



Uttlesford District Council

Chief Executive: Dawn French

Planning

Date: Wednesday, 08 February 2017
Time: 14:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks, J Lodge, J Loughlin, A Mills, V Ranger (Chairman), H Ryles.

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of previous meeting** 5 - 10
To receive the minutes of the meeting held on 11 January 2017
- 3 UTT/16/2701/DFO Saffron Walden** 11 - 96
To consider application UTT/16/2701/DFO Saffron Walden
- 4 UTT/16//2632/FUL Stansted** 97 - 120
To consider application UTT/16/2632/FUL Stansted
- 5 UTT/16/2865/OP Stansted** 121 - 140
To consider application UTT/16/2865/OP Stansted
- 6 UTT/16/2597/FUL Elmdon** 141 - 152
To consider application UTT/16/2597/FUL Elmdon

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| 8 | UTT/16/2404/FUL Great Hallingbury
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| 10 | UTT/16/3394/FUL Great Chesterford
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| 12 | UTT/16/3687/HHF Saffron Walden
To consider application UTT/16/3687/HHF Saffron Walden | 209 - 212 |
| 13 | Land South of Ongar Road Great Dunmow
To consider adding an additional condition to the resolution to grant for application UTT/16/2669/FUL | 213 - 216 |
| 14 | Any other items which the Chairman considers to be urgent
To consider any 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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Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 11 JANUARY 2016**

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

Officers in attendance: N Brown (Development Manager), M Cox (Democratic
Services Officer), K Denmark (Development Management Team
Leader), M Jones (Planning Officer), J Lyall (Interim Solicitor),
M Shoesmith (Development Management Team Leader) and C
Theobald (Planning Officer).

PC31 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor J Davey.

*Councillors Freeman and Fairhurst declared a non-pecuniary interest as a
member of Saffron Walden Town Council.*

PC32 MINUTES

The minutes of the meeting held on 14 December 2016 were received and
signed by the Chairman as a correct record.

PC33 UTT/16/1856/DFO SAFFRON WALDEN

Application for the approval of matters reserved by outline planning permission
UTT/13/3467/OP comprising the erection of 200 dwellings of mixed size and
tenure, including link road, residential access roads, public open space, surface
water attenuation areas and landscaping, and access to and preparation of land
for a one form entry primary school – Land south of Radwinter Road for Linden
Ltd

RESOLVED that the application be approved subject to the conditions
set out in the report and the following amended and new conditions

Amended conditions

- 6 Prior to the erection of the development hereby approved (not including
footings and foundations) samples of materials to be used in the
construction of the external surfaces of the development hereby permitted
shall be submitted to and approved in writing by the local planning authority.
The development shall be implemented using the approved materials.
subsequently, the approved materials shall not be changed without the prior
written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 7 Prior to the erection of the development hereby approved (not including footings and foundations) details of boundary railings with piers, retaining walls, post and rail, also shared boundary subdivision shall be submitted to and approved in writing by the Local Page 6 of 11 Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual and residential amenity, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

New conditions

- 9 The 43m forward visibility splay on the link road that passes through the land indicated for the retirement home (as shown on drawing no. 1511/07/16 Rev F) will be provided before the road is first used by vehicular traffic and maintained free of obstacles and vegetation above the height of 600mm thereafter in perpetuity.

REASON: To protect the safety and efficiency of the highway in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 10 Visibility splays as shown on drawing 1511/07/16 Rev F, or as appropriate to the design speed of the highway, will be provided before the road is first used by vehicular traffic and maintained free of obstacles and vegetation above the height of 600mm, thereafter in perpetuity.

REASON: To protect the safety and efficiency of the highway in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 11 1.5m x 1.5m pedestrian/vehicle splays will be provided where drives meet the footway. These splays should be free of obstructions above a height of 600mm and maintained thereafter in perpetuity.

REASON: To protect the safety and efficiency of the highway in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 12 Traffic management measures will be provided where the geometry of the roads does not provide an environment where traffic is likely to travel at or below the speed limit.

REASON: To protect the safety and efficiency of the highway in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Cllr Doug Perry (SWTC) spoke against the application. John Baines spoke in support of the application.

PC34 **UTT/16/2436/FUL FELSTED**

Application for variation of condition 2 (Landscaping) of UTT/15/1615/DFO to "All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no PR029.01G. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority." – former Dunmow Skips Site Station Road for Persimmon.

RESOLVED that the application be approved subject to the conditions in the report and an amendment to condition 2 as follows

- 2 All landscaping on the eastern, northern and western boundaries identified as "Proposed Tall Screen Hedge" and "Proposed Native Shrub Mix" on drawing no PR029.01G shall be carried out within 3 weeks from the date of this decision notice. All other hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no PR029.01G. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.
REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

William Vote spoke in support of the application.

PC35 **UTT/16/2538/DFO NEWPORT**

Application for the demolition of existing dwelling and construction of five dwellings including associated parking – Redbank, Bury Water Lane for Mr and Mrs A Sivell.

RESOLVED that the application be approved subject to the conditions in the report.

It was also agreed to include an informative note – that the footpath should be retained and maintained during and after construction.

Councillor Hargreaves and Judy Emmanuel spoke against the application. Mr Dagg spoke in support of the application.

PC36

UTT/16/1066/FUL ELSENHAM

Application for the proposed modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, and creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements - Elsenham Golf and Leisure, Hall Road, Henham for Mr Pharoah

RESOLVED that the application be approved subject to the conditions in the report and an amendment to conditions 5 and 6 as follows

- 5 Prior to ground works commencing within areas defined as 'rank grassland, rank grassland/tall ruderal/scrub/tree mosaic' (see Plan 03: Habitats and Photographs and Faunal survey Results) including any land within 5 metres of these areas, a detailed mitigation strategy for great crested newts shall be submitted to and approved in writing by the local planning authority. subsequently these works shall be carried out as approved.
REASON: to ensure reptiles and great crested newts (all legally protected species) are duly protected in accordance with European and national legislation and UDC Local Plan Policy GEN7.
- 6 Prior to ground works commencing within areas defined as 'rank grassland, rank grassland/tall ruderal/scrub/tree mosaic' (see Plan 03: Habitats and Photographs and Faunal survey Results) including any land within 5 metres of these areas, a detailed mitigation strategy for reptiles shall be submitted to and approved in writing by the local planning authority. Subsequently these works shall be carried out as approved. The mitigation shall adhere to the outline detail provided in the Ecological Assessment Report (October 2015) in all respects
REASON: To ensure reptiles (nationally protected species) are protected throughout works in accordance with ULP policy GEN7

Also to include an informative note- to contact Stansted Airport about the construction equipment on the site.

Application for the proposed demolition of existing garage and shed and construction of fully covered swimming pool including ancillary accommodation of changing rooms and toilets for family use and for private swimming lessons - 1 Rectory Drive, Rectory Lane, Farnham for Mr Cliff Williams.

RESOLVED that the application be approved subject to the following conditions.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding the approved details, prior to commencement of the development, details of the external finishes must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details.
REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
JUSTIFICATION: This condition must be pre-commencement to ensure that the development is only carried out in accordance with the above details.
- 3 Prior to commencement of development, details including the acoustic specification of all fixed plant and equipment together with a scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to achieve a noise rating level LAr,Tr as defined in BS4142:2014 at the east and west boundaries of the site not exceeding the existing background noise level LA90,T, or 35 dB(A), whichever is the higher. The scheme approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details, and shall not be altered without prior approval by the local planning authority.
REASON: In the interests of neighbouring amenity, in accordance with Policy GEN2, Policy GEN4 and ENV11 of the Uttlesford Local Plan (adopted 2005).
JUSTIFICATION: This condition must be pre-commencement to ensure that the development is only carried out in accordance with the above details.
- 4 Any commercial use of the development shall cease within 28 days of loss of the availability of the parking area at the Village Hall as indicated on the approved plans 840/04B dated 2.6.16
REASON To provide adequate car parking in accordance with GEN8 of the Adopted Uttlesford Local Plan 2005.

- 5 Any commercial activities within the approved development shall only be carried out by Mr & Mrs Williams whilst occupant at 1 Rectory Drive, Farnham.
REASON: To protect the reasonable residential amenities of adjoining occupiers in accordance with Policy GEN4 of the Adopted Uttlesford Local Plan 2005.

Mr Williams spoke in support of the application.

PP38

UTT/16/2607/HHF SAFFRON WALDEN

Application for part single and part two storey rear extension. Alterations to front façade, including demolition of existing garage roof – 33 Audley Road for Mr and Mrs Shakespeare.

RESOLVED that the following application be refused

Reason: The proposed development by reason of the close positioning of the first floor rear extension relative to the side boundary would have a significant harmful effect on the residential amenities of the adjacent property, No.31 Audley Road through a combination of loss of daylight, overshadowing and overbearing effect and would therefore be contrary to ULP Policy GEN2 (i) of the Uttlesford Local Plan (adopted 2005).

The meeting ended at 5pm

UTT/16/2701/DFO (SAFFRON WALDEN)

(MAJOR)

PROPOSAL: Reserved Matters (appearance, landscaping, layout and scale) pursuant to UTT/13/2423/OP for Phases 1b, 2 and 4 to provide 160 dwelling houses with associated car and cycle parking, hard and soft landscaping, 5-a-side football pitch and utilities & infrastructure including details pursuant to conditions 4 (accessibility), 11 (sub-station), 18 (electronic vehicle charging points) and 27 (rainwater harvesting) of outline permission UTT/13/2423/OP

LOCATION: Commercial Centre Ashdon Road Saffron Walden CB10 2NQ

APPLICANT: Bloor Homes Eastern

AGENT: Pegasus Group

EXPIRY DATE: 13th February 2017

CASE OFFICER: Maria Shoemith

1. NOTATION

1.1 Development Limits, Within 500m of Oil pipes, Protected Verge, adjacent to County Wildlife Site, 500m of AQMA, Airport Safeguarding, Archaeology

2. DESCRIPTION OF SITE

- 2.1 The application site is located north east of Saffron Walden, north of Ashdon Road also east and to the rear of the properties that are located on De Vigier Avenue. To the north and west of the site is open countryside. Ten Acre Wood lies to the north of the application site, Whitehill Wood is situated to the north east and Pounce Wood to the southeast of the site. Opposite the application to the south of Ashdon Road is a current housing and commercial scheme which has been developed (UTT/0400/09/OP). The overall wider site comprises a total area of 13 hectares of commercial industrial units. The subject of this reserved matters application covers an area of 4.78 ha of land. This forms phases 1b, 2 & 4 of the approved outline application UTT/13/2423/OP.
- 2.2 The Ashdon Road Commercial Centre is one of the largest employment sites in Saffron Walden. Which consisted of a number of warehouse buildings, many dating back to 1950s and 1960s and many are showing to be beyond economic repair.
- 2.3 The main owner and occupant of the land is Ridgeons, a retail warehouse industrial unit for construction materials. The buildings on site are large in scale and are dominating. Although boundary vegetation and topography mean that the site is well screened to the west and south and partly screened close up along the east and north. There are large grassed areas either side of the access forming terraces at the southern end of the site, which is framed a native hedgerow, with levels falling steeply to meet Ashdon Road. A drainage pond is located to the west of the site. There is a hedge that runs along the southwestern edge which bounds the rear gardens of properties along De Vigier Avenue, together with other native and

coniferous planting.

- 2.4 The character of the area surrounding the application site changes from one which is of an urban nature, to countryside, to one that is commercial/industrial.
- 2.5 The site is stated to be located on the mid-slopes of the valley sides north-east of Saffron Walden between 80 and 90 AOD (above ordinance datum). Generally the site slopes from north to south, with parts being terraced to accommodate the commercial buildings. These areas of ground levels are linked by concrete ramps and access roads. There is a vegetated area of higher ground is located to the north of the site at 93.5m AOD. From this point the ground levels slopes steeply down on both sides. The north-eastern part of the site has a hardstanding area at 91.5m AOD. From this point of hardstanding area the levels fall to the main development area of approximately 84m AOD. From the developed area the ground falls further away to the south with a gradient slope increasing at the southern edge of the site to meet Ashdon Road. The ground slopes up away from the buildings along the eastern boundary. A dismantled railway line runs along the eastern edge of the boundary located within a cutting and it is surrounded by dense trees and scrub.
- 2.6 There are no public rights of way which run through the site.
- 2.7 The site is surrounded by various constraints in the form of having high pressure oil pipes which run through the site, being located adjacent to a County Wildlife site, part of the sites frontage is protected special verge. The site falls within the airport safeguarding zone by which no buildings can exceed 15m in height, also the application site is located within 500m of the designated Saffron Walden Air Quality Management Area. ANCO Oil storage facility is located southeast of the application site. There are two oil pipelines which cross the site and are connecting to the oil storage facility, one running north-south down the centre of the site and the other across the southwestern corner of the site.
- 2.8 There is an existing electricity substation which is located to the north-western corner of the site.
- 2.9 A number of buildings have been demolished and the new Ridgeon's store, Phase 1a, has been recently completed together with the commercial spine road which has been approved under UTT/13/2423/OP. A copy of the outline planning application report has been attached in Appendix A.

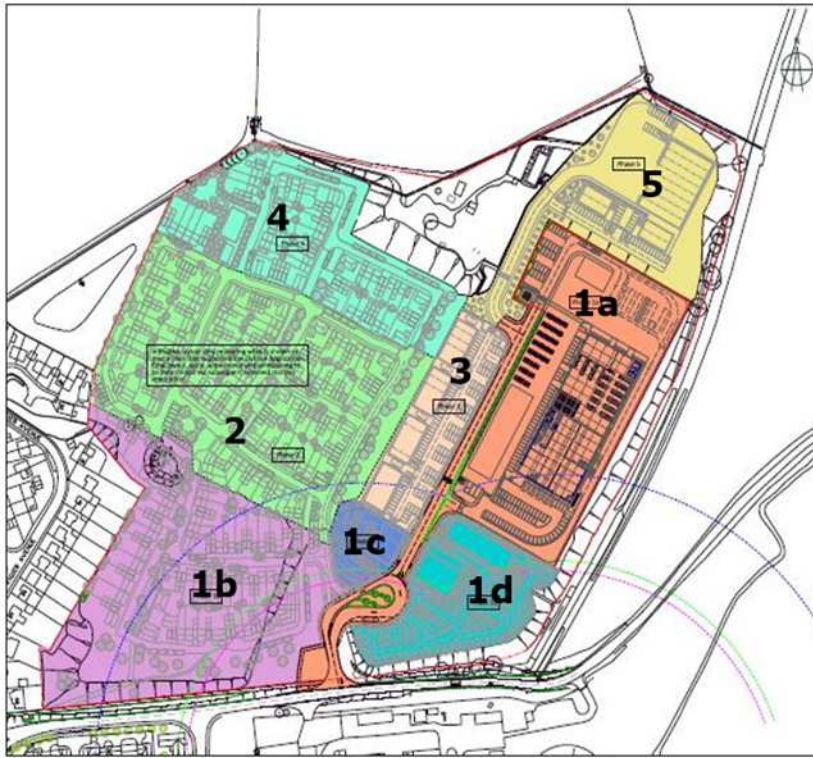
3. PROPOSAL

- 3.1 The application is for the reserved Matters (appearance, landscaping, layout and scale) pursuant to UTT/13/2423/OP for Phases 1b, 2 and 4 to provide 160 dwelling houses with associated car and cycle parking, hard and soft landscaping, 5-a-side football pitch and utilities & infrastructure including details pursuant to conditions 4 (accessibility), 11 (sub-station), 18 (electronic vehicle charging points) and 27 (rainwater harvesting) of outline permission UTT/13/2423/OP.
- 3.2 This element of the site would see the demolition of the old Ridgeons store and another unit to the rear, and the redevelopment of the eastern part of the site.
- 3.3 This application is for the assessment of the detailed reserved matters relating to the erection of 160 dwellings of mixed size and tenure, residential access roads, public open space, surface water attenuation area and landscaping.

- 3.4 Access to the site would be taken from Ashdon Road as approved as part of the outline application and the internal access/spur road into the residential element that was also approved as part of a previous reserved matters as indicated in Section 5 below.
- 3.5 Whilst outline planning permission has been granted for up to 167 dwellings. This reserved matters application seeks to provide only 160 dwellings out of the 167 dwellings on Phases 1b, 2 and 4, on the eastern part of the site.
- 3.6 The scheme would provide 40% affordable housing, 64 dwellings, with a 70% -30% mixture of tenure, both rent and shared equity. The clustering of affordable housing would be of no more than 10 dwellings.
- 3.7 5% bungalows, 8 dwellings which would be wheelchair accessible, will be provided across all tenures. These units have been designed to Part M Category 3 of the Building Regulations, with all dwellings will be built to lifetime homes standards.
- 3.8 A breakdown of the housing units in terms of tenure, parking and private amenity space provision is attached to the end of the report in Appendix B.
- 3.9 There would be varying scales and spacing between buildings which would be created through the provision of the various open spaces. 1.06ha of open spaces including a LEAP, 5-a-side football pitch, trim trail with teenage facilities are proposed as part of the scheme. Together with this there is a network of cycle and pedestrian paths integrated within the scheme. Sustainable drainage systems in the form of attenuation ponds are also integrated within the design of the scheme.
- 3.10 As part of the scheme's sustainability electric car charging points would be installed in each garage, as secured through the outline application, and water butts will be provided for every property.
- 3.11 The application includes the discharge of conditions 4 (accessibility), 11 (sub-station), 18 (electronic vehicle charging points) and 27 (rainwater harvesting) attached to UTT/13/2423/OP. This has been separately registered as a Discharge of condition under reference UTT/16/2765/DOC.

4. APPLICANT'S CASE

- 4.1 As part of the submission the following supporting documents have been submitted;
- Planning Statement;
 - Design Statement (including landscaping proposals) prepared by Pegasus Group
 - SuDS drainage checklist, SuDS commentary;
 - Bio-diversity checklist;
- 4.2 The legal agreement attached to the outline permission required the prior approval of the phasing of the development. This was approved in June 2015 as part of application UTT/15/0455/DFO and subsequently amended. The agreed phasing plan is reproduced below. It indicates phases 1b, 2 and 4 that will be redeveloped for residential use.



4.3 This latest Reserved Matters submission has been the subject of pre-application discussions with the District and Town Council. On 28th April, a presentation of the application proposals was given to a meeting of Saffron Walden Town Council. This provided the opportunity for the Town Council to comment on the proposals. The main issues raised by the Town Council that are of relevance to this submission are summarised as follows:

- Access: An additional access was requested. The means of access for this site was approved under the outline scheme. Bloor Homes has looked carefully at alternatives but is restricted by the presence of the oil pipeline in this location. As such, the approved access has been retained.
- Football pitch: The presented scheme included a 5-a-side football pitch. The Town Council requested the provision of a full size pitch and Bloor Homes has reviewed this with the designers. There is insufficient land available across the site that is not constrained by the topography of the land, the need to maintain adequate buffers separation distances or respect the HSE consultation zone to enable the provision of a full size pitch. The scheme therefore retains the 5-a-side pitch in the location previously identified.
- Recreation facilities: In response to the request of the Town Council a trim trail has been provided as has equipment suitable for teenagers.

4.4 The mix of the affordable element of the scheme has been agreed with the Council prior to submission, as required by the legal agreement associated with the outline permission.

4.5 The Council's adopted policy on housing mix (policy H10) requires 'a significant proportion' of the market housing to be small properties, which paragraph 6.30 defines as 2 and 3 bed properties. There is no definition of 'significant'. The Reserved Matters scheme provides 42% 2 and 3 bed market units, which is considered to represent a significant proportion of the mix on this site. As such, the proposal is considered to comply with policy H10 of the adopted Local Plan.

4.6 The resultant scheme is one that demonstrates the following design elements:

- A clear and safe movement hierarchy throughout the site providing appropriate connections to the wider area for vehicles, pedestrians and cyclists;
- A layout that maximises accessibility for all mobility levels;
- A strong street scene at the residential site entrance, creating a 'gateway' to the development;
- Well designed and laid out dwellings on good sized plots;
- Corner plots with dual aspect dwellings to ensure active frontage;
- A series of focal points;
- Active frontage to the public realm to maximise surveillance;
- On-plot parking for the majority of all plots; and
- A varied and interesting streetscape, comprising a range of architectural details reflective of local character.

4.7 The green spaces are an integral part of the place and create a strong landscape structure across the site. The new green infrastructure has been a driving factor in the creation of new routes and spaces within the masterplan and the landscape helps to further define the public and private spaces, whilst adding structure, colour, texture and seasonal interest to the residential environment.

