

Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Wednesday, 16 December 2015
Time: 14:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

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

AGENDA PART 1

Open to Public and Press

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

- 2 Minutes of the Meeting held on 18 November 2015** 5 - 10
To consider the minutes of the previous meeting.

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

- 4 Planning Applications**

- 4.1 UTT/15/2632/DFO Elsenham** 11 - 46
To consider application UTT/15/2632/DFO Elsenham.

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|------------|--|---------|
| 4.2 | UTT/15/2089/DFO Flich Green | 47 - 68 |
| | To consider application UTT/15/2089/DFO Flich Green. | |
| 4.3 | UTT/15/2764/FUL Takeley | 69 - 86 |
| | To consider application UTT/15/2764/FUL Takeley. | |
| 4.4 | UTT/15/2336/FUL Saffron Walden | 87 - 94 |
| | To consider application UTT/15/2336/FUL Saffron Walden. | |
| 5 | Any other items which the Chairman considers to be urgent | |
| | . | |

MEETINGS AND THE PUBLIC

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

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 18 NOVEMBER 2015**

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

Officers in attendance: E Allannah (Senior Planning Officer), M Cox
(Democratic Services Officer), K Denmark (Development
Management Team Leader) L Mills (Planning Officer), C Oliva
(Solicitor), M Shoemith (Development Management Team
Leader) A Taylor (Assistant Director Planning and Building
Control) and C Theobald (Planning Officer).

PC32 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Ryles.

Councillor Mills declared a non-pecuniary interest in application
UTT/15/2431/FUL as both the applicant and the agent were known to him.

*Councillor Lodge left the meeting before the consideration of item 4.2.
Councillor Chambers left the meeting before the consideration of item 4.8.*

PC33 MINUTES

The minutes of the meeting held on 21 October 2015 were agreed and
signed by the Chairman as a record.

PC34 PLANNING APPLICATIONS

(a) Approvals

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

UTT/15/2431/FUL Great Easton – retrospective application for re-
alignment of solar panels (permission for solar panels granted under
UTT/14/3212/FUL) – land south of Radleys End, Dunmow Road for Mr
Christopher Askew.

UTT/15/2318/FUL Great Dunmow/Little Dunmow – Installation and
operation of solar farm and associated infrastructure including photovoltaic
panels, mounting frames, inverters, transformers, substations,
communications, building, composting toilet, access tracks, pole mounted
CCTV cameras – Bumpstead Hill, Land west of A120, Chelmsford Road for
Lightsource SPV 91 Ltd.

Colm Ryan spoke in support of the application.

UTT/15/2160/FUL Newport- 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 - Police Station London Road for Archers Development Ltd.

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

Eleanor Burroughs and Peter Arscott spoke against the application. Brian Christian spoke in support of the application.

(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 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) A financial contribution toward the provision of affordable housing subject to a further viability assessment from another independent consultant.
 - (iii) 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
 - (iii) 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 contribution toward affordable housing, if required
- (ii) Lack of arrangement for the ongoing maintenance by a management company of:- sustainable drainage system, - landscaping and open space, flood defence infrastructure

Mike Young spoke against the application. Robert Pomery spoke in support of the application.

UTT/14/3266/OP Newport – outline application for the erection of 15 dwellings with all matters reserved except access and scale – land south of Wyndhams Croft, Whiteditch Lane for Ford-Wells Ltd.

RESOLVED that conditional approval be granted for the above application subject to the conditions set out in the report and a legal obligation as follows

- 1 The conditions set out in the report and the following additional conditions

15. 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).

16. No development shall take place until a comprehensive condition survey of Whiteditch Lane from its junction with Bury Water Lane to the application site 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 construction 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 period.

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

17. Following completion of the construction of the dwellings, a further comprehensive survey of Whiteditch Lane from its junction

with Bury Water Lane to the application site shall be completed in accordance with the details approved in 3 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 of the dwellings to a programme to be agreed with the Local Planning Authority.

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

18. Provision of a public footpath shall be incorporated within the application site to allow for a public right of way and ease of pedestrian movement.

Reason: In the interests of highway safety in accordance with Policy GEN1 and GEN2 of the adopted Local Plan (2005) .

2 A legal obligation as follows

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless 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) A financial contribution of £10k to improve the existing public footpath from the site to Bury Water Lane
 - (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
 - (iii) Lack of improvement to the footpath to Bury Water lane

Councillor Parry, Councillor Hargreaves, Christine Mayle, Peter Arscott spoke against the application. Mr Dagg spoke in support of the application.

(c) Refusals

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

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:

- 1 The proposed development would lead to an overdevelopment of the site contrary to the general character of the area. This is evident through the lack of sufficient on site vehicle parking and the size, scale and design of the scheme which in turn compromises pedestrian and highway safety. The proposed is therefore contrary to Policies GEN1, GEN2, and GEN8 of the Uttlesford Local Plan (adopted 2005) and the Essex Design Guide (adopted 2005).
- 2 Commercial unit 2 by reason of its size, scale, design and siting, and resultant light pollution would be obtrusive to the detriment of the residential and visual amenities of neighbouring and future residential occupiers contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Councillor Dean, Councillor Sell, Peter Jones and Maureen Caton (parish council) spoke against the application. Ray Woodcock and Mr Dagg spoke in support of the application.

UTT/15/2460/OP Newport – outline application with all matters reserved except access for the demolition of existing dwelling and erection of 7 dwellings – Redbank, Bury Water Lane for Mr and Mrs Sivell.

Reason:

- 1 The development by reason of the number of dwellings proposed would result in a cramped housing layout leading to inadequate rear amenity provision for each dwelling and inappropriate resident parking arrangements which is likely to lead to vehicular conflict on the site in view of the nature of the proposed access road. Furthermore, the indicated site layout does not show any provision for a communal bin storage area where such provision would appear to be compromised by the number of dwellings proposed and the width of the site access. The proposal would therefore be contrary to the provisions of the NPPF which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and ULP

Policies GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

Councillors Parry and Hargreaves, Charles Byford and Peter Arscott spoke against the application. Mr Dagg spoke in support of the application.

UTT/15/2446/HHF Felsted – 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 success – Pantiles, Molehill Green Road for Mr Nicholas Seels.

Reason:

- 1 The proposed extensions by reason of their bulk, size and scale would fail to respect the scale and form of the original dwelling. Furthermore the proposals would appear out of scale with neighbouring properties and the proposals would result in an adverse impact on the character of the area contrary to ULP Policies H8 and GEN2 of the Uttlesford Local Plan (adopted 2005) and design advice contained within the Council's Supplementary Planning Document "Home Extensions".

James Annal, Mr and Mrs Watkins spoke against the application. Nicholas Seels spoke in support of the application.

PC35

PLANNING AGREEMENTS

The list of outstanding section 106 agreements was noted.

The meeting ended at 5.50pm.

UTT/15/2632/DFO ELSENHAM

MAJOR APPLICATION

PROPOSAL: Details following outline application UTT/1790/OP (erection of up to 165 dwellings with associated parking, landscaping and open space) – details of appearance, layout scale and landscaping.

LOCATION: Land South of Stansted Road, Elsenham.

APPLICANT: Crest Nicholson

EXPIRY DATE: 1 December 2015

CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Outside development limits, Countryside Protection Zone.

2. DESCRIPTION OF SITE

- 2.1 The application site as outline in red on the submitted location plan is located on the southern side of Stansted Road on the south western edge of the village of Elsenham. The site itself is generally rectangular in shape covering three distinct fields over an area of approximately 12.5 hectares. It has a significant drop in gradient that slopes away from the northern front boundary along Stansted Road towards the southern rear boundary. The differentiation in site levels is more prominent on the western part of the site.
- 2.2 The site extends around 'Old Mil Farm' which is setback on the southern side of Stansted Road. The site is bounded by the M11 to the west, Stansted Brook and the railway line to the south and residential properties to the east. The western and eastern most parts of the site has direct street frontage to Standsted Road which is defined as the sites northern boundary.
- 2.3 The site currently comprises mainly agricultural land and is relatively open with no established built form. The three fields within the site are largely separated by hedgerows and established mature vegetation bounds the sites perimeter. A public footpath is located within the eastern edge of the site.
- 2.4 The surrounding area is residential and arable in character and the majority of nearby development comprises of one and two storey dwellings. The 'Old Mill Farm' complex is occupied by Globe Engineering Ltd and comprises office and industrial space, together with two private residential dwellings.

3. PROPOSAL

- 3.1 This application relates to the reserved matters following the granting of outline planning permission which was for the erection of up to 165 dwellings, open space and allotments – ref: UTT/13/1790/OP.

- 3.2 Access to the development was approved as part of the outline application and is provided at the north eastern part of the site via Stansted Road. The reserved matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of up to 165 dwellings.
- 3.3 The proposed residential mix has been developed to comply with the parameters set by the outline planning permission. The proposal incorporates a range of housing types including one bedroom maisonettes, two and three bedroom bungalows, and two, three, four and five bedroom houses. The proposed residential mix is set out below.

Unit Type	Affordable	Private	Total
1 bedroom maisonettes	16	0	16 (10%)
2 bedroom bungalow	4	0	4 (2%)
2 bedroom house	25	21	46 (28%)
3 bedroom bungalow	0	4	4 (2%)
3 bedroom house	19	36	55 (34%)
4 bedroom house	2	33	35 (21%)
5 bedroom house	0	5	5 (3%)
Total	66 (40%)	99 (60%)	165 (100%)

- 3.5 The dwellings would be predominantly two stories in height although there would also be a limited amount of dwellings extended to two and half stories in height. Building styles within the development would range from terrace style buildings, semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of eight bungalows has been provided as part of the development. Each of these dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.
- 3.6 In addition to the proposed housing, the provision of 1 hectare of land to be used for allotments as well as a significant proportion of open space land that includes a trim trail has been allocated to the south west of the developable area.

4. APPLICANT'S CASE

- 4.1 Extensive pre-application meetings with the Local Planning Authority were held in which general advice was taken into consideration regarding the final design and layout of the application.
- 4.2 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.

Specifically the statements demonstrate technical issues such as drainage and refuse strategies, noise assessments & mitigation, ecology data as well a detailed landscaping scheme and how the design objectives of the scheme were established in terms of layout and scale.

- 4.3 The applicant considers that the proposed residential scheme accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0253/88 – Outline application for residential development on 5.9 hectares for 142 dwellings and construction of new access. (Refused)
- 5.2 UTT/1883/88 - Outline application for residential development on 5.9 hectares for 142 dwellings and construction of new access. (Refused)
- 5.3 UTT/13/1790/OP – Outline application for up to 165 homes, open space and allotments. All matters reserved except access. (Approved with conditions and subject to a S106 Agreement granted December 2013).
- 5.4 UTT/14/3513/DFO - Details following outline application UTT/13/1790/OP (erection of up to 165 homes with associated car parking, landscaping and open space) - details of appearance, layout, scale and landscaping (refused)
- 5.5 The most recent planning application was refused under delegated powers by officers as the submitted noise assessment survey that accompanying the application was both inappropriate and inaccurate in that the information was both unreliable and unrepresentative in its findings. As such the design and layout of the development could be comprised and without an appropriate noise survey the local planning authority were unable to accurately assess the potential harm towards both future occupiers of the new dwellings and the adjacent commercial business within 'Old Mill Farm'.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 – Open Spaces & Trees
- Policy ENV7 – The Protection of the Natural Environment – Designated Sites

- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix
- Policy H11 – Affordable Housing on Exception Sites

6.3 Supplementary Planning Policy:

- SPD Accessible Homes & Play Space
- SPD Renewable Energy
- SPD Parking Standards Design & Good Practice September 2009
- SPD Essex Design Guide

6 PARISH COUNCIL COMMENTS

7.1 Elsenham Parish Council objects to the planning application for the following reasons:

- The Parish Council is concerned that the issues raised by Stansted Airport under the previous refused application (ref: UTT/14/3513/DFO) has not been considered under the revised application in relation to the proposed SuD's scheme and its use of swales and basins and parts of the proposed landscaping.
- The Parish Council has certain concerns as regards the proposed surface water drainage strategy for the development and in particular in terms of public safety risks.
- The Parish Council asks that Crest Nicholson be requested to consider more bungalow dwellings to be included – beyond the minimum requirement of 8 dwellings – in the housing mix for this development.
- Overall, it would appear that the applicant's proposed parking provision for the development falls well-short of the target figures for parking spaces.

7 CONSULTATIONS

ECC Highways:

- 8.1 No objection - The Highway Authority made a number of comments on the original layout that was submitted as application UTT/14/3513/DFO. The applicant responded with some changes and clarified some of the measurements on the plan. These were confirmed on drawing number U11-SK007C which was submitted, on request, as additional information to form part of this planning application.
- 8.2 The Highway Authority would not wish to raise an objection to the above application which will conform to the drawing number U100-SK007C and the measurements thereon.

Highways Agency

- 8.3 No objection - Referring to the notification of a planning application dated 2nd September 2015 referenced above, in connection with the M11, details following outline application UTT/13/1790/OP (erection of up to 165 homes with associated car parking, landscaping and open space) - details of appearance, layout, scale and landscaping, land South of Stansted Road, Elsenham, notice is hereby given that Highways England's formal recommendation is that we offer no objection;

Thames Water Utilities:

8.4 No objection –

Waste Comments

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

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

Affinity Water Ltd:

8.5 No comments received.

ECC Sustainable Drainage:

8.6 No objection- Although the final details of the Sustainable Drainage System for the development would need to be addressed as part of discharging condition 6 attached to the outline permission.

Environmental Agency:

8.7 No objection - The details submitted may affect the surface water drainage management scheme, this is now the responsibility of Essex County Council as Lead Local Flood Authority.

ECC Ecology Advice:

8.8 No objection – I note that condition 5 of the decision notice states:

8.9 Should the development hereby approved not have been commenced within 1 year of the date of this permission, an update survey of the site shall be carried out to update the information previously submitted with the application, together with an amended Biodiversity Mitigation & Enhancement Plan to mitigate/compensate the impact of the development upon identified rare or protected species. The new survey and Biodiversity Mitigation & Enhancement Plan shall be submitted to and approved in writing by the Uttlesford Planning Authority prior to the commencement of the development and thereafter the development shall be implemented in accordance with the approved biodiversity survey and Biodiversity Mitigation & Enhancement Plan.

8.10 Given the time that has elapsed since the granting or permission (1.5 years) an update survey should be provided as per the above condition. We look forward to receiving the Reptile protection Plan, and Biodiversity Mitigation and Enhancement Plan, as per our comments dated 30th July 2013, and conditions 3 and 4 of the Decision Notice.

Network Rail

8.11 No objection - After reviewing the information provided in relation to the above planning application, Network Rail has no objection or further observations to make.

UDC Internal Housing:

- 8.12 No objection - The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units; 20% on schemes 11-14 units and a commuted sum on schemes of 6-10 units.
- 8.13 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 165 (net) units. This amounts to 66 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 8.14 Please accept this response as confirmation that the affordable housing mix, design and layout meet the Council's policies.

UDC Landscaping:

- 8.15 No objection.

UDC Access & Equalities:

- 8.16 No objection I have reviewed all the plans. I would note the following-
- 8.17 As per the SPD on Accessible Homes and Playspace which is part of the Local Plan, there is a requirement for 5% of dwellings on this site to meet the Wheelchair Accessible Standard as set out in Appendix 2 of this document. I cannot see that there have been any plots identified to meet this requirement.
- 8.18 The topography of this site will require that level or gently sloping access to the principal entrance is provided and the developer will need to be reminded of this.
- 8.19 Finally there is a requirement to identify the through floor lift space for those dwellings which are two storey and this has not been identified.
- 8.20 As a result of the above issues raised, the applicant submitted further information in order to provide clarity. Council's equalities officer reviewed this information stating the following:
- 8.21 Thank you for forwarding the response from Crest Nicholson. I have noted their comments. I will accept that the drawings identifying the through floor lift space can be provided at construction and that the nominated plots identified for the Wheelchair Accessible Housing are appropriate.

UDC Environmental Health:

- 8.22 No objection - subject to the resolution of outstanding matters by way of appropriate conditions.
- 8.23 A comprehensive explanation of Uttlesford District Council's environmental health officers comments outlining the key issues regarding the scheme are addressed within the part B of appraisal section of this report.

Airside OPS Limited

8.24 The application was consulted to Airside OPS Limited who made the following comment:

Initial examination reveals that this proposal requires fuller investigation regarding its potential impact on the operation of Stansted Airport. Whilst every effort will be made to reply as soon as possible, we are not in a position to reply fully within 21 days of receipt of your initial letter. I would, therefore, ask that your Council defers making a decision on this application until we are able to advise you of the results of our investigations. I will write again to update you on our position within 2 weeks of this email.

8.25 After no formal response was received from Airside Ops Limited, officers tried to make contact with Airside OPS Limited by returning emails on the 5th and 17th of November in the attempt to gain formal comments given the reply above and the fact that they objected to the previous refused scheme ref: UTT/14/3513/DFO. At the time of writing this report, no addition comments were received from Airside OPS Limited.

8.26 Although no comments have been formally received under this application, it is regarded that the previous comments made by Airside OPS Limited should be taken into consideration under this revised scheme. Under the previous refused scheme, Airside OPS Limited objected to the proposal unless the following can be overcome:

- Further details can be supplied which confirm that the basins will remain dry for the majority of the time, and that water held after extreme rainfall events will drain quickly.
- The berry bearing component of the planting is reduced to less than 10% of the total, and the Oak trees are removed from the planting palette.
- The public amenity lawns should be kept as long as practical, with a recommended height of 8-10cm and have trees and bushes surrounding it, and if possible scattered throughout, in order to reduce the open aspect of the habitat.

8.27 The concerns raised by Airside OPS Limited have been addressed within the main appraisal of this report.

National Air Traffic Services

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

ECC Police Architectural Liaison Officer:

8.29 No comments received although previously they stated they had no objections.

Fisher German Chartered Surveys:

8.30 No objection - Our Client, CLH Pipeline System LTD, do not have apparatus situated within the vicinity of your proposed works, and as such do not have any further comments to make.

