parking standards 2013. Each space should be a minimum of 5.5m x 2.9m.

REASON: To meet the requirements of the adopted parking standards (2013) in accordance with Uttlesford Local Plan policy GEN8.

Justification: The above condition is required to ensure that the development does not result in unacceptable highway safety issues

Application no.: UTT/15/2446/HHF

Address: Pantiles, Molehill Green Road Felsted



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Organisation: Uttlesford District Council

Department: Planning

Date: 04 November 2015

SLA Number: 100018688

Committee: Planning
Date: 18 November 2015
Agenda Item No: 5
Title: PLANNING AGREEMENTS
Author: Christine Oliva (01799 510417)

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

No.	Planning Current Ref.	Approved by Committee	Applicant	Property	Position
1.	UTT/13/2107/OP	12/02/2014	Barratt Homes, Mr CJ Trembath, Buildings Farm Partnership	Land West of Woodside Way, Dunmow	Agreement sealed
2.	UTT/14/3182/FUL	11/02/2015	East Thames Group	119 Radwinter Road, Saffron Walden	Last communication 3.6.2015
3.	UTT/14/3357/FUL	11/03/2015	Pigeon Investment Management Ltd GAG373 ltd. GAG339 ltd	Land at Webb Road, Hallett Road, Flitch Green	Agreement sealed
4.	UTT/14/3770/FUL	08/04/2015	Bushmead Homes Ltd.	Stansted Motel & 2 Hamilton Road, Little Canfield	Draft agreement sent to applicant 13.5.2015
5.	UTT/15/0133/FUL	03/06/2015	Enodis Property Development Limited	Land off Tanton Road, Flitch Green	Negotiations continuing
6.	UTT/14/2991/OP	03/06/2015	Stansted Road LLP	Elsenham Nurseries, Stansted Road, Elsenham	Engrossments sent 27.10.2015
7.	UTT/14/0127/FUL	29/07/2015	Taylor Wimpey, Ms Mortimer, Ms Staines Ms Stoneman	Land South of Ongar Road, Great Dunmow	Engrossments sent 27.10.2015
8.	UTT/15/1046/FUL	29/07/2015	Hastoe Housing Association	Land at Dell Lane, Little Hallingbury	Agreement sealed
9.	UTT/15/1086/OP	25/08/2015	AP27 Limited	Site 500 Coopers End Road, Takeley (Stansted Airport)	Engrossed agreement sent 24.9.2015

10.	UTT/15/1085/OP	25/08/2015	AP27 Limited	Endeavour House, Coopers End Road, Takeley (Stansted Airport)	Agreement sealed
11.	UTT/15/1732/FUL	25/08/2015	Ms Jopson	Canfield Nursery, Bullocks Lane, Takeley	Agreement sealed

FOR INFORMATION