5. RELEVANT SITE HISTORY

5.1 UTT/13/2423/OP - Planning permission was granted for "Outline application for redevelopment of the site to provide up to 1.25 hectares of land to be used as a Builders Merchant and Yard (Use Class B8), up to 0.47 hectares of land to be used as Offices (B1(a)), up to 0.4 hectares of land to be used for Offices and/or Research and Development and/or Light Industrial (Use Class B1 (a), (b) and (c)), up to 1.16ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Classes B1, B2 and/or B8), a Local Centre of up to 0.86ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m²), a cafe/restaurant/public house (Use Classes A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access"

5.2 The outline planning permission involved the demolition of the various industrial units on site and sites redevelopment comprising of the following;

- Up to 167 residential dwellings, including affordable housing covering an area of 4.78ha;
- Replacement Builders Merchants and Yard for Ridgeons on 1.25ha;
- Up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and (C));
- Up to 1.16 ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8);
- A Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m²), and a up to a 40 bed hotel (Use Class C1) with a café/ family restaurant/ public house (Use Class A3 and A4)

- 5.3 The scheme also includes the provision of public open space, landscaping and the provision of supporting infrastructure including replacement substations with all matters reserved except for access.
- Granted in November 2014.
- 5.4 UTT/16/1065/FUL - Details of layout, scale and appearance of residential access spur road for phases 1b (residential element), 2 and 4, pursuant to UTT/13/2423/OP.
- Granted
- 5.5 UTT/15/0455/DFO - Reserved matters following outline application UTT/13/2423/OP, for replacement Ridgeons building, commercial access road, bus turning area together with fencing, retaining walls, fuel tank, cycle parking, substations external racking and associated works.
-Granted
- 5.6 UTT/16/2330/NMA - Non Material Amendment to UTT/15/0455/DFO - Insertion of access door to the Goods Inward Store on the south east elevation. Internal Alterations to the Ground Floor of the building to the Goods Inward area. Removal of internal wall in the officer/counter area. Removal of retaining walls from the approved drawings. Insertion of Armco barrier for the HGV access and yard area. Reduction in the area for external plant to the north of the main entrance (adjacent to car park space 10)
-Approved
- 5.7 UTT/16/3174/NMA - Non Material Amendment to UTT/15/0455/DFO - Relocate boundary fence by 500mm in certain locations.
-Approve
- 5.8 UTT/16/2314/FUL - Siting of port-a-cabin
-Approve
- 5.9 UTT/14/3574/AV - Advertisement board for new commercial units and development plots.
- Approve
- 5.10 UTT/16/2341/AV - Erection of 13 no. fascia signs and 1 no. entrance totem sign
- Approve
- 5.11 A Screening Opinion has been undertaken regarding the proposed development in the form of the following;
- UTT/13/1044/SCO - proposed development of circa 170 residential dwelling and Circa 12,000m² commercial floor space. The Screening Opinion concluded that an EIA would not be required (dated 14th May 2013). The submitted application has not altered the scope of the scheme therefore the Screening Opinion issued is considered to still be relevant in receipt of this application.
- 5.12 This application and the Ridgeon's store Phase 1a application has also been re-screened of which it was concluded that an EIA would not be required.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- S1 Development limits for Main Urban Areas
- S7 Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV5 Protection of Agricultural Land
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- H9 Affordable Housing
- H10 Housing Mix

7. TOWN COUNCIL COMMENTS

- 7.1 (a) To object to this application in its current format as the Committee had previously specifically requested to the developer that it be actively engaged and involved in the style, design and nature of the play equipment and that had not regretfully happened. The Town Council had previously expressed an interest in taking ownership of the parks and open spaces of this development on condition that it was involved in the style and nature of play equipment to be installed. The Committee noted that the proposed play equipment was wooden and the Town Council did not favour this material as it is not as robust or durable as metal equipment. The type of proposed equipment did not find in favour with the Committee and it was noted that there were no traditional swings. The Committee did not find favour with the proposed trampoline noting that this would likely be high maintenance and therefore costly to manage. The Committee further expressed concerns re surfacing of the footpaths and of the installation of dogs and litter bins, querying who would take on the responsibility for emptying and managing same.
- It is further noted that a meeting took place on 2nd November between the Town Council and the developer and a number of queries and issues were discussed and resolved regarding matters raised in (a) above. If the matters as discussed at this meeting are resolved by the developer then the Town Council would seek to remove this objection.
- (b) To express concerns regarding the concentration of affordable housing at the top end of the proposed development. Affordable housing should be dispersed within the application as a whole and not concentrated in one area as per the proposals.
- (c) To raise queries regarding disabled access to and around the site, with specific reference to the shared surfaces that may make pedestrian

accessibility more difficult.

- (d) It is noted that the roads within the development are relatively narrow and this may lend itself to being blocked with parked cars and concerns are therefore expressed in this respect.
- (e) To express concerns regarding pedestrian access from the development into town. There are no specific footpaths or shortcuts within the development which would encourage walking or cycling rather than the use of a car. More footpaths could be installed within the proposed development including down to De Vigier Avenue with access by the attenuation areas. These concerns are further expressed regarding access into/out of the development generally;
- (f) It is noted that the development is within the blast zone for the oil pipes and there should therefore be water stand pipes at regular intervals within the development
- (g) The Town Council would wish to know the proposed phasing of the development to ensure that the services and open spaces are brought on line at the earliest opportunity so that the first phase of residents can benefit from these services.
- (h) The Town Council would request a planning condition be imposed that all commercial vehicles relating to the development of both the housing and commercial sites are parked on the development site during construction to ensure that access roads in and out of the development are not blocked.
- (i) 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 into the commercial site) 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

8. CONSULTATIONS

Natural England

- 8.1 No comments on application.

National Grid

- 8.2 Proposal in proximity of National Grid apparatus which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons.

As the scheme is at a proposed stage a ‘Schedule of Works’ needs to be submitted at the earliest opportunity to prevent delays.

10.10.2016

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application. If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

20.12.2016

National Grid (GAS) do not object to this proposal in principle, we do however request the following bullet points below are made conditions of any planning approval granted. National Grid have an Intermediate pressure pipeline that runs in close proximity around the boundary of this land parcel. For the majority of the proposal it appears to have no impact to the position of the pipeline. However to the north of there is a section of Intermediate pressure pipeline that enters the development area.

- National Grid expect the developer to engage to discuss options for the pipeline, the pipeline may need to be diverted.
- Any works or landscaping that are within the easement for the pipeline are agreed by National Grid prior to commencement.

Housing Enabling Officer

- 8.3 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 5-14 units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 160 (net) units. This amounts to 64 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

I confirm the mix as per the Design and Access report for this application, on page 21 is acceptable and meet the Council's policy.

Fisher German

- 8.4 We can confirm that our client's apparatus, the CLH Pipeline System – Energy Act 2013 (CLH PS), may be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the accurate location of the pipeline in conjunction with your proposals you should contact, to arrange a site visit.

You have planned works that are imminent and in close proximity to our client's apparatus. As such we would ask that no works are undertaken until such time as we have been contacted on 0845 070 1245 and are in receipt of the necessary information as set out in the results page of LinesearchbeforeUdig It is imperative that no works are undertaken without the necessary guidance as provided by Fisher German.

Affinity Water

- 8.5 You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Debden Road Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any

pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

NATS

- 8.6 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. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

ECC Highways

- 8.7 Please could you ask for the following information for UTT/16/2701/DFO MT (Ridgeon's site) so that we can make a recommendation from a highways perspective.

A dimensioned plan i.e. road widths, turning heads, parking places dimensioned Tracking for a large refuse vehicle, vis splays for junctions Forward visibility for the roads Clearly identify the secure, covered, cycle parking for the flats, and the access to these.

Some brief comments are below, more detailed will be provided when the information above is received:

The arrangement of footway, verge and setback of parking spaces along the access road and focal space (plots 48, 50, 51, 52, 53, and 54) is likely to lead to parking across the footway and verge as residents may try to squeeze an extra car on. Parking space setback should be avoided where possible and certainly on the main access roads through the site.

There should be an indication as to how the access between the two cycle paths - the internal footway/cycleway that that starts adjacent to plot 10 and finishes at the south west corner of the site and the cycleway to the south of the site will access each other, taking care that there is adequate visibility. At the moment they seem to run side by side and the one on the site just stops abruptly. It is also noted that the internal cycleway does not follow the desire line to the housing, or the cycle parking provided, and people are likely to cut across the light green area or even the dark green area. There is also a pedestrian/cycle desire line from the shared surface adjacent to plot 6.

It is noted that where additional parking over that required by the UDC parking

standards has been provided, this has been removed from the requirement to provide visitor parking. Visitor parking is not designed to provide space for specific dwellings but to provide capacity for the whole estate and therefore this approach is not usually acceptable. Therefore please provide the 4 extra spaces required.

3.01.2017

In terms of the majority of the layout of the development, the highway authority is happy with the layout shown.

Please could you ask the developer for some further clarification on the cycle path.

Cycle paths should not be of a gradient of more than 1:20, is it possible to achieve this in this location without making the route too circuitous?

A right turn bend at the end at the end of the cycle path is not ideal, a 4m centre line radius would be better and a level plateau of approximately 5m should be provide at the bottom to allow people to slow down.

If bollards are required they should have gaps between them wide enough to allow a bike with a trailer to get through.

The pedestrian cycle route is to continue to De Vigier Avenue, while it is understood that this is part of the S278 works it would be useful to indicate this link more clearly on the plan.

24.01.2017

From a highway and transportation perspective the impact of the proposal shown in the revised drawings numbered B0442-01-1 and the cycle link from the site to De Vigier Avenue shown in drawing number EA121-EN-211-P2 is acceptable to the Highway Authority.

Aerodrome Safeguarding

- 8.8 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, the Aerodrome Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

16.12.2016

The proposed development is situated outside the 13km safeguarding area and does not conflict with any safeguarding criteria. Accordingly, the Aerodrome Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

ECC SUDS

- 8.9 11.10.2016
Inadequate Surface Water Drainage Strategy
The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's detailed drainage checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted strategy fails to:

- Provide updated information about the potential for infiltration on site.

- Sufficiently limit discharge rates. Outline FRA bases initial calculations on rates limited to 1, 30 and 100 year Greenfield rates with a maximum site discharge suggested of 82.3l/s. Since it has been demonstrated to be feasible it is not clear why significantly higher rates are being suggested. This could significantly increase the flood risk from the site especially if other phases of development propose similar increases to the rates at which they will discharge. Additionally the rates that were agreed in the outline FRA do not take account of the increased volumes of water that will leave the site as a result of the development and no mitigation is proposed for this.

We also have the following advisory comments:

While the outline permission specifies compliance with the original FRA in condition 28 It should be noted that the proposed strategy does not match current best practice guidance. The original Flood risk assessment spoke about of the surface water drainage strategy at this stage of the planning process and it is not clear that this development has taken place. The current proposed scheme does not provide appropriate treatment across the site. While the FRA does not specify the levels of treatment to be provided it does state that priority should be given to the use of SuDS the definition of which includes pollution prevention. This is further supported by paragraph 109 of the NPPF which requires the planning system to prevent both new and existing development from contributing to or being put at unacceptable risk from water pollution. It is requested that the above issues are also considered as part of this stage of the application process so that appropriate conditions can be applied.

14.11.2016

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission. The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the updated drainage and the documents submitted with this application are implemented and secured by way of the planning conditions previously applied to previous planning permissions for this site.

16.12.2016

Thanks for consulting us on the revised information that has been submitted for the above application. It does not appear as though any of the change will have a significant impact on the approved scheme. Any minor changes should be picked up as part of the detailed design that is submitted to discharge the conditions that are already associated with this application.

Sport England

8.10 Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link below):

www.sportengland.org/playingfieldspolicy Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five

exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

Outline planning permission was granted (ref. UTT/13/2423/OP) to construct up to 167 homes on this commercial site which includes an existing playing field. The equivalent of a youth U11/U12 (9v9) football pitch will be lost as a result of this development. This reserved matters application relates to appearance, landscaping, layout and scale. The reserved matters scheme provides a 5v5 football pitch as part of the open space provision. Assessment against Sport England Policy/NPPF Sport England objected to the loss of playing fields at the outline application stage in a letter dated 25 September 2013. The provision of a 5v5 pitch to replace the 9v9 pitch lost does not overcome that objection as the replacement playing field is not equivalent in size. Furthermore it is not clear who will use a single 5v5 pitch in this location for formal use; it is likely that the 5v5 pitch will benefit residents but not original users of pitch. The 9v9 pitch lost was used by Saffron Walden Town Youth FC's junior teams for several years and therefore provided benefits to the delivery of football in the local area.

The construction of then 5v5 pitch will need to take into consideration the existing ground conditions, including drainage and levels, to ensure that a fit for purpose pitch is provided. The terms of the outline consent have already effectively permitted the loss of this playing field without adequate replacement playing field facilities being provided either on-site or off-site. This is disappointing as this should have secured this at the outline application stage as recommended by Sport England.

In light of the above, Sport England are unable to support the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

13.12.2016

No further comments to letter above.

UDC Landscape Officer

- 8.11 The detailed planting proposals as set out in submitted drawings are considered satisfactory (Dwg. Nos. B0455_05 sheet 1 rev.B; B0455_05 sheet 2 rev.B; B0455_05 sheet 3 rev.B; B0455_04 Rev.A).

The play equipment provisions as set out in dwg. No. B0455-02 Rev.B is considered appropriate.

ECC Ecology

- 8.12 The area now identified as the community green area in the south west corner of the site was previously agreed through UTT/13/2423/OP to be predominantly calcareous grassland (except for the LEAP area) with minimal trees to prevent over shading (which would adversely affect the quality of the grassland). The POS Landscape Masterplan B0455_02 should be altered to explicitly refer to calcareous grassland for this area. There should be as little impact upon the Special Roadside Verge as possible (a calcareous grassland verge), which has already been adversely impacted by the creation of the new junction and footpath. The Masterplan should also not

include additional hedge or tree planting in the vicinity of the Special Verge. Please note that it was also agreed through UTT/13/2423/OP that the calcareous grassland lost on the site would be replaced at a ratio of greater than one to one. I am currently unclear as to whether these issues are adequate within the reserved matters application, or whether there is conflict.

In order to understand how the plans for this application may have altered from the outline permission, particularly for the Community Green Area, it would be useful to have sight of the 'Illustrative Layout Plan/585.02.13C' approved under UTT/13/2423/OP. However, I am unable to find it. Please could you send me a copy or provide the name of it as it is shown on Uttlesford District Council's planning portal?

I recognise that the various biodiversity related reports required by condition under UTT/13/2423/OP have not yet been produced. It is however, it is important that they will not conflict with any plans approved at the reserved matters stage. Close working between the applicants' landscape architect and ecologist may be useful at this point.

Comments:

Following additional information submitted confirming that the plans have been amended removing trees from within the entrance to provide more chalk grassland habitat and reference has been made on the plans to calcareous grass which addresses concerns raised by ECC Ecology.

HSE

- 8.13 HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

9. REPRESENTATIONS

- 9.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result 15 letters have been received raising the following points:

- Increase in traffic/congestion;
- Pedestrian and highway safety;
- On-street parking currently causing free flow problems on Ashdon Road;
- Driver behaviour;
- Lack of school places, support to schools should be on the same side of town;
- Air quality;
- Noise pollution;
- Growth exceeding existing infrastructure;
- Reduced quality of life;
- Relief road required;
- Suitable location for a needed new leisure facility;
- Water and sewerage supply is already under pressure;
- No cycle ways provided on site and should link with other new developments;
- Scheme should not have been granted;
- New layout for Ridgeon's and surrounding buildings and amenities is attractive;

- Disappointing that a like for like football pitch is not included/Full size pitch should be provided in addition to children's play area;
- Pleased to see back to back gardens with DeVigier Avenue;
- Except 2BB3wc which is house to garden;
- Lack of safe pedestrian crossings on Ashdon Road;
- Parking for the football pitch?
- Maintenance of landscaping?
- Wildlife corridor avoidance of fence ownership? Cause antisocial behaviour;

10. APPRAISAL

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

- A Design
- B Mix of Housing and Affordable Housing
- C Road Design and Car parking
- D Landscape Impact and Biodiversity
- E Flood Risk and Drainage
- F Other

A Design

- 10.1 A number of the points raised by third parties in Section 9 have been discussed and approved at outline stage.
- 10.2 With regards to the proposed design of the scheme the NPPF; also Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.
- 10.3 As to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see the re-development of brownfield land and an open area to the front of the site which falls within the commercial envelop of the site. The re-development of the site has been principally agreed at outline stage.
- 10.4 It has been stated within the Planning Statement that "*the layout of the site seeks to avoid prioritisation of the motor car and provides large areas of shared surface streets to give increased priority to pedestrians and cyclists. This, in combination with the site's areas of open space.*" There is a pedestrian/cycle link running parallel with De Vigier Avenue and an additional link which would run parallel and join up with Ashdon Road. It is considered that the provision of cycle and pedestrian footpaths have been properly integrated within the scheme and its connection to the existing road network in accordance with Local Plan Policy GEN1.
- 10.5 The density of the proposed development would be in line with that reflected in national policy and the Essex Design Guide at 34dph.
- 10.6 The proposed dwellings would be a mixture of heights. Predominately 2-storey dwellings are proposed as part of the scheme, with a scattering of 2.5 storey dwellings in focal points. Bungalows are proposed along the southwestern corner of the site and a single three storey block of flats is proposed adjacent to the sub-station to the north west of the site. This block is stated to terminate the vista down

the street, creating another focal feature. The heights of the building would range between 5.6m for bungalows, 8.2-9.1m for 2 storeys, 9.7-10m for 2.5 storeys and 12.2m for the 3 storey block of flats.

- 10.7 The 8 bungalows that have been proposed comply with the policy requirement. These have been located along the most sensitive boundary of the site which is adjacent to the rear gardens of properties fronting De Vigier Avenue.
- 10.8 The proposed bungalows are indicated adjacent to De Vigier Avenue to protect the amenities of existing residential occupiers adjacent to the site, particularly in consideration of the difference in ground levels in this area. This complies with the agreed parameters of the outline permission and advice provided at pre-application stage.
- 10.9 It has been stated within the submission that scale of the dwellings has been designed to be varied in order to provide interest and variation within the streetscene, taking account of site constraints and land levels. This is considered to be acceptable, however, considering the ground level differences through the site this should be subject to a levels condition should planning permission be granted.
- 10.10 Various materials have been specified within the planning submission in the following form;
- Forterra Clumber red;
 - Forterra Worcestershire red multi;
 - Forterra Lindum cottage red multi;
 - Marley cream weatherboard;
 - Weber ivory render;
 - Timber cladding dark stained;
 - Marley edgemere old English dark red duo plain;
 - Marley Anglia old English red pan tile;
 - Marley edgemere smooth grey duo plain;
 - Marley Anglia smooth grey pan tile
 - White fascia's and barge boards;
 - White UPVC windows; and
 - Black rainwater goods
- 10.11 These appear to be generally acceptable subject to the submission of samples for approval should planning permission be granted. This is due to the fact that there appears to be variations of some of the proposed materials, and sample would be required for clarity.
- 10.12 The retained sub-station that is currently an eyesore would be screened by a 4m high timber fence with landscaping to assimilate this within the scheme. The fencing would also act as an acoustic noise barrier. These measures would protect the visual and residential amenity of future occupiers, in accordance with Local Plan Policy GEN2 and GEN4.
- 10.13 There would be no overlooking as the dwellings have been sited respecting the required back to back distances. This is taking into account other dwellings which have been orientated away.
- 10.14 The Essex Design Guide (2005) recommends 50 square metres for up to 2 bedroom units and 100 square metres of garden space for 3 plus bedroom dwellings. All the dwellings meet or exceed this in accordance with EDG

- 10.15 The dwellings are stated would be designed to sustainable standards. Each dwelling will be Lifetime Homes compliant and where applicable equivalent to Part M category 2. The 8 bungalows will be wheelchair accessible and comply with Part M3 of the Building Regulations. The three storey apartment will also have the provision of a lift to all floors, in accordance with Accessible Homes SPD guidance.
- 10.16 All the green spaces provided have been designed to have natural surveillance as the dwellings overlook the greens. It has been outlined within the Planning Statement that additional windows have been added to gable ends of houses would increase this level of surveillance. This combined with lighting to increase natural surveillance. This is in accordance with best practice for designing out crime and in accordance with Policy GEN2 of the Local Plan.
- 10.17 Sports England has raised an objection, which has been maintained since the outline application was under determination. This is on the basis of the loss of the playing field and that the proposed 5-aside pitch proposed would be less than what existed on site. The principle of the loss of the informal area was addressed and approved at outline application stage, based on the fact that the land falls within the commercial envelope.
- 10.18 The quality of the green spaces have evolved since the initial illustrative masterplan to provide more usable areas, within the constraints of the site, together with the provision of an area of locally equipped play, a trim trail and a 5-aside football pitch in accordance with the Town Council's request. The level of open space is stated to accord with requirements as specified within the Section 106 Obligation. The provision of sports facilities would be formalised through this application and would be an improvement to quality and range of facilities.
- 10.19 The impossibility to provide a full size standards pitch has been previously discussed and weighed against the needs for viability to provide a certain number of houses to allow the commercial re-development of the site and ecology.
- 10.20 A central area of open space has been provided within the scheme which has been described as an ecological pocket that would consist of retained vegetation, new native tree and shrub planting, wildflower meadow and retained attenuation basin. It is proposed to be secured with by a low native hedge and chain link fence (within hedge).
- 10.21 In terms of the layout and design of the houses, this is one of the most challenging sites to develop in term of the ground level differences, ecology, pipeline and easement constraints, the sub-station on site and the contamination of the site. Thereby the layout of the scheme has been finely balanced to achieve a viable scheme which works and accords with Local Plan policies.
- 10.22 The application is in accordance with Local Policy GEN1, GEN2 and the NPPF.