National Grid:

8.31 No comments received.

Natural England:

8.32 No comments received.

Essex Wildlife Trust:

8.33 No Comments received.

9 REPRESENTATIONS

9.1 The application was publicised by sending 404 letters to adjoining occupiers, displaying a site notices and advertising it within the local newspaper 13 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- The infrastructure available in the village, including health care and education, is unable
- to support a development of this size.
- Drainage is increasingly a problem in the immediate area, with persistent flooding of the road between Elsenham and Stansted, with run off from fields and poor drainage.
- Roads and transport are poor and unsuitable for the development.
- I am very disappointed in a planning process that continues to consider similar applications for additional houses without addressing requirements mandated by previous submissions and subsequent appeals. Improvements to the roads, utilities, sewerage, water, flooding, community infrastructure must be addressed before any more applications are even considered.
- This site is in the Countryside Protection Zone, so should never have been given outline consent on the first place.
- Development on this greenfield site & loss of agricultural land is unnecessary when there are plenty of brownfield sites that should be used before the countryside is encroached upon.
- I am informed by a member of the Environment Agency that he feels the drainage system could well be inadequate. Stansted brook is a small watercourse and will struggle to deal with run-off.
- The Local Planning Inspector has recently rejected Fairfield's application for housing in Elsenham /Henhan on the grounds poor access. The same goes for this application, as anyone who knows anything about the area can see the road access to Elsenham is terrible, with long queues into Stansted.
- The new residents will be impacted by noise due to the close proximity of the M11. The proposed development is on open fields and will further reduce the open spaces which currently define our village way of life.
- Concern that the occupiers of some of the residential units proposed will be adversely affected by the noise from the operation undertaken within our site (Glove Engineering) which could lead to complaints. Thereby regardless of those complaints, the proposal would be detrimental to the adjoining business.
- Local policy states that affordable housing clusters should be no more than 10. The proposed layout is not in accordance with this policy.

- It is not clear from the proposal who will be responsible for the maintenance of any acoustic features (i.e. fencing and car barns if built).
- Each application should be judge on its own merits and not on the basis of other appeal decisions.
- There are discrepancies, misleading and inaccurate information/calculations within the applicants noise survey.
- Questions to whether the proposed cart barns used for noise mitigation measures would in fact be constructed as one of the barns to be erected would be constructed on a right of way.
- Noise and disturbance during construction if planning permission is allowed.
- The proposals represent an overdevelopment of the site & are not in accordance with policy S7 of the ULP 2005.
- The proposals do not follow the Essex Design guide and therefore are not in accordance with policy GEN2 of the ULP 2005.
- The site is overcrowded and cramped.
- The documents submitted by the applicant are poorly presented and difficult to decipher, but it appears that there are insufficient bungalows. Particularly 3 bedroomed detached bungalows to enable existing older residents to down-size.
- Affordable housing should be pepper-potted throughout the site, not lumped in groups of 10 dwellings, and should not be distinguishable from privately owned properties.
- The drainage scheme appears inadequate. Stansted Brook is NOT a canal! It is a natural watercourse and should be treated as such.
- The hedge on the border of Stansted Road should be maintained as much as possible and the footway set inside it to separate pedestrians and traffic.
- Footpath 30 Elsenham which is on land owned by the developers (although neglected in their submission), should be in a grassed strip 6 metres wide with a new hedge on the development side planted with native species.
- As much of the existing mature hedges running north/south should be retained to help reduce the adverse impact on wildlife.
- Footpath 28 Elsenham, which runs along the southern boundary of the site, should not be compromised by this development.
- The number of dwellings will put yet further pressure on the ancient semi-natural woodland of Alsa Wood.
- This will make a third development adjacent to Stansted Road, causing traffic congestion
- The bottleneck of the one way system at the lights in Stansted is already causing problems.
- The potential noise complaints from residents of the new development would be of a serious concern.
- The allotments are not happily located adjacent to the M11.
- The design of some of the dwellings are less than ideal and could be improved.
- Poor layout and parking options.
- There is a lack of visitor parking
- Emphasis on social housing and small properties out of keeping with village needs, which suggests the intention to change the nature of this village with an influx of people from outside the area.
- Previous objections from consultees should be taken into consideration under this scheme.
- The design and appearance of the housing is uninspiring and out of character with the surrounding locality.

9.2 The above concerns raised within the letters of objection will be address within the appraisal section of this report.

10 APPRAISAL

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

- A. Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- B. Whether the amenities of future occupiers of the development are appropriate specifically relating to noise and disturbance from adjoining sources (NPPF, GEN2, GEN4 & ENV10)
- C. Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)
- D. Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- E. Landscaping and open space (NPPF, Local policy GEN2)
- F. Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)
- G. Drainage (ULP Policies GEN3 and GEN6)
- H. Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

A. **Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)**

- 10.1 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.2 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in it's setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 10.3 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, noise assessment mitigation measures and surface water drainage strategies.
- 10.4 The guidance contained within the Essex Design Guide has been considered in the overall design of the development. The design of the buildings reflects the local vernacular of the surrounding built form.
- 10.5 The mixture of individual housing types, the addition of different ridge heights and the use of different materials would all contribute to a development that would break up any repetitiveness and avoid any strict symmetry that would be visually unpleasant within the street scene. The scale of the dwellings has been proposed with regard to the character of

the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units with linked and detached garages. The dwellings are normally made up of rectangular plan forms with some front and rear projecting features. The buildings contain pitch roofs spanning the narrow plan dimensions of the dwellings with the majority containing gable roof forms. They would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form. The proposal would not result in detrimental harm to the character and appearance of the surrounding locality.

- 10.6 The proposed layout of the site is generally in accordance with the approved Masterplan that was granted permission under the outline application. The site plan shows the new housing adjoining the main existing edges of Elsenham village and allowing significant areas of open space to be created to the west and south thereby creating a wide buffer between the housing and the M11 corridor. The development will be served by a primary loop road that will have a network of shared surfaces and private drives connecting inner and outer properties.
- 10.7 The street layout generally encourages walking and cycling in that internal paths are well connected allowing pedestrians and cyclists a choice of direct routes and to move freely between all parts of the layout and to wider destinations.
- 10.8 Furthermore, the creation of pedestrian/cycles links between parts of the road system particular those at the end of cul-de-sacs that would otherwise form a barrier, results in a permeable layout rather than a dead end.
- 10.9 The design of the layout has also incorporated a variation in character of housing between different sectors within the development. Internal character areas include formal and informal mews, internal and green avenues and green edge areas. This has been achieved through the use of different types of space, density, building forms and materials throughout each area thereby creating particular identities in different parts of the development.
- 10.10 The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited between houses or within garages reducing the visual impact of on-site parked cars and also allows as much private rear gardens as possible to the rear of the dwellings. It is noted that there are some parking towards the front of properties however it is considered that the visual impact within the street scene is minimal. In addition, the siting of the dwellings within the development have been arranged to follow the curve of the highways within the site which allows more harmonious street scene appearance.
- 10.11 Policy GEN2 requires that developments are designed appropriately and that they provide provides an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.
- 10.12 As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design

Guidance stipulates that a distance of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary.

10.13 The majority of the residential units meet the above guidance in terms of the minimum setbacks and angles. However it should be noted that 6 of the 165 dwellings proposed just fall short of the minimum 25 metre back to back distance which amounts to approximately 3.5% of the total scheme. The back-to-back distances of these dwellings range from 21m to 23m. Given that it is only a slight shortfall in terms of distance and that it only affects 6 dwellings within the entire scheme; officers considered that on balance this shortfall is appropriate.

10.14 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including blocks of flats, for both social housing and private sector housing. In addition developments of 20 units and over at least 5% should be built to wheelchair accessible standards. The applicant states that the 8 bungalows provided within the site would be built to wheelchair accessible standards.

10.15 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, streets, lanes play grounds and cycle areas have been designed to be overlooked to provide natural security to the public realm.

10.16 For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For two or more bedroom flat communal gardens must be provided on a basis of a minimum area of 25sqm per flat. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.

10.17 Each residential unit within the scheme has been provided with at least the minimum private or communal garden sizes as stipulated above to meet the recreational needs of future occupiers.

B. Whether the amenities of future occupiers of the development are appropriate specifically relating to noise and disturbance from adjoining sources (NPPF, GEN2, GEN4, ENV10)

10.18 In relation to potential noise and disturbance of future occupiers of the new housing from outside sources, it should be noted that the property known as 'Old Mill Farm' contains both residential properties and a commercial premises (Globe Engineering) that has a lawful B2 use (light industrial).

10.19 Local policy ENV10 aims to ensure that wherever practicable, noise sensitive development such as new housing should not be permitted if the future occupants would experience

significant noise disturbance from major sources of noise such as road, rail, air transport and certain types of industrial development.

10.20 In addition, the third bullet point of paragraph 123 of the NPPF reads as follows:

10.21 Planning policies and decisions should aim to:

Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;

10.22 Given the above policy statement, it is equally important that consideration needs to be given to the Globe Engineering developing as a business.

10.23 As already emphasised within the history section of the report, the most recent planning application (ref: UTT/14/3513/DFO) was refused under delegated powers by officers as the submitted noise assessment survey that accompanying the application was both inappropriate and inaccurate in that the information was both unreliable and unrepresentative in its findings. As such the design and layout of the development could be comprised and without an appropriate noise survey the local planning authority were unable to accurately assess the potential harm towards both future occupiers of the new dwellings and the adjacent commercial business within 'Old Mill Farm'.

10.24 Subsequent to the above, the applicant has revised the siting and layout of some of the housing within the proposal from that of the application that was previously refused and in addition have produced a further noise survey prepared by Ardent Consultant Engineers in support of the scheme in order to overcome the outstanding issues.

10.25 The proposal was consulted to Uttlesford District Council's environmental health officer who made the following comments:

10.26 Background

10.27 The following comments are made in relation to the Acoustic representations made by Ardent Consulting Engineers on behalf of the application for Crest Nicholson Partnerships and Sound Planning Ltd on behalf of Globe Engineering.

10.28 In addition, consideration has been given to previous acoustic submissions from Crest Partnership by the acoustic consultants Phlorum Ltd.

10.29 The site is affected by road, rail and industrial noise. Originally the impact of these noise sources was addressed by Phlorum Ltd as part of application ref UTT/14/3513/DFO. Due to concerns raised over the adequacy of the noise assessment an objection was made on the basis that insufficient reliable information was presented.

10.30 In May, Ardent Consultant Engineers were appointed by Crest Nicholson to overcome some of the outstanding issues and present the case for residential development in close proximity to Globe Engineering.

10.31 Planning Assessment Criteria

10.32 Matters relating to the assessment of industrial noise are generally assessed in accordance with the British Standard BS 4142:2014 "Method for rating and assessing sound of an industrial and/or commercial nature". To briefly outline the principles of the standard, the industrial noise level (specific noise) is corrected in accordance with particular annoyance characteristics to give a single 'rating noise level'. This rating level is then compared with the representative background level. The margin by which the rating level exceeds the background indicates the magnitude of noise impact on a potential receptor.

10.33 The evaluation of impact is considered in light of the following:

A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.

A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.

10.34 The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

10.35 Examples of Significant and adverse impact can be compared with Planning Practice Guidance on Noise. Within this guidance an example of observed effects is given below:

10.36 Adverse observed Impact:

10.37 Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.

10.38 Where adverse observed impact may occur, the reported planning action would be to mitigate and reduce the noise to a minimum.

10.39 Significant observed impact:

10.40 The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.

10.41 Where significant adverse observed impact may occur, the reported planning action above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

10.42 Appraisal of Assessment

10.43 In the context of this development, taking into account 'worst case measurements' the external rating level outside the closest sensitive dwelling is approximately +16.5dB over the agreed background at the Ground floor level and +18.5dB over the agreed background at the first floor level. In garden areas, the noise level is predicted to be +5dB over the background or less.

10.44 Ardent, have presented information putting the case that adverse impact will not occur to the future inhabitants of the closest proposed dwellings due to reasons of context. These reasons of context can be summarised as follows:

1. That the agreed rating level calculated from Globe Engineering is based on the worst case scenario and that typically, levels are significantly lower than specified.
2. That persons choosing to move into close proximity to the engineering works will do so fully aware of the presence of the engineering works and would be less adverse to the noise when compared to new industry locating to an already existing residential area.
3. That measures can incorporate design measures to protect internal and external acoustic conditions.

10.45 It is also important to note that information has also been presented in the form of an appeal decision (Appeal Ref: APP/H1705/A/14/2223680) that conditioned a limit of +5dB over the background, but implies that +10dB over the background may be acceptable providing adequate measures are in place to protect amenity.

10.46 It is worth noting that where potentially noisy activities are introduced to a residential area, UDC's Environmental Health Department typically conditions the rating level to be no more than 0dB over the background noise level, thereby preserving a low noise environment.

10.47 Ardent claim that the +5dB levels within garden areas are achievable through the use of a boundary treatments such as acoustic barriers, car barns and building orientation.

10.48 Concerns have been expressed by Globe Engineering's' consultant Sound Planning that Ardent may have made a mistake in their calculations. These concerns have been put to Ardent and they stand by their calculation model. Environmental Health does not have the expertise and acoustic modelling capability to interrogate and verify these calculations and therefore it is necessary to take the resultant levels on face value.

10.49 Sound planning have also raised the point that background levels will fall due to the protection afforded by the rest of the development and that this has not been taken into account in the BS4142 assessment. This matter was previously raised with Crest Nicolson's' previous consultant Phlorum Ltd. It was considered that the afforded protection from the proposed M11 boundary treatments would be insignificant. Once again, this department does not have acoustic modelling capability to verify this and unless information is noted that implies the contrary, we are not in a position to query this any further.

10.50 As mentioned, at the façade of the closest property (No.77) the rating level is predicted to be +16.5 dB over the background at the ground floor level and +18.5 dB at the first floor.

Many other dwellings in proximity to Globe Engineering are + 10dB above the background, indicating significant adverse impact depending on context.

10.51 Ardent claim that these levels are acceptable as the proposed mitigation measures will provide adequate protection of the inhabitants from unreasonable levels of noise and amenity areas have been protected. However, despite request made for comparable sites where external levels of this magnitude have been accepted, information in support of this has not been provided.

10.52 The proposed mitigation measures include:

1. Enhanced acoustic glazing
2. Mechanical ventilation.
3. Internal layout (non-sensitive rooms such as kitchen and bathrooms, where possible are oriented towards the noise source and sensitive rooms are orientated towards quieter facades)

10.53 The above measures to mitigating the effects of adverse noise are often applied where there is a need to develop in areas affected by high levels of transport noise, however; in general, more caution is applied to matters concerning industrial noise as these can ultimately lead to nuisance related complaints.

10.54 During busy operational periods, it is clear that the inhabitants will need to ensure that windows to the front of their properties will need to remain closed to preserve a low internal noise levels. It is broadly acknowledged that this is unreasonable impacting on health and quality of life. Therefore, to overcome this issue, alternative (mechanical) ventilation has been proposed.

10.55 The precise detailing and delivery of the necessary mitigation measures are required to be submitted to comply with Condition 11 of the outline planning permission, the approval of this reserved matters application does not alter this requirement. In order specifically address noise impact issues upon the adjacent proposed properties two parking barns are proposed on the boundary of the site. A condition is required to ensure that these barns are provided prior to the occupation of any dwelling. In addition the ongoing maintenance of these barns (likely through a management company) will be need to be secured through a variation to the extant Section 106 Obligation. The applicant is agreeable to this.

10.56 I note, from Globe Engineering's' representation that they provide information on a right of way over the land in where the car parking barns will be positioned. I assume that any planning consent will be conditional on these barns being erected and maintained to afford long term protection for affected residential properties.

10.57 Although no formal complaints alleging noise nuisance have been made to the Council, noise impact concerns were raised during Globe Engineering planning application to extend. These concerns ultimately resulted in conditions to restrict restricting hours and the use of power tools externally.

10.58 Having sought confirmation from planning colleagues, conditions also exist limiting operational hours for the rest of the site. For this reason, it would be unreasonable to

request a further assessment to quantify the noise impact from Globe Engineering during the evenings, at night and on Sundays as part of this application.

10.59 Ultimately, given the worst case high rating level outside the dwellings, there is a greater potential for these to result complaints to the Council upon occupation. It is acknowledged that the proposed layout and measures to reduce impact make this less likely. However, I fully understand Globe Engineering's concerns that residential accommodation in close proximity may result in further more onerous restrictions on business in years to come.

10.60 On balance, the decision on whether or not to object is difficult as the British Standard and Planning Practice Guidance on Noise are open to interpretation. Prior to the 2014, this department would have raised an objection to this development in the comfort and knowledge that the British Standard was more specific and clear in its assessment conclusions. However, due to the ambiguous nature of the standard, I cannot be confident that the case for refusal could be supported at an appeal and I remain ambivalent. That said, providing that Globe Engineering operates during the daytime only and that matters relating to social housing and the development of the car barns can be secured for the long term, the actual impact from Globe Engineering's activity will be limited. However, there is no certainty that can be given, and ultimately further distancing of dwellings to ensure that the rating levels do not exceed +5dB at the façade would be preferable.

10.61 Impact from road traffic noise

10.62 Matters concerning noise impact from road have previously been expressed previously in my comments during the previous planning application:

10.63 Concerns have previously been expressed over the requirements to meet internal and external criteria based on the assessment provided by Phlorum Ltd. Whilst internal levels can be achieved through the use of appropriately worded conditions, the external amenity criterion has been somewhat overlooked. However, I understand that Crest intend to commission Ardent to undertake a further assessment to demonstrate compliance with internal and external guideline criteria and is expected that this can be addressed through condition. I do not consider it reason to justify a refusal at this stage.

C. Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)

10.64 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Councils approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

10.65 The S106 agreement attached to the outline planning permission specifies the number and type of affordable housing to be provided. It also states that the affordable housing shall be positioned in separate groups which will not be contiguous and will not comprise more than 10 affordable housing units, however, there may be one group of up to 16 units. In addition, it also stipulates that 40% of the development should be Affordable in which the Tenure mix should be 70% Affordable Rented and 30% Shared Ownership Units. The

proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.

10.66 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings

10.67 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2. 78 of the 165 dwellings proposed comprise of 3 bedrooms or more which equates to 47.2%. Although the percentage of market dwellings consisting of three bedrooms or more is a little low, and it would be a better mix to provide a few additional 3 or more bedroom dwelling units, on balance it is considered that the mix of one, two, three, four and five bedroom market dwellings across the development is appropriate.

10.68 The provision of 8 bungalows has been incorporated into the scheme 6 private and 2 affordable. This amounts to 5% of the total dwelling units being two or three bedroom elderly person bungalow across the tenure. This is considered to be an appropriate number and mix. The elderly person bungalows are located on plots 4, 16, 32, 33, 36, 37, 105 and 147.

D. Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards - Design and Good Practice; Development Management Policies)

10.69 The master plan confirms the details as agreed under the approved outline application showing of the main single access point onto Stansted Road located towards the eastern edge of the development which involves a new priority junction. It also highlights that an emergency access would be provided onto Stansted Road to the west of Old Mill Farm.

10.70 In addition to the above access points agreed at outline stage, a new single vehicle access point onto Stansted Road has been included as part to the layout to provide a separate vehicle access point solely for the use of the occupants of plots 116 and 117.

10.71 The scheme was consulted to Essex County Council who do not wish to raise an objection to the above application as shown in principle on Drawing Numbers 22100A/20G and U100-SK007 rev C (which shows visibility splays and dimensions of roads, turning heads and parking bays) subject to planning conditions if the application was to be approved.

