

## 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)

<b>PROPOSAL:</b>	<b>Residential development comprising 22 dwellings and associated garages, roads, parking, open space and part demolition of existing buildings</b>
<b>LOCATION:</b>	<b>Former Ridleys Brewery, Mill Lane, Hartford End</b>
<b>APPLICANT:</b>	<b>Stockplace Hartford Ltd</b>
<b>AGENT:</b>	<b>Pomery Planning Consultants Ltd</b>
<b>EXPIRY DATE:</b>	<b>11 June 2015</b>
<b>EXTENSION OF TIME:</b>	<b>21 November 2015</b>
<b>CASE OFFICER:</b>	<b>Luke Mills</b>

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### **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.

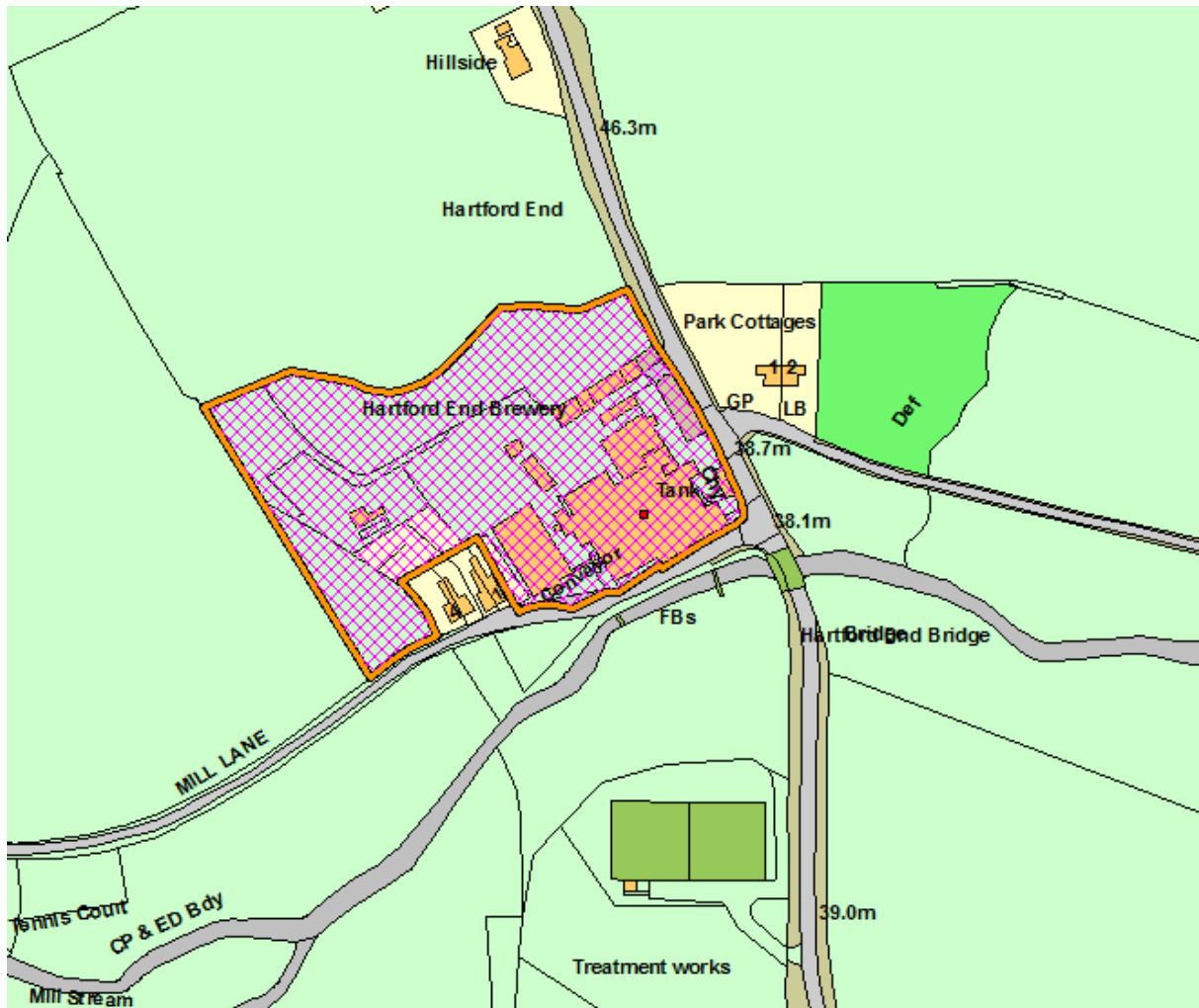
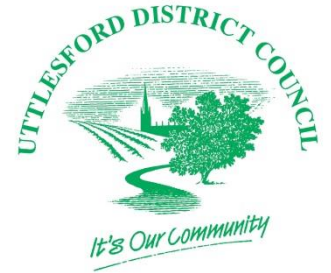
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the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

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