B Mix of Housing and Affordable Housing

- 10.23 Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. The application is stated to provide a balance and good mix of dwellings. AS outlined in Appendix B. 5 % (no. 8) bungalows are provided on site in accordance with Council requirements.
- 10.24 The scheme is therefore considered to be in accordance with Local Plan Policy H10.

- 10.25 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. A total of 64 affordable dwellings proposed meetings the 40% requirement in accordance with Council policy and the terms of the S106 Agreement.
- 10.26 The clustering affordable housing would be limited to no more than 10 units, by virtue of the proposed affordable dwellings and the layout. The affordable housing mix of 2 and 3 bedrooms complies with the needs identified by the Council, and provides a 70-30% split between rented and shared ownership. No objections have been raised by the UDC Housing Enabling Officer regarding the mix or clustering. As such the application complies with Policies H9 and H10 of the Local Plan and the requirements of the NPPF.

C Road Design and Car parking

- 10.27 Local plan policy GEN1 states “development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.
 - e) The development encourages movement by means other than driving a car.”
- 10.28 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. Whilst a number of the third parties have raised highway safety issues, as previously stated the principle of the development has already been approved.
- 10.29 Details of road layouts, cycle and footpaths have been provided as part of this application. As discussed above, the details of the public footpaths/cycle paths through the site in connection with the surrounding area is acceptable and provide a good form of alternative means for traveling to and from the site, encouraging walking and cycling, in accordance with Local Plan Policies GEN1 and GEN2, also in accordance with the principles of sustainability engrained within the NPPF.
- 10.30 Various amendments have been undertaken to address the design concerns raised by ECC Highways are outlined in Section 8.7 above. As a result ECC Highways have removed their objection and are happy that the impact of the proposal shown in the revised drawings numbered B0442-01-1 and the cycle link from the site to De Vigier Avenue shown in drawing number EA121-EN-211-P2 is now acceptable.
- 10.31 In terms of car parking standards the Essex Parking Standards (2009) seeks for 1 car parking space for up to 2 bedroom units, 2 car parking spaces for 3 bedroom units and the Uttlesford Local Parking Standards (March 2013) seeks 3 car parking spaces for 4 plus bedroom dwellings, with a visitors parking provision of 0.25 spaces per dwelling. A breakdown of the proposed parking provision is highlighted in the table in Appendix B. This demonstrates that the scheme meets and exceeds the parking standards (minimum) requirement in accordance with standards and Local

Plan Policy. A number of the dwellings (18 in total) over provide on-plot parking to take account of the visitor's parking spaces. As it would be visitors to the proposed dwellings which would be largely generated this is a practical way of addressing this on site as opposed to be providing solely on-street visitors parking spaces which could cause highway and pedestrian safety issues. This approach has been accepted on a number of other large development sites. The remaining visitors requirement of 36 visitors spaces for the balance 142 dwellings are provided within the scheme, 3 of which (6%) are disabled visitors bays. 10 Sheffield visitor cycling bays have been provided across the site, adjacent to public open spaces. This is also in accordance with parking standards.

- 10.32 The car parking spaces and the proposed garages appear to comply with the Standard's sizes. However the sizes have been conditioned to be standards on the outline consent. This is acceptable and in accordance with the adopted Parking Standards above, also Policy GEN2 and GEN8 of the Uttlesford Local Plan.

D Landscape Impact and Biodiversity

- 10.33 An area of local equipped area of play (LEAP) with various play equipment is proposed in the core of the site.
- 10.34 A management company is proposed to manage communal areas, unless adopted by the Town Council. It is understood that various discussions have been undertaken between the applicant and the Town Council regarding this matter. Of which a list of requests have been addressed by the applicant to overcome a number of the Town Council's concerns, including the nature of the play equipment. Whilst it is considered and re-affirmed by the Landscaping Officer that wooden play equipment is more suited to the locality, the Town Council prefer metal equipment. However, this matter can be addressed through the Section 106 Agreement under separate discussions between to two parties.
- 10.35 The landscaping is stated to be integral to the development in making the scheme successful, helping with the creation of habitats, softening the development and providing usable spaces. The nature of the landscaping has been determined by the pipelines which run beneath parts of the site, together with utility easements elsewhere.
- 10.36 The principle of the landscaping scheme is considered acceptable. No objections have been raised by the Landscape Officer. In this respect the scheme accords with Local Plan Policy GEN2, S7, GEN7 and ENV8.
- 10.37 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.38 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside

and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

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

- The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- There must be "no satisfactory alternative"; and
- The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

10.40 Further information has been sought by ECC Ecology to clarify that the POS plan specifies the calcareous grassland for this area and its protections.

10.41 The ecological survey has been undertaken, submitted and assessed as part of the outline planning application. A number of recommendations have been made in order to mitigate and enhance biodiversity of which these have been conditioned as part of the outline application which would still need to be adhered to.

10.42 The scheme would provide an enhancement to biodiversity as there would be an increase in landscaping on site and the creation of water bodies for SUDs would provide new habitats. A wildlife corridor has been incorporated within the scheme along the western boundary together also a wild meadow is proposed around the SUDs pond.

10.43 Following additional information submitted it confirmed that the plans have been amended removing trees from within the entrance to provide more chalk grassland habitat and reference has been made on the plans to calcareous grass which addresses concerns raised by ECC Ecology. The scheme therefore is considered to accord with Local Plan Policy GEN7, and NPPF.

E Flood Risk and Drainage

10.44 The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. Local Plan Policy GEN3 states that development would only be allowed if it does not increase the risk of flooding. A Flood Risk Assessment has been submitted as part of the outline application.

10.45 A drainage scheme has been submitted as part of this application. This states that the development would proceed in accordance with the detailed surface water drainage scheme and in accordance with the Flood Risk Assessment, which was submitted as part of the outline application.

10.46 ECC SUDs objected originally to the application based on the lack of information regarding updated information about the potential for infiltration on site, also the level of discharge rates which are proposed from the site showed an increase from that previously approved and no mitigation is proposed for this. Additional information was submitted as part of the application, of which it has been made clear that planning

conditions attached to the original outline are still to be dealt with separately. The drainage response submitted by the applicant stated that none of the principles have changed from the strategy in the approved Flood Risk Assessment. The details to be submitted for the discharge of conditions would consist of more information. The applicant's drainage consultants have stated that "*MLM report ref: 724071-REP-ENV-002 Rev 1 demonstrates that infiltration is not viable at the site. Soakaway tests were undertaken in TP10 and TP11, both of which failed.*" The drainage strategy drawings show that no infiltration has been specified.

- 10.47 In response to surface water run-off and the control of water pollution it has been stated that "*To prevent any contaminants entering the surface water from the residential highway, run-off is to be collected by conventional trapped road gullies which are designed to intercept silt, grit and floating liquids, before discharging to an existing offsite drainage system as described later in this report. All of the surface water run-off passes through an attenuation basin located within the residential area of the site. As the highways are residential roads to be adopted by Essex Highway Authority; Essex do not usually require additional measures for treatment of highway run-off.*" It has been confirmed that grey water would be piped from the site to the attenuation basin prior to discharge into the culverted. Also, that the strategy provides a greater level of treatment than that which was approved under the FRA as no attenuation basin was included in the strategy.
- 10.48 In terms of the foul water it has been stated that a pre-development enquiry has been conducted confirming that the Anglia Water foul network has sufficient capacity for the proposed development.
- 10.49 Details of run-off rates have been discussed and provided within the drainage consultant's response. It has been concluded that there would be betterment in the level of surface water discharge from the existing which currently has insufficient attenuation.
- 10.50 Following this ECC SUDs have removed their objections on 14 November 2016. Based on the information submitted the scheme is in accordance with Policy GEN2 and GEN3 of the Local Plan and paragraphs 94, 100, and 103 of the National Planning Policy Framework.

F Other considerations

- 10.51 HSE comments from their automated system have come back as advised against. The details were discussed between the applicant and the HSE of which vehicular accesses and the orientation of the dwellings were designed to address HSE requirements.
- 10.52 No objections were raised by HSE on the outline stage the only difference between the illustrative masterplan and this reserved matters scheme is the introduction of the 5-aside pitch and trim trail.

11. CONCLUSION

- 11.1 The proposed design, layout, size, scale, appearance and landscaping of the scheme is acceptable. No unacceptable impact is considered upon residential (both existing and proposed) or surrounding local amenity as a result of the design. All Statutory consultees, namely ECC SUDs, Ecology and UDC Landscaping Officer,

have been satisfied subject to conditions. Issues surrounding ECC Highways concerns have been addressed through revised plans.

- 11.2 No objections were raised by HSE on the outline stage the only difference between the illustrative masterplan and this reserved matters scheme is the introduction of the 5-aside pitch and trim trail.
- 11.3 The reserved matter details are in accordance with Local Plan Policies S7, GEN1, GEN2, GEN3, H9, H10, GEN7, GEN8, ENV4 and ENV8, Essex Parking Standards, Uttlesford Local Parking Standards, Essex Design Guide, National Planning Framework, and the Planning Practice Guidance.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Any heat pumps installed shall meet the MCS planning standard with respect to noise.

REASON: To protect the amenity of adjacent properties in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each garage shall be 7.0m x 3.0m for single garage and 7.0m x 6.0m for a double garage (internal dimensions).

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety, and in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall

be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition "retained tree or shrub" means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity, in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Boundary to wildlife corridor would be maintained as a separate area from the private amenity gardens with the fencing retained in place and at no point shall be removed and the and subsumed into the main garden areas.

REASON: In the interest to protect the area of ecological merit, in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

8. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in level proposed, together with the proposed floor levels within the building, shall be submitted to and approved by the local planning authority in writing. The development shall thereafter be carried out in accordance with the approved details.

REASON: In order to minimise the visual impact of the development in the street scene, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

APPENDIX A

ADDENDUM to UTT/13/2423/OP (SAFFRON WALDEN)

(MAJOR)

PROPOSAL:	Outline application for redevelopment of the site to provide up to 1.25 ha of land to be used as a Builders Merchants and Yard (use Class B8), up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and (C)), up to 1.16 ha of land for use as Business, general Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8), a Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m2), a café/ restaurant/ public house (Use Class A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access
LOCATION:	Ashdon Road Commercial Centre, Ashdon Road, Saffron Walden
APPLICANT:	Ridgeon Properties Limited
AGENT:	Januaries Consultant Surveyors
EXPIRY DATE:	10 December 2013
CASE OFFICER:	Maria Shoemith

1.0 Introduction

- 1.1 This application was considered at the Planning Committee meeting dated 12th March 2014, copy of the report is attached in Appendix A, and was deferred to allow further information on three points;
- a) Highways;
 - b) Education relating to the shortfall of school places in Saffron Walden
 - c) Lack of Public Open Space
- 1.2 Additional information has been submitted by the applicant covering the above issues. A revised phasing plan has been submitted addressing concerns that were raised by third party objectors relating to phase one being implemented and applicant not implementing the rest of the proposed scheme, benefiting from the development of additional housing. This plan indicates a revised phasing plan whereby the previous identified phase one is now marked 'Phase 1a' and phase 2 is now identified as 'Phase 1b'.

1.3 Three plans have been submitted identifying the level of amenity space that is required in line with the Pre Submission Draft Local Plan (0.387ha), another plan indicating the extent of usable public open space which is proposed to be provided and the third plan indicating the extent of the public open space which is proposed to be provided on the illustrative master plan as part of the overall scheme.

1.4 A plan has also been submitted demonstrating all of Ridgeons regional stores.

2.0 Consultation

2.1 Following the submission of additional and amended information the following representations have been received:

ECC Highways

2.2 The application has been reconsidered by ECC Highways who maintain their previous comments. The application has also been considered as part of proposed strategic strategy, which forms part of the Draft Local Plan Highway Impact Assessment.

ECC Education

2.3 A statement was submitted by ECC Education clarifying why a contribution was sought from the Ridgeon's development in comparison to the Manor Oak (UTT/13/3467/OP) and the Kier application (UTT/13/2060/OP).

2.4 ECC stated "*the difference is due to the Ridgeon's site being costed on the basis of expanding the existing schools and the cost of a new primary school being used in the case of the two other applications. As you are aware, new build and expansion projects have different associated costs as it is assumed, for example, that an existing school will not need all the 'common' areas to be enlarged.*

There are two reasons why this approach was taken in this case: -

1. A new school is envisaged by the (Draft) Local Plan on the major allocation at a size commensurate with this policy area; and

2. The Ridgeon's consultation response was submitted before a new school site was identified. Costs were only produced once Manor Oak and Kier identified potential locations for a new school.

It is not unusual practice to amend contribution requests, once made, but I accept that in this case it would appear unfair to Manor Oak and Kier if Ridgeon's do not contribute the same pro rata sums. From ECC perspective a higher contribution would be welcomed to fill in a potential gap, as it appears that the final section of the Saffron Walden Policy Area 1 may not be developed for some time. The extra demand for primary school places generated by Ridgeon's could be accommodated at the new school if built."

3.0 Analysis:

Highways

3.1 Further information submitted by the applicant states that a Transport Assessment, Travel Plan and subsequent technical notes have been prepared to consider the traffic and transport implications of the planning application for the proposed mixed use redevelopment. The assessments have taken into account a full audit of existing

traffic, transport in terms of public transport services, pedestrian and cycle provision, also policy conditions.

- 3.2 The technical note submitted goes on to state that *“the traffic impact of the proposed redevelopment upon the local highway network has been calculated by comparing the traffic generation rates of the current uses of the site against that predicted to be generated by the proposed redevelopment scheme, using a series of traffic generation rate agreed with ECC. These rates, and matters such as traffic growth and the implications of other committed developments nearby, were subsequently checked against the rates used in the County Council’s own assessments to ensure consistency and robustness.”* Traffic flows were also looked at in relation to the air quality assessment and the impact upon immediate junctions and their operation during peak hours. Where appropriate mitigation has been proposed by way of direct infrastructure works in the form of upgrading measures to the Ashdon Road/Common Hill/Church Street mini-roundabout. Contributions have also been secured to enable the upgrading measures of the town centre to improve the traffic flows such as the High Street/George Street junction and the Saffron Walden to Wendon Ambo cycle path, which forms part of the works identified and required by the Draft Local Plan Highway Impact Assessment. Measures have been identified in Section C of the Officer’s report (please refer to Appendix A).
- 3.3 One of the off-site works proposed is parking control measures along Ashdon Road. The supporting information submitted by the applicant states that there are currently a number of parking control measures between Common Hill and Elizabeth Way. There are a few lengths of Ashdon Road which are not the subject of any parking control measures. These sections are associated with the dwellings which do not have any form of off-street parking. Some minor amendments to the existing parking control measures have been recommended in order to improve vehicle movement along Ashdon Road. These have been highlighted in Drawing E63, submitted as additional information. The amendments would see the provision of double yellow lines to allow for passing bays together with improved signage. The highway improvement would be provided as part of a coordinated strategy for highway improvements within the town centre which would be delivered alongside other enhancements that would be forthcoming in respect of other committed developments. These would be controlled through either conditions which have been recommended or legal obligations such as the Section 106 Heads of Terms and/or Section 278 of the Highway Regulations.
- 3.4 Information has been submitted outlining the impact of traffic flows as a result of the proposed development. It was demonstrated that HGV movement would be reduced and the additional capacity as a result of the HGV reduction would be utilised by the modest increase in overall trip rates generated by the scheme.
- 3.5 Accessibility of the site was also looked at together with alternative means of travel through non-car modes. This has been reflected in the Travel Plan submitted as part of the application which will be an active document that will be continually monitored.
- 3.6 Concern was raised at the previous Planning Committee Meeting about the scheme generating a high level of car parking requirement resulting from the level of jobs that the scheme would generate. It is stated within the application that the development would generate employment of approximately between 431-720 jobs this figure has been taken from the English Partnership Employment Density Standards and therefore is a broad brush used. The parking space allocations used within the Essex Parking Standards is based on floorspace provision and not employment numbers and this is a maximum figure. Based on the proposed floorspace it is predicted that

the employment space would generate a need for 338 to 382 space not the full 700 which was envisaged at the Planning Committee. Therefore the proposed development would not be car dominated. Nonetheless, this would be controlled through the reserved matters should planning permission be granted, in accordance with the Essex Parking Standards and Local Plan Policy GEN8.

- 3.7 As a point of clarification due to issues raised regarding the proposed operation of Ridgeons it has been confirmed that that Ridgeons would be reducing the number of HGVs that would be run from the Saffron Walden branches the new store would be designed as a 'hub store' that would still provide the same level of service and product to its customers as is currently provided. The HGVs will cover a reduced catchment area, fewer vehicles making fewer return trips. This would be achieved through the operation of 'satellite stores'. Such satellite stores have been opened in Royston and Sawbridgeworth and other such stores are proposed. Customers will be able to order all goods in the Saffron Walden store but depending on their home address the goods could be dispatched from other stores.
- 3.8 The Highways Authority raised no objections subject to conditions and mitigation measures, as identified in Appendix A paragraph 10.44. In considering the above the proposed development is acceptable in highway terms subject to recommended conditions, in accordance with Policies GEN1, GEN2, GEN8 of the adopted Local Plan (2005) and Policies SP15 and TA1 of the Draft Local Plan (June 2012).

Education

- 3.9 Concern was raised by Members regarding the shortage of educational school places available within Saffron Walden. ECC Education has submitted a statement outlining their reasoning behind the requirement sought as a result of the proposed. ECC Education has also outlined their strategic approach for Saffron Walden's education provision. Following the consideration of the Manor Oak application in conjunction with the Kier application, an increased contribution is now sought from the Ridgeon's application towards the provision of early years and primary education.
- 3.10 It should be emphasised that no objection has been raised by ECC Education subject to a S106 Obligation for an education contribution should planning permission be granted. This is in accordance with Local Plan Policy GEN6.

Open Space and Phasing

- 3.11 The submitted plans demonstrate the open space provision provided as part of the proposed development. More open space than required is provided in the form of useable and overall open space provision.
- 3.12 Draft Policy INF1 indicates an open space requirement (based 167 dwellings) 0.31ha of amenity space and 0.078ha of children's plays space. The submitted drawings indicates that 2.1ha of amenity space would be provide by the proposed development, which is 5.5 times more open space than the draft policy requires, also 3 times (1.15ha) more than what is required in the form of usable space. The scheme therefore accords with Local Plan Policy GEN2 and GEN7, and Draft Local Plan Policy INF1. It should be noted that the designation of the whole of the application site is employment land under Policy SW6, whereby built form is acceptable in principle and that the current open space within the site is not protected by current local plan policies.
- 3.13 In terms of phasing, the numbering of the phasing has been amended to make it clear that whilst development is proposed in Phase 1a in conjunction with this demolition is proposed to occur simultaneously in Phase 1b, to allow the proposed

new Ridgeons building to be constructed while ensuring business continuity. It has been emphasised by the applicant that Phase 1a would not be development and the rest of the proposed development abandoned as Ridgeon's want and need to develop their new store. Nonetheless, this would also be controlled through conditions and the Section 106 which controls the phasing plan.

Material Consideration:

5 year Land Supply

- 3.14 The Draft Local Plan now has slightly more weight in that it has been approved by Full Council to formally go out to consultation between April – June 2014. The 5-year land supply is a rolling target, which moves forward a year each April and therefore the Council must continue to monitor this delivery very closely. The Council therefore considers that it again has less than a 5-year supply of land and applications need to be considered accordingly. The Local Planning Authority has the duty to consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need, ensuring the level of housing supply is robust and provides a continuous delivery of housing. The principle of the application is still considered to be acceptable as it is a sustainable form of development as outline within Section 10.1 to 10.23 of the main committee report, please refer to Appendix A, in accordance with the core principles of the NPPF.