10.72 Specifically in relation the new vehicle crossover in front of plots 116 and 117 as it was concluded that the addition of the new access is acceptable in highway terms due to:

- The access conforms to standards in terms of visibility and dimensions;
- The access is for only two properties so that the impact on the highway will be minimal;
- There are already properties accessing directly on to the road providing a precedent;
- The access is off set from the access to the development on the other side of Stansted Road minimising conflict. A drawing showing this was sent to highway authority in the pre-application stage.

10.73 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

10.74 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.

10.75 The proposal makes provisions for at least 1 car parking space for each one-bedroom unit and at least 2 car parking spaces for dwelling consisting of two bedrooms or more. A total of 405 off street parking spaces are provided which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including car ports, garages and on and off street parking. There is also the allowance for 34 additional visitor parking spaces which is regarded as being sufficient given the extra off street parking spaces provided for the dwelling units themselves. In addition secure cycling would be provided for each residential unit within the site.

10.76 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. All refuse storage points would be located within 25m carry distance.

10.77 It is concluded that the proposed development would cause no harm to matters of highway safety.

E. Landscaping, open space and allotments (NPPF, Local policy GEN2)

10.78 All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.

10.79 Where based on retention of hedgerows, these should be within the public realm and not just in back gardens. The existing mature hedgerows within the site have been retained and are used to enhance public open space areas throughout the development in order to achieve a better sense of wellbeing and place making for future occupiers within the development.

10.80 The design of the surface water run-off system should be considered in conjunction with the landscape structure. Balancing ponds for storm-water should contain a permanent body of water, and can be a valuable ecological and landscape feature.

10.81 Although the water balancing ponds shown located to the south of the developed area as part of the drainage strategy for the site would not be permanently full as required by Aerodrome Safeguarding, it will still provide an additional ecological, visual amenity and recreation area.

10.82 The general landscape layout particularly that of the plot landscaping has been designed to enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with

street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

10.83 Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

10.84 The site plan shows open spaces around the periphery of the development with additional formal play areas, all of which will be within convenient locations to the housing.

10.85 A Local Area of Play (LAP) extending to 100sqm is located towards the north east of the site and would include natural play features, including mounding, logs, boulders and sensory planting. A larger Local Equipped Area of Play (LEAP) is situated adjacent the sites southern boundary and will function as a formal play area in the form of a Trim Trail. It would comprise of informal exercise/play equipment around a jogging track.

10.86 The size and location of the proposed LAP's and LEAP are generally in accordance with the master plan granted consent under the outline application. It is considered that the space provided would be of a useful size and in a safe location that are overlooked to allow for informal play activities and is assessable for everyone concerned. The provision of the play areas would be in accordance with the S106 agreement that formed part of the outline consent.

10.87 In terms of the open space, it has been designed to appear like a natural landscape with parkland elements running through it. Appropriate native grasses, wild flowers and trees has been incorporated into the landscape that are easily to maintained allowing for attractive place of leisure for the public to enjoy.

10.88 In accordance with the S106 agreement, the provision of one hectare of land to be used as allotments is to be located to the western part of the site. The layout of the allotments is based upon individual 250sqm with the potential for 125sqm plots and they have clearly defined pathways to allow suitable access around each one. Watering points have been spaced at 25m apart at the key junction points of the allotment paths. A hedgerow and security fencing in the form of a dark green weld-mesh fence 1800mm high would bound the allotments providing adequate security. In addition a suitable entrance point to allow access for delivery vehicles and for disable access and a parking area with up to five parking spaces include one disable parking space has been provided.

10.89 Airside OPS Limited raised the concern regarding the amount of high concentrations of berry bearing tree and shrubs throughout the site, which can result in attracting significant numbers of feeding birds, which can pose a risk to aircraft. In order to address the bird strike issues raised by Airside OPS Ltd Council's landscape officer suggest that an easy solution would be to substitute the proposed allotment boundary hedge with a field maple and hazel hedge mix [Field maple 70%; Common hazel 30%]; and the substitute the existing holly and the wild cherry species with hazel in the woodland mixture. These changes would reduce the number of berry bearing subjects by over 3,500. Also, the substitute of oak with common hornbeam would overcome concerns regarding roosting and nesting associated with oak trees.

10.90 Furthermore, the areas of short cut amenity grassland can be reduced with increasing the areas of wild flower grassland. In addition the proposed balancing ponds/swales that form part of the sites surface water drainage system does not provide for the attenuation structures to have permanent standing water.

10.91 It is considered that the suggested changes implied by Council's landscape officer to substitute certain species of vegetation with other species would overcome the concern raised by Airside OPS Limited. It is therefore deemed necessary that if planning permission were to be approved, a condition should be imposed that further details outlining types of species, numbers and their position within the site be submitted and approved by the Local Planning Authority before works commence on site.

F. Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)

10.92 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.

10.93 The application site itself is not the subject of any statutory nature conservation designation being largely fields with some mature trees and hedgerows scattered throughout.

10.94 As part of the outline planning application, the applicants submitted an ecological assessment of the site and submitted it with the application. This information was considered by the ECC Ecologist who had no objections to the proposals and confirmed that the ecological information submitted with the application was generally acceptable. However condition 3 of the granted outline permission stated:

10.95 Should the development hereby approved not have been commenced within 1 year of the date of this permission, an update survey of the site shall be carried out to update the information previously submitted with the application, together with an amended Biodiversity Mitigation & Enhancement Plan to mitigate/compensate the impact of the development upon identified rare or protected species. The new survey and Biodiversity Mitigation & Enhancement Plan shall be submitted to and approved in writing by the Uttlesford Planning Authority prior to the commencement of the development and thereafter the development shall be implemented in accordance with the approved biodiversity survey and Biodiversity Mitigation & Enhancement Plan.

10.96 As the decision notice is dated 23rd December 2013, and that works have not commenced on site within 12 months, an updated ecology survey and mitigation and enhancement plan should be undertaken and the report submitted for further consideration by way of a planning condition if permission is approved.

10.97 It is concluded that the with appropriate mitigation measure by way of planning conditions if permission was approved, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area. The proposal is in accordance with local policy GEN7 and the NPPF.

G. Drainage (ULP Policies GEN3 and GEN6)

- 10.98 The applicants have stated that the risk of flooding on the site is low and that it is intended that sustainable drainage measures would be implemented so that the development would not worsen flood risk to the application site or surrounding areas.
- 10.99 The applicants confirm that there would be a significant increase in demand for potable water and foul drainage treatment infrastructure as a result of the development.
- 10.100 The applicant concludes that in terms of cumulative effects there would be negligible cumulative effects for flood risk, surface water drainage and surface water quality for the completed development.
- 10.101 The application was consulted to Thames Water and Affinity Water who both had no comments to make regarding the proposal.
- 10.102 Since the outline permission was granted and the previous reserved matters application was refused earlier in the year, Essex County Council is now the lead local flooding authority where it once used to be the Environmental Agency.
- 10.103 ECC Sustainable Drainage team initially had concerns regarding the proposal specifically in relation to whether the scheme could provide the need for long term storage because whilst the scheme was limiting runoff rates to less than the Greenfield rates, it did not mitigate against the additional volume of water running off the post development site compared to Greenfield, albeit it would be limited to the Greenfield rate.
- 10.104 However this concern from the ECC Sustainable Drainage team was later withdrawn following further correspondence with the applicant who ensured that the proposal as a whole would be facilitated with appropriate forms of SuDS across the site to suitably attenuate and treat the proposed development runoff.
- 10.105 ECC Sustainable Drainage team went onto emphasise that whilst not all information was submitted with the reserve matters application specifically relating to long term storage capacity, the applicant has indicated types of flow controls within the development that would help slow the flow of water from the site and provide long-term storage.
- 10.106 It was agreed to some extent that the principle of an appropriate sustainable drainage system could be achieved throughout the site. However the final details such as long term storage calculations and checks amongst other elements would need to be assessed as part of discharging condition 6 attached to the outline permission.
- 10.107 Turning to the concern raised by Airside OPS Limited in relation to whether the basins will remain dry for the majority of the time and whether the water held after extreme rainfall events can drain quickly, the applicant has responded by making the following comments:
- 10.108 As set out within the drainage note (U100-01) and shown on the drainage strategy plan (U100-3200 Rev F), the SuDS features at the lower end of the site are storage basins. These are set at a level above the adjacent watercourse and although some overland flow will be intercepted by the basins, they will fall towards the pond and will remain dry for the vast majority of the time. In a severe rainfall event, the control on the watercourse will divert excess flow into the basins where they will be stored until the rate of rainfall

subsides. The swales within the development are for conveyance only and will receive flows only during storm events.

10.109 Officers are happy with the above clarity of the situation in that it has been confirmed that the basins would predominately remain dry apart from severe rainfall events in which excess flow would be diverted into the basins. It is considered that the concern raised by Airside OPS Limited has therefore been addressed and overcome.

10.110 Due to the changing national approach to the handling of Sustainable Urban Drainage (SUDs) solutions on sites between the approval of the outline planning permission and the determination of this current reserved matter planning application the matter regarding the ongoing maintenance of the system. This will need to be covered by a variation of the extant Section 106 Obligation.

H. Whether the proposal would cause harm to the amenities of adjoining property occupiers.

10.111 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.

10.112 Although some of the new dwellings within the development would have the pleasure of views overlooking public spaces to the south and west of the site, other new dwellings would back onto existing adjoining properties.

10.113 A number of new dwellings would partially back onto properties fronting Stansted Road and abut a residential housing estate to the east beyond the public footpath. In addition, the proposed development would surround the site known as 'Old Mill Farm' on three sides which contains further residential properties and a commercial premise.

10.114 The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking or overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.

10.115 In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, it is considered that these could be addressed by appropriate conditions and also by a Construction Management Plan.

10.116 It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2 and GEN4.

11 CONCLUSION

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

A. The proposed layout of the site is generally in accordance with the approved Masterplan that was granted permission under the outline application. The layout, size and scale of the proposal is considered to be appropriate to reflect the character and appearance of the

characteristics if the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create provide a sense of well-being for future occupiers.

- B. On balance, it is concluded that with appropriate mitigation measures, the amenities and living conditions of future occupiers of the new dwellings would be appropriate. In addition it is considered that the proposal would not prevent the adjoining commercial business from wanting to develop in the future if desired or continue its ongoing operations.
- C. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance and on balance it is considered that the mix of one, two, three, four and five bedroom dwellings across the development is appropriate.
- D. It is concluded that the proposed development would cause no harm to matters of highway safety. In addition, appropriate parking provisions have been incorporated into the scheme that will meet the needs of future occupiers and visitors.
- E. The proposed landscaping of open spaces including street frontages is considered to be appropriate.
- F. It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- G. No objections from either the local flooding or water authorities however although it was acceptable that the principle of an adequate SuDS throughout the site could be implemented, further details would be required before the local flooding authority can be completely satisfied. This issue would be resolved by discharging condition 6 of the outline permission.
- H. The proposal would not lead to excessive harm upon the amenities of adjoining property occupiers surrounding the site.

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 the 21 December 2015 the freehold owner enters into a binding agreement to vary the existing Section 106 Obligation attached to outline planning permission UTT/13/1790/OP binding obligation to cover the additional 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) **Maintenance details and arrangements (including details of an management company) regarding the Parking Barns to be provided as noise mitigation measures**
 - (ii) **Maintenance details and arrangements (including details of an management company) for the provision of the agreed Sustainable Urban Drainage Scheme.**

(iii) Pay Councils reasonable costs

(II) In the event of such a variation to the extant 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 a variation of the extant 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 ongoing securing of the ongoing noise mitigation measures

(ii) Lack of adequate ongoing maintenance of the SUDs system.

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. Notwithstanding the details shown on the submitted plans, the external finishing materials of the works hereby approved shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The works approved shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

JUSTIFICATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

3. Prior to the occupation of dwellings numbered 116 and 117 the provision of a priority junction formed at right angles to Stansted Road, Elsenham as shown in principle on the submitted drawing number 22100A/20C is required. This should include visibility splays of 2.4m by 90m, be a width of a minimum of 5m and setback a minimum of 6m from the edge of carriageway. A turning head of 8m x 8m is required for these dwellings.

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

4. Prior to the erection of the development hereby approved, further details need to be submitted and approved by the Local Planning Authority that indicates the allotment boundary hedge would consist of a field maple and hazel hedge mix [Field maple 70%; Common hazel 30%]; and the substitute the existing holly and the wild cherry species with hazel in the woodland mixture. In addition, the oak species of trees throughout the site should be replaced by common hornbeam species. The works should thereafter be completed in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

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

JUSTIFICATION: The details are required before works commence to ensure that particular species of vegetation is not used within the landscape scheme in order to overcome concerns regarding roosting and nesting of birds associated with oak and berry trees, thereby reducing the chances of bird strikes.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding, or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings, the completion of the development, or in agreed phases whichever is the sooner, and any plants 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: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. 5% of the dwellings 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.

7. No dwelling shall be occupied until the parking barns indicated as noise mitigation on the boundary between Plots 60 & 61 and Plots 62 & 63 with the premises Globe Engineering have been fully provided in accordance with a scheme to be submitted and agreed with the Local Planning Authority.

REASON: In the interests of amenity of the future residents and in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Appendix A

Copy of Decision Notice for Outline Permission

Marie Nagy
Teal Planning
Brentano Suite
Prospect House
2 Athenaeum Road
Whetstone
London
N20 9AE

Dated: 23 December 2013

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Application Number: UTT/13/1790/OP
Applicant: Gleeson Developments Ltd

Uttlesford District Council **Grants Permission** for:

Outline application for a development of up to 165 homes, open space and allotments. All matters reserved except for access at Land South Of Stansted Road Elsenham Bishops Stortford Hertfordshire

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
AIR QUALITY ASSESSMENT	Other	11/09/2013
ITB3191-GA-005 D	Other	11/09/2013
P930.APP.01 REV G	Other	11/09/2013
P930.DDP.01	Other	11/09/2013
NOISE REPORT	Other	11/09/2013
LOCATION PLAN	Location Plan	05/07/2013
ARBORICULTURAL DEVELOPMENT REPOR	Other	05/07/2013
ARCHAEOLOGICAL ASSESSMENT	Other	05/07/2013
FLOOD RISK ASSESSMENT	Other	05/07/2013
LANDSCAPE AND VISUAL APPRAISAL	Landscape Details	05/07/2013
SUSTAINABLE DESIGN	Other	05/07/2013
TRANSPORT ASSESSMENT	Other	05/07/2013
UTILITIES	Other	05/07/2013
CORRESPONDENCE PACK ECOLOGY AND BIODIVERSITY ASSESSM	Other	05/07/2013

Permission is granted with the following conditions:

- 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 (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

- 3 No development shall take place until a Biodiversity Mitigation & Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted and in accordance with the general principles outlined in the Ecology and Biodiversity Assessment (dated May 2013) and, without prejudice to the foregoing, shall include:

- (A) Aims and objectives of mitigation;
- (B) Extent and location of proposed works;
- (C) A description and evaluation of the features to be managed;
- (D) Sources of habitat materials;
- (E) Timing of the works;
- (F) Selection of specific techniques and practices for preparing the site and creating/establishing vegetation including specific planting schemes detailing the native species that will be used;
- (G) Details of the location, height, design and luminance of all fixed lighting for both construction and occupation phases of the development to minimise impacts on foraging bats;
- (H) Detailed descriptions of biodiversity enhancement measures that will be taken within the development and outside of the development footprint;
- (I) Prescriptions for management actions, both short and long-term;
- (J) Provisions for the long-term management of the area demonstrating the feasibility of delivery of biodiversity enhancement and long-term management, including details of funding for the management.

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

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies.

- 4 No development shall take place until a Reptile Protection Plan for the site has been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall include how mitigation measures for legally protected reptiles will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include a Method Statement. The development shall thereafter be carried out in accordance with the approved Reptile Protection Plan in all respects.

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

- 5 Should the development hereby approved not have been commenced within 1 year of the date of this permission, an update survey of the site shall be carried out to update the information previously submitted with the application, together with an amended Biodiversity Mitigation & Enhancement Plan to mitigate/compensate the impact of the development upon identified rare or protected species. The new survey and Biodiversity Mitigation & Enhancement Plan shall be submitted to and approved in writing by the Uttlesford Planning Authority prior to the commencement of the development and thereafter the development shall be implemented in accordance with the approved biodiversity survey and Biodiversity Mitigation & Enhancement Plan.

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

- 6 Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) Stansted Road, Elsenham, Flood Risk Assessment, June 2013, Ref. -12-019 FRA 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 before the development is completed.

The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 7 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.

- 8 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.

- 9 (A) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

(B) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

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

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

- 10 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

(A) the parking of vehicles of site operatives and visitors

(B) loading and unloading of plant and materials

(c) storage of plant and materials used in constructing the development

(D) the control of noise from construction including the hours of working

(E) wheel washing facilities

(F) measures to control the emission of dust and dirt during construction

(G) the routing and timing of construction traffic

REASON: In the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 11 No development shall be commenced until a scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been implemented in full for the dwelling in question.

REASON: In the interests of the amenity of the future residents and in accordance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005).

- 12 No building shall be occupied until works for the drainage/ sewage disposal works have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 Uttlesford Local Plan (adopted 2005).

- 13 No development shall take place until proposed levels including cross sections of the site and adjoining land, including details of existing levels around the buildings hereby permitted and any changes in level proposed together with proposed floor levels within the buildings, 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 accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 14 Before development commences details of a Waste Management Plan shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved details.

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

- 15 Prior to the occupation of any dwelling, a priority junction formed at right angles to Stansted Road, Elsenham as shown in principle on the submitted drawing number ITB3191-GA-005 rev D shall be provided and shall include visibility splays of 2.4m by 90m, 9m radii and 5.5 metre carriageway with two 2 metre footways. The details of the access shall be submitted to and approved in writing with the Local Planning Authority, prior to the commencement of the development.

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

- 16 Prior to the commencement of the development details shall be submitted to and approved by the Local Planning Authority of a scheme for the provision of a shared use, unsegregated footway cycleway on the South of Stansted Road, Elsenham as shown in principle on drawing number ITB3191-GA-007 is required. The footway/cycleway shall run in front of the development and link into the access road in front of Gilbey cottages. The cycleway/footway shall be designed in accordance to ECC Designing for Cyclists - A guide to good practice (2006) and will be 3m wide, where unconstrained and maximum width possible where there are constraints, and shall include associated signing and drop kerbs. The approved scheme shall be implemented and the footway/cycleway made available for use prior to the occupation of any dwelling.

