

## **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

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### **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 Flich 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
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- 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 Flitch 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.

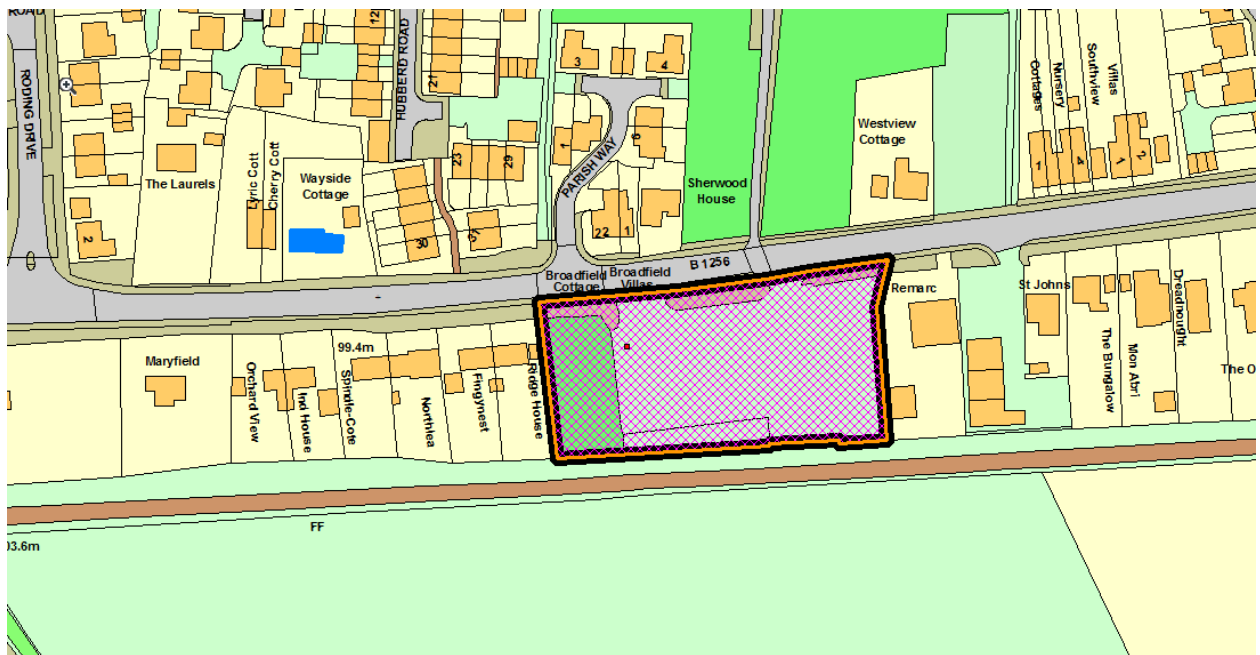
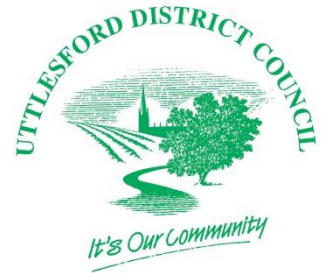
**RECOMMENDATION – REFUSAL**

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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