4.0 Conclusion:

- 4.1 The submission of additional information relating to highways, addressing the educational school places shortage, open space provision and phasing of the development is considered to address the outstanding matters raised by Members at the 12 March 2014 Planning Committee. The scheme is considered acceptable subject to conditions listed below and Section 106 Agreement.

RECOMMENDATION – CONDITIONAL APPROVAL – SUBJECT TO S106 LEGAL OBLIGATION

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless 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) **Contribution to NHS of up to £38,400 for up to 167 dwelling units or pro rata per dwelling**
 - (ii) **Highway works contribution (£120K)**
 - (iii) **Travel Plan**
 - (iv) **Travel Plan monitoring**
 - (v) **Contribution towards Education**
 - (vi) **Open space provision and maintenance, including long term maintenance of habitat, and transfer to Town Council or Management company**
 - (vii) **40% affordable housing provision**
 - (viii) **Contribution of £80,000 towards the implementation/construction of the Wenden Road cycle path link scheme £80,000 (index linked) or 29% of the total cost, whichever is the lower;**
 - (ix) **A financial contribution of £5,000 (index linked), to fund the implementation of a parking scheme along Ashdon Road;**

- (x) **Provision of enhancements of mini roundabout Ashdon Road/Church Street/Castle Hill/Common Hill or financial contribution towards the scheme**
 - (xi) **Gateway treatment to be provided to the east of the site, to include town entrance signs; any necessary Traffic Regulation Orders and a system of street lighting**
 - (xii) **Bus service to the development through the enhancement and/or extension of existing services**
 - (xiii) **Phasing Plan**
 - (xiv) **Pay Councils reasonable costs;**
 - (xv) **S106 monitoring fee**
- (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 2 June 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**
- (i) **Financial contribution towards NHS**
 - (ii) **Provision/Financial contribution towards highway works and bus service enhancement and/or extension**
 - (iii) **Travel plan**
 - (iv) **Education contribution**
 - (v) **Provision of open space and Transfer of open space**
 - (vi) **A financial contribution towards the implementation/construction of the Wenden Road cycle path link scheme**
 - (vii) **Provision of 40% affordable housing**
 - (viii) **Financial contribution towards the implementation of a parking scheme along Ashdon Road**

CONDITIONS:

1. Approval of the details of the layout, scale, landscaping, appearance and public open space layout (hereafter called "the Reserved Matters") for each plot or phase shall be obtained from the Local Planning Authority in writing before development commences on that plot or phase 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 4 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.

3. Before the commencement of development on a plot or phase, a detailed scheme relating to measures to protect neighbouring resident's air quality during the construction of that plot or phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

REASON: To ensure the protection of residential amenity in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

4. Before the commencement of the development on each plot or phase (excluding demolition) hereby permitted, an accessibility statement/drawing shall be submitted to and approved in writing for that plot or phase by the local planning authority. The details submitted shall set out measures to ensure that the buildings to be provided within the plot or phase are physically accessible. Any approved dwellings shall be designed as 'Lifetime Homes' and with (5% of all) Plots to be designed to be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

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

5. No construction or removal of trees/hedgerows shall be carried out on site between March and August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Local Planning Authority which confirms that no species would be adversely affected by the construction or removal of trees/hedgerows.

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) and the NPPF.

6. No development shall take place until a Wildlife Protection Plan for the site has been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall include how protection and mitigation measures for Legally Protected Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements. The development shall thereafter 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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

7. No development shall take place until a detailed mitigation plan for the reptiles, bats, badgers and birds identified including their breeding sites and resting places, and Calcareous Grassland has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

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) and the NPPF.

8. No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat translocation, creation and management during the life of the development hereby permitted, and mitigation for impacts upon identified protected and priority species, in accordance with the general principles outlined in the Summary Ecological Report (dated August 2013) and all appendices to that Report and shall, without prejudice to the foregoing, include:
- (i) Aims and objectives of mitigation;
 - (ii) Extent and location of proposed works;
 - (iii) A description and evaluation of all features to be managed;
 - (iv) Sources of habitat materials;
 - (v) Timing of the works;
 - (vi) The personnel responsible for the work;
 - (vii) Disposal of wastes arising from the works;
 - (viii) Selection of specific techniques and practices for preparing the site and translocating, creating and establishing vegetation;
 - (ix) Appropriate management options for achieving aims and objectives;
 - (x) Prescriptions for management actions;
 - (xi) Personnel responsible for implementation of the Plan;
 - (xii) The Plan shall include demonstration of the feasibility of the implementation of the Plan including details of funding for delivery of the Plan and long-term management of the habitats;
 - (xiii) Monitoring and remedial measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full.
- 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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

9. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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) and the NPPF.

10. Prior to the commencement of development, an update bat and badger survey of the site shall be carried out to update the information previously submitted with the application together with an amended mitigation strategy to mitigate the impact of the development upon these identified protected species. The new surveys and mitigation strategy shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and thereafter the development shall be implemented in accordance with the approved surveys and mitigation strategy.

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) and the NPPF.

11. Before the commencement of development on the relevant phase of the development that contains the main electricity substation that is located to the rear of the site and which is shown as to be retained on the illustrative masterplan, details of boundary treatment for screening and noise mitigation details of the existing electricity substation shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approval details, in accordance with a programme agreed with the Local Planning Authority.

REASON: In the interest of residential amenity and safeguarding the development, in accordance with Policies GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

12. Before the commencement of development on the commercial land, details of the proposed estate roads and spine road to serve the commercial sector which shall be of minimum carriageway width 7.3m, and 2m footways as shown in principle on the illustrative Master Plan, including layout, visibility splays, radii, turning, levels, gradients, surfacing, means of surface water drainage, lighting, bus stops and any necessary Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highway Authority, and thereafter implemented in accordance with the approved details in accordance with an implementation programme that is agreed in writing by the Local Planning Authority.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety, efficiency and accessibility in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005)

13. Before the commencement of development on a plot or phase, a Construction Traffic Management Plan for that plot or phase shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. This document should state how construction traffic for that plot or phase will be managed including (but not exclusively) the management and provision of the following items:

1. Suitable access arrangements to the plot or phase in connection with the construction of the development,
2. wheel cleaning facilities for the duration of the development on that plot or phase to prevent the deposition of mud and other debris onto the highway network/public areas,
3. 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.
4. Routing and timing of construction traffic, which should be discussed in advance with the Highway Authority to minimise impact on the local community.

And, thereafter the scheme shall be implemented in accordance with those approved details.

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

14. Before the commencement of development (save for any demolition or site preparation works) details of the provision of the proposed priority junction on to Ashdon Road, as shown in principle on the submitted drawing number TA/001 to include a 7.3 metre carriageway, two 2 metre footways, 15 metre kerb radii with 1:20 tapers over 25 metres on both sides, and 2.4m x 90m visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Details, including, means of surface water drainage, lighting, signing and Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, and thereafter implemented in accordance with the approved details.

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).

15. Before the commencement of development, (save for any demolition or site preparation works) details of the provision of the proposed pedestrian and cycle access on to Ashdon Road as shown in principle on the submitted Master Plan drawing, to consist of a shared use footway/cycleway 3.5m wide to include appropriate facilities to allow cyclists to enter and exit Ashdon Road, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and thereafter implemented in accordance with the approved details in accordance with a programme to be agreed in writing by the Local Planning Authority.

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

16. No more than 50 dwellings shall be occupied before the provision of a bus turning circle within the development. The turning circle is to include facilities to allow buses to turn without a reversing movement; provide convenient access for pedestrians; and a bus stop with the following facilities: shelter; seating; raised kerbs; bus stop markings; real time passenger information; flag and timetable casing. Details shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, before the commencement of development.

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

17. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

18. The provision of electronic vehicle charging points at all properties with garages and charging points to be provided within the commercial car parking areas. Details of the charging points for each plot or phase shall be submitted to and approved in writing before the commencement of development on that plot or phase, and thereafter implemented in accordance with the approved details.

REASON: To provide residents and commercial development users with access to more sustainable forms of transport in accordance with in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

19. Details of the provision of pedestrian and cyclist signs at key points along the appropriate routes to the town centre and railway station from the site, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to the commencement of the development and thereafter implemented in accordance with the approved details.

REASON: To improve links for pedestrians and cyclists from the development to local amenities and the town centre in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

20. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken across the different phases of the site.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

21. The buildings approved in each plot or phase shall not be occupied until a verification report for that plot or phase demonstrating completion of works set out in the approved remediation strategy in Condition 20 (3) are completed and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

22. No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring each plot or phase and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the

monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

24. No infiltration of surface water drainage into the ground at the site which is the subject of this planning permission is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

25. Prior to the commencement of development in a plot or phase, a scheme for the provision and implementation of pollution control to the water environment for that plot or phase shall be submitted and agreed, in writing, with the Local Planning Authority. As a minimum, the scheme shall ensure that:

- (i) Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected to the surface water drainage system.
- (ii) All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.
- (iii) There shall be no internal drains in areas where chemicals and other polluting materials are stored. Appropriate spill clean-up material shall be available in case of an emergency.
- (iv) All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the foul sewer.

The scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

REASON: To ensure a satisfactory method of pollution control, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

26. Prior to the commencement of development on each plot or phase, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of that plot or phase 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 the agreed timetables.

REASON: To enhance the sustainability of the development through better use of water, energy and materials, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and Supplementary Planning Document for Energy Efficiency and Renewable Energy (October 2007).

27. Prior to the commencement of development on each plot or phase, a scheme for the provision and implementation of rainwater harvesting for that plot or phase shall be submitted and agreed, in writing, with the Local Planning Authority. Thereafter the development hereby permitted shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development in that plot or phase, unless otherwise agreed in writing.

REASON: To enhance the sustainability of the development through efficient use of water resources, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and Supplementary Planning Document for Energy Efficiency and Renewable Energy (October 2007).

28. The development hereby permitted shall not be commenced until a surface water drainage strategy for the site, based on the agreed Flood Risk Assessment (FRA) Ridgeons Ltd Land at Ashdon Road, Saffron Walden, Essex CB10 2NH Reference: SJC/614633/JRC, 07 August 2013 has been submitted to and approved in writing by the local planning authority. Prior to the commencement of development on each plot or phase, a detailed surface water drainage plan for that plot or phase which responds to the content of the approved surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage plan shall include a restriction in run-off and surface water storage on site as outlined within the FRA and within surface water drainage strategy, giving priority to infiltration should ground conditions permit. The approved surface water drainage plan shall subsequently be implemented in accordance with the approved details before the development on that plot or phase is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Policy GEN3 and GEN7 of the Uttlesford Local Plan (adopted 2005)

29. Prior to the commencement of development no drainage works shall commence until a site wide surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development on each plot or phase, a detailed surface water management plan which responds to the content of site wide surface water management strategy shall be submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water

management strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

30. Before the commencement of development on each plot or phase of the development, details of plant/machinery, noise and dust mitigation for that plot or phase shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In the interest of protecting the residential amenity of existing and future residents and the amenity of the locality, in accordance with Policy GEN4 and GEN2 of the Uttlesford Local Plan (adopted 2005).

31. Prior to the commencement of development on each plot or phases details relating to the non-residential units in terms of proposed use, and operators for each commercial unit/plot together with an updated associated Highway Assessment and Air Quality Assessment shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

REASON: In the interest of protecting the residential amenity, highways and pedestrian safety and air quality from unacceptable levels of increased vehicle movements in accordance with Policy GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

UTT/13/2423/OP - (SAFFRON WALDEN)

(MAJOR)

PROPOSAL: Outline application for redevelopment of the site to provide up to 1.25 ha of land to be used as a Builders Merchants and Yard (use Class B8), up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and (C)), up to 1.16 ha of land for use as Business, general Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8), a Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m²), a café/ restaurant/ public house (Use Class A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access

LOCATION: Ashdon Road Commercial Centre, Ashdon Road, Saffron Walden

APPLICANT: Ridgeon Properties Limited

AGENT: Januarys Consultant Surveyors

EXPIRY DATE: 10 December 2013

CASE OFFICER: Maria Shoemith

1 NOTATION

1.1 Development Limits, Within 500m of Oil pipes, Protected Verge, adjacent to County Wildlife Site, 500m of AQMA, Airport Safeguarding, Archaeology

2 DESCRIPTION OF SITE

2.1 The application site is located north east of Saffron Walden, north of Ashdon Road also east and to the rear of the properties that are located on De Vigier Avenue. To the north and west of the site is open countryside. Ten Acre Wood lies to the north of the application site, Whitehill Wood is situated to the north east and Pounce Wood to the southeast of the site. Opposite the application to the south of Ashdon Road is a current housing and commercial scheme which is being developed (UTT/0400/09/OP) The subject application site comprise of 13 hectares of commercial industrial units.

2.2 The Ashdon Road Commercial Centre is one of the largest employment sites in Saffron Walden with a number of business that are located within 12 warehouse and industrial units which vary in size, with a majority of the buildings being located along the eastern part of the site.

2.3 There are large areas of concrete hardstanding surrounding the built form. Many of the buildings on site date back to 1950s and 1960s and many are showing to be beyond economic repair

2.4 The main owner and occupant of the land is Ridgeons, a retail warehouse industrial unit for construction materials. The buildings on site are large in scale and are dominating. Although boundary vegetation and topography mean that the site is well screened to the west and south and partly screened close up along the east and north. There are large grassed areas either side of the access which form terraces at the southern end of the site, which is framed a native hedgerow, with levels falling steeply to meet Ashdon Road. A drainage pond is located to the west of the site. There is a hedge which runs along the south-western edge which bounds the rear gardens of properties along De Vigier Avenue, together with other native and coniferous planting.

2.5 The character of the area surrounding the application site changes from one which is of an urban nature, to countryside, to one that is commercial/industrial.

2.6 The site is stated to be located on the mid-slopes of the valley sides north-east of Saffron Walden between 80 and 90 AOD (above ordinance datum). Generally the site slopes from north to south, with parts being terraced to accommodate the commercial buildings. These areas of ground levels are linked by concrete ramps and access roads. There is a vegetated area of higher ground is located to the north of the site at 93.5m AOD. From this point the ground levels slopes steeply down on both sides. The northeastern part of the site has a hardstanding area at 91.5m AOD. From this point of hardstanding area the levels fall to the main development area of approximately 84m AOD. From the developed area the ground falls further away to the south with a gradient slope increasing at the southern edge of the site to meet Ashdon Road. The ground slopes up away from the buildings along the eastern boundary. A dismantled railway line runs along the eastern edge of the boundary located within a cutting and it is surrounded by dense trees and scrub

2.7 There are no public rights of way which run through the site.

2.8 The application site is surrounded by various constraints in the form of having high

pressure oil pipes which run through the site, being located adjacent to a County Wildlife site, part of the sites frontage is protected special verge. The site falls within the airport safe-guarding zone by which no buildings can exceed 15m in height, also the application site is located within 500m of the designated Saffron Walden Air Quality Management Area. ANCO Oil storage facility is located southeast of the application site. There are two oil pipelines which cross the site and are connecting to the oil storage facility, one running north-south down the center of the site and the other across the southwestern corner of the site.

2.9 There is an existing electricity substation which is located to the northwestern corner of the application site. This is stated to form a noise constrain on the site and that residential dwellings would need to located at least 10m away from the noise source together with a range of noise mitigation measure to be proposed in the form of an acoustic noise barrier and upgraded glazing to those immediate dwellings.

3. PROPOSAL

3.1 The application is for outline planning permission for the demolition of the various industrial units on site and sites redevelopment comprising of the following;

- Up to 167 residential dwellings, including affordable housing covering an area of 4.78ha;
- Replacement Builders Merchants and Yard for Ridgeons on 1.25ha;
- Up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and (C));
- Up to 1.16 ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8);
- A Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m²), and a up to a 40 bed hotel (Use Class C1) with a café/ family restaurant/ public house (Use Class A3 and A4)

3.2 The proposed scheme also includes the provision of public open space, landscaping and the provision of supporting infrastructure including replacement substations with all matters reserved except for access.

3.3 The scheme would provide 40% affordable housing with a mixture of tenure, both rent and shared equity. 5% bungalows will be provided across all tenures. It is stated that there would be a variety of housing sizes ranging from 1 to 5 bedroom dwellings. The table below shows an indicative breakdown of the proposed dwellings;

Indicative Housing Mix

Dwelling Type	Tenure			Total
	Private	Affordable Shared Ownership	Affordable Rented Housing	
1 bed flat			5	5
1 bed house		3	6	9
1 bed bungalow			2	2

2 bed house	10	10	17	37
2 bed bungalow	4	1	1	6
3 bed house	42	7	13	62
4 bed house	36		2	38
5 + bed house	8			8
TOTAL	100 (60%)	21 (12%)	46(28%)	167 (100%)

3.4 The application would involve the necessary highway improvements in the form of amended roundabout and contribution towards highway improvements in order to accommodate the proposed development. The access is the only detailed part of the application. It is proposed that the whole scheme would be accessed from the existing access which is proposed to modify the radius. The road would thereafter split into a T-junction segregating the access to the residential development from the commercial activities. It is proposed that there would be a separate footway/cycle way link.

3.5 It is stated that the proposed scheme would accord with both ECC Parking Standards (2009) and the Uttlesford Local Parking Standards (February 2013) at providing 1 space for 1 bed dwellings, 2 spaces for 2 and 3 bedroom dwellings, and 3 spaces for 4 and 5 bedroom dwellings, with 0.25 visitor spaces per dwelling. An illustrative parking strategy has been submitted as part of the application which indicates that the spaces would be predominately provided on-plot and others would be provided on parking courts. It is proposed that the convenience store would have a short stay parking provision and further parking to the rear. The hotel restaurant parking would be broken up by trees and shrubs to soften the appearance and the employment sites would have small court yard parking areas.

3.6 Within the master plan some of the key design principles would be to maintain and recreate green corridors both in terms of level of open space, preserving and enhancing wildlife, residential landscape buffer zone between the proposed residential and the re-developed commercial units. The heights of the proposed development would be up to 9m for the commercial element (with the exception of the retail/residential building) which is the equivalent to 2 storeys. The residential development around the perimeter of the site would also be up to 9m in height, with a number of bungalows that is proposed within the scheme. The illustrative core of the residential scheme would be up to 10.5m in height (equivalent to 2 ½ storeys). The average density across the site would be 35 dwellings per hectare.

3.7 It is proposed as part of the application that there is a phasing scheme which would be essential to the implementation of the development both in terms of decanting businesses and the financial release of funds to enable the re-development. This is proposed as follows;

Phase 1: The initial phase would see the delivery of about 42 dwellings on vacant land within the southern part of the site to enable the existing Ridgeons site to continue to trade. Demolition of the existing warehouse, in Phase 2 would commence during this phase;

Phase 2: The Ridgeon's site, B1 plots, the hotel, restaurant and store with 5 over sailing apartments would then be developed. The existing Ridgeon's site would continue trading until the new site has been developed;

Phase 3: Following relocation of Ridgeons Phase 3 would see the development of approximately 84 dwellings;

Phase 4: Development of B1 plots and B2 and/or B8 development to the rear of the site;

Phase 5: Final phase of residential development would see the delivery of about 36 dwellings;

Phase 6: The final employment phase would see the completion of the B1 plots and B2 and/or B8 development to the rear of the site.

3.8 The application seeks for a flexible consent in terms of the commercial floorspace it is allowed to develop with a maximum specified and due to the fact that the scheme is speculative at this moment in time flexibility in the buildings uses, types and sizes. The table below breaks down the commercial space proposed.

	Maximum Land Area Coverage (hectares)	Maximum Floorspace Area Coverage (square metres)
Ridgeons Site (Use Class B8)	1.25	3741
B1 (a) Offices	0.47	2021
B1 Office and /or Research and development and/or light Industrial	0.4	1720
B1 and/or B2 and/or B8	1.16	3225 (B1) 2926 (B2) 3750 (B8)
Restaurant and/or Public House	0.86	325
Local Store	Part of above	335 (net sales 279)
Offices	Part of above	115
Hotel (C1)	Part of above	1000 (40 beds)
Total:	4.14ha	12,183-13,007 sqm

3.9 It should be highlighted that the application is for outline consent and all matters are reserved apart from access and therefore other than highway matters it is the principle of the application which is under consideration. Details of design and scale of the buildings are a reserved matter. However, should the accumulative size of a particular floorspace be considered to have a detrimental impact upon the highways etc. then this could be conditioned at outline if reasonable should planning permission be granted.