REASON: To provide a safe and convenient route for pedestrians and cyclists from the development to local amenities in the village centre in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17 Prior to the commencement of the development details shall be submitted to and approved by the Local Planning Authority of a scheme for the provision of two new bus stops on Stansted Road, one on the north side of the road and the other on the south is required, indicative location indicated on drawing file named 'proposed bus stop location 2013-09-2013'. The specification of the bus stops is to include, but not restricted to, the provision of bus shelter, seating, raised kerbs, bus stop markings, pole, flag and timetable casing and to be Real Time Passenger Information ready. The approved scheme shall be implemented prior to the occupation of the 75th dwelling.

REASON: To provide convenient access to bus services by ensuring that all dwellings are within 400m of a bus stop in accordance with DM7

- 18 No dwelling shall be occupied until a scheme of traffic management has been implemented to include a gateway feature at the commencement of the 30 mph speed limit along Stansted Road to encourage lower speeds of traffic passing the site and an extension of the street lighting on Stansted Road westwards to incorporate the proposed priority junction. Details to be submitted to and approved in writing by the Local Planning Authority and implemented.

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

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Land south of Stansted Road
NPPF - National Planning Policy Framework
S3 - Other Settlement Boundaries
S7 - The Countryside
S8 - The Countryside Protection Zone
GEN1 - Access
GEN4 - Good Neighbours
GEN5 - Light Pollution
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
ENV5 - Protection of agricultural land
ENV8 - Other landscape elements of importance for nature
ENV10 - Noise sensitive development and disturbance from aircraft
ENV12 - Groundwater protection
ENV15 - Renewable Energy
H1 - Housing development
H3 - Infilling with new houses
H9 - Affordable Housing
H10 - Housing Mix
ECP - ECC Parking Standards (Design & Good Practice)September 2009
Uttlesford Local Parking Standards
SPD4 - Energy Efficiency and Renewable Energy



Assistant Director Planning and Building Control

Notes:

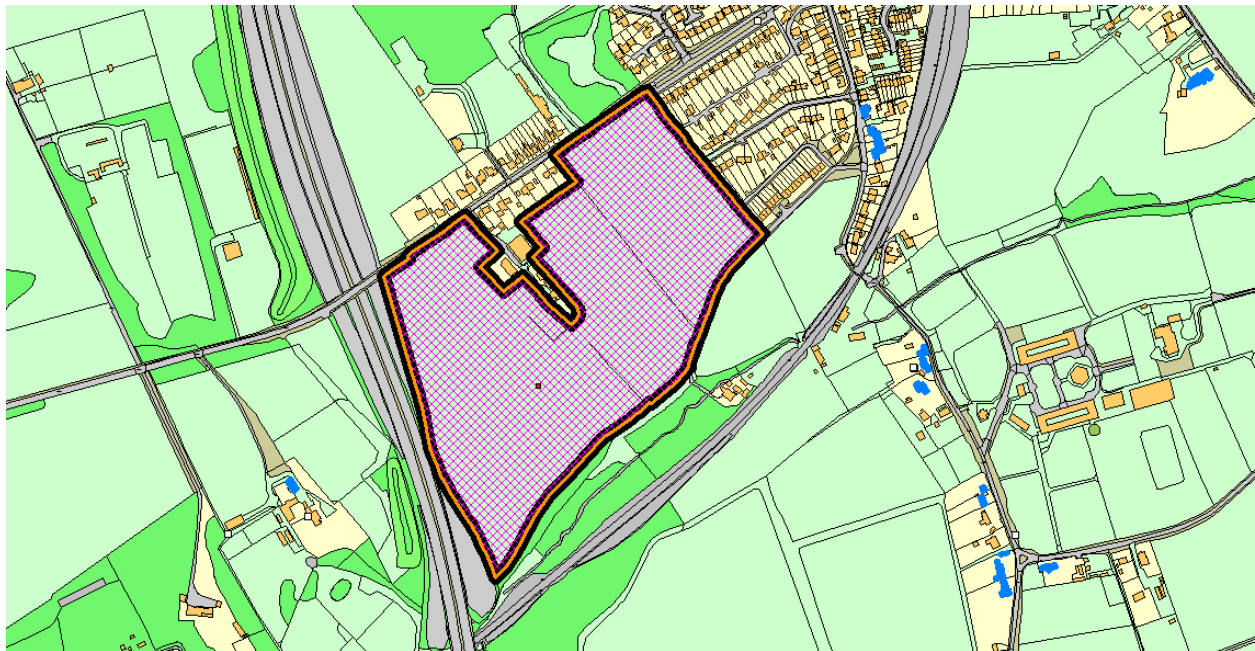
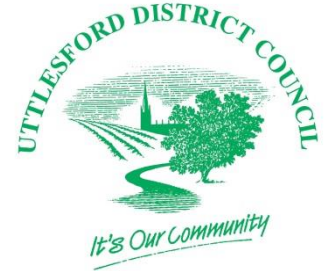
- 1 * This permission does not incorporate Listed Building Consent unless specifically stated.
* The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.* The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.* The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).* It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.* Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.* Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people. * If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority. * Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river. * If you are aggrieved by the decision of the Council to grant permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990, section 20 and 21 of The Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisement) Regulations 1992.* If you want to appeal against the Council's decision then you must do so within 12 weeks if it is a Householder application, 6 months for Conservation Area Consent applications, Listed Building applications and all other planning applications or within 8 weeks in relation to Advertisement applications.* If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder application) of the date of this notice, whichever period expires earlier.* The Inspectorate will publish details of your appeal on the internet. Please only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.* Appeals must be made using a form available from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk.* If either the

local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 2 The local planning authority has worked with the applicant in a positive and proactive manner by negotiating issues around the access to the site and the relationship with existing employment in the area.
- 3 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Essex County Council on 0845 603 7631
- 4 This Decision Notice must be read in conjunction with an Obligation made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.

Application number: UTT/15/2632/DFO

Address: Land South of Stansted Road Elsenham



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Organisation: Uttlesford District Council

Department: Planning

Date: 2 December 2015

SLA Number: 100018688

UTT/15/2089/DFO FLITCH GREEN

MAJOR APPLICATION

PROPOSAL:	Details following outline application UTT/14/0005/OP – Details of appearance landscaping, layout and scale.
LOCATION:	Land off Tanton Road, Flitch Green.
APPLICANT:	Bloor Homes Eastern
EXPIRY DATE:	20 October 2015
EXTENSION OF TIME:	18 December 2015
CASE OFFICER:	Lindsay Trevillian

1. NOTATION

- 1.1 Within Development Limits, Oakwood Park Local Policy 1.

2. DESCRIPTION OF SITE

- 2.1 The application site as outline in red on the submitted location plan extends both sides of Tanton Road within the settlement of Flitch Green. The site itself is generally irregular in shape, relatively level and is approximately 3 hectares in size.
- 2.2 The site is currently undeveloped consisting of open grassland that is relatively open with no established built form. The existing highways of Tanton and Webb Road intersect the site separating it into three distinctive areas. Apart from the tree bund that would abut the north eastern boundary of the application site, the site is void of any significant vegetation
- 2.3 Residential housing comprising of a variety of sizes and styles abuts the majority of the western boundary of the site. The vacant parcel of land towards the North West that is currently vacant has planning permission for the erection of 25 dwelling units (ref: UTT/14/3357/FUL). The construction of this development has yet to commence. Further residential developments including the provision of a corner convince store that is currently under construction also abuts the western boundary of the site opposite the vacant plot of land that has permission for the construction of 25 dwellings. Playing fields with ancillary facilities that are currently under construction adjoins the eastern boundary of the site. Flitch Green Primary school and the Village Hall are located to the south east with residential housing further beyond.

3. PROPOSAL

- 3.1 It should firstly be noted that a hybrid outline planning application (ref: UTT/14/0005/OP) was granted permission in September 2014 for the following:

Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works and;

A detailed application with all matters considered for the construction of two football pitches, cricket square, pavilion, neighbourhood equipped play area, multi-use games area, youth shelter, car park, extending and re modelling of nature reserve, landscaping, erection of temporary bridge, erection of permanent footbridge over Stebbing Brook, earthworks and other associated works.

3.2 This application relates to the first part of the above approved hybrid application in that it seeks reserved matters approval for the construction of 98 dwellings.

3.2 Access to the development was approved as part of the outline application which is to utilise the highways known as Tanton Road which flows though the site in an east west direction, and Webb Road which will intersect the site close to its eastern point in a north south direction. The reserved matters for consideration relates to Appearance, Layout, Scale and Landscaping for the construction of the 98 dwellings.

3.3 The proposed residential mix has been developed to comply with the parameters set by the outline planning permission. The proposal incorporates a range of housing types including one and two bedroom flats, two bedroom bungalows, and two, three, four and five bedroom houses. The proposed residential mix is set out below.

Unit Type	Affordable	Private	Total
1 bedroom flat	10	0	10 (10.2%)
2 bedroom flat	6	0	6 (6.1%)
2 bedroom bungalow	2	3	5 (5.1%)
2 bedroom house	12	0	12 (12.2%)
3 bedroom house	8	28	36 (36.8%)
4 bedroom house	1	17	18 (18.3%)
5 bedroom house	0	11	11 (11.2%)
Total	39 (39.8%)	59 (60.2%)	98 (100%)

3.5 The dwellings would be predominantly two stories in height although there would elements of two and a half and 3 storey buildings. Building styles within the development would range from terrace style buildings, semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of five bungalows has been provided as part of the development. Each of these dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

4. APPLICANT'S CASE

- 4.1 Extensive pre-application meetings with the Local Planning Authority were held in which general advice was taken into consideration regarding the final design and layout of the application.
- 4.2 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. Specifically the statements demonstrate technical issues such as life time homes compliance, landscape, ecology and access and how the design objectives of the scheme were established in terms of layout and scale.
- 4.3 The applicant considers that the proposed residential scheme accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0302/96/OP Reclamation of despoiled land and demolition of redundant structures and redevelopment for residential purposes with associated local shopping, employment and recreational facilities, with associated works. Granted on appeal in 1998. The provision of the community facilities and the playing fields are regulated by a Section 106 tied to this permission.
- 5.2 UTT/0767/01/OP reclamation of despoiled land and redevelopment for up to 655 dwellings being a net addition of up to 170 dwellings to those previously approved together with community facilities, school, and open space. Appeal dismissed by the Secretary of State solely on the lack of sufficient affordable housing.
- 5.3 UTT/0023/03/OP reclamation of despoiled land and redevelopment for up to 216 dwellings (being a net addition of up to 160 dwellings following appeal decision) public house, associated highway, engineering works and landscaping. Increased the level of affordable housing in line with the Council's policy and therefore approved in 2004.
- 5.4 UTT/1816/05/OP - development of site for residential development and sports pitches. The Secretary of State dismissed the appeal in May 2007 and a High Court Challenged brought by the appellants was dismissed in October 2008.
- 5.5 UTT/1110/07/FUL - Erection of 42 flats, 4 houses, 2 retail units, doctor's surgery, public house, and related parking on land identified in the Masterplan as the Village Centre. This received a resolution to grant permission subject to a S106 Agreement, to secure the provision of the dwellings as affordable housing, in December 2007. The agreement remains unsigned because of the liquidation of the applicant company (Colonnade).
- 5.6 UTT/0365/09/OP - 168 residential units, multi-use games area, Skate Park, parkland, landscaping and associated works. Refused in April 2012 and dismissed at appeal in August 2013.

- 5.7 UTT/0190/09/FUL - Construction of two sports pitches, a cricket square, access bridge over Stebbing Brook, sports pavilion and associated landscaping. Refused in April 2012 and dismissed at appeal in August 2013.
- 5.8 UTT/13/1123/FUL - Erection of 9no. Residential units and 1 no. retail unit (Use Class A1) with associated parking and access at Land at Webb Road and Hallett Road. Approved 03/07/2013 (replacing UTT/1403/10/OP)
- 5.9 UTT/14/0005/OP - Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works. Detailed application with all matters considered for the construction of two football pitches, cricket square, pavilion, neighbourhood equipped play area, multi-use games area, youth shelter, car park, extending and re modelling of nature reserve, landscaping, erection of temporary bridge, erection of permanent footbridge over Stebbing Brook, earthworks and other associated works. (Approved by committee June 2014).
- 5.10 UTT/14/3357/FUL – Erection of 25 dwellings with associated infrastructure. Application recommended for approval by committee on the 11/3/15 however works have to commence on this site.
- 5.11 UTT/15/0133/FUL - Removal of condition 17 (The compensatory storage scheme shall be completed to the specification demonstrated in drawing number 02/109 within the submitted Flood Risk Assessment) on planning permission UTT/14/0005/OP for 98 no. dwellings, 2 no. football pitches, cricket square, pavilion, play & games area, youth shelter, car park, nature reserve, landscaping and erection of footbridges (approved)

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S2 Settlement Boundaries for Main Urban Areas
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 – Open Spaces & Trees
- Policy ENV7 – The Protection of the Natural Environment – Designated Sites
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix
- Oakwood Park Local Policy 1

6.3 Supplementary Planning Policy:

- SPD Accessible Homes & Play Space
- SPD Renewable Energy
- SPD Parking Standards Design & Good Practice September 2009
- SPD Essex Design Guide

7 PARISH COUNCIL COMMENTS

7.1 Flitch Green Parish Council object for the following reasons:

- Given that the contours of the landscape have changed significantly since work has progressed on the playing fields and community facilities there have been ongoing problem with odours from the sewage works. We would recommend that new environmental tests needs to be carried out.
- Overall the plan has poor parking allocation for both residents and visitors.
- There is also a heavy bias towards not providing garages.
- The parish council is disappointed that Plots 53, 54, 55 and 84 on Tanton Road have not been redesigned to allow for parking access to come from the front rather than the rear of the houses.
- Overall we have a concern that this proposed development is far too dense and as a result, is not sustainable nor fit for purpose.
- The outline and detailed plans do not show the same boundary lines.
- The location of both privately owned and affordable bungalows are inappropriate with poor access to community facilities.
- Overall the mix of houses is heavily biased towards 3 and 5 bedroom townhouses, many of which have insufficient and poorly designed parking allocation. This will result in on street parking, again causing issues with congestion and safety.
- Disappointed with the amount of housing backing onto the playing fields as it limits natural surveillance.
- No evidence of the safety screen adjacent to the sports pitches which adjoin these houses.
- With regard to materials, whilst weatherboard is in keeping with areas of the development, we have serious concerns over the long term maintenance of this with regard to the flats and buildings of shared ownership.

8 CONSULTATIONS

Thames Water Utilities:

8.1 No objection - Planning application UTT/15/2089/DFO does fall within our catchment but does not require a formal response.

Anglian Water Ltd:

8.2 No objection - We do not usually comment on applications of reserved matters.

ECC Sustainable Drainage:

8.3 No objection - Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, support the granting of planning permission.

Please note that whilst this site does not accord with our current criteria, we recognise that there is a detailed history in terms of the surface water strategy for the wider site and much of this infrastructure is already in place. Therefore, we are willing to approve the information in line with that which the Environment Agency would have previously required.

ECC Ecology Advice:

- 8.4 No objection - I have reviewed the planting proposals sent from Andrew Garnham (applicant's agent) and do not have any concerns over the proposed planting. Many of the species selected are native, will attract wildlife and will improve site biodiversity as a whole. I note that in my previous comments (relating to UTT/14/0005/OP), I asked that details of the reptile receptor site were provided prior to determination, however I understand this application related specifically to the housing development site and does not encroach into the proposed nature reserve area.

ECC Highways:

- 8.5 No objection - The Highway Authority would not wish to raise an objection to the above application which will conform to the drawing number EA113-ELE-020-D.

UDC Internal Housing:

- 8.6 No objection - The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units; 20% on schemes 11-14 units and a commuted sum on schemes 10 units or less if the gross floorspace is more than 1,000sqm.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 98 (net) units. This amounts to 39 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

The number, type and mix of affordable units as well as their location within the scheme meets the Council's policies. However, the Council require a lift within the 3 storey flatted unit as per the Housing Strategy 2012-2015 document. (This has been provided under revised plans)

UDC Landscaping:

- 8.7 No objection - The soft landscaping proposals as set out in submitted dwgs. No. CSa/2709/100: 101;102C are considered satisfactory and can be approved.

UDC Access & Equalities:

- 8.8 No objection - The revised drawings submitted as part of this application now meet the requirements of the SPD on Accessible Homes and Playspace part of the Uttlesford Local Plan.

Aerodrome Safeguarding:

8.9 No objection - There are no safeguarding concerns for Stansted Airport.

9 REPRESENTATIONS

9.1 The application was publicised by sending 254 letters to adjoining occupiers, displaying a site notices and advertising it within the local newspaper 8 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- Plot 98 sees a bungalow adjacent to my fence, very close to my house and consequently highly visible. I do not think that building in such a tiny pocket of land is appropriate and would ask for a different solution to be considered.
- The same applies to the garage from Plot 96 which is proposed to be built right on my back fence. It would be more appropriate to have gardens backing onto gardens rather than a structure so close.
- In addition the boundary fence is mine it is not clear at all in the current arrangement how this would be accessed for maintenance. Replacement with a maintenance free boundary such as a brick wall would seem the only reasonable solution.
- A further 98 houses would mean that the village would be 30% larger than originally planned.
- The green corridor linking the primary school/community centre to the planned village centre has now been removed in this latest application, and has been replaced with a mixture of high-density and medium density housing. This is completely against the whole thinking for providing a vibrant community.
- Since the removal of the large embankment next to the community centre the smell from the sewage works is noticeably stronger.
- Further housing would result in increased pressures among local school places.
- Aside from a very limited number of jobs at the new Co-op, there will be no additional employment in the village, and simply an extra 200 or more residents living in what will essentially be even more of a dormitory village.
- Looking at the plans for this latest application, the 98 houses do not appear to fill all of the remaining land, which suggests that this will not be the end of development at Flich Green. It seems almost inevitable that following the delivery of these 98 houses we will see yet another application for new houses, with Enodis seemingly determined to get as close as possible to their previous attempt at building 168 new houses.
- Increase traffic as a result of the development would result in congestion and highway safety concerns.
- Concerns raised in relation that the proposal would erect a one foot high fence which effectively segregates the new estate from existing estates and will not allowing access and parking along the road immediately in front of us.

10 APPRAISAL

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

- A. Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)**
- B. Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)**

- C. Access to the site and highway issues (NPF, ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)**
- D. Landscaping and open space (NPPF, Local policy GEN2)**
- E. Biodiversity and Protection of Natural Environment (NPPF, ULP Policies GEN7, GEN2 and ENV7 and ENV8)**
- F. Drainage (NPPF, ULP Policies GEN3 and GEN6)**
- G. Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).**

- A. Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)**

- 10.1 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.2 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 10.3 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, life time homes compliance, ecology, access and sustainability.
- 10.4 The guidance contained within the Essex Design Guide has been considered in the overall design of the development. The design of the buildings reflects the local vernacular of the surrounding built form.
- 10.5 The mixture of individual housing types, the addition of different ridge heights and the use of different materials would all contribute to a development that would break up any repetitiveness and avoid any strict symmetry that would be visually unpleasant within the street scene. The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings with a scattering of single and two and half storey dwellings and three story apartment blocks. The dwellings consist of a combination of detached, semi-detached and terrace units with linked and detached garages and carports.
- 10.6 The dwellings are normally made up of rectangular plan forms with some front and rear projecting features. Although some of the feature buildings consist of gambrel double pitch roofs, the majority of the buildings contain gable end pitch roofs spanning the narrow plan dimensions of the dwellings. Front elevations are enhanced across the majority of buildings incorporating features such as bay windows, door canopies, and chimneys. They would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form.

- 10.7 The three storey apartment block although highly visible as you drive or walk along Tanton Road is considered to be on balance appropriate. The applicant has provided street scene elevations of the proposed development which include a visual representation of the overall height of the 3 storey building compared to the adjoining buildings. The height diffraction between the buildings is considered to be appropriate in that the apartment block would not appear excessive in terms of its bulk, massing and size. In addition, three storey apartment blocks or town houses are not an uncommon feature within the surrounding locality and it has been design to incorporate a due aspect as to provide articulation and visual gratification. The building would also provide natural surveillance over the adjoining playing fields to the east.
- 10.8 The proposed layout of the site is generally in accordance with the approved Masterplan in that that the dwellings units are to be erected within the designated area that was offset for housing as indicated under the granted outline application.
- 10.9 Specifically, the siting of the dwellings would be located either side of the existing highways of Tanton and Webb Roads and around new adopted cul-de-sacs within the proposal. The siting of the dwellings within the development have been arranged to follow the curve of the highways within the site which allows more harmonious street scene appearance. The street layout generally encourages walking and cycling in that internal paths are well connected allowing pedestrians and cyclists a choice of direct routes and to move freely between all parts of the layout and to wider destinations. Furthermore, the creation of pedestrian/cycles links between parts of the road system particular those at the end of cul-de-sacs that would otherwise form a barrier, results in a permeable layout rather than a dead end.
- 10.10 The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited between houses or to the rear within parking bays, garages and carports reducing the visual impact of on-site parked cars and to allow as much private rear gardens as possible to the rear of the dwellings. It is noted that there are some parking towards the front of properties however it is considered that the visual impact within the street scene is minimal.
- 10.11 The Parking Standards Design and Good Practice September 2009 sets out within the Design and Layout section examples of good design which enable parking provision to be successfully integrated into residential developments. Parking courts are not generally considered to be appropriate for the rural nature of Uttlesford and "on plot" parking should be the normal approach.
- 10.12 It is noted that there is one distinctive parking court within the development to the rear of plot numbers 38 to 44. This parking court is well enclosed by buildings or walls in order to reduce its intrusiveness, but at the same time it is overlooked in order to reduce car related crime or anti-social behaviour. It is considered that the design and layout of the parking court proposed is on balance appropriate in that it has been designed to ensure that car parking does not dominate the character and appearance of development
- 10.13 Policy GEN2 requires that developments are designed appropriately and that they provide an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The

NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.

- 10.14 As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design Guidance stipulates that a distance of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary.
- 10.15 The majority of the residential units meet the above guidance in terms of the minimum setbacks and angles. However it should be noted that 4 of the 98 dwellings proposed just fall short of the minimum 25 metre back to back distance which amounts to approximately 3.5% of the total scheme. The plots in question are 12, 13, 17 and 18 in which the back-to-back distances of these dwellings are approximately 23m. Given that it is only a slight shortfall in terms of distance and that it only affects 4 dwellings within the entire scheme; officers considered that on balance this short fall is appropriate.
- 10.16 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including blocks of flats, for both social housing and private sector housing. In addition developments of 20 units and over at least 5% should be built to wheelchair accessible standards. The five bungalows within the site have been identified as being wheelchair assessable which amounts to 5% as required.
- 10.17 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, streets, lanes recreational grounds and public paths have been design to be overlooked to provide natural security to the public realm.
- 10.18 For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For two or more bedroom flat communal gardens must be provided on a basis of a minimum area of 25sqm per flat. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide and outdoor sitting area and should be located to the rear rather than the side.
- 10.19 Each residential unit within the scheme has been provided with at least the minimum private or communal garden sizes as stipulated above to meet the recreational needs of future occupiers.
- 10.20 The scheme's roads would be to adoptable standards however the proposed development would need to also comply with current Building Regulations which would include the ability of the scheme to cater for emergency vehicles and refuse vehicles.

B. Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)

- 10.21 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Councils approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.22 The S106 agreement attached to the outline planning permission specifies the number and type of affordable housing to be provided. It also states that the affordable housing shall be positioned in separate groups which will not be contiguous and will not comprise more than 10 affordable housing units. In addition, it also stipulates that 40% of the development should be Affordable in which the Tenure mix should be 70% Affordable Rented and 30% Shared Ownership Units. Although the majority of the clusters of affordable housing are located to the southern half of the development site, on balance they are just separated enough as not to appear as one large cluster. Therefore it is considered that the proposed affordable housing provision meets the requirements of the S106 and is acceptable in this instance.
- 10.23 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings.
- 10.24 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2.
- 10.25 56 of the 98 dwellings proposed consist of 3 bedrooms or more market housing which equates to 57%. Although the percentage of dwellings consisting of three bedrooms or more is a little high, and it would a better mix to provide a few additional 1 and 2 bedroom dwelling units, on balance it is considered that the mix of one, two, three, four and five bedroom dwellings across the development is appropriate.
- 10.26 The provision of 5 bungalows has been incorporated into the scheme 3 private and 2 affordable. This amounts to 5% of the total dwelling units being two or three bedroom elderly person bungalow across the tenure. This is considered to be an appropriate number and mix. The elderly person bungalows are located on plots 26, 27, 96, 97 and 98.

C. Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards - Design and Good Practice; Development Management Policies)

- 10.27 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.

10.28 The access to and from the development site is off Tanton Road which has already been agreed under the outline consent UTT/14/0005/OP.

10.29 This scheme was consulted to Essex County Council who do not wish to raise an objection to the application as shown on drawing number EA113-ELE-020-D.

10.30 It is considered that the development would not adversely affect highway safety of the free flow of traffic on the local road network. Furthermore the development would allow for both pedestrians including people who are mobility impaired and vehicles to enter and move around the site and further beyond in a safe and orderly manner. The site is in close proximity to local bus stops and therefore it also encourages movement by means other than a motor vehicle. Consequently the proposal would not have an unacceptable transport impact on the highway network and would cause no harm to matters of highway safety.

10.31 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards'.

10.32 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.

10.33 The proposal makes provisions for at least 1 car parking space for each one-bedroom unit and at least 2 car parking spaces for dwelling consisting of two bedrooms or more. A total of 219 off street parking spaces have been provided. These would be accommodated within a range of options including car ports, garages and on and off street parking. All garages will have internal dimensions of 3m by 7m with on plot parking spaces measuring at least 2.9 by 5.5. There is also the allowance for 24 additional visitor parking spaces. In addition secure cycling has been provided for each residential unit within the site. The proposal is in accordance with Council's parking standards as adopted.

10.34 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. All refuse storage points would be located within 25m carry distance.

D. Landscaping and open space

10.35 All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.

10.36 The existing mature trees within the site along the northern boundary have been retained and are used to enhance public open space areas as you enter into the site via Tanton Road in order to achieve a better sense of wellbeing and place making for future occupiers within the development.

10.37 The general landscape layout particularly that of the plot landscaping has been designed to enhance the overall character and appearance of the development and creates a

pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

10.38 It should be noted that there is not a requirement to provide designated open space and play areas within this application site.

10.39 The provision for playing fields and sports pitches, a Local Area of Play (LEAP) and a Neighbourhood Equipped Area of Play (NEAP) were requirements under the original 1998 planning permission for the development of Oakwood Park, now known as Flitch Green. These facilities were granted permission as part of the hybrid application ref: UTT/UTT/14/0005/OP which is now nearing completion. Future occupiers of the development would be able to utilise these public open space and recreational areas.

E. Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)

10.40 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.

10.41 The application site itself is not the subject of any statutory nature conservation designation being largely open grassland with some mature trees and hedgerows along the northern boundary.

10.42 Throughout the assessment of this application the applicant has worked closely with ECC ecologist in which both parties have agreed that prior to the commencement of site preparation works, details of mitigation and enhancement design shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Environment Management Plan and an Ecological Management Plan by way of imposing planning conditions.

10.43 It is concluded that with appropriate mitigation measure by way of planning conditions if permission was approved, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area. The proposal is in accordance with local policy GEN7 and the NPPF.

F. Drainage (ULP Policies GEN3 and GEN6)

10.44 This housing proposal is the final phase of the wider settlement of Flitch Green which commenced around 1999. A large proportion of the main infrastructure was installed at this time with further infrastructure being installed during subsequent phases. Appropriate drainage infrastructure has been installed in and around the site as part of earlier phases to cater for this phase at a future date.

10.45 A number of drainage connection points were left to serve this phase of development though due to layout having been revised over time, new connections will be required. The applicant states that the new drainage connection points have been agreed by Anglian Water.

10.46 As such the scheme does not incorporate or facilitate the provision of a full Sustainable Urban Drainage System (SUDS) as the intention is to simply connect into the existing infrastructure.

10.47 The application was consulted to Thames Water and Affinity Water who both had no comments to make regarding the proposal.

10.48 ECC Sustainable Drainage team acknowledged that the drainage and surface water strategy does not accord with their current criteria. However they stated given that there is a detailed history in terms of the surface water and drainage strategy for the wider site and much of this infrastructure is already in place, there is no objection to the proposed drainage scheme as it is in line with that which the Environment Agency previously agreed upon.

10.49 It is therefore considered that in terms of cumulative effects there would be negligible cumulative effects for flood risk, surface water drainage and surface water quality for the completed development.

G. Whether the proposal would cause harm to the amenities of adjoining property occupiers.

10.50 Due consideration has been given in relation to the potential harm caused to the amenities enjoyed by adjoining residential property occupiers.

10.51 Although some of the new dwellings within the development would have the pleasure of views overlooking public spaces and recreation fields to the east and north of the site, other new dwellings would either back or front onto existing adjoining properties to the west. In addition some new dwellings would be adjacent to the clubhouse, the village hall and the school to the south of the site.

10.52 The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking or overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.

10.53 In relation to potential impacts at the construction stage, particular in relation to air quality, noise and vibration, it is considered that these could be addressed by appropriate conditions and also by a Construction Management Plan.

10.54 It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2 and GEN4.

Other Issues

10.55 It should be noted that an issue was raised by some neighbours and to some extent from the Parish Council in relation to whether the dwellings could be deliverable if permission was approved by the Local Authority as the site falls within a Cordon Sanitaire.

10.56 Whether the site falls within the Cordon Sanitaire or not, it is not a valid material consideration that would form as part of this assessment. The release of this land if it does in fact fall within the Cordon Sanitaire would be dependent upon the agreement of both the applicants and Anglian Water. The applicant has ensured that there would not be any issues in relation to the deliverability of the homes if permission is granted.

11 CONCLUSION

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

- A. The layout, size and scale of the proposal is considered to be appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create provide a sense of well-being for future occupiers.
- B. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance and on balance it is considered that the mix of one, two, three, four and five bedroom dwellings across the development is appropriate.
- C. It is concluded that the proposed development would cause no harm to matters of highway safety. In addition, appropriate parking provisions have been incorporated into the scheme that will meet the needs of future occupiers and visitors.
- D. The proposed landscaping of open spaces including street frontages is considered to be appropriate.
- E. It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- F. An appropriate surface and foul water drainage strategy and FRA have been submitted that provides details on the mitigation measures to be undertaken to reduce potential surface water flooding within and outside the site.
- G. The proposal would not lead to excessive harm upon the amenities of adjoining property occupiers surrounding the site,

RECOMMENDATION – CONDITIONAL APPROVAL

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

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

2. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan No EA113-SL-020 rev D unless otherwise agreed in writing by the Local Planning Authority.

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, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall 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: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

4. 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.

5. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

6. The hard and soft landscaping of the development hereby permitted shall be constructed in accordance with plan numbers CSA/2709/100 rev: C, numbers CSA/2709/101 rev: C, numbers CSA/2709/102 rev: C unless otherwise agreed in writing by the Local Planning Authority.

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

7. 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 dwellings, the completion of the development, or in agreed phases whichever is the sooner, and any plants 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: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. Prior to the commencement of site preparation works, details of mitigation and enhancement design shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Environment Management Plan and an Ecological Management Plan. These shall include those mitigation and enhancement measures for habitats and protected species as set out in the Ecological Appraisal prepared by Engain (dated 2014), submitted in support of the planning application.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policy GEN7.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (May 2014, CW/CS/101/59 Revision A produced by Create Consulting Engineers Ltd and Drainage Strategy Drawing no. 00/004 produced 24.03.15) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

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

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development.

Justification: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site.

11. Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

12. The applicant must maintain yearly Maintenance Logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Appendix A

PLOT	HOUSE TYPE	DESCRIPTION	PRIVATE AMENITY SPACE (sqm)	PARKING ALLOCATION
1	1BF03	1 BED 2 PERSON FLAT	50.sqm (Communal)	1x PS
2	1BF03	1 BED 2 PERSON FLAT	50.sqm (Communal)	1x PS
3	2B4P	2 BED 4 PERSON HOUSE	58.sqm	2x PS
4	2B4P	2 BED 4 PERSON HOUSE	53.sqm	2x PS
5	310	3 BED HOUSE	100.sqm	1x PS/1x CP
6	309	3 BED HOUSE	100.sqm	1x PS/1x CP
7	358	3 BED TOWN HOUSE	100.sqm	1x PS/1x CP
8	358	3 BED TOWN HOUSE	100.sqm	1x PS/1x CP
9	309	3 BED HOUSE	101.sqm	1x PS/1x CP
10	358	3 BED TOWN HOUSE	104.sqm	1x PS/1x CP
11	358	3 BED TOWN HOUSE	107.sqm	1x PS/1x CP
12	309	3 BED HOUSE	119.sqm	1x PS/1x CP
13	310	3 BED HOUSE	104.sqm	2x PS
14	405	4 BED HOUSE	110.sqm	1x G/2x PS
15	405	4 BED HOUSE	100.sqm	1x G/2x PS
16	427	4 BED HOUSE	100.sqm	1x G/2x PS
17	2B4P	2 BED 4 PERSON HOUSE	53.sqm	2x PS
18	3B5P	3 BED 5 PERSON HOUSE	103.sqm	1x PS/1x CP
19	2B4P	2 BED 4 PERSON HOUSE	64.sqm	1x PS/1x CP
20	2B4P	2 BED 4 PERSON HOUSE	56.sqm	1x PS/1x CP
21	4B6P	4 BED 6 PERSON HOUSE	107.sqm	2x PS
22	2B4P	2 BED 4 PERSON HOUSE	53.sqm	2x PS
23	3B5P	3 BED 5 PERSON HOUSE	100.sqm	2x PS
24	1BF03	1 BED 2 PERSON FLAT	62.sqm (Communal)	1x PS
25	1BF03	1 BED 2 PERSON FLAT	62.sqm (Communal)	1x PS
26	WCA BUNG	2 BED 4 PERSON BUNGALOW	50.sqm	2x PS
27	WCA BUNG	2 BED 4 PERSON BUNGALOW	75.sqm	2x PS
28	2B4P	2 BED 4 PERSON HOUSE	55.sqm	2x PS
29	2B4P	2 BED 4 PERSON HOUSE	60.sqm	2x PS
30	1BF01	1 BED 2 PERSON FLAT	50.sqm(Communal)	1x PS

31	1BF01	1 BED 2 PERSON FLAT	50.sqm(Communal)	1x PS
32	2B4P	2 BED 4 PERSON HOUSE	55.sqm	2x PS
33	2B4P	2 BED 4 PERSON HOUSE	55.sqm	2x PS
34	358	3 BED TOWN HOUSE	100.sqm	2x PS
35	358	3 BED TOWN HOUSE	100.sqm	2x PS
36	358	3 BED TOWN HOUSE	100.sqm	2x PS
37	358	3 BED TOWN HOUSE	100.sqm	2x PS
38	1BF01	1 BED 2 PERSON FLAT	220.sqm(Communal)	1x PS
39	1BF01	1 BED 2 PERSON FLAT		1x PS
40	1BF01	1 BED 2 PERSON FLAT		1x PS
41	1BF01	1 BED 2 PERSON FLAT		1x PS
42	2B4PF	2 BED 3 PERSON FLAT		2x PS
43	2B4PF	2 BED 3 PERSON FLAT		2x PS
44	2B4PF	2 BED 3 PERSON FLAT		2x PS
45	2B4PF	2 BED 3 PERSON FLAT		2x PS
46	2B4PF	2 BED 3 PERSON FLAT		2x PS
47	2B4PF	2 BED 3 PERSON FLAT		2x PS
48	310	3 BED HOUSE	132.sqm	2x PS
49	310	3 BED HOUSE	130.sqm	1x PS/1x CP
50	400	4 BED HOUSE	104.sqm	1x PS/1x CP/ 1x G
51	550	5 BED TOWN HOUSE	115.sqm	2x PS/ 1x G
52	453	4 BED TOWN HOUSE	100.sqm	2x PS/1x G
53	550	5 BED TOWN HOUSE	100.sqm	2x PS/1x G
54	550	5 BED TOWN HOUSE	100.sqm	2x PS/1x G
55	421	4 BED HOUSE	120.sqm	2x PS/1x G
56	358	3 BED TOWN HOUSE	105.sqm	1x PS/1x G
57	358	3 BED TOWN HOUSE	123.sqm	1x PS/1x CP
58	358	3 BED TOWN HOUSE	127.sqm	1x PS/1x CP
59	358	3 BED TOWN HOUSE	124.sqm	1x PS/1x CP
60	309	3 BED HOUSE	115.sqm	2x PS
61	310	3 BED HOUSE	106.sqm	2x PS
62	309	3 BED HOUSE	108.sqm	1x PS/1x CP
63	309	3 BED HOUSE	102.sqm	1x PS/1x CP
64	358	3 BED TOWN HOUSE	110.sqm	1x PS/1x CP
65	358	3 BED TOWN HOUSE	120.sqm	2x PS/ 1x G
66	3B5P	3 BED 5 PERSON HOUSE	100.sqm	1x PS/1x CP
67	2B4P	2 BED 4 PERSON HOUSE	82.sqm	1x PS/1x CP
68	3B5P	3 BED 5 PERSON HOUSE	106.sqm	1x PS/1x CP
69	3B5P	3 BED 5 PERSON HOUSE	105.sqm	1x PS/1x CP
70	3B5P	3 BED 5 PERSON HOUSE	104.sqm	1x PS/1x CP