4. APPLICANT'S CASE

4.1 The following documents have been put together by a highly experienced and professional team submitted in support of the application;

- Saffron Walden Market Overview Statement (Januarys Consultant Surveyors, September 2013);
- Planning Statement(Januarys Consultant Surveyors, September 2013);
- Town Centre Uses Statement (GL Hearn, September 2013);
- Development Appraisal Report (CONFIDENTIAL - Januarys Commercial Properties Consultants, September 2013);

- Design and Access Statement (Hankinson Duckett Associates, September 2013);
- Consultation Statement (GL Hearn, September 2013);
- Building Condition Survey (Forbes Associates, August 2013) ;
- External Lighting Statement (MLM, 6 September 2013);
- Landscape and Visual Assessment Plus Appendices (Hankinson Duckett Associates, September 2013);
- Hedgerow Assessment (MKA Ecology Limited, September 2012);
- Phase 1 Habitat and Ecological Scoping Survey (MKA Ecology Limited, 20 April 2010);
- Ecological Report Summary (MKA Ecology Limited, August 2013);
- Badger Survey (CONFIDENTIAL - MKA Ecology Limited, July 2010);
- Reptile Survey (MKA Ecology Limited, 3 November 2010);
- Great Crested Newt Surveys (MKA Ecology Limited, July 2010) ;
- Bat Surveys (MKA Ecology Limited, July 2013);
- Breeding Bird Surveys (MKA Ecology Limited, July 2010);
- Botanical Survey (MKA Ecology Limited, 26 August 2010);
- PADHI Compliance Summary (Forbes Associates, August 2013);
- Flood Risk Assessment (MLM, 7 August 2013);
- Transport Assessment (SLR, September 2013);
- Travel Plan (SLR, September 2013);
- Air Quality Assessment (Air Quality Consultants Limited, 22 August 2013);
- Noise Assessment (Cass Allen Associates, 2 September 2013) ;
- Sustainability Energy Report (MLM, 5 September 2013);
- Utility Services Report (MLM, 4 September 2013);
- Preliminary Contamination Assessment Report (MLM, September 2013);
- Pre-Design Site Waste Management Plan (MLM, June 2013);
- Archaeological Desk Top Assessment (Cambridge University Archaeology Unit, October 2012)

4.2 A statement has been submitted by Ridgeons which stated the following;

4.2.1 Ridgeons is one of the UK's largest independent Timber and Builders Merchants, supplying all the materials and services required to construct residential and commercial properties to the trade, professional DIY'ers and retail customers. Ridgeons supply over 18,000 products including showrooms displaying kitchens and bathrooms, heating and plumbing, sustainable products, hire equipment, landscape, timber and building materials.

4.2.2 Ridgeons has strong link with Saffron Walden since 1958, have been located at the former Acrow site since 1987 and this Branch together with that provided in Cambridge, are the busiest and most active in the business portfolio. These two branches form the hub of the business. The retention of the Saffron Walden Branch is therefore of up most importance to the business.

4.2.3 The Saffron Walden Branch employs 85 staff and generates 20% of the Group's sales. There are over 5,500 account held by customers based in and around Saffron Walden with between 500 and 600 customers visiting the site each day to collect and order products.

4.2.4 Ridgeons also has strong community links in the form of the Ridgeon Community Fund providing grants to Saffron Walden Explorer Scouts, the Thaxted Centre for the Disabled and Support4sight. Annual staff fund raising for Help the Heroes in Carver Barracks is also undertaken while support is given to local events such as St Mary's Church Saffron Walden Festival of Flowers, Ashdon Primary School PTA and Saffron Walden Carnival.

4.2.5 The existing branch was created in 1980s by a refurbishment. Overtime this has

been this has been further altered and refurbished, but has now pasted its economic life. The building has become very expensive to maintain for both heating and lighting and it no longer complies with current environmental standards. The way products are handled, stored and displayed has also improved over the past 25 years and there is no longer a need for such a large building and outside storage areas. Customers are looking for more efficient way to buy and collect materials. While improvements have been delivered in other locations, the Saffron Walden Branch is now in need of urgent improvement.

4.2.6 The new Branch will be modelled on other new Ridgeons sites that have been provided across the region over the last few years. This is a proven model that has successful in offering the same range of products and services as currently offered, but on a more efficient site.

4.2.7 The Saffron Walden Branch will continue to provide the full range of products to our customer base in and around the town while supporting smaller Braches in the County. While the building and site are will be reduced, the overall scale of the operation will remain.

4.2.8 Their vision for the development is *“to create a sustainable, mixed-use development that provides a purpose built site for Ridgeon’s established Saffron Walden business, intensifies employment land uses to meet market need and provides market and affordable housing within a landscape structure and public open space.”*

4.2.9 The Design and Access Statement has been submitted in support of the application. It highlights that the main focus of the application is to upgrade and intensify the site’s employment land uses by providing accommodation that meets the current and future needs of businesses within the area. It has been stated that up to 400 jobs could be generated by the proposed development. The delivery of new houses will enable the redevelopment of the commercial and employment premises. The homes will also help meet the market and affordable housing requirements. The mixed use development will lead to greater opportunities to live close to locations of employment. The indicative master plan highlights areas of open space which would be within walking distance of the site. The application is located approximately 2km (1.24miles) from the town centre which provides various services and facilities, with the nearest school being within 20 minute walk from the site.

4.2.10 The proposal will make appropriate provisions to support existing services such as the schools and doctors surgery. The mixed use scheme also providing a small local store to provide top-up shopping for the new residents, users of the employment site and the existing residents close by.

4.2.11 The Design and Access Statement discusses the Saffron Walden’s historic character and palette of materials. To the west of the application site it is stated that there is an urban context, with De Vigier having a suburban 20th Century character, with ground levels rising north of Ashdon Road, with some of the properties which are located on De Vigier Avenue on a lower ground level to Ridgeons. West and east of the application site there are wide road-side verges, with mature hedges and open space. It is acknowledged within the Statement that there is a transitional change in character from Elizabeth Way eastwards towards the application site from a residential character to a more commercial character, the commercial units and the oil storage facility.

4.2.12 The density levels change throughout various areas of this part of town. The proposed development is stated would reflect its brownfield current status and have a density of approximately 35 dwellings per hectare. The development is not intended to replicate a pastiche of historic forms, but to identify the underlying principles that can be applied to the architecture and townscape of this new development. Principles that will be considered is variation in building heights and density, using buildings to frame well-proportioned streets and

spaces and establishing green spaces and opportunities for planting which are integrate to the development.

4.2.13 The site currently takes access from Ashdon Road and would remain to be the main and sole access into the site. The area is enclosed and has restricted pedestrian permeability. There is a single pedestrian access at the site's south-western corner (closest to town), and extends to the town centre. There is a network of footpaths to the western end of Ashdon Road through the common. There are bus services no. 29 and 59 serving Ashdon Road, with bus stops close to the site. The bus service connects to Audley End Railway Station. The service however is stated to be irregular particularly during the day.

4.2.14 Improvements to the existing transport network such as footpath enhancements and improved bus service provision could be provided to minimise additional car journeys on the existing network. This has been further demonstrated through the accompanying transport assessment.

4.2.15 In terms of ecological constraints it is stated that these have been taken into account the design process, with the majority of the highest value habitats being retained and mitigation measures proposed for any loss of habitat.

4.3 Statement of Community Engagement:

4.3.1 Two public consultation events were held at the Ridgeons site, Ashdon Road (13th June 2013) and at St Mary's Parish Rooms (15th June 2013) with morning, afternoon and evening sessions to allow convenient public attendance. The consultation was widely publicised through stakeholder letters, website, local media and door knocking. 209 people were stated to have attended the consultation events over the course of the two days, following 1,061 letters being sent to local residents and businesses within a specified area. A separate consultation was undertaken for Ridgeons employees and on-site tenants. 70 completed feedback forms were received following the public consultation.

4.3.2 The feedback from the consultation highlighted the following design and access considerations:

- The proposal should carefully consider the amenity of adjacent dwellings on De Vigier Avenue;
- People acknowledge both the physical need to redevelop the old buildings and welcome the regeneration of more employment;
- There were mixed views on the inclusion of homes however the need for affordable homes in Saffron Walden was acknowledged;
- Landscape and open space should be well considered;
- Consideration should be given to traffic and infrastructure.

5. RELEVANT SITE HISTORY

5.1 There have been numerous individual applications for various developments and changes of use on site however none that are considered to be of relevance to this application. There are other applications within Saffron Walden which are considered appropriate to take into consideration in terms of a wider strategic level in the form of the following;

5.2 UTT/13/268/OP - Granite Site - Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land. Granted subject to S106 Agreement 10th May 2013;

5.3 UTT/13/1937/OP - Land Behind The Old Cement Works, Thaxted Road - Outline application for up to 52 dwellings with all matters reserved except access – Granted subject to conditions and S106 September 2013;

5.4 UTT/0788/11/FUL – Site at Thaxted Road (part Granite site) - Erection of new petrol filling station and customer kiosk, new landscaping, access and associated works – Granted subject to conditions 7th November 2011.

5.5 UTT/0787/11/FUL – Granite site - Erection of new foodstore (use class A1) including cafe, automatic teller machines, surface level car parking, new access roundabout and high-ways works, landscaping servicing and associate works – Refused and dismissed at appeal 17th May 2012.

5.6 UTT/2208/10/REN – Granite Site - Renewal of approved planning application.

5.7 UTT/1788/07/OP for outline application (including layout, scale and access) for mixed use redevelopment to comprise: Class B1 offices, Class B1/B2/B8 Industrial, Storage and Distribution and Trade Park, Retail Warehouse Park and associated landscaping, access and internal roads and cycle/footways, including the provision of access to existing and proposed adjoining uses. Demolition of all existing buildings – Approved subject to S106 7th February 2012.

5.8 UTT/0400/09/OP - Land At Ashdon Road - Mixed use development comprising the construction of 130 residential units (37 units of affordable housing) and approximately 3800 square metres of Class B1 employment land with associated access points, play areas, open space, landscaping and associated ancillary works – Granted July 2012

5.9 UTT/13/2060/OP - Land South And North Of Thaxted Road - Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site – This was presented to the 11 December 2013 Planning Committee with a recommendation of approval subject to S106 and conditions. This was deferred subject to the submission for further information relating to highways and education relating to the lack of primary school places.

5.10 UTT/13/3467/OP - Land South Of Radwinter Road - 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. This application is currently under determination.

5.11 A Screening Opinion has been undertaken regarding the proposed development in the form of the following;

UTT/13/1044/SCO - proposed development of circa 170 residential dwelling and Circa 12,000m² commercial floor space. The Screening Opinion concluded that an EIA would not be required (dated 14th May 2013). The submitted application has not altered the scope of the scheme therefore the Screening Opinion issued is considered to still be relevant in receipt of this application.

5.12 The application site has been promoted through the draft local plan process.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S1 Development Limits for the Main Urban Areas
- SW6 Safeguarding Existing Employment Areas
- S7 Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- H9 Affordable Housing
- H10 Housing Mix
- LC2 Access to Leisure and Cultural Facilities
- LC3 Community Facility
- LC4 Provision of Outdoor Sports and Recreation Facilities Beyond Development Limits

6.3 Uttlesford District DRAFT Local Plan

- SP1 Development within Development Limits
- SP5 Meeting Housing Need
- SP6 Housing Strategy
- SP7 Phasing and Delivery of Housing
- SP8 Environment Protection
- SP9 Minimising Flood Risk
- SP10 Natural Resources
- SP11 Renewable Energy and Energy Efficiency
- SP12 Protection of the Countryside
- SP13 Protecting the Historic Environment
- SP14 Protection the Natural Environment
- SP15 Accessible Development
- SP17 Infrastructure
- SP18 Open Space
- EN1 Sustainable Energy
- EN2 Environmental and Resource Management
- EN3 Protection of Water Resources
- EN4 Surface Water Flooding
- EN5 Pollutants
- EN6 Air Quality
- EN7 Contaminated Land

- DES1 Design
- HE3 Scheduled Monuments and Sites of Archaeological Importance
- HE4 Protecting the Natural Environment
- TA1 Vehicle Parking Standards
- HO5 Affordable Housing
- HO6 Housing Mix
- INF1 Protection and Provision of Open Space, Sports Facilities and Playing Pitches
- INF2 Provision of Community Facilities beyond Development Limits
- INF3 Provision of Outdoor Sports and Recreation Facilities beyond Development Limits
- RET1 Shops and other Town Centre Uses

7. SAFFRON WALDEN TOWN COUNCIL COMMENTS

- Significant weight should be given to the policies of the adopted local plan due to their consistency with the NPPF.
 - The proposed development is contrary to the local plan for 6 reasons;
- Safeguarded employment land and part of the housing which is proposed is on previously undeveloped land;
- There would be a loss of playing field and open amenity land which will not be replaced;
- The main road access to the site is not capable of carrying the additional traffic that would be generated and the scheme would fail to encourage the use of other means of transport other than by car;
- Fails to accord with biodiversity policies as the information submitted to assess the impact is inadequate to make an informed decision;
- There would be a loss of rare grass from the special road verges;
- Does not provide the necessary school places that is required;
- There is an existing water stress
- Excessive upgrades to existing sewage network maybe required
- Land contamination unable to tell the extent of the problem;
- The generation of jobs would not be enough to outweigh the impact of the scheme.
- The adverse impacts of the proposed development would include impact upon traffic congestion and its accumulative impact, the location of the scheme is not sustainable, not in respect of the housing element being provided within a 5 year period.
- The proposed development would detract from the area as it would result in the loss of amenity space and due to infrequent transport provision, unsuitable location, no school provision and would contribute to unacceptable levels of air quality

8. CONSULTATIONS

Network Rail

8.1 No comments.

ECC Archaeology

8.2 Submitted desk based assessment has identified substantial damage to the development area by the existing development, associated landscaping and pipelines. de-
Lit-
on
tle of the original area survives and Records show no deposits within the site based
on
the above no recommendations are made.

Fisher German

8.3 Apparatus in area and currently in discussions with the landowner. Plans should not be relied on for excavation or construction purposes.

UDC Housing

8.4 40% Affordable housing required, 5% wheelchair accessible.

NATS

8.5 No safeguard objections

Anglia Water

8.6 No assets owned by Anglia Water. Informative required and condition relating to surface water management strategy.

Affinity Water

8.7 Located in Ground water protection zone.

ECC SUDs

8.8 It is noted from the FRA (paras. 4.1 and 4.3) that soil infiltration testing has not been carried out and therefore the potential for SuDS infiltration has not been investigated in any detail. Further testing, analysis and design will be needed to determine the scope for the use of infiltration techniques (if applicable).

8.9 The proposed illustrative Surface Water Drainage (drawing nos. 614633/110 to 113/P1) appear to show surface water from the various catchment areas draining via extensive piped drainage systems into underground attenuation structures before discharging via flow control devices at pre-development greenfield rates to existing culverted watercourses.

8.10 We would ideally look for surface SuDS features to be used in the place of pipework and underground storage structures as their performance is much easier to observe and maintenance/access is easier to undertake.

8.11 Strongly promote SuDS features (e.g. swales, filter strips, basins, ponds and wetlands etc.) rather than pipes, soakaways and underground storage structures.
Support drainage 1:100 year rainfall

ECC Minerals & Waste

8.12 Initially objected on grounds of sterilizing minerals.

8.13 26/9/2013: following discussions it has come to light that the application site is a safeguarded employment area. Policy S8 in the emerging Replacement Essex Minerals Local Plan does not apply to land already allocated in adopted local development plan documents. As such the holding objection originally communicated to you on the 17th September no longer applies. The Minerals Planning Authority would instead like to return a response of 'no comment' against this application.

UDC Environmental Health

8.14 The worst case predictions result in virtually unchanged emissions with or without the development at key junctions within the AQMA, and consequently no mitigation to counteract any increases in emissions has been proposed. The assessment has acknowledged there will be an increase in cars on local roads as a result of the development, and the increased

emissions from cars will be counteracted to an extent by a reduction in the current number of HDV's using the site. There is a risk that the number of cars when combined with committed development or development approved in the interim has been underestimated or not possible to account for, with associated adverse effect on queuing traffic at the key junctions and consequent higher proportionate emission of nitrogen dioxide from queuing traffic.

8.15 The location of the development increases the need to travel to and from the west of Saffron Walden to access services and wider road network, and current exceedances of air quality standards at junctions within AQMA without mitigation.

8.16 The Draft Local Plan requires that development within or affecting the AQMA will be expected to contribute to a reduction in levels of air pollution, and to reduce the need to travel by car, which the proposal fails to do.

8.17 The noise assessment has identified that small areas of the proposed residential accommodation will be subject to noise from traffic on Ashdon Road at levels which exceed the reasonable design criteria of BS8233. A condition is recommended to require submission at the detailed stage of a scheme of design and mitigation to ensure that no noise sensitive development is subject to noise levels exceeding the reasonable design levels during the day and good design levels during the night, as set out in BS 8233.

8.18 The revised location of Ridgeons yard provides adequate separation distance to meet the criteria, and the proposal has the benefit of increasing the separation distance from existing noise sensitive development.

8.19 The introduction of new commercial and industrial activities may give rise to new noise sources which cannot be assessed at the outline stage. It is therefore recommended that noise from fixed plant is controlled by a condition requiring an assessment at the detailed stage to be carried out under BS4142, where appropriate to use. A scheme of design and mitigation measures must be submitted and approved to achieve a specific noise level at the closest noise sensitive receptor from all plant combined of no more than the background noise level measured during operation of the site, and if a noise is identified as having tonal content it should be reduced by a further 5dB.

8.20 There is a high risk that the buildings to be demolished or refurbished will contain asbestos, and it is recommended that an informative is included to carry out the development in accordance with the UDC Code of Development Practice which contains advice on the control of asbestos containing material, and references to the standards expected by the Council with regard to contamination.

8.21 The proposed lighting on the site may cause loss of amenity from glare to current and future residents on site and in close proximity to the site.

NB: Since the above comment have been submitted, further correspondence between the applicant and the UDC EH has confirmed that there is no objection on air quality grounds, and that the comments on the planning application are to intend awareness of the issue regarding certain consented development not being included in the traffic data, interested to see what effects the additional consented development would have on traffic flows and welcome the Travel Plan as a contribution towards air quality mitigation.

Following Additional Traffic Data submitted:

The revisions to the traffic data are acceptable and I confirm my query has been resolved and that I have no additional comments relating to air quality. Obviously I would support planning obligations to increase capacity of the roundabout, and more general mitigation

measures to encourage occupiers and visitors to the site to use non-car based modes of transport.

HSE

8.22 No comments on restaurant and retail aspects, relating to open space, hotels, to the residential dwellings; and to the commercial units.

Airside OPS Ltd

8.23 No objection to application but should wind turbines be proposed this would have an impact upon safe operation of aircraft.

ECC Education

8.24 Additional provision will be needed at early years and childcare, primary and secondary level and that this development would add to that need. Therefore request that should planning permission be granted a S106 contribution request for £178,331 early years and childcare provision, £522,343 for primary and £529,023 for secondary education provision on the basis of the development for 167 houses all with 2 or more bedrooms equating to a total of £1,229,697 (indexed linked to April 2013 costs, PUBSEC index).

N.B: It should be noted that the applicant has clarified the mix of dwellings would include a proportion of 10 no. x 1 bedroom dwellings therefore the contribution should be based on 157 dwellings of which the request has been amended to the following by ECC Education, for £167,652 early years and childcare provision, £491,065 for primary and £497,345 for secondary education provision, equating to a total of £1,156,062.

NHS

8.25 Holding objection, 167 dwellings is likely to have a significant impact upon NHS funding program. Application does not include a Healthcare Impact Assessment. There is an overall capacity deficit in the catchment surgeries and a developer contribution of £38,400, required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal, is sought payable before first occupation. Based on Policies SP7 & SP17 of draft Local Plan (2012) & Para 17, 69, 70, 156,162 &196 of NPPF.

Sport England

8.26 Object: To any development which would lead to the loss of or prejudice the use of playing fields. The application site to the south west up until recently the area of open space has been partially marked out as football pitch for a number of years. Whilst it is accepted that the field is not marked out now it has been and therefore a former playing field. Housing is proposed on this part of the site and there are there is no mitigation for this loss. There is no exception criteria i.e. excess of playing field pitches in UDC; the proposal is not ancillary to the principal use of the site as a playing field, no current proposals for its replacement.

8.27 It has also been stated that whilst SE accepts that the draft local plan is at an early stage the Open Space, Sports Facility and Playing Pitch Strategy (2012) for the whole district is an up to date assessment of the district's needs.

8.28 Based on the size of the number of dwellings proposed it is too small to justify on-site sports facilities. There are currently no off-site financial contributions towards community sports facility provision and would be willing to withdraw objection if this was to change.

Natural England

8.29 Initial response: Statutory nature conservation sites – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Bats – No objection subject to condition, Great crested newts – No objection

8.30 Further to additional information being submitted;
No objection. The proposed amendments are unlikely to have a significant different impact than the original proposal.

Environment Agency

8.31 Letter dated 4/10/2013: The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The submitted FRA fails to demonstrate that surface water will be managed in a sustainable manner in line with the NPPF. Recommend land contamination conditions. Initial Objection on lack of FRA

8.32 Further to information submitted a letter dated 21/10/2013 from EA stated: No objection regarding FRA subject to condition.

Highways

8.33 Initial Holding response further information required regarding Trip rates, committed development and growth, speed survey, access, special verges, junction models, Bus strategy and turning area, and possible contributions towards highways. More analysis of the TA will be undertaken of which even further queries may arise.

8.34 Final response following the submission of additional information requested: The proposed development is located on a site with existing commercial use, and therefore its impact on the Highway Network has been measured within this context. While the number of trips will increase, the reduction in size of the existing store and change of use of the site means that the number of HGVs on the local network is forecast to decrease. The development will have an impact on the general network in Saffron Walden and specifically on Ashdon Road, therefore mitigation is required, this includes capacity improvements at the Ashdon Road/Church Street/Common Hill, reconfiguration of the parking on Ashdon Road and a contribution to the package of Highway measures identified in the Uttlesford Local Plan Highway Impact Assessment (Oct 2013), as well as provision of bus infrastructure; some enhancement of bus services; walking and cycling links; and the implementation of travel plans for the residential and commercial development on the site.

8.35 Assessment of the evidence put forward in the Transport Assessment and associated Technical Papers concludes that the impact of the development can be mitigated, if the following conditions are met. Therefore the Highway Authority would not wish to raise an objection to the above application subject to the conditions outlined.

UDC Landscape Officer

8.36 The proposed landscape strategy for the development is considered to be sound. For the greater part existing landscape features are shown on the illustrative masterplan to be retained. The proposed new planting of native species to reinforce existing vegetation at the northern and eastern edges of the site would form an ap-

appropriate treatment to the boundaries reflecting the wooded characteristics of the countryside beyond. The establishment of a natural and semi-natural open space in the northern part of the site and the proposed formation of a landscaped corridor segregating the residential and employment areas is considered appropriate.

8.37 An external lighting statement has been submitted which sets out the lighting strategy for the proposed development. The strategy is to provide a 'dark sky' design with no upward light spill. It is proposed that all external lanterns would be mounted a zero degree inclination and have a flat glass protector, giving no upward light spill.

8.38 There are no significant arboricultural implications in respect of the proposed development.

8.39 There are high value boundary tree belts situated around the perimeter of the site which provide important screening elements. For the greater part these tree belts are shown to be retained on the illustrative masterplan. There is an area of high value scrub vegetation (Identified as Area A on the Tree Constraints Plan) surrounding a pond in the western part of the site which for the most part is shown to be removed. However, the outer part is proposed to be retained to maintain its site boundary screening function. There are two low value areas of shrub (Areas D and E) in the north eastern part of the site which are shown to be removed. The removal of this vegetation, which consists mainly of hawthorn and blackthorn, is not considered to have significant landscape impact.

8.40 There are very few individual trees on the site. There is a mature field maple situated in the north of the site which is considered to be of high value and this is showing to be retained on the illustrative masterplan.

8.41 There is an existing native species hedgerow which runs along part of the Ashdon Road frontage of the site. This hedge run is shown to be retained as part of the landscaping of the proposed development.

Uttlesford Area Access Group

8.42 Would like to see a stronger commitment to the issues of access for disabled people within the Design and Access Statement. All dwellings should meet Lifetime Homes Standards and appropriate number allocated for wheelchair accessibility. Commercial units should be accessible.

UDC Access and Equalities Officer

8.43 The site would need to meet SPD on Accessible Homes and Playspace. There is a requirement for eight dwellings to be constructed to Wheelchair Accessible Homes Standards and this needs to be across all tenures, not just in the affordable sector. Advocate the provision of bungalows on this site to meet this need particularly in view of the proposed shop and restaurant facilities to be developed. Access to all retail outlets and the public open space will need to be designed to be accessible for all users. It has been noted that it is difficult for a wheelchair user relating to safe crossing along this road and this would increase with more vehicles and therefore would need to be considered.

ECC Ecology

8.44 Initial Response: No objection subject to 106 - The proposal is acceptable providing that delivery and long-term management of the Biodiversity Mitigation and Enhancement Plan is secured through the section 106 agreement under 'Open space provision and

management' and appropriate obligations to protect the biodiversity of the site are imposed.

8.45 Further to additional information being submitted: Its should be ensure that no Calcareous grassland is destroyed. To create a reptile habit in the mitigation areas. The final masterplan should take into account the following; cat fencing, retention of the Calcareous grassland to the western perimeter and improving the wildlife corridor.

8.46 Replacement Calcareous grassland replacement has been confirmed would be greater than 1:1 ratio and that the grassland would not be destroyed through the creation of reptile habitat. It is unclear where the reptile fencing and footpaths would be. Disappointing that western areas of the grassland have has not been retained. The wildlife corridor down the centre of the site would have competing pressures. Appreciate that the application is out-line and many of the concerns could be addressed at the reserved matters stage, nonetheless the masterplan is an indication of intentions.

UDC Special Verges

8.47 Initially objected to impact upon special verge and alteration to the access, also the loss of Calcareous grassland which is very rare habitat

8.48 Further to additional information being submitted; Still object on the same grounds, however if the application is approved there is the opportunity to mitigate for the damage by translocation of grass from the area to be destroyed on areas of the entrance. Detailed ecological provisions are proposed but not provided therefore should planning permission be granted conditions relating to wildlife protection plan, biodiversity mitigation and enhancement plan, lighting strategy and up to date bats and badgers surveys to be provided.

Essex Wildlife Trust

8.49 Two responses received (4 October 2013 & 29 November 2013): Loss of green open space, impact on special verges both side of entrance rare species Sulpher Clover, existing population of bats and lizards and increased pressures on the population, need for management plans for open greenspace and nature conservation. The vergers would not be managed. Intensification of site would lead to erosion of lizard population through the introduction of household pets (i.e. cats). The corridor running through the site would not provide for wildlife enhancement. The development would be harmful to conservation of biodiversity.

Essex Field Club

8.50 Two responses received (7 October 2013 & 26 November 2013): Object no species desk studies undertaken to inform the ecological survey. The information submitted only provides information on statutory and non-statutory local wildlife.

9. REPRESENTATIONS

9.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result 25 objections and 48 standard petition letters have been received raising the following planning points:

- Traffic and congestion accumulation of developments in area,
- Surface water flooding in area on roads and gardens from the farmland,
- No need for additional housing;
- No infrastructure provision (schools and healthcare);
- No amendment to road infrastructure to cater for development;

- Parking;
- Junction capacity;
- Need to carry out traffic survey;
- Object to hotel;
- Alternative road required to cope with traffic;
- Loss of open space and sports;
- Poor location of Play Park;
- Road works;
- Accumulative traffic from commercial and housing;
- Poor Air quality;
- Near fuel storage facility;
- Mixing uses;
- Contrary to policy;
- Unsustainable;
- Loss of employment and employment land;
- Miss judged impact upon highways;
- Highway and pedestrian safety;
- Requirement for highway improvement financial contribution
- No facilities for pedestrian or cycling;
- Impact upon countryside;
- Scheme is in wrong location;
- Object to a new storage and distribution business being proposed;
- Unlikely that another Pub would be viable;
- There should be a speed reduction to 20mph along Ashdon Rd plus another traffic calming methods and a ban on very long HGVs;
- Vital that school paces are provided in time to meet the need of the new dwellings;
- Support an electric bus running from the site across town and back;
- Open spaces would need to be accessible;
- Can find where passivehaus dwellings and school will be built;
- The proposed convenience store should not take the form of a supermarket;
- Renewable energy has not been properly addressed;
- Impact upon town centre shops;
- The area has low unemployment therefore the scheme is not needed;
- Surface water drainage problems due to ground level differences and land being built on;
- Houses will not be affordable;
- Ecology;
- Size of hotel is inappropriate;

2 letters of support were submitted raising the following points;

- There is a need for more housing and jobs;
- Scheme would provide 67 affordable homes;
- Provide local jobs;
- It would safeguard Ridgeons as an employer;

1 letter was submitted raising the following comments;

A 51 page letter from WeAreResidents has been submitted in objection of the application raising the following points;

- Generally support the intent of the proposals but object to certain aspects;
- The application is better than others that have been submitted in that it provides an integrated development of houses an employment and support efforts in bringing forward underused employment land;

- Support the development of employment uses;
- Do not support the removal of playing field/open space. Might support scheme if this was retained and housing is scaled back and other issues are addressed.
- Would like to support the remained of the development but;
- Cannot see how the additional traffic can be accommodated on Ashdon and Radwinter Roads, or the rest of Saffron Walden network with meaningful mitigation and not clear how this can be provided;
- Due to the location of the site it would increase level of air pollution and worsen existing unlawful levels;
- No sustainable transport;
- Need to address the infrastructure demands of the development such as education;
- Application is contrary to local plan policy and it is unsustainable contrary to the NPPF and therefore should be refused in its current form;
- Site is allocated safeguarded employment and would be significantly reduced, particularly following the loss of other employment sites to residential;
- Creation of cross traffic within SW as a result;
- The Marketing statement claims the shortage of office space and the increase in rentals and expect a continuation in such demand if true then should not be allowing residential use, unless it can be demonstrated there is only a demand for that specific amount of office space;
- Argument made that it is uneconomic to develop commercial and require residential to subsidies it development makes no sense, if case profits should be used elsewhere;
- Contrary to draft policy regarding change of use;
- Site has never been previously identified for non-employment development and although the draft plan carries little weight the site was previously rejected as a potential site in 2012;
- No mention regarding the loss of open space to residential;
- The application relies on the draft local plan of which has evolved, and carries little weight;
- Not clear where the applicant would make an education contribution of £1.4m to address the lack of education provision; a financial contribution would be insufficient a new primary school is required;
- TA fails to identify the queuing length or junction capacity of the main SW junctions; a realistic TA is required;
- It has been stated by the council that the link road between Radwinter Rd and Thaxted Rd is an essential component, there is no evidence that this would be built, this application should be refused unless firm obligation that this road would come forward;
- Residents parking should be retained on Ashdon Rd;
- ECC Air Quality assessment indicated that the levels will get and traffic from development, therefore a realistic air quality assessment is required however application should still be refused for producing a material car movement which will affect air quality, scheme should only be allowed if it would reduce the limits at each junction to within the legal limits

10. APPRAISAL

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

- A Principle of development
- B Design
- C Highways
- D Landscape Impact
- E Amenity & Air Pollution
- F Infrastructure provision to support the development
- G Mix of Housing and Affordable Housing

- H Biodiversity
- I Flood Risk and Drainage
- J Other material considerations, contamination and Oil Pipelines

A Principle of development

Principle

10.1 The Draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development.

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 the Ashdon Road site as a key employment consisting of an area of 12.83ha 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. These will be discussed further in Section 10.9 below.

10.4 The application site lies with the development limits and is safeguarded employment land, designated as brownfield land. The application site and that which is designated safeguarded employment land encompasses an area of open space which is located to the front of the site.

10.5 There have been a number of objections from third parties and Sport England regarding the loss of the open space. Whilst it has been informally used by public with a short term agreement (10 month, 1 September 2012 to 30 June 2013) with the local football team, this is not a formal or protected open space/playing field, and it is enclosed by security chain link perimeter fencing with gated access either end which are periodically locked. Private land notices are erected around the site. A large section of this space is overgrow and has steep ground level changes. It has been stated that this parcel of land has not been developed on as Ridgeons desired to maintain a clear sight from the highway of their own premises.

10.6 The application seeks to redevelop 60% of the site for commercial use and retain a proportion of the open space to the front of the site. The principle of the redevelopment, of the site accords with Local Plan Policy S1, and the replacement of the commercial units with Policy E2 of the adopted Local Plan in this respect.

Need

10.7 The applicants have argued at the time of submission that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. It is estimated that 2501 dwellings on committed sites will be built during the 5 year period, whilst the requirement is for 2746 dwellings to be built. The Council recognised until recently that it had a shortfall, and that it should

consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. That shortfall was met at the Planning Committee meeting 12 February 2014. A further update will be provided at the meeting.

10.8 Councillors are reminded that even when the Council has a 5 year land supply it will be important for the Council to continue to consider, and where appropriate, approve development which is sustainable. Whilst the 5 year land supply has been met we need to ensure that this is maintained. This is especially true for proposals on draft allocation sites, as is the subject of this application, but others as well, to ensure delivery in the future and to ensure that the level of housing supply is robust.

10.9 The LPA has a duty to determine all applications and against the NPPF. Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.

10.10 Economic role: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The improved infrastructure as a result of the proposed development would facilitate ease of movement and links to other employment areas within Saffron Walden. The improved infrastructure would include more bus stop links and new footpath and cycle routes. This would increase the potential for the use of alternative means of travel to areas of employment. It is stated that the employment site would provide serviced plots to meet local need. It is emphasised that the residential element of the scheme is required to enable and support the redevelopment employment element through the provision of a mixture of dwellings and tenures. The proposed top-up convenience store together with the proposed hotel and restaurant would form the core of the whole development. As discussed in Section 3.8 above flexible consent is sought regarding the commercial uses to ensure that the scheme is capable of responding to market demand without compromising the viability of the development and being able to still provide and retain an element of industrial floorspace on site. The redevelopment of the commercial buildings for improved modern facilities is capable of increasing the generation of jobs from 120 to anything between 431 to 720 jobs. The configuration of the illustrative master plan indicates the generation of approximately 533 jobs. The proposed development would support existing local services and provide the possibility of small start-up businesses in the office space proposed. This proposal would help deliver an economic role

10.11 Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district, including a provision of affordable housing, and housing designed to Lifetime Homes Standards. Whilst design is a reserved matter, the illustrative Master Plan indicates a significant proportion of bungalows and a range of dwelling sizes. Landscaping would be used to reduce the visual impacts and some landscaping elements would introduce additional facilities required for health, social and cultural well-being. These include proposed open spaces; children play spaces, new footpaths and cycle routes. The location of a local shop, hotel, restaurant, and a variety of commercial employment the scheme seeks to achieve a sustainable health environment which could reduce the need for travel by private vehicle. This proposal would help to deliver a social role.

10.12 Environmental role: The NPPF identifies this as contributing to protecting and en-

hancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. Whilst layout, scale, design and landscaping are to be reserved matters, there is significant detail within the illustrative Master Plan and the Design and Access Statement to demonstrate how landscaping and biodiversity would be enhanced and preserved. A large proportion of open space is retained to the front and rear of the site and landscaped buffer strips and margins are indicated to be incorporated into the scheme. It is indicated that as much as is possible the special grass verge that provides a rear flora species is retained. Also, an existing landscaped mound to the north of the site that is a reptile habitat is proposed to be retained within the development. This proposal would help to deliver an environmental role.

The proposals would help to fulfil the three principles of sustainable development.

10.13 The site has since been included within the further draft allocation sites and was presented at the 1 November 2013 Local Plan Working Group. The LPWG report stated that the existing employment site is in a poor state of repair and coming to the end of its useful life. It stated that a 100% commercial would not be viable on this site and that enabling development in the form of residential would be required. This draft policy seeks for a mixed and balanced community to include bungalows, wheelchair accessible and bungalow housing, mixed commercial floorspace and informal recreation.

10.14 The main argument for the mixed use development is that the existing buildings on site are under occupied and are beyond viable economic repair. The buildings have been constructed between mid-1950s to 1970. Ridgeons have owned and occupied the site since the 1980s and the business has grown and operated from the building it occupies. A purpose built unit is required to enable the business to operate efficiently and to enable the business to grow. It has been stated that the running costs of the site are high in maintenance and repair. The buildings are falling into a state of disrepair and some have already been condemned as not fit for occupation. A Building Conditions Report has been submitted in support to demonstrate this.

10.15 While many of the buildings are still occupied these are at peppercorn rents to just cover building rates. The site as a whole is not generating a rental value and frequent repair bills exceed the income generated. More and more of the buildings are stated to be set aside as unfit accommodation. The Building Conditions Survey highlighted that Ridgeons has spent over £1.5million over the last 10 years on essential repairs and ongoing maintenance to keep the buildings occupied. It states that all the buildings on site are deteriorated with significant typical issues of leaking roofs, dampness, damage and general deterioration, outdated finishes and fittings, also outdated mechanical and electrical services. It goes onto say that the cost to upgrade the buildings now to current acceptable standards is estimated being at least £10million. As a result the site is needed to be redeveloped to provide more appropriate type and quality of buildings with modern facilities that can be viably marketed and occupied.

10.16 As part of the application a Marketing Report has been undertaken and submitted this outlines the current market trends. This outlined that the office market is in good health and that there was a lack of such office space available. The industrial market is not as strong with many of the industrial buildings aging and vacant, yielding a low rental return. The report emphasised that there were no formal hotels within Saffron Walden which provided overnight stay and as a result of this and the size of the population there is the support for a small budget hotel (40-50 beds). Similarly that with the low vacancy rates of A1 shops within Saffron Walden and the increased residential population in this part of the town there is the demand for a small local store (279 sqm) to serve the immediate location. The Employment Land Review (2011) also concluded that there is a lack of modern office accommodation to meet the needs of Saffron Walden and there is a current surplus of B1(c), B2 and particularly

B8 units in Saffron Walden. This application responds to these findings.

10.17 The varied mixed use development has been configured to enable viable economic redevelopment of the commercial units. To facilitate the development is proposed to be phased to release such funding which is required to allow uninterrupted continued use of the Ridgeons whilst construction is ongoing. Whilst the proposed new commercial units have been offered to existing tenants the scheme remains speculative at this stage and therefore flexibility in the size of the units and commercial use of the proposed buildings is required as part of the application submission. The flexibility in sizes and the mixture in uses are proposed to ensure that the commercial buildings are viably redeveloped without being compromised by market demands, and in turn ensuring that the scheme is deliverable. A Viability Appraisal has been submitted in support of the application. This breaks down the cost of construction of various land uses from 100% commercial to the illustrative proposed scheme and it has been demonstrated that the construction of pure commercial is not viable and would incur a deficit in land value which would prevent such a development from being implemented.

10.18 The golden thread through the NPPF is encouraging sustainable economic growth, securing economic growth in order to create jobs and prosperity. The NPPF states *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”* It goes on to state *“policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.....(it should) facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.”* Where the adopted Local Plan identifies the application site as a key employment safeguarded site, the economic market has clearly changed during this period whereby ‘developers’ are having to look at enabling development to drive schemes forward and ensure that they are viable and deliverable. This application is a classic example of this. The NPPF also makes clear that *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”* Whilst approximately 40% of the site is proposed to be released to residential this is to provide a variety of optimum generating employment uses on site with the added flexibility in responding to speculative market demand.

10.19 Considering the above the proposed development would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. The development is considered to be sustainable development. The partial loss employment land to residential to enable facilitating the site’s commercial redevelopment is considered acceptable and therefore the principle of the proposal is acceptable, in accordance with Local Plan Policies S1, E2, and SW6, and overall in accordance with the NPPF.

Town Centre Impact

10.20 The proposed local convenience store is stated to have a floor area of 270sqm, together with the ‘budget’ hotel of approx. 40 bed with ancillary restaurant are considered to be town centre uses. Where such town centre uses are proposed out of centre then an impact assessment is required. The proposal falls below the required threshold (2,500 sqm); therefore such an assessment is not required. Nonetheless, a result a Town Centre Statement has been submitted in support of the application. This has been assessed by the LPAs retained retail consultants, Savills (Bristol). **See Appendix A**

10.21 Whilst Local Plan Policies E2 seeks to safeguard employment, and Policy LC5 permits hotels within development limits; the NPPF similarly to the former PPS4 and Local Plan Policy RS2 seeks to protect town centres. The NPPF states “*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.*” The submitted statement outlines that a sequential assessment has been undertaken identifying sites that are specified within the Local Plan and the LPAs Retail Capacity Study/ Draft Local Plan. These sites have been concluded to be unsuitable and unavailable; therefore the application site is sequentially more preferable. As a result the proposed hotel and ancillary restaurant are considered acceptable as employment generating uses. This view was reinforced by the Savills’ assessment of the Town Centre Uses Statement.