71	2B4P	2 BED 4 PERSON HOUSE	78.sqm	2x PS
72	3B5P	3 BED 5 PERSON HOUSE	100.sqm	2x PS
73	3B5P	3 BED 5 PERSON HOUSE	110.sqm	2x PS
74	453	4 BED TOWN HOUSE	114.sqm	2x PS / 1x G
75	358	3 BED TOWN HOUSE	105.sqm	2x PS
76	358	3 BED TOWN HOUSE	101.sqm	2x PS
77	400	4 BED HOUSE	103.sqm	2x PS / 1x G
78	309	3 BED HOUSE	110.sqm	1x PS/ 1x G
79	421	4 BED HOUSE	104.sqm	2x PS/ 1x G
80	550	5 BED TOWN HOUSE	105.sqm	2x PS/1x G
81	454	4 BED HOUSE	145.sqm	2x PS/ 1x G
82	421	4 BED HOUSE	100.sqm	2x PS/ 1x G
83	450	4 BED TOWN HOUSE	111.sqm	2x PS/1x G
84	421	4 BED HOUSE	121.sqm	2x PS/ 1x G
85	551	5 BED TOWN HOUSE	147.sqm	2x PS/2x G
86	450	4 BED TOWN HOUSE	100.sqm	2x PS/1x G
87	550	5 BED TOWN HOUSE	116.sqm	2x PS/1x G
88	421	4 BED HOUSE	106.sqm	2x PS/1x G
89	550	5 BED TOWN HOUSE	106.sqm	2x PS/1x G
90	450	4 BED TOWN HOUSE	103.sqm	2x PS/1x G
91	508	5 BED HOUSE	167.sqm	2x PS/2x G
92	551	5 BED TOWN HOUSE	184.sqm	2x PS/2x G
93	508	5 BED HOUSE	235.sqm	2x PS/2X G
94	550	5 BED TOWN HOUSE	125.sqm	2x PS/ 1x G
95	421	4 BED HOUSE	100.sqm	2x PS/1x G
96	WCA BUNG	2 BED BUNGALOW	134.sqm	2x PS
97	WCA BUNG	2 BED BUNGALOW	105.sqm	1x PS/1x G
98	WCA BUNG	2 BED BUNGALOW	200.sqm	1x PS/1x G

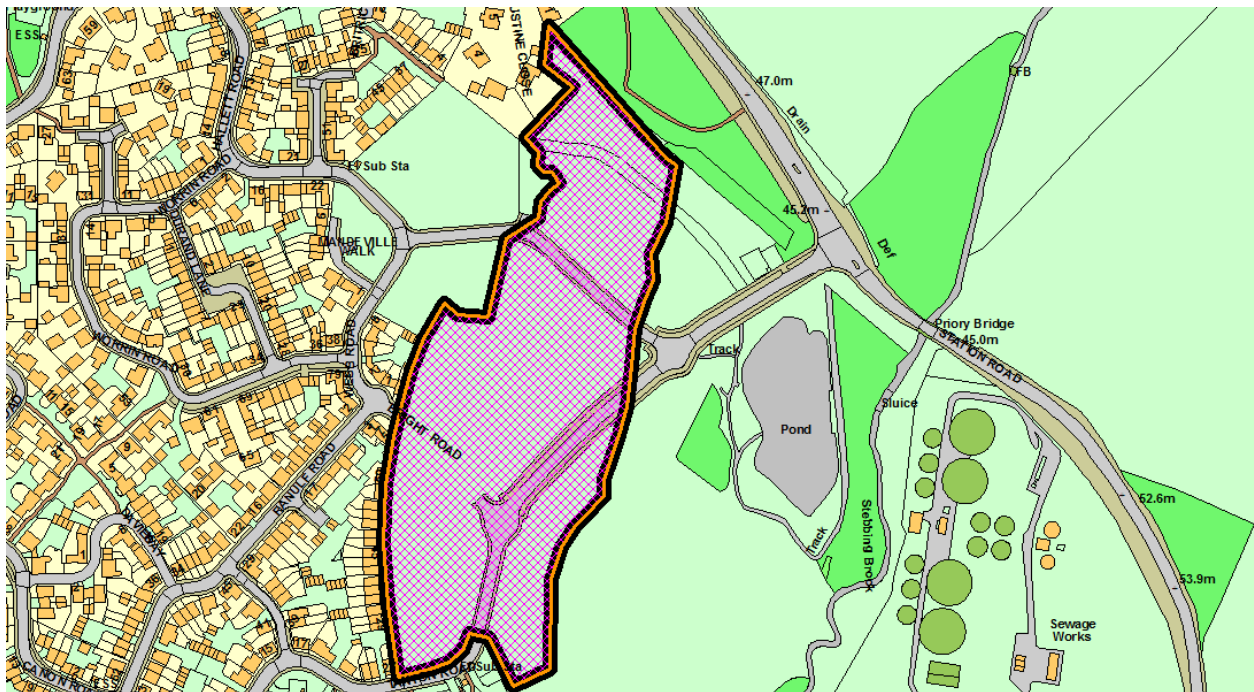
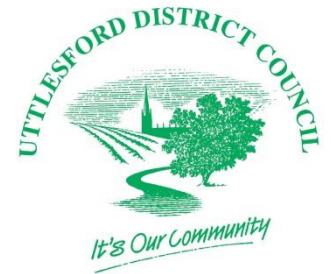
KEY



AFFORDABLE HOUSING

Application number: UTT/15/0726/FUL

Address: Land off Tanton Road Flich Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 2 December 2015

SLA Number: 100018688

UTT/15/2764/FUL – (Takeley)

(The application has been referred to Committee at the discretion of the Assistant Director due to the depth of feeling from local residents and the Parish Council.)

PROPOSAL: Change of use of former Petrol Filling Station and Class A3 Restaurant to 139 bay car park, for Weston Group Business Centre, with the erection brick screen wall, erection of a waiting shelter, lighting and landscaping within the site

LOCATION: Takeley Service Station, Dunmow Road, Takeley

APPLICANT: Weston Homes PLC

EXPIRY DATE: 20 November 2015

EXTENSION OF TIME: 17 December 2015

CASE OFFICER: Mrs M Jones

1.0 NOTATION

- 1.1 Outside Development Limits.
- 1.2 Adjacent to County Wildlife Site.

2.0 DESCRIPTION OF SITE

- 2.1 The site is brownfield land to the south of the B1256 (Dunmow Road) and forms half of the site that was formally occupied by the Little Chef and an Esso Petrol station. The site has been vacant for several years, the buildings demolished and the site has been enclosed by metal fencing to the frontage.
- 2.2 The site is within an area with a historic mixed residential and commercial use. To the rear of the site is the Flitch Way, a former railway line and now a bridle path which is now designated as a County Wildlife Site. The site has a green verge to the frontage. Two commercial width accesses are positioned in the northern boundary of the site opening onto the B1256 Dunmow Road.

3.0 PROPOSAL

- 3.1 The proposal is for a change of use from sui generis petrol filling station and A3 restaurant to sui generis 139 bay car park, with the erection of a 2m brick wall screen wall to the front boundary and side boundary to the west, a waiting shelter, lighting and landscaping.

4.0 APPLICANTS CASE (summary)

- 4.1 The applicant has submitted a planning, Design and Access Statement, an Ecology assessment, Transport Statement and completed a biodiversity questionnaire.
- 4.2 Design and Access Statement (summary):
The site has been purchased by Weston Homes, and therefore, unlike previous planning applications for a commercial vehicle dealership and a car rental base, both of

which were approved by UDC, but not implemented, this proposal would absolutely and definitely be implemented on approval.

- 4.3 UDC is already aware that there is a Restrictive Covenant placed on this land which precludes amongst other uses, residential development, and therefore the current proposal represents an appropriate use for the site which will be crucial in enabling the continued operation and growth of an important employer within the settlement of Takeley. Weston Homes will not be making a planning application for residential development of the site. Aspirations by UDC or the local community that the site should now be redeveloped with housing cannot be satisfied, and if proposals for alternative uses are not supported for that reason, the site will remain an unused eyesore.
- 4.4 Weston Homes is an important employer within Uttlesford, and probably the major employer within Takeley and its environs. Staff numbers have grown significantly in recent years. As of 31st July each year, total staff numbers in recent years were:
2012: 185 staff
2013: 203
2014: 230
2015: 290
- 4.5 Currently, (September 2015), recent expansion has increased staff numbers to 314, and amongst the additional staff, trainees, including apprentices, amount to 30. Of the 314 current staff, 143 have a requirement for off- site parking given the limited number of spaces at the Parsonage Road premises. The Plant Yard and Staff Car Park at land to the rear of 2 – 5 Takeley Business Centre, Dunmow Road can accommodate about 127 staff cars, (as approved by UDC in planning permission UTT/0718/08/FUL), and thus there is already a shortfall of 16 spaces. Temporary provision has been arranged at Skyway House, but this is not available in the long term, as the arrangement can be terminated at short notice by the owners of Skyway House. Accordingly, there is an urgent need for additional permanent car parking for staff to meet current requirements, not taking account of planned further growth in staff numbers needed to support the continued expansion of the company.
- 4.6 Additionally, the growth in the operational activity of the company, as the number of dwellings constructed each year continues to grow, has increased the requirement for storage of commercial vehicles, plant and equipment at the joint Plant Yard and Staff Car Park on Dunmow Road. Accordingly a larger proportion of that site needs to be devoted to its plant yard function, by the relocation of some of the existing staff car parking.
- 4.7 The proposal is for use of the site for a sui generis purpose of staff car parking related to an existing Class B1(a) office premises in Takeley, namely the Weston Group Business Centre, Parsonage Road, Takeley. The new car park would accommodate 139 cars, which would include the transfer of 80 of the vehicles currently parked at the Weston Homes Plant Yard and Staff Car Park, located a short distance to the west, also on the southern side of Dunmow Road. Thus 59 of the proposed 139 parking spaces would remain available after accommodation of the 80 vehicles transferred. The 51 would allow for accommodation of the 11 cars in temporary spaces at Skyline House, leaving in fact 40 spaces available for further increases in staffing. This is on the basis that 47 staff parking spaces out of the existing 127 would remain in the present Dunmow Road plant yard and staff car park, for use by staff either working at the plant yard or having to drive commercial vehicles to and from the plant yard. This results in a total of 186 spaces proposed within the two car parks on Dunmow Road, an increase of 59. The area vacated by staff cars at the existing plant yard and car park would be utilised for additional storage of plant.

- 4.8 The current car park is served by a shuttle minibus service to the office premises on Parsonage Road, and it is proposed that this service would be changed to serve the new car park, since staff who would continue to park at the Plant Yard would not need the transfer to Parsonage Road. Office Hours for Weston Homes are 08:30 to 17:00, and the shuttle service runs between 07:30 – 09:00 and 16:30 – 18:00. This would be adjusted slightly to accommodate the additional distance and numbers of staff, and thus it is likely to run between 07:00 – 09:00 and 16:30 - 18:30. The shuttle bus removes a considerable amount of car traffic from within Takeley during the peak periods, especially at the Dunmow Road / Parsonage Road junction. A small shelter is proposed within the car park, to enable staff to wait for the shuttle under cover, and to have access to a WC. The shelter would have the appearance of a small rural building, being clad in black weatherboarding under a pitched tiled roof. 34 bicycles would be provided, lockable to racks, at the new car park, to enable staff the option of cycling from the car park to the offices rather than taking the shuttle bus. A similar number of additional cycle storage racks would be provided at the Parsonage Road premises.
- 4.9 Landscaping within the site would be enhanced, with soft landscaped strips introduced on the eastern, western and southern boundaries, and with appropriate trees planted between parking rows to visually break up the car park area. Additionally, a substantial landscaping scheme would be implemented along the Dunmow Road frontage, in front of the new brick wall and to the rear of the existing grass strip behind the pavement. This would comprise a row of trees lining the road frontage to the rear of the grass strip, behind the sight lines from the two access points, with intervening shrubbery planted immediately in front of the brick wall, softening its appearance.
- 4.10 Lighting would be provided within the car park using low level bollards between rows of car parking spaces to preclude stray lighting disturbing adjoining premises. However, given the limited hours proposed for use of the car park, Weston Homes would accept a condition controlling the hours during which the lighting could be used, so that it would not be on overnight, but rather in the early evening and early mornings during those periods of darkness incorporating the above hours of operation.
- 4.11 Land Use
This additional parking area is very important to the future of Weston Homes, a major Uttlesford employer, since it is needed to accommodate recent increases in staff numbers and will allow for the continued growth of the business at its established location; this will enable the company to remain in its existing premises whilst it continues to grow, thus allowing many existing locally-based employees to remain in their existing employment. As noted, Weston Homes is committed to employ trainees and apprentices, thereby strongly supporting the younger generation in the local community.
- 4.12 The site is unable to be used for residential use by reason of a restrictive covenant in place on the land; therefore continuation of a commercial use needs to be considered; UDC officers have acknowledged that the restrictive covenant “effectively removes the site from being considered for residential development.”
- 4.13 UDC officers acknowledge that the site lies within a mixed commercial and residential area, and therefore we contend that a non-residential use would not be incongruous;
- 4.14 Indeed, UDC has, within the last 18 months, approved two alternative commercial uses relating to vehicle use of the site, or half of it, namely HGV sales or car rental; circumstances have not changed since then, in terms of planning policy or the

character of the surrounding area, and therefore the principle of car parking on the site should be acceptable.

4.15 Impact on residential amenity

The hours of operation of the car park during the business day would be wholly compatible with nearby residential premises, particularly since it is unlikely that the car park would be used at all on Saturdays, and would not be used on Sundays, Bank Holidays or over the Christmas to New Year shut down. The impact of the use on residential amenity would therefore be acceptable.

4.16 There is no question whatsoever of the car park being used for Airport Parking, and there would be no objection to a condition of similar wording to Condition C.90B which was imposed by UDC in respect of planning permission UTT/0718/08/FUL, pertaining to the Weston Homes Plant Yard and Staff Car Park, which limits use of the car park to the use of the Weston Group Business Centre.

4.17 The proposed lighting for the car park would be very low key, being bollards only, and would only be needed during periods of the year when it is dark during business hours. There would be no objection to a condition requiring the lighting to be off at other times. Accordingly, in this regard there would be no adverse impact on residential amenity.

4.18 Appearance

The proposed shelter would be a structure of modest scale, using a simple design and black stained weatherboarding, under a hipped, tiled pitched roof, a traditional form for a countryside setting, thus complying with Policy S7 in terms of maintaining the character of the countryside.

4.19 Landscaping and impact on countryside

The landscaping proposals have been devised to soften the screen wall of the site from Dunmow Road, creating a semi-rural appearance appropriate to the character of the road along this stretch, which intersperses housing with sections of dense vegetation and open spaces such as the woodland opposite the site and Bamber's Green. It would enhance the biodiversity of the site.

4.20 The proposed tree planting within the site would provide a visual break to the area of car parking where viewed from both within and outside the site.

4.21 The boundary planting strips to the site's sides and rear would soften views from beyond those boundaries; including the Flitch Way bridle way. The 5m buffer zone to the Flitch Way boundary would provide the desired protection to the existing trees and fauna within the Local Wildlife Site, as sought by UDC in connection with the two previous proposals, so there would be no harm to ecological / wildlife interests.

4.22 There would be no objection to a condition requiring approval of the details of the proposed landscaping to ensure that trees and shrubs consisted of local native species in order to maintain the verdant character of the surroundings and the integrity of the Flitch Way LoWS, thereby complying with the requirements of Policy S7 in respect of maintaining the character of the countryside.

4.23 Access

Traffic impact: The proposal represents only a modest increase in car parking within the settlement, and would result in those vehicles currently approaching the existing plant yard and staff car park from the east turning off Dunmow Road sooner. Many of these vehicles would not be used during the day. Since Dunmow Road was de-trunked due to the opening of the new A120 which by-passes Takeley completely, considerable

spare capacity has been created on the road. A Transport Statement has been commissioned by Weston Homes, which is submitted with this planning application. This demonstrates that the trip generation associated with the proposed car park would be significantly less than the previous use of the site. It concludes that given the reduced traffic flows on Dunmow Road since it was de-trunked and by-passed, "the development can be accommodated in transport terms and would be in accordance with NPPF paragraph 32, since a use attracting less traffic than the former use cannot be considered a severe impact".

- 4.24 Cycling and walking :For staff parking at the proposed car park, and wishing to use the 34 cycles to be provided, there is a shared footpath and cycle path alongside Dunmow Road from near the site to the junction with Parsonage Road, and from there a footpath and on-road cycling arrangement to the offices. Accordingly, staff would not be totally reliant on the shuttle minibus.
- 4.25 Disabled staff: There would be no provision for disabled staff parking at the proposed car park, since they would continue to be allocated parking spaces at the office premises on Parsonage Road, in order to easily access the building from their vehicles. This would save them having to mount or alight from a shuttle minibus as part of their journey.
- 4.26 Contaminated land
UDC Delegated Officer Report for the HGV sales application notes "the site has undergone a programme of decommissioning following demolition of all buildings on the site. The Quantitative Risk Assessment undertaken in support of this application identified no danger to human beings or controlled waters. As such, decontamination and remediation works have been undertaken on the site to the satisfaction of the Council's Environmental Health Department who have raised no objections in principle to this development. With a precautionary condition applied in case any further unidentified contamination is identified during construction, the proposal would comply with the requirements of Policy ENV14 in respect of contaminated land." To demonstrate that this applies equally to the current proposal, Weston Homes commissioned its environmental consultants, Stansted Environmental Services, (SES), to seek the views of the UDC Environmental Health Department on this proposal. In a response dated 1 September 2015, UDC Environmental Health Officer Ann Lee-Moore stated "I have had a look at the remediation report for the works carried out in 2007, and am satisfied that the site would be suitable for the use proposed by Weston Homes, therefore a contamination statement would not be needed in support of the application. If excavation forms part of the works for the shelter or car park, a precautionary condition covering unexpected contamination is likely to be recommended by this section." The shelter would have foundations and foul water drainage connections and the car park would have tree pits and surface water drainage, all requiring excavation. Accordingly, we would have no objection to the precautionary condition suggested.
- 4.27 This Statement has described the proposal, demonstrating that it is appropriate to its location in terms of appearance and compatibility with a mixed residential and commercial area. This reflects the fact that within the last 18 months, UDC has granted planning permission for two alternative open air vehicle-related uses on the same site. Accordingly, it is contended that the current proposal is in compliance with Local Plan Policy S7, relating to use of the countryside, which is the Local Plan Proposals Map designation of the site.
- 4.28 The significant difference between the previous and current proposals is that this application is lodged by a major Uttlesford employer, headquartered in Takeley, which

has already taken on a large number of additional staff since the end of the recession, including 30 staff in training (25 of which are apprentices). Accordingly, as demonstrated, it already has a proven need for additional staff car parking in Takeley, and this proposal is required to support the recent and future projected growth of the company. That is a very significant beneficial material consideration which should be given appropriate weight in the support of UDC for this application.

- 4.29 Following negotiations to replace the front wall with wire mesh/ metal railings the agent has sent in the following comments:
- 4.30 I have now had an opportunity to discuss the Council's suggested substitution of a fence and hedge for the proposed wall, trees and hedge with Bob Weston, Chairman of Weston Homes. He has asked me to stress to you that the motivation of Weston Homes to propose the wall and planting as currently part of the application has been specifically to respond to local wishes, established by consultation. I can assure you that it has not been driven by a desire to reduce the cost of the works, since a brick wall with substantial landscaping is clearly a more expensive option than retaining the existing green mesh fence and planting a hedge.
- 4.31 As we have discussed, when Takeley Parish Council invited me to present the scheme to their Planning Committee, at the time it was to be considered, there was considerable discussion in respect of the proposed wall, with a unanimous conclusion that it was a positive feature of the scheme that would fit with the evolving character of the surroundings, which include a number of front boundary walls. You will be aware of this view, since it was set out in unequivocal language in the response to the application submitted by the Parish Council. Furthermore, the immediate neighbours at Ridge House were so pleased with the proposed front wall that they contacted us to request if we could continue the wall round to the party boundary between the properties, which of course you will be aware we have done, via an amendment to the application drawings. The other immediate neighbour already has a wall to the front, with a hedge over, so our proposal is clearly in keeping with that adjoining property.
- 4.32 Therefore it can be seen that our scheme has been devised taking account of the immediate physical context and has evolved through consultation, being supported in both the immediate setting and by the Parish Council on behalf of the community. This is of course precisely what is sought by the NPPF which states at paragraph 189 that LPAs "should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications." It may be that we continued to consult and amend the scheme where necessary post submission, but the spirit of the NPPF is met by our actions, which can be seen to have been entirely professional in manner, and the fact is that our proposed front wall with its planting is fully supported by the local community. By contrast, the Uttlesford Landscape Officer's suggestion, as he illustrated below, arises as a result of his view that his preference is better than that of the residents of Takeley who will live with the car park, and not due to his having consulted the community. We consider that it is a great shame, when an applicant is motivated by a desire to be a good neighbour, notwithstanding the additional cost, that officers of the local council can seek to impose an alternative approach in place of the popular arrangement.
- 4.33 I also, with respect, do not accept the Landscape Officer's judgement that the proposed shrubbery to be planted in front of the wall will fail because it is north facing. The fact is that the road is broad, with a broad grass verge, and thus ample east and west sunlight is likely to reach the northern face of the wall. In addition, the matter can be resolved by selecting native plants that are suitable to a shady location, of which there are many.

We would be more than happy to agree the relevant species with the Landscape Officer to be sure. Accordingly, in particular with the planting of at least 7 trees in addition, the wall is not likely to appear 'relentless' at all, but rather, reflective of a remnant of a rural walled estate. Certainly, the recent residential developments approved right along Dunmow Road are changing its character to an urban environment rather than being set back behind natural landscaped buffers, and thus the wall clearly fits in to this context, which is the point that the Parish Council made.

- 4.34 I note that you have not indicated any other issue with our application, for which full consultation has now concluded, and therefore I assume that the only outstanding matter is the front boundary treatment. Ultimately, if the replacement of the wall by retaining the green fence with a new hedge is all that stands between an approval rather than refusal of our application, we will reluctantly change the application. However, before we do so, we would ask you to consider our points above, and advise of your further thoughts in the context of local views and wishes. If it remains the case that you will only approve this application with the change suggested by the Landscape Officer, then please advise accordingly, and copy in the Clerk to the Parish Council to your response, in order that the local community fully appreciates that the change has not arisen due to Weston Homes reneging on its commitment to them, or to save expenditure, but rather due to the fact that the officers of Uttlesford DC consider that they act in the public interest notwithstanding local opinion.
- 4.35 A further email was received stating: please be advised that we do not wish to amend the planning application by the removal of the proposed front wall to be erected behind the proposed hedging and trees. This is in response to a request from Takeley Parish Council who wish to raise the matter with the Council.

5.0 RELEVANT SITE HISTORY

- 5.1 UTT/0696/79 - Open car sales area. Approve with Conditions. 3rd September 1979
- 5.2 UTT/14/3697/FUL - Change of use from petrol filling station and restaurant to premises for vehicle hire and erection of two storey offices
- 5.3 UTT/0230/85 - Redevelopment of petrol service station within the overall site comprising of Little Chef Restaurant parking areas and vehicle workshop including alteration of an existing access and construction of new access. Approve with Conditions . 29th April 1985
- 5.4 UTT/0799/94/FUL- Installation of car wash and plant room. Refuse. 27th January 1995
- 5.5 UTT/0888/07/OP- Change of use from A3 (restaurant) and Sui-Generis (petrol filling station) to B1(offices).Outline application for construction of two storey commercial offices, associated parking and alteration existing access" Refuse. 17th August 2007
- 5.6 UTT/13/2940/FUL- Change of use from sui generis petrol filling station and A3 restaurant to sui generis motor vehicle dealership, with associated erection of two temporary Portakabins to provide office and staff welfare space and 2m high fence to provide security. Approve with Conditions. 24th February 2014
- 5.7 DUN/0010/55. Site for 4 petrol pumps and kiosk. Approve with Conditions. 7th February 1955

- 5.8 DUN/0108/53. Erection of café. Approve with Conditions. 6th June 1953
- 5.9 DUN/0061/54. Extension to car park. Unconditional Approval. 5th April 1954.
- 5.10 DUN/0249/56. Installation of two 1000 gallon tanks and two new pumps. Approve with Conditions. 1st October 1956.
- 5.11 DUN/0195/57. Erection of toilet block. Unconditional Approval. 12th August 1957
- 5.12 DUN/0490/63 - Extension to workshop and offices. Approve with Conditions. 16th March 1964
- 5.13 DUN/0188/65 - Proposed erection of workshop. Unconditional Approval. 21st June 1965

6.0 POLICIES

6.1 National Policies

- NPPF National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7 The Countryside
- GEN4 Good Neighbours
- GEN2 Design
- GEN1 Access
- GEN8 Vehicle Parking Standards
- ENV14 Contaminated land
- ENV8 Other landscape elements of importance for nature

- Uttlesford Local Parking Standards
- ECP Parking Standards (Design & Good Practice) September 2009

7.0 PARISH COUNCIL COMMENTS

- 7.1 Takeley Parish Council has no objection to this application with the following provisions:
 1. A condition is included to limit the use to Weston Group Business Centre thus eliminating the possibility of airport related parking.
 2. We understand low level bollard lighting will be installed rather than street lighting poles. Every effort should be made to reduce light intrusion for neighbouring properties.
 3. Lighting should be extinguished outside operating hours (as per application form)
 4. TPC advocates secure wire fencing & a variety of suitable planting on the border with the Flich Way
 5. TPC supports the proposed 2m wall with trees & shrubs at the front boundary. There are already a number of walled properties within the village so this will be in-keeping with the street scene.

- 7.2 Takeley Parish Council (TPC) is very disappointed that Weston Homes has been asked to amend this application.
 Officer - Ben Smeeden - 26th October 2015 wrote:
'I have concerns regarding the proposed 2m high brick wall proposed along the frontage of this site. The sections of walling would be out of character with frontages along this section of the B1256 and constitute a somewhat relentless feature. The

proposed provision of hedging to soften the appearance of the walls would be unlikely to successfully establish as the planting would be on the shaded north side of the walls. I suggest that an appropriate secure enclosure of the site would be a wire mesh panelled fencing and the planting of a double staggered row mix native species hedge to the outer side on the road frontage.'

- 7.3 Takeley Parish Council objects to the proposed wire mesh panelled fencing. Given the great variety of front boundary treatment that has emerged with recent development in the vicinity of this application TPC maintains that the proposal would be in keeping with the surroundings. The neighbouring properties have boundary walls, and in addition there are red brick 3 storeys homes just along from this site, on the other side of the road, that sit side on right up against the footway and UDC recently approved a 1.8m closed timber gated development in this vicinity.
- 7.4 In the spirit of localism, TPC had hoped that more weight would be given to the views and requests of the local community/neighbours. Weston homes has worked hard to engage with the community, and to provide a high quality and in-keeping proposal that will fulfil the needs of their commercial operation whilst being sensitive to the needs of their neighbours and the wider community. They proposed the wall and planting as part of the application specifically to respond to local wishes, established by consultation. Takeley Parish Council discussed the proposal with the applicant and considered the proposal at a meeting of the TPC Planning Committee (approved by full Council on 4th Nov. 2015). At the time there was considerable discussion in respect of the proposed wall with a unanimous conclusion that it was a positive feature of the scheme that would fit with the character of the surroundings, which include a number of front boundary walls. This is reflected in the response to the application submitted to UDC by the Parish Council.
- 7.5 In addition, the immediate neighbours at Ridge House requested the wall be continued round to the party boundary between the properties, which has now been incorporated. The other immediate neighbour already has a wall to the front, with a hedge over, so the proposal is clearly in keeping with that adjoining property. TPC does not agree with Ben Smeeden's judgement that the proposed shrubbery to be planted in front of the wall will fail because it is north facing. The fact is that the road is broad, with a broad grass verge, and thus ample sunlight is likely to reach the northern face of the wall. In addition, the matter can be resolved by selecting native plants that are suitable to a shady location, of which there are many.
- 7.6 In conclusion, TPC requests that this application now be determined by Committee to ensure that the local views can be represented and properly considered.

8.0 CONSULTATIONS

Essex County Highways

- 8.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:
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.

- 8.2 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.
- 8.3 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.
- 8.4 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.

Thames Water

- 8.5 Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil polluted discharges entering local watercourses.
- 8.6 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- 8.7 When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer plans to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Landscape Officer

- 8.83 I have concerns regarding the proposed 2m high brick wall proposed along the frontage of this site. The sections of walling would be out of character with frontages along this section of the B1256 and constitute a somewhat relentless feature. The propose provision of hedging to soften the appearance of the walls would be unlikely to successful establish as the planting would be on the shaded north side of the walls. I suggest that an appropriate secure enclosure of the site would be a wire mesh panelled fencing and the planting of a double staggered row mix native species hedge to the outer side on the road frontage.

NATS Safeguarding

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

Essex County Council Ecology

- 8.10 No objections.
The application is supported by an Ecological Assessment (EA) (dated October 2015). The site was subject to extended Phase 1 habitat surveys in September 2015. The

habitats within the site are considered to be of low to negligible intrinsic ecological interest and their loss to facilitate the proposed development is considered to be of no significance. However, they are considered to offer minor potential opportunities to protected species including nesting birds, badgers and reptiles.

- 8.11 Nesting birds – any tree work or vegetation clearance should avoid the breeding season (March-August inclusive)
Badgers – a pre-commencement site check should be undertaken to ensure badgers have not colonised the site
Reptiles – Habitat clearance works affecting these habitat features be undertaken between the months of April and September / October inclusive to avoid the reptile hibernation season.
- 8.12 The EA identifies the site to be immediately adjacent to Flitch Way Local Wildlife Site (LoWS). The EA states that the proposals include a 5m development-free buffer along the southern boundary of the site. None of the proposed parking spaces will fall within this area. A native hedgerow will be planted along the site's boundary with Flitch Way LoWS to minimise noise pollution and light spillage. (I have cross referenced this to the proposal plan and confirm it to be true).
- 8.13 There will be no access from the site to Flitch Way under the proposals, negating the risk of any significant effect on the designated site through additional recreational pressure. During the construction phase, subject to the adoption of appropriate engineering safeguards to minimise air and noise pollution and surface run-off in keeping with best construction practice, it is considered unlikely that the proposals would lead to any significant direct or indirect effect on the Flitch Way LoWS.
- 8.14 Overall, on the basis of the current evidence there are not considered to be any overriding ecological reasons why the site could not be developed subject to appropriate mitigation to offset potential adverse impacts on the Flitch Way LoWS.
- 8.15 Given the close proximity of the LoWS, I recommend the following condition is placed on any consent to ensure the ecology of the LoWS is adequately protected throughout construction:
- 8.16 CEMP 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, particularly in relation to the Flitch Way Local Wildlife Site;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to features identified in the Ecological Assessment (Dated October 2015) 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.

- 8.17 The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.
Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and for compliance with Local Plan Policies.

Environmental Health

- 8.18 The Councils Environmental Health Officers previously during the course of planning application UTT/13/2940/FUL have concluded that the site has been remediated and decontaminated sufficiently. With a precautionary condition applied in case any further unidentified contamination is identified during construction, the proposal would comply with the requirements of policy ENV14 in respect of contaminated land.

9.0 REPRESENTATIONS

- 9.1 55 Neighbouring properties were written to and 4 replies were received. Expiry date 21st October 2015
- 9.2 Ridge House: We have no issues regarding the proposed development. As long time residents of Takeley we know that the properties and grounds of Weston Homes are well managed and maintained.
We are concerned about the hedge on our Eastern Boundary. During the past 7 years the vacant site has been poorly managed, that significant sections of the hedge have died due to the growth of trees etc. on the site. The security of our property has been undermined. Weston Homes have agreed to continue the front 2m high brick wall along the Western boundary of their site, subject to planning.
- 9.3 4 Parish Way. No objection but would like to see a footpath from the main road (B1256) to the Flitch Way incorporated. It would only take up 1 to 2 meters along either side of the site to achieve this.
- 9.4 31 Hubberd Road. I am not going to object but find it INCREDIBLE that the council allow ALL THIS LOCAL BUILDING AND COMMERCIAL DEVELOPMENT when there is NO doctors, dentist, proper parks for both young children and older children (the one on priors green Fleming road end is pitiful and poor). Takeley/little Canfield area is also in desperate need of another primary school and secondary as the surrounding areas being over developed will NOT support the amount of people putting major strain to schools, doctors and dentists.
- 9.5 We also need a local sports centre with a pool as again there is not enough in local area and the local ones have long waiting lists!
Would be nice too if local big businesses such as WESTON HOMES GROUP put back into the community. Safety should be paramount especially as these communities have lots of children.
- 9.6 West View Cottage. We write to oppose the above application. This proposal will greatly increase noise levels and traffic in an area which is largely residential. The road is a particular to concern to many residents and would better suited to traffic calming than increasing traffic, noise and pollution.
- 9.7 This will also generate significant traffic movement during the day, in an area which is used by many families and pedestrians.

- 9.8 This area is predominantly residential and we cannot see how this will benefit any of the local residents surrounding the site which has to be taken into consideration. The surrounding properties are family homes and the proposed structure and nature of the development will be disruptive out of place and unsightly.

10.0 APPRAISAL

The main issues are

- A) Design, scale, impact on neighbours amenity and effect on the countryside setting (ULP Policies S7, GEN2, GEN4, RS1)
- B) Highway issues (ULP policies GEN8, GEN1 and SPD Parking Standards)
- C) Impact on Biodiversity (ULP policy GEN7)
- D) Contamination (ULP policy ENV14)

A) Design, scale, impact on neighbours amenity and effect on the countryside setting (ULP Policies S7, GEN2, GEN4, RS1);

- 10.1 The principle for commercial use on this site has already been deemed acceptable under planning approvals UTT/13/2940/FUL and UTT/14/3697/FUL. Additionally The National Planning Policy Framework paragraph 21 States that Local Planning Authorities should support existing business sectors, taking account of whether they are expanding or contracting and that planning should operate to encourage and not act as an impediment to sustainable growth. It is recognised that evolving business needs can result in change and employment generating uses are supported by the National Planning Policy Framework (NPPF). A further material consideration is that there is a restrictive covenant on part of the land that prevents its use for residential purposes. The principle of the change of use is considered to be acceptable.
- 10.2 The former use of the site as a filling station and restaurant ceased several years ago with the site being cleared of all buildings and decontaminated. The surrounding area has become progressively more residential in its character. This application includes a single storey building which is to be used as a waiting room for staff. The building is away from the boundaries and has been designed so that it would not result in any overlooking, overshadowing or have an overbearing impact on neighbours properties. The design of the building is relatively low key and is considered to respect the domestic scale of the buildings surrounding the site and is therefore acceptable.
- 10.3 In view of the nature of the proposed business there is the potential for the proposal to have a detrimental impact on neighbour's amenity in respect of noise and light pollution. A further consideration is in respect of the impact on neighbours amenity is whether the development would cause material disturbance or nuisance. Any use needs to be compatible with the residential amenities of nearby dwellings, as such it is considered that there is a need for a restriction on the opening times and level of lighting, these however can be controlled by a suitable condition. The waiting shelter is open sided to its northern elevation. It is considered that the building should be rotated by 180 degrees so that any noise from staff waiting at the shelter is screened/reduced by the rear wall of the building. This can be achieved by a suitable condition.

- 10.4 The proposal also includes the erection of a 2m brick wall to the front and western boundaries. Specialist landscaping advice has been received stating that the wall would be out of character with frontages along this section of the B1256 and constitute a somewhat relentless feature. The proposed provision of hedging to soften the appearance of the walls would be unlikely to successfully establish as the planting would be on the shaded north side of the walls. Indeed the character along the B1256 is predominantly of mature landscaping to the roadside boundaries.
- 10.5 It was suggested that an appropriate secure enclosure of the site would be a wire mesh panelled fencing and the planting of a double staggered row mix native species hedge to the outer side on the road frontage. The applicants have stated that they do not wish to comply with this suggestion. An acceptable compromise may be a lower wall to the frontage with railings above and landscaping to the north of the lower wall. The high wall to the western boundary could remain at 2m. The landscaping officer has stated that this would also not be an acceptable proposition and therefore this design option has not been put forward to the applicant.
- 10.6 The Parish Council comments have been noted; however, although the wall to the side boundary is considered to be acceptable, the 2m brick wall to the front boundary over a width of nearly 100m would be detrimental and result in significant harm to the character of the area. The wall would be completely out of keeping with the surrounding area, which despite being developed over the last few years still maintains a predominantly soft landscaping to the boundaries of the B1256.
- 10.7 The site is located outside of development limits and as such policy S7 complies. Policy S7 states that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. Additionally, one of the core planning principles of the NPPF (paragraph 17) states that planning should recognise the intrinsic character and beauty of the countryside.
- 10.8 The boundary treatment in the form of a 2m brick wall is not appropriate for the rural area nor does it need to take place there.
- 10.9 The proposal is therefore contrary to the aims of Uttlesford Local Plan policies GEN2 and S7 and paragraph 17 of the NPPF.