10.22 With regards to the proposed local convenience store, the emerging plan identifies some 790sqm of which this has been consumed by the Aldi application on Thaxted Road (UTT/13/0268/FUL). It has been outlined within the application submission that the store would be small and due to its size restricting the amount of stock that can be offered, and therefore would only serve the neighbouring population as a top-up store. This argument has been discussed within Savills response “*GL Hearn suggest that “there is no existing top up retail provision exists within this area and there is a clear demand for local top up facilities if a sustainable mix of uses are to be provided locally”. We have therefore applied an 800m radius from the application site. Within this area there is the existing Tesco Supermarket at Radwinter Road which also has an extant planning permission (Ref. UTT/1323/09/FUL) for an extension comprising 886 sq m net comparison floorspace and 388 sq m net convenience floorspace. The permission does not expire until August 2014. Also within this area is the northern part of an emerging allocation, under Policy 1 of the draft Local Plan, for land to the east of Saffron Walden for 800 residential dwellings, 6 ha of employment land and a local centre including 790 sq m of convenience floorspace. There is therefore existing and proposed foodstore provision within 800m of the application site which is capable of satisfying demand for local convenience shopping facilities for both main food and top-up shopping. We therefore consider that there is not a quantitative or qualitative deficiency so as justify the provision of a local convenience store at Ashdon Road and, in any event, the site is not sequentially preferable to the existing Tesco store and its extension or the emerging local centre allocation (Policy 1). The rationale for providing a store on Ashdon Road is not therefore agreed.*

10.23 Whilst the rational for proposing the retail store has not been accepted, the illustrative masterplan reflects the viability of the scheme. Even though 40% of the site would provide residential this together with the proposed mixed use commercial aspect of the development would enable the commercial development and facilitate in increasing the level of employment generated on site by at least 3.5 times. This is considered to be a material planning consideration in light of the NPPF and therefore considerable weight is added to this outweighing the harm of allowing town centre uses in this location, in this instance. This application therefore generally accords with Local Plan Policies RS1, RS2, Draft Local Plan Policy RET1, and the core of the NPPF in this respect.

B Design

10.24 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design. This is also reflected in Draft Local Plan Policies SP1 and DES1.

10.25 As to whether the scheme would be compatible with the character of the settlement

area and countryside, the scheme would see development on the urban fringe of the Saffron Walden, within Development Limits and on a commercial industrial area. There are a number of existing large buildings on site which range from 5m, building located to the northern part of the site, 6.5m - 7.5m high in the centre of the site, and 9.5m high along the western boundary. There are three large warehouse buildings which are sited (two no.) to the front and one to the rear of the site ranging 11 -11.5m in height.

10.26 Whilst the design of the proposed development is a reserved matter illustrative plans have been submitted as part of the application to demonstrate how the scheme can be implemented. An illustrative heights plan has been submitted as part of the application which specifies that around the perimeter of the site the proposed building would be up to 9m in height (equivalent to 2 storeys), including the commercial buildings, with the exception of the retail/residential building, and the core of the residential up to the centre of the site being up to 10.5m which would allow a flated development above the proposed retail store and 2 ½ storeys on dwellings less sensitively sited. It is stated that the proposed hotel would be domestic in scale and in balance with the architecture of the residential dwellings that would form the frontage of the western part of the site, of the elevation would be broken-up through the use of differing materials.

10.27 Open space area is proposed to the south and protected open space area to the north of the site with pedestrian footpaths and cycle routes linking these. This combined with perimeter landscaped boundary treatment would provide a green link through the site, which would connect wildlife habitats. The scheme would provide a mixture of alternative routes through the site which connects each of the uses such as paths, open spaces, shared surface mews roads and footways, which would provide differing characters throughout the proposed scheme. The employment zones are also proposed to be landscaped.

10.28 It is also stated that parking would be a mix of on-plot and court yard parking.

10.29 An illustrative masterplan has been submitted showing various aspects of the development, some also showing below standard gardens to the proposed residential dwellings. It should be noted that the application is outline with all matters reserved apart from the access, and the scheme is for up to 167 residential dwellings therefore fewer dwellings could come forward, should outline consent be granted. An illustrative plan showing the size layout of the proposed dwellings has also been submitted, of which it is considered that the size of dwellings could be re-arranged to address any amenity space shortfall. Nonetheless, it has been confirmed within the application that the scheme will comply with the Essex Design Guide regarding amenity space provision, in accordance with Local Plan Policy GEN2.

10.30 A children's play space is indicated within the illustrative master plan which would link up with a green corridor.

10.31 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behavior through natural and informal surveillance. The proposed dwellings would also meet Lifetime Homes Standards. This is in accordance with Local Plan Policy GEN2 and the NPPF.

10.32 In terms of principles of sustainable design, it has been stated the design of the scheme would be of such whereby it would encourage pedestrian movement with ease of access to bus stop and the proposed local convenience store and public open space. The proposed mix use of the development has been designed to reduce the need to travel and encourage sustainability.

10.33 Even though the application is outline with all matters reserved apart from access, it is stated within the submission that the proposed dwellings would meet Level 3 of the Code for

Sustainable Homes. They would be of a high quality design incorporating features such as passive solar gain. This is in accordance with Policy GEN2 and Supplementary Planning Document for Energy Efficiency and Renewable Energy (October 2007).

C Highways

10.34 Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.*
- e) The development encourages movement by means other than driving a car.”*

10.35 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework and Draft Local Plan Policy SP15.

10.36 Saffron Walden is the largest town in the District and it is considered to be sustainable as there are bus routes which are located and going through Saffron Walden. Further bus shelters and a bus turning facility are proposed within the application site. There are bus stops along Ashdon Road. Audley End train station is approximately 3 mile southwest from the site and the M11 is located west of the town.

10.37 The site is located within 15 minute walk to the local leisure centre, on key employment sites and 5/10 minute walk to other employment sites, a large food store and a 10/15 minute walk the community hospital, schools and the edge of the historic town centre.

10.38 A Transport Assessment and a Travel Plan has been submitted as part of the application. Some of the measures identified within the Travel Plan to reduce the use of private car include investigating the potential of a diverted bus service into the site incorporating a bus turning facility, footway and cycleway improvements both on and off site, and a car share scheme.

10.39 In order to comply with the Draft Local Plan and its long term visual strategy for Saffron Walden, a contribution towards the implementation and construction of the Wenden Road cycle path link scheme is proposed. The development is considered to accord with Local Plan Policy GEN1, Draft Plan Policy SP15 and the NPPF in respect of sustainable modes of transport and accessibility.

10.40 Different types of streets are proposed within the development. A main vehicle loop around the application site would have a carriage way of 4.8m with 2 footpaths of which at least one would be 2m in width. The majority of streets would be in the form of a mews having a width of 5.8m and combined pedestrian and vehicular surfaces. The north-south green corridor would have informal footpaths running through it. Minor access ways would have shared surface roads which would narrow at points to allow only pedestrian access. The minor access way would have a width of 4.8m with combined pedestrian vehicular surfaces and adjacent grass verges. A 3m wide footpath and emergency vehicle access is proposed along the frontage of the site.

10.41 The access into the site forms part of the determination of the application. One point

of access is proposed for the application site. This is due to the Oil pipe constraints and also due to the gradient of the land which would need to be cut into and the level of vegetation removal which would have an unacceptable impact. Nonetheless, it has been stated that the existing pedestrian access could be widened to provide alternative emergency vehicle access. It is proposed that the access will be marginally modified to provide visibility splays of 2.4m x 90m. By providing this visibility splay it would only slightly affect the special verge which is located to the front of the site. This would be later discussed in terms of ecological impact. In terms of highway safety no objection was raised regarding the proposed access, therefore the scheme is considered to accord with Local Plan Policy GEN1.

10.42 It has been confirmed within the submission that the proposed scheme would accord with current local parking standards. A mixture of parking methods would be proposed through the scheme, however it should be noted that this is a reserved matter for further consideration at a later date. The scheme is therefore capable of according with Local Plan Policy GEN8 and Local Residential Parking Standards adopted (February 2013), also Draft Local Plan Policy TA1.

10.43 An Assessment of Highway Impact of Local Sites has been undertaken by Essex Highways. The assessment identified the main junctions and the current capacity issue. This states that only one junction (B184 High St / Church St) whereby one or more arms are at or exceeding capacity in either of the peak hours and there are two junctions (B184 Audley Rd / B184 High St and B1052 Newport Rd / Audley End Rd) whereby one or more arms approaching capacity in either of the peak hours. The assessment does not highlight the main junctions immediately surrounding the application site as having currently no capacity issues in either peak hour.

10.44 Within the Transport Assessment (TA) it states that the development would result in 91 additional vehicular trips in the AM peak hour and 93 additional vehicular trips in the PM peak hour. The number of expected additional trips over the whole day is 572 movements. It has been stated within the submission that "while the development will therefore result in an additional traffic impact, 80% of the development's trips, the daily total of which 2932 trips, is off set by the existing daily movements of the existing site, the total of which is 2360." A further traffic appraisal relating to the residential element states that in the AM peak hour there would be 20 arrival and 52 departures, and in the PM peak hour there would be 56 arrivals and 32 departures. This is likely to marginally alter subject to final tenure and dwelling type approved. A strategy addressing mitigating the additional 572 trips has been set out within the TA, which includes off-site highway improvements to increase highway capacity. These improvements include a traffic management scheme to enforce parking restrictions on Ashdon Road and improvements of the Radwinter Road and Thaxted Road junction. Other measures are proposed in terms of increasing and improving sustainable forms of transport in the form of walking, cycling and public transport. It is proposed as part of the application that there would be remodeling of the roundabout at the Ashdon Road/Castle Hill junction which would increase its capacity as a result of the proposed development.

10.45 The Essex Highways Assessment has outlined a number of other mitigation measures across key Saffron Walden junctions to enable and mitigate junction capacity as a result from committed and draft local plan allocation sites. The TA concluded that a combination of the proposed improvement measures will ensure that the additional trips that the development would generate would not materially affect the existing road conditions and that the measures would enhance highway capacity.

10.46 The Highway Authority has assessed the application and has made the following comments "*The proposed development is located on a site with existing commercial use, and therefore its impact on the Highway Network has been measured within this context. While the number of trips will increase, the reduction in size of the existing store and change of use*

of the site means that the number of HGVs on the local network is forecast to decrease. The development will have an impact on the general network in Saffron Walden and specifically on Ashdon Road, therefore mitigation is required, this includes capacity improvements at the Ashdon Road/Church Street/Common Hill, reconfiguration of the parking on Ashdon Road and a contribution to the package of Highway measures identified in the Uttlesford Local Plan Highway Impact Assessment (Oct 2013), as well as provision of bus infrastructure; some enhancement of bus services; walking and cycling links; and the implementation of travel plans for the residential and commercial development on the site.

Assessment of the evidence put forward in the Transport Assessment and associated Technical Papers concludes that the impact of the development can be mitigated, if the following conditions are met. Therefore the Highway Authority would not wish to raise an objection to the above application subject to the conditions”

10.47 In considering the above the proposed development is acceptable in terms of highways subject to recommended conditions, it is also therefore in accordance with Policies GEN1, GEN2, GEN8 of the adopted Local Plan (2005) and Policies SP15 and TA1 of the Draft Local Plan (June 2012).

D Landscape Impact

10.48 A Landscape and Visual Impact Assessment has been submitted as part of the application.

10.49 There is very limited landscaping within the application site however the site benefits from dense vegetation along the perimeter of the site. Two dense areas are off site along the former railway to the east of the site and a dense area of scrub to the southeast of the site. Scrub areas identified as areas A, D and E are likely to be removed are part of the proposal, with only area A which includes a pond, being of high amenity value. Within the submitted Arboricultural Implications Assessment this is stated would have a low degree of impact.

10.50 The site is presently well screened with limited glimpses from public footpaths at a distance. The proposal would remove the large run down warehouse/industrial units from the site and would be replaced with lower, more modest scale buildings. This together with an integrated landscaped enhancement of the site would make a positive contribution on the landscape character and appearance of the area. It is stated that the visibility of the site would reduce following its redevelopment and the implementation of an enhanced landscaping scheme.

10.51 The UDC Landscape Officer has stated that *“The retained boundary hedgerow, scrub and trees help contain views of the site from the wider countryside and provide high value habitat from breeding birds. It is stated that this would be retained and enhanced with the additional of new planting. The existing steep slope which exists to the north of the site would be maintained as a semi-natural and natural public open space.”* A detailed lighting scheme would need to be sensitively designed in terms of the impact this could have upon the wider locality, residential amenity and ecology. The Landscape Officer has stated that the lighting scheme is considered important due to the typography of the site and the sensitive relationship between the mixtures of the uses regarding their integration. An external lighting statement has been submitted which sets out the lighting strategy for the proposed development. The strategy is to provide a ‘dark sky’ design with no upward light spill. It is proposed that all external lanterns would be mounted a zero degree inclination and have a flat glass protector, giving no upward light spill.

10.52 The proposed landscape strategy for the development is considered to be sound. For the greater part existing landscape features are shown on the illustrative

masterplan to be retained. The proposed new planting of native species to reinforce existing vegetation at the northern and eastern edges of the site would form an appropriate treatment to the boundaries reflecting the wooded characteristics of the countryside beyond. The establishment of a natural and semi-natural open space in the northern part of the site and the proposed formation of a landscaped corridor segregating the residential and employment areas is considered appropriate.

10.53 Overall the Landscape Officer has raised no objection regarding arboricultural implications and concluded that there would not be a significant landscape impact. The scheme is therefore considered to accord with Local Plan Policy GEN2 and ENV3, also Policy C2 and HE5 of the Draft Local Plan.

E Amenity & Air Pollution

Air Quality

10.54 An Air Quality Assessment (AQA) has been submitted as part of the application. This outlined that various assessments have been undertaken in order to establish whether the proposed development would have an adverse detrimental effect upon sensitive junctions within the Air Quality Management Area. Increased traffic emissions have been modelled on 19 worst case receptors representing properties where impacts are expected to be at their greatest, also air quality at the application site boundary was looked at in order to assess whether the site would be suitable for residential properties. It was concluded within the AQA that come 2020 the receptors are predicted to be below objectives for coarse and fine particles whether the proposed development is implemented or not. This outcome was similar to that for nitrogen dioxide levels. The proposed development would only marginally increase traffic levels on local roads which would lead to a small change in air quality.

10.55 Air quality levels along the sites closest boundary was identified as being acceptable in a worst case scenario, thereby concluding that there was no constraint to the proposed residential scheme anywhere on site. The overall air quality impact of the proposed development was concluded within the Air Quality Assessment to be insignificant taking into account uncertainties of future projections.

10.56 Environmental Health assessed the AQA and confirmed that *“the worst case predictions result in virtually unchanged emissions with or without the development at key junctions within the AQMA, and consequently no mitigation to counteract any increases in emissions has been proposed. The assessment has acknowledged there will be an increase in cars on local roads as a result of the development, and the increased emissions from cars will be counteracted to an extent by a reduction in the current number of HDV’s using the site. There is a risk that the number of cars when combined with committed development or development approved in the interim has been underestimated or not possible to account for, with associated adverse effect on queuing traffic at the key junctions and consequent higher proportionate emission of nitrogen dioxide from queuing traffic. The location of the development increases the need to travel to and from the west of Saffron Walden to access services and wider road network, and current exceedances of air quality standards at junctions within AQMA without mitigation. The Draft Local Plan requires that development within or affecting the AQMA will be expected to contribute to a reduction in levels of air pollution, and to reduce the need to travel by car, which the proposal fails to do.”*

10.57 Since the initial comments have been received, further correspondence between the applicant and the UDC EH has confirmed that there is no objection on air quality grounds, and that the comments on the planning application are to intend to raise awareness of the issue regarding certain consented development not being included in the traffic data, interested to see what effects the additional consented development would have on traffic flows and welcome the Travel Plan as a contribution towards air quality mitigation. Following Addi-

tional Traffic Data being submitted Environmental Health have been re-consulted and have confirmed that the revisions to the traffic data are acceptable and confirmed their queries have been resolved and have no additional comments relating to air quality, they support provisions to increase capacity of the roundabout, and more general mitigation measures to encourage occupiers and visitors to the site to use non-car based modes of transport. In considering the above the scheme is in accordance with Local Plan Policies GEN4 and GEN2, also Draft Local Plan Policies EN5 and EN6.

Amenity

10.58 A Noise Assessment has been submitted as part of the application. In terms of amenity there is an existing electricity substation that provides a source of noise emissions. It is stated within the application submission that there would need to be a distance of 6m safety exclusion zone with a 2m sterile zone for maintenance access. To mitigate the noise the nearest dwelling would be no more than 10m and with the erection of acoustic fencing, and the provision of upgraded housing facades and glazed windows to mitigate the noise. Should planning permission be granted details of this would need to be submitted for approval.

10.59 Environmental Health have raised that the introduction of new commercial and industrial activities may give rise to new noise sources which cannot be assessed at the outline stage. It is therefore recommended that noise from fixed plant is controlled by a condition requiring an assessment at the detailed stage to be carried out under BS4142, where appropriate to use. A scheme of design and mitigation measures must be submitted and approved to achieve a specific noise level at the closest noise sensitive receptor from all plant combined of no more than the background noise level measured during operation of the site, and if a noise is identified as having tonal content it should be reduced by a further 5dB. Should planning permission be granted this can be conditioned.

10.60 The noise assessment has identified that small areas of the proposed residential accommodation will be subject to noise from traffic on Ashdon Road at levels which exceed the reasonable design criteria. Should planning permission be granted a condition would be required regarding details of design and mitigation to ensure that no noise sensitive development is subject to noise levels exceeding the reasonable design levels during the day and good design levels during the night.

10.61 The design layout shows an indicative illustration of how the scheme could be laid out with the dwellings located to the western half of the site (north to south) and commercial uses located along the eastern half of the site (north to south). Where the proposed development abuts the existing sensitive residential dwellings on De Vigier Avenue bungalows are proposed as part of the larger residential area. As part of the Design and Access Statement cross sections have been provided to illustrate the relationship between the existing properties which front onto De Vigier Avenue and the proposed dwellings. This particularly has been done to address the issue of ground level difference between the application site and the properties located on De Vigier Avenue. Two-storey to two-storey dwelling back to back distances are 45m. The back to back distance from the existing two-storey dwellings to the proposed bungalows would be 21 to 52m back to back. It is considered that there is sufficient land to ensure back to back distances are adhered to preventing overlooking both between existing and proposed dwellings, and that there would be sufficient amenity space in accordance with the Essex Design Guide.

10.62 Various types of open space have been designed as can be seen from the illustrative plan. These will be in the form of landscaped areas, and play space areas (LEAP). An 8m wide planted green corridor with informal footpaths is proposed to form a buffer between the residential and the commercial uses. It is also proposed that B1 office spaces/retail unit would be the closest commercial use to the residential units, of which it is stated that these

would be orientated at an angle to mitigate any visual or residential amenity issues. The design of the open spaces would be further detailed at reserved matter stage should planning permission be granted.

10.63 The existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing. It has been confirmed by Environmental Health that the revised location of Ridgeons yard provides adequate separation distance to meet the criteria, and the proposal has the benefit of increasing the separation distance from existing noise sensitive development.

10.64 There is a high risk that the buildings to be demolished or refurbished will contain asbestos. This has been confirmed within the Building Conditions Survey submitted. Environmental Health recommended that an informative is included to carry out the development in accordance with the UDC Code of Development Practice.

10.65 The proposed lighting on the site may cause loss of amenity from glare to current and future residents on site and in close proximity to the site. This has been discussed above within Landscaping Section.

10.66 The scheme is considered to accord with Local Plan Policy GEN4 and GEN2 and Draft Plan Policy EN5.

F Infrastructure provision to support the development

10.67 The application site has been allocated within amendments to the Draft Local Plan as being a commercially mixed use site, providing an element of residential. No infrastructure provision has been identified within the LPWG report other than highway impact would need to be considered.

10.68 The following is proposed to support the development in terms of infrastructure and mitigation.

Open space

10.69 The public open space including playspace areas situated within the residential part of the development to be transferred to the Town Council or Management Company.

Highways

10.70 Whilst the highway implication have been discussed above in Section C in terms of mitigating the proposed development and providing in some areas betterment, the following proposed works and contributions are proposed;

- The construction of the Ashdon Road/Castle Hill roundabout;
- A financial contribution of £80,000 towards the implementation/construction of the Wenden Road cycle path link scheme or 16% of the total cost, whichever is the lower.
- A £120,000 for contribution towards the town centre works has been identified as a need to address the cumulative impact of the Ridgeons development, the evidence for this need is within the *Uttlesford Local Plan Highway Impact Assessment (Oct 2013)*.