B) Highway issues (ULP policies GEN8, GEN1 and SPD Parking Standards)

- 10.10 This type of use has the potential to generate a lot of vehicle movements all within short time spans. The users of the car park would park at the site and then be served by a shuttle bus. It is likely to run between 07:00 – 09:00 and 16:30 - 18:30. The shuttle bus would remove a considerable amount of car traffic from within Takeley during the peak periods, especially at the Dunmow Road / Parsonage Road junction. A total of 91 spaces will be transferred from existing parking areas; this would include the relocation of 80 staff spaces from Takeley Business Centre and 11 temporary spaces from Skyway House on Parsonage Road. As such the proposal is for an additional 49 vehicle movements on Dunmow Road in the AM and PM periods.
- 10.11 Potentially there will be a few movements from the car park during the day outside the shuttle bus designated service times. In these circumstances staff would travel

between the office and the car park by special arrangement with the shuttle bus driver, or they may use a staff cycle.

10.12 It is considered that the comings and goings to the site would not be so materially different than that generated under the extant use approved under planning application UTT/14/3697/FUL for to warrant a refusal. Essex County Council Highways Department have been consulted and consider the proposal to be acceptable. It is not considered that the development would place unacceptable pressures on the surrounding rural road network or that the proposed use would have any material impact on highway safety.

10.13 In view of the sites proximity to Stansted Airport there is the potential for airport parking which would be contrary to policy T3. This can be controlled by an appropriate condition.

10.14 The application is considered to comply with Uttlesford Local Plan Policy GEN1.

C) Impact on Biodiversity (ULP policy GEN7)

10.15 The site is located adjacent to the Flich Way which is a County wildlife site. The development includes a 5m wide landscape buffer to the southern boundary, new soft landscaping to the grass verge to the front of the site and landscaping within the site itself.

10.16 The applicant has completed a biodiversity checklist and also submitted an ecological assessment with the application. The site was subject to an extended Phase 1 habitat survey in September 2015. The habitats within the site are considered to be of low to negligible intrinsic ecological interest and their loss to facilitate the proposed development is considered to be of no significance. However, they are considered to offer minor potential opportunities to protected species including nesting birds, badgers and reptiles. The site has not materially changed since the approval of the extant permission for the site and it is not considered that, with appropriate conditions in place, the proposal would result in any material detrimental impact to biodiversity and therefore would comply with polices GEN7 and ENV7 of the local plan.

D) Contamination (ULP policy ENV14)

10.17 The application site was previously used as an Esso filling Station with a restaurant and as such the site has a high risk of contamination. The site has undergone a programme of decommissioning following demolition of all the buildings on the site.

10.18 The Councils Environmental Health Officers received previously during the course of planning application UTT/13/2940/FUL have concluded that the site has been remediated and decontaminated sufficiently. With a precautionary condition applied in case any further unidentified contamination is identified during construction, the proposal would comply with the requirements of policy ENV14 in respect of contaminated land.

11.0 CONCLUSION

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

A The principle of the proposal is acceptable, however, the proposal by way of the 2m brick wall to the front boundary is unacceptable and would result in significant harm to the surrounding rural character,

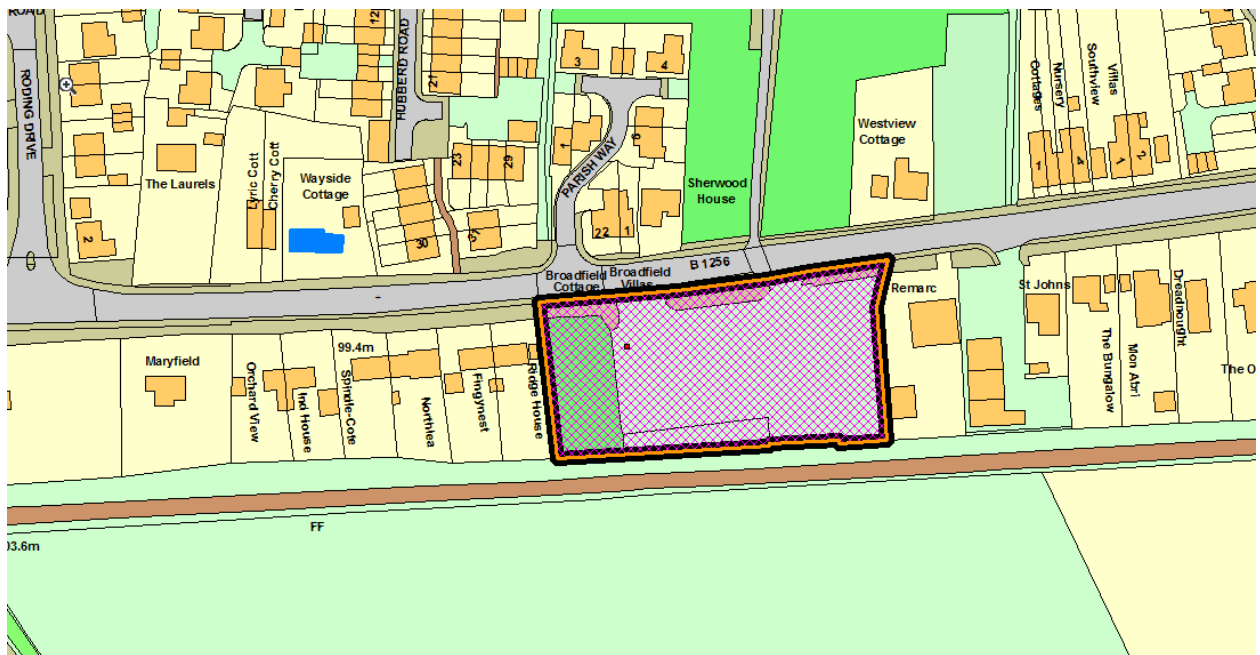
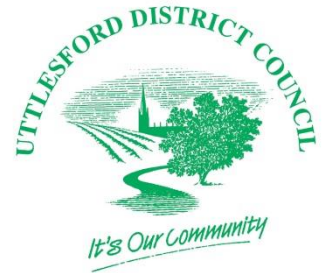
- B The Highways authority have no objections to the proposal and on balance the proposal is considered to be acceptable.
- C Essex County Council Ecologists have been consulted and they have no objections to the scheme subject to conditions. Providing that these conditions are complied with the application would comply with Policy GEN7.
- D Subject to an appropriate condition the proposal would not result in an contamination issues.

RECOMMENDATION – REFUSAL

1. The 2m brick wall to the front boundary and solid gates are considered to be an incongruent form of development which brings an urban character into the countryside setting. As such the development fails to meet Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005) and paragraph 17 of the National Planning Policy Framework.

Application Number: UTT/15/2764/FUL

Address: Takeley Service Station Dunmow Road Takeley



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Organisation: Uttlesford District Council
Department: Planning
Date: 2 December 2015
SLA Number: 100018688

UTT/15/2336/FUL (SAFFRON WALDEN)

(OTHER – Called In by Cllr Lodge)

(a) That the road which will be developed as a result of this change of use will add to traffic congestion in and around this area. There are parking and access concerns for any road which will be developed arising from this granting of access.

(b) The Town Council requests that a Grampian Condition is attached to this application thereby postponing the implementation of otherwise permitted development (i.e. the building of a road) until such time as other measures are in place to support this provision, i.e. sufficient infrastructure and traffic management to mitigate against the increase in parking and traffic movement.

(c) The Town Council further objects on the grounds that the proposed development which would follow this change of use would likely remain a dead end road for a period of time, in anticipation by the developer that planning permission is granted for housing development. Until this occurs, the road will be a dead end and this may encourage additional parking (by non-residents) in what is already a busy and overcrowded area. It is also likely that if the road is built and there are no sufficient barriers in place to prevent access to the adjacent fields, that trespassing may occur as access the vacant land is left open.

(d) It is noted that the proposed road is to provide future access to a potential housing development. Whilst it is noted that until such time as a new planning application is submitted for housing, it is not really therefore possible to take this element into consideration but should the any future planning application be refused, it would render the road surplus to requirements and would likely be unmaintained by the developer.

(e) The Town Council requests that this application is determined at Committee level and is not therefore delegated to an officer decision. The reason for this request is to allow full and democratic involvement and participation in this planning application; affording local residents an opportunity to air their views to a democratically elected panel of councillors.

PROPOSAL: Change of use of land from grassland to highway use

LOCATION: Land Adjacent Unit 44 Shire Hill Industrial Estate Saffron Walden

APPLICANT: Manor Oak Homes

AGENT: Framptons

EXPIRY DATE: 29 September 2015

EXTENSION OF TIME: 21 December 2015

CASE OFFICER: Maria Shoemith

1. NOTATION

1.1 Development Limits/adjacent to countryside, Airport Safeguard Zone, Contaminated Land

2. DESCRIPTION OF SITE

2.1 The application site is a small irregular shaped piece of land which currently forms part of a large landscape buffer strip between the Shire Hill Industrial Estate and the

agricultural field to the east of the site. The subject piece of land abuts Shire Hill Road and a hammerhead. This contains shrubbery and a tree.

2.2 The area covered is 52.6 square metres.

2.3 The site falls within Flood Risk Zone 1 whereby there is low risk of flooding from rivers. There are no other sources of flooding sources identified. The application site falls approximately 300metres east of the Saffron Walden Air Quality Management Area.

3. PROPOSAL

3.1 The application is for full planning permission for the change of use of the subject irregular piece of land for highway purposes.

3.2 Outline planning permission was granted 30th April 2013 by Planning Committee Members for "*Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access*" (UTT/13/3467/OP) for the adjacent site to the east of which this proposal would link up with.

3.3 As part of the above outline planning permission, consent was provided for primary access to be taken from Radwinter Road and a secondary access from Shire Hill. The proposed scheme here is proposed to form that secondary access for the above development, UTT/13/3467/OP.

4. APPLICANT'S CASE

4.1 N/A

5. RELEVANT SITE HISTORY

5.1 UTT/13/3467/OP - Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access - Granted 26 May 2015

5.2 Screening Opinions have been undertaken regarding the proposed development in the form of the following;

- UTT/13/3363/SCO – Mixed development of up to 230 homes (Class C3), up to 1,800 sqm of B1 office floor space, 60 extra care units (Class C2) and 42 sheltered units (Class C3) with areas of public open space, landscaping, parking and foot-paths links and new access

Environmental Impact Assessment would not be required.

- UTT/13/3467/OP – A new Screening Opinion was further undertaken following the submission of the application which now included the option of a new single form entry primary school.

Environmental Impact Assessment would not be required.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S1 Development within Development Limits
- S7 Countryside
- SW6 Safeguarding of Existing Employment Areas
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land

7. SAFFRON WALDEN TOWN COUNCIL COMMENTS

7.1 To object to this application on the following grounds:

(a) That the road which will be developed as a result of this change of use will add to traffic congestion in and around this area. There are parking and access concerns for any road which will be developed arising from this granting of access.

(b) The Town Council requests that a Grampian Condition is attached to this application thereby postponing the implementation of otherwise permitted development (i.e. the building of a road) until such time as other measures are in place to support this provision, i.e. sufficient infrastructure and traffic management to mitigate against the increase in parking and traffic movement.

(c) The Town Council further objects on the grounds that the proposed development which would follow this change of use would likely remain a dead end road for a period of time, in anticipation by the developer that planning permission is granted for housing development. Until this occurs, the road will be a dead end and this may encourage additional parking (by non-residents) in what is already a busy and overcrowded area. It is also likely that if the road is built and there are no sufficient barriers in place to prevent access to the adjacent fields, that trespassing may occur as access the vacant land is left open.

(d) It is noted that the proposed road is to provide future access to a potential housing development. Whilst it is noted that until such time as a new planning application is submitted for housing, it is not really therefore possible to take this element into consideration but should the any future planning application be refused, it would render the road surplus to requirements and would likely be unmaintained by the developer.

(e) The Town Council requests that this application is determined at Committee level and is not therefore delegated to an officer decision. The reason for this request is to

allow full and democratic involvement and participation in this planning application; affording local residents an opportunity to air their views to a democratically elected panel of councillors.

8. CONSULTATIONS

ECC Highways

8.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

- The highway is constructed to adoptable standards and forms part of the access to planning application UTT/13/3467/OP.

Landscaping Officer (Verbal Comments)

8.2 No objection, as the trees are relatively poor quality and form.

9. REPRESENTATIONS

9.1 Neighbouring properties have been consulted of the application. As a result one representation has been received raising the following points;

- We currently run a busy manufacturing facility from units 38, 40 and 46. Although we have no objection to the grassland being changed to highways, we must request that during all construction work the entrance to our units, used by HGV's regularly throughout the day, is kept clear at all times. The entrances to the units have not been clearly defined on the map. It may be appropriate to mark this area with double yellow lines as there will be a considerable amount of displaced vehicles which park in this area. It also looks as if three entrances serves the units from the map, but this is not the case as each unit has parking within the forecourt area.

10. APPRAISAL

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

- A Principle of development & Highways
- B Design & Amenity
- C Landscape Impact & Biodiversity

A Principle of development & Highways

10.2 The application site is within the development limits of Saffron Walden and is therefore Local Plan Policy S1 (Development Limits for the Main Urban Areas) applies. This states "...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". Local Plan Policy SW6 relating to Safeguarding Existing Employment Areas identifies Shire Hill site as a key employment consisting of an area of 11.25ha and the policy seeks to protect such employment land. This is also emphasised within Local Plan Policy E2 (Safeguarded Employment Land).

10.3 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. This has found the plan was consistent with the NPPF. The protection and enhancement of the natural

environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one. The NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise, and therefore must be weighed against the other sustainability principles.

- 10.4 The principle of the proposed development in terms of the change of use of an element of land for highway purposes has been previously granted planning permission as part of the larger development on the adjacent site for “*Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access*” (UTT/13/3467/OP). As part of this application planning permission was granted for the creation of a secondary access point in this location. This scheme will still safeguard Shire Hill in accordance with Local Plan Policies SW6 and E2.
- 10.5 Planning permission has been applied for in this instance to clarify that this parcel of land had specifically planning permission for such highway purposes to serve the adjacent site’s housing scheme.
- 10.6 The planning consent this was granted subject to a whole list of planning conditions and Section 106 Obligation requirements. The UTT/13/3467/OP consent requires, amongst other things the access to be implemented in accordance with adoptions standards, a financial contribution towards the introduction of a ‘Shire Hill’ parking scheme. Works to the access would be subject to separate highway legislation under which the works would be required to follow a separate process.
- 10.7 The subject application does not compromise the requirements of UTT/13/3467/OP in terms of conditions and S106 requirements. ECC Highways have been consulted of the application. As a result no objection has been raised subject to the access road being constructed to adoptable standards and that it is only implemented to form part of the access to planning application UTT/13/3467/OP. This would also address a number of the concerns raised by the Town Council.
- 10.8 Details of vehicle movement and congestion have been previously addressed as part of the larger housing development application.
- 10.9 Therefore, the principle of the change of use and creation of access is considered to be acceptable, subject to the suggested Grampian condition should planning permission be granted, in accordance with Local Plan Policies S1, SW6, S7, GEN1 and the NPPF.

B Design & Amenity

- 10.10 Details of design, amenity and pollution have been previously addressed as part of the larger housing development application. Should planning permission be granted for this application a Grampian condition would be required to ensure that the access would be implemented in accordance with the planning consent of the adjacent larger development which this access would technically form part of, in accordance with Local Plan Policies GEN1, GEN2, GEN4, GEN5, GEN6, GEN7, ENV12, ENV13 and ENV14.

C Landscape Impact & Biodiversity

- 10.11 The adjacent housing development was assessed against a submitted Landscape and Visual Impact Assessment and Arboricultural Statement at the time.
- 10.12 No objection was raised at time subject to conditions relating to the submission of details on a landscaping and lighting scheme. Similarly, the loss of two Poplar trees has been previously considered. Regarding this scheme no objections have been raised by the Council's Landscaping Officer on the basis that the two Poplar trees are relatively poor quality and form. The scheme is therefore considered to accord with Local Plan Policy GEN2, and GEN7 in this respect.
- 10.13 With regards to ecology, again, a separate Phase 1 Ecological Survey was submitted and assessed at the time of the main application. At the time of submission the previous ecological survey was still valid and is still valid whereby separate recommendations and mitigation measures have been requested, the scheme is therefore considered to accord with Local Plan Policy GEN2, and GEN7 in this respect should this development be implemented in conjunction with the main adjacent development which forms UTT/13/3467/OP.

11. CONCLUSION

- 11.1 The principle of the change of use and creation of access is considered to be acceptable; subject to the suggested Grampian condition should planning permission be granted, in accordance with Local Plan Policies S1, SW6, S7, GEN1 and the NPPF.
- 11.2 Details of design, amenity and pollution have been previously addressed as part of the larger housing development application. Should planning permission be granted for this application a Grampian condition would be required to ensure that the access would be implemented in accordance with the planning consent of the adjacent larger development which this access would technically form part of, in accordance with Local Plan Policies GEN1, GEN2, GEN4, GEN5, GEN6, GEN7, ENV12, ENV13 and ENV14.
- 11.3 No objections have been raised by the Council's Landscaping Officer on the basis that the two Poplar trees are relatively poor quality and form. The scheme is therefore considered to accord with Local Plan Policy GEN2, and GEN7 in this respect.
- 11.4 No ecological are raised considered subject to the scheme being developed in conjunction with the main adjacent development which forms UTT/13/3467/OP and therefore would be in accordance with Local Plan Policy GEN2, and GEN7.

RECOMMENDATION – CONDITIONAL APPROVAL

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

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

2. The development hereby permitted shall be constructed to adoptable highway standards and shall form part of the access to planning application UTT/13/3467/OP with a continuous link.

REASON: To ensure the protection of both sites in the interest of the amenity of the surrounding locality in accordance with S1, SW6, S7, GEN1, GEN2, GEN4, GEN5,

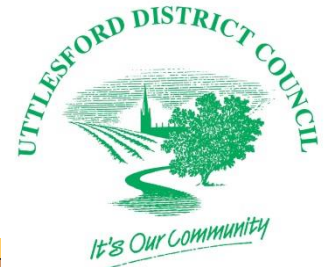
GEN6, GEN7, ENV12, ENV13 and ENV14 and the National Planning Policy Framework.

3. The development hereby permitted shall be implemented in conjunction with planning consent UTT/13/3467/OP and in accordance with the associated conditions and Section 106 Obligation.

REASON: To ensure the protection of both sites in the interest of the amenity of the surrounding locality in accordance with S1, SW6, S7, GEN1, GEN2, GEN4, GEN5, GEN6, GEN7, ENV12, ENV13 and ENV14 and the National Planning Policy Framework.

Application number: UTT/15/2336/FUL

Address: Land Adjacent Unit 44
Shire Hill Industrial Estate
Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 02 December 2015

SLA Number: 100018688