Education

10.71 A payment of an education contribution relating to the number of school places generated by the application has been confirmed will be paid. This will address the education capacity issues that have been raised. For a scheme of 157 units providing 2 or more bedrooms as per the illustrative masterplan it has been confirmed that a financial contribution of

£167,652 towards early years and childcare provision, £491,065 for primary and £497,345 for secondary education provision, equating to a total of £1,156,062 will be made to mitigate the impact upon education as a result of the development.

Health

10.72 Whilst a holding objection has been raised by the NHS seeking £38,400, required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal, is sought payable before first occupation, this has been included within the S106 Heads of Terms.

10.73 In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development, in accordance with Policy GEN6 of the Local Plan, Draft Local Plan Policy SP17 and the NPPF.

G Mix of Housing and Affordable Housing

10.74 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. The applicants have confirmed that the development would provide 40% affordable housing, which would equate to 67 units should 167 units in total be approved at reserved matters.

10.75 The applicants have also confirmed that the mix and location of the units would be agreed at the reserved matters stage. The applicants have also confirmed that the development would achieve 5% bungalows (equating to 4 units) to meet wheelchair accessible housing need, however on the indicative plans this is indicated to be 8 units on the illustrative masterplan. It is highlighted that there would be 70% (affordable rent) and 30% (shared ownership) division on the proposed properties to be created. No objection has been raised by the UDC Housing Enabling Officer subject to meeting the above.

10.76 Indicative plans have been submitted as part of the application which highlights possible layout for the proposed dwellings including the location of the bungalows and affordable housing. The indicative layout for affordable housing clustering shows that there are two clusters which have 12 and 11 dwellings, which is more than the cluster of 10 units which is sought after. The cluster of 12 also being close to another cluster of 4 units. It is considered that scheme being provided in phases which is essential to enable the development come forward and the applicant ensuring that 40% of affordable housing is provided in each phase has made the cluster of affordable housing slightly challenging. Nonetheless, it is considered that this is still achievable. The final design, number and size of units would be determined at the reserved matters stage but it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings. As such the application complies with Policies H9 and H10 of the Local Plan, Draft Local Plan Policies SP5, SP6, SP7, HO5 and HO6, also the requirements of the NPPF.

H Biodiversity

10.77 A Phase 1 Ecological Assessment of the site has been undertaken and submitted with the application, together with individual separate studies as identified in paragraph 4.1 above. The ecological habitats and constraints have been identified on the application site. These include the Ashdon Road verges, areas of important grass land, the presence of reptiles, both existing and enhanced reptile habitat, areas along the western boundary and to the south of the site where there is current open space, potential bat roosts and the areas of scrub forming the eastern and western perimeters of the site which have been identified as high value habitats for breeding birds. There is Calcareous grass verges at the front of the site entrance which is designated as a Local Wildlife Site. This is stated that it would be retained as a natural/semi natural open space. A small element would be lost due to the realignment

of the vehicular access as a highway safety measure. It has been proposed within the submission that the element that would be lost could be relocated to the north of the site as compensation. Other mitigation measures have been outlined within a letter from the applicant dated 14 November 2013 in terms of careful management and protection of the verge to ensure its protection.

10.78 Whilst the site is predominately of buildings and hardstanding and generally of low ecological value the surveys has concluded the following. A bat roost was located within Unit 2 which is stated serves a single Common Pipistrelle roost, other than this the general bat activity within this area was found to be low. It is proposed that a replacement roost location would be provided on site to mitigate any loss. A population of lizards was recorded on site with suitable reptile habitat around the existing northern perimeter of the site on a raised soil mound. A mitigation strategy is proposed at a more detailed stage, should planning permission be granted, involving capturing any reptiles in the affected area and translocating to new and enhanced habitat to the rear of the site. There would be landscaping along the boundaries, a spine of landscaping also forming a buffer between the proposed uses is indicated on the masterplan. A large proportion of the foreground area is proposed to be maintained as open space, together with higher ground level located to the northern area of the site, which would have 'meandering' footpaths running through it. The northern landscaped element due to the ground level differences and the nature of the area it is proposed to be retained as reptile habitat. No impact upon Great Crested Newts is considered as the nearest population was off site some 400m. Whilst the site is within the 500m migrating distance there are other more suitable habitats closer than the application site, with the pond on site deemed as unsuitable. No harm or loss to breeding birds habitat would result with habitat being retained and enhanced as a result of the proposed developments landscaping scheme. A Badger survey undertaken found no presence of badgers on site therefore concluded that the development is unlikely to have an effect upon the Badger population.

10.79 Objections have been raised by Wildlife Trust, Essex Field Club, UDC Special Verges and ECC Ecology surrounding various points namely the impact upon the special Calcareous grassland, and the landscape corridor. These points have been addressed through the proposed translocation of a ratio greater than 1:1 of the grassland and a Management Plan and landscaping plan that would be approved at reserved matters stage, should planning permission be granted.

10.80 The Essex Field Club seeks for further surveys to be carried out on data which has been collected 2km from the site and there is no indication of such species being presence on site. Other information requested such as fencing details and management plans would be dealt with at reserved matters stage.

10.81 Whilst some impact would occur this is not considered to be detrimental and mitigation measures would be implemented through a Habitat Management Plan and the introduction of other landscaping and wildlife corridors within the site. This is considered to be in accordance with Local Plan Policies GEN2, GEN7 and Draft Plan Policies SP14 HE4, and the NPPF.

I Flood Risk and Drainage

10.82 Due to the scale of the proposed development a Flood Risk Assessment (FRA) has been undertaken and submitted as part of the application. The application site falls within Flood Risk Zone 1 where there is low probability of flooding from tidal or fluvial sources. It is stated within the application submission that there is less than 1 in 1000 annual probability of flooding. There is a watercourse which runs up to the northwestern edge from the north and it is culverted running underneath the application site. The Flood Risk Assessment states that surface water runoff from the site can be discharged to the culverted watercourse at green-

field runoff rates (assuming a worst case scenario). The level of any underground storage is stated would depend upon further contamination assessment. An assessment of the risk of flooding to the site from minor sources concluded that this poses no significant flood risk to the site, this has been evidenced within the submitted FRA.

10.83 The drainage strategy for the site is stated will rely on disposal of surface water runoff to sewers. Due to the underlying geology it is unlikely that soakaways would be viable. The Sustainable Drainage Solutions SuDS using infiltration drainage should be used wherever possible. It has not demonstrated that this is achievable at this stage. This would be developed at the reserved matters stage should planning permission be granted. No objection has been raised by the Environment Agency subject to conditions. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan and Policies SP9 and EN4 of the Draft Local Plan.

J Other material considerations

10.84 Archaeological Assessment has been submitted as part of the application this highlighted that there were a low number of finds/features in this area which was considered to be unusual for such a historic town. It has been suggested that the installation of the fuel pipeline and the development of the existing commercial site is likely to have resulted in almost total loss of any archeological remains within the site. This was concluded within the desktop assessment of the site. As a result no objection has been raised by ECC Archaeology. This is in accordance with Local Plan Policy ENV4, Policies SP13 and HE3 of the Draft Local plan and the NPPF.

10.85 A contamination survey was undertaken and submitted as part of the application. The investigation highlighted potential contamination risks of many of the large and small units due to the nature of the previous uses. There is evidence of extensive, although localized, oil and fuel storage/dispensing. Recommendations for investigating pollutants linkages and removal of asbestos surveys have been made to address this. No objection has been raised regarding contamination from either UDC Environmental Health or by the Environment Agency subject to condition. The scheme is therefore considered to be in accordance with Local Plan Policy ENV14 and Policies SP8 and EN7 of the Draft Local Plan.

10.86 With regards to the prevention of the watercourse contamination, the development site falls within Groundwater Source Protection Zones and overlies a Principal Aquifer the Environment Agency have suggested conditions relating to details of surface water drainage and details of pollution control measures to be submitted for approval. This is in accordance with Local Plan Policy ENV12 and Policies EN3 and EN7 of the Draft Local Plan.

10.87 The oil pipeline which extends from the AMCO storage facility through the application site provides a hazardous constraint. As indicatively illustrated, the proposed built form is designed to be located away from the lines that run through the spine of the site and along the front boundary. A PADHI Compliance Summary has been submitted as part of the application. The HSE service has been consulted regarding the application as a result no comments or objections have been raised. None the less they would need to be re-consulted on a more detailed design should planning permission be granted.

10.88 In terms of aerodrome safeguarding this is not considered to be of concern as the proposed development would be reduced in height in comparison to what currently exists on site.

11. Conclusion

11.1 The application site has been allocated within the Draft Local Plan and the proposed

development will provide an economic, social and environmental role. The application site and proposal is sustainable and the scheme will further increase its level of sustainability, particularly through proposed highway improvements.

11.2 The principle of the development and the need has been demonstrated. The proposed development would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. The development is considered to be sustainable development. The partial loss employment land to residential to enable facilitating the site's commercial redevelopment and its viability is considered acceptable and therefore the principle of the proposal is acceptable, in accordance with Local Plan Policies S1, E2, and SW6, and overall in accordance with the NPPF.

11.3 With regards to the proposed town centre uses, whilst the rationale for proposing the retail store has not been accepted, the illustrative masterplan reflects the viability of the scheme. Even though 40% of the site would provide residential this together with the proposed mixed use commercial aspect of the development would enable the commercial development and facilitate in increasing the level of employment generated on site by at least 3.5 times. This is considered to be a material planning consideration in light of the NPPF and therefore considerable weight is added to this outweighing the harm of allowing town centre uses in this location, in this instance. This application therefore generally accords with Local Plan Policies RS1, RS2, Draft Local Plan Policy RET1, and the core of the NPPF in this respect.

11.4 Whilst the design is a reserved matter the development is capable of meeting Essex Design Guide standards, being compatible with its surroundings, providing ample playspaces, meeting Secure by Design, Code Level 3, Lifetime Homes Standards and is therefore in accordance with Local Plan Policy GEN2.

11.5 80% of the vehicle movement would be counter balance by the existing level of vehicle movement and the additional vehicle movement would be counterbalance by various sustainable transportation elements have been proposed as part of the application in the form of improved footpaths and cycle paths, and the proposed travel plans. Also, improvements to junctions through a financial contribution is proposed. This is further supported by recommendations that have been made within the Essex Highway Assessment that has been undertaken as part of the Draft Local Plan work. No objection has been raised by Highways Authority subject to conditions. In considering the above the proposed development is acceptable in terms of highways subject to recommended conditions and it is also therefore in accordance with Policies GEN1, GEN2, GEN8 of the adopted Local Plan (2005) and Policies SP15 and TA1 of the Draft Local Plan (June 2012).

11.6 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and Draft Local Plan Policy TA1.

11.7 The site currently contains very limited landscaping; however the site is well screened from public footpaths at a distance. The proposal would remove the large run down warehouse/industrial units from the site and would be replaced with lower, more modest scale buildings. This together with an integrated landscaped enhancement of the site would make a positive contribution on the landscape character and appearance of the area. It is stated that the visibility of the site would reduce following its redevelopment and the implementation of an enhanced landscaping scheme. No landscaping objections have been raised. The scheme is therefore considered to accord with Local Plan Policy GEN2 and ENV3, also Policy C2 and HE5 of the Draft Local Plan.

11.8 The overall air quality impact of the proposed development was concluded within the Air Quality Assessment to be insignificant taking into account uncertainties of future projections. No objection has been raised by Environmental Health as a result however this response is also encouraged through the implementation of a travel plan and highway improvements. In considering the above the scheme is in accordance with Local Plan Policies GEN4 and GEN2, also Draft Local Plan Policies EN5 and EN6.

11.9 Whilst there are possibilities of noise sensitivities within the application site these could be controlled through conditions should planning permission be granted. No visual, overlooking or other forms of residential amenity (i.e. noise, dust and light pollution) impact are considered subject to conditions should planning permission be granted. The scheme is considered to accord with Local Plan Policy GEN4 and GEN2 and Draft Plan Policy EN5.

11.10 Various infrastructure is proposed as part of the application to mitigate the development, in the form of education, open space, health and affordable housing, in accordance with Policies GEN6, H9 and H10 of the Local Plan, Draft Local Plan Policies SP5, SP6, SP7, SP17, HO5 and HO6, also the requirements of the NPPF.

11.11 In terms of ecology whilst some impact would occur this is not considered to be detrimental and mitigation measures would be implemented through a Habitat Management Plan and the introduction of other landscaping and wildlife corridors within the site. This is considered to be in accordance with Local Plan Policies GEN2, GEN7 and Draft Plan Policies SP14 HE4, and the NPPF.

11.12 No adverse impact is concluded upon heritage assets, in accordance with Local Plan Policy ENV4, and Policies SP13 and HE3 of the Draft Local plan and the NPPF.

11.13 No objection has been raised regarding contamination, Flood risk, oil pipelines and aerodrome safeguarding subject to condition should planning permission be granted. This is considered to accord with Local Plan Policies ENV14 and ENV12, also Policies SP8, EN3 and EN7 of the Draft Local Plan.

RECOMMENDATION – CONDITIONAL APPROVAL – SUBJECT TO S106 LEGAL OBLIGATION

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

- (i) Contribution to NHS of up to £38,400 for up to 167 dwelling units or pro rata per dwelling**
- (ii) Highway works contribution (£120K)**
- (iii) Travel Plan**
- (iv) Travel Plan monitoring**
- (v) Contribution towards Education**
- (vi) Open space provision and maintenance, and transfer to Town Council or Management company**
- (vii) 40% affordable housing provision**
- (viii) Contribution of £80, 000 towards the implementation/construction of the Wenden Road cycle path link scheme £80,000 (index linked) or 29% of the total cost, whichever is the lower;**

- (ix) **A financial contribution of £5000 (index linked), to fund the implementation of a parking scheme along Ashdon Road;**
- (x) **Pay Councils reasonable costs;**
- (xi) **S106 monitoring contribution.**

(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 7 May 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:

- (i) **Financial contribution towards NHS**
- (ii) **Financial contribution towards highway works**
- (iii) **Travel plan**
- (iv) **Education contribution**
- (v) **Provision of open space and Transfer of open space**
- (vi) **A financial contribution towards the implementation/construction of the Wenden Road cycle path link scheme**
- (vii) **Provision of 40% affordable housing**
- (viii) **A financial contribution towards the implementation of a parking scheme along Ashdon Road.**

CONDITIONS:

1. Approval of the details of the layout, scale, landscaping, appearance and public open layout (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 2 years from the date of this permission.
 (B) The development hereby permitted shall be begun later than the expiration of 1 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.

3. Before the commencement of development detailed scheme relating to measures to protect neighbouring resident's air quality during the construction phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

REASON: To ensure the protection of residential amenity in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

4. Before the commencement of the development (excluding demolition) hereby permit-

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

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

5. No construction or removal of trees/hedgerows shall be carried out on site between March and August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Local Planning Authority which confirms that no species would be adversely affected by the construction or removal of trees/hedgerows.

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) and the NPPF.

6. No development shall take place until a Wildlife Protection Plan for the site has been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall include how protection and mitigation measures for Legally Protected Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements. The development shall thereafter 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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

7. No development shall take place until a detailed mitigation plan for the bats, badgers and birds identified including their breeding sites and resting places, and Calcareous Grassland has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

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) and the NPPF.

8. No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat translocation, creation and management during the life of the development hereby permitted, and mitigation for impacts upon identified protected and priority species, in accordance with the general principles outlined in the Summary Ecological Report (dated August 2013) and all appendices to that Report and shall, without prejudice to the foregoing, include:

- (i) Aims and objectives of mitigation;
- (ii) Extent and location of proposed works;
- (iii) A description and evaluation of all features to be managed;
- (iv) Sources of habitat materials;
- (v) Timing of the works;
- (vi) The personnel responsible for the work;
- (vii) Disposal of wastes arising from the works;

- (viii) Selection of specific techniques and practices for preparing the site and translocating, creating and establishing vegetation;
- (ix) Appropriate management options for achieving aims and objectives;
- (x) Prescriptions for management actions;
- (xi) Personnel responsible for implementation of the Plan;
- (xii) The Plan shall include demonstration of the feasibility of the implementation of the Plan including details of funding for delivery of the Plan and long-term management of the habitats;
- (xiii) Monitoring and remedial measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full.

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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

9. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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) and the NPPF.

10. Prior to development, an update bat and badger survey of the site shall be carried out to update the information previously submitted with the application together with an amended mitigation strategy to mitigate the impact of the development upon the identified protected species. The new surveys and mitigation strategy shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and thereafter the development shall be implemented in accordance with the approved surveys and mitigation strategy.

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) and the NPPF.

11. Before the commencement of development details of boundary treatment for screening and noise mitigation details of the existing electricity substation shall be submitted to and approved in writing by the Local Planning Authority and thereafter implement in accordance with the approval details.

REASON: In the interest of residential amenity and safeguarding the development, in accordance with Policies GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

12. Before the commencement of development details of the proposed estate roads, spine road to serve the commercial sector which shall be of minimum carriageway width 7.3m, and 2m footways as shown in principle on the illustrative Master Plan, including layout, visibility splays, radii, turning, levels, gradients, surfacing, means of surface water drainage, lighting, bus stops and any necessary Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highway Authority, and thereafter implement in accordance with the approved details.

REASON: To ensure roads/footways are constructed to an appropriate standard in the inter-

ests of highway safety, efficiency and accessibility in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005)

13. Before the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. This document should state how construction traffic will be managed including (but not exclusively) the management and provision of the following items:

1. Suitable access arrangements to the application site in connection with the construction of the development,
2. wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas,
3. 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.
4. Routing and timing of construction traffic, which should be discussed in advance with the Highway Authority to minimise impact on the local community.

And, thereafter the scheme shall be implemented in accordance with those approved details.

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

14. Before the commencement of development details of the provision of the proposed priority junction on to Ashdon Road, as shown in principle on the submitted drawing number TA/001 to include a 7.3 metre carriageway, two 2 metre footways, 15 metre kerb radii with 1:20 tapers over 25 metres on both sides, and 2.4m x 90m visibility splays. Details, including, means of surface water drainage, lighting, signing and Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, and thereafter implemented in accordance with the approved details.

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).

15. Before the commencement of development details of the provision of the proposed pedestrian and cycle access on to Ashdon Road as shown in principle on the submitted Master Plan drawing, to consist of a shared use footway/cycleway 3.5m wide to include appropriate facilities to allow cyclists to enter and exit Ashdon Road, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and thereafter implement in accordance with the approved details.

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

16. No occupation of any dwelling shall take place until such time as the following have been completed to a standard to be agreed with the Highway Authority:

- (i) Ashdon Road/Church Street/Castle Hill/Common Hill mini roundabout: Provision of the scheme to provide increased capacity to the Ashdon Road/Church Street/Castle Hill/Common Hill mini roundabout to as outlined in principle on drawing number 101. OR payment of a financial contribution towards the scheme or any other such highway works in the vicinity deemed necessary to

mitigate the impact of the development, and identified as part of a package of measures outlined in the Uttlesford Local Plan Highway Impact Assessment (October 2013).

Detail of works, including safety Audits, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, before the commencement of development .

- (ii) Gateway treatment to be provided to the east of the site, to include town entrance signs; any necessary Traffic Regulation Orders and a system of street lighting to compatible with the scheme to be provided in connection with the Land South of Ashdon Road development (UTT/09/0400 and UTT/09/0407). Details shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, before the commencement of development.

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

17. No more than 50 dwellings shall be occupied before the provision of a bus turning circle within the development. The turning circle is to include facilities to allow buses to turn without a reversing movement; provide convenient access for pedestrians; and a bus stop with the following facilities: shelter; seating; raised kerbs; bus stop markings; real time passenger information; flag and timetable casing. Details shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, before the commencement of development.

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

18. A bus service to the development through the enhancement and/or extension of existing services into and adjacent to the development in order to provide enhanced peak hour services to the town centre and rail station. The service shall be provided before the occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning

REASON: To provide convenient access to bus services by ensuring that all dwellings are within 400m of a bus service in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

19. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

20. The provision of electronic vehicle charging points at all properties with garages and charging points to be provided within the commercial car parking areas. Details of the charging points shall be submitted to and approved in writing before the commencement of each phase, and thereafter implement in accordance with the approved details.

REASON: To provide residents and commercial development users with access to more sustainable forms of transport in accordance with in accordance with Policy GEN1 of the Ut-

Uttlesford Local Plan (adopted 2005).

21. Details of the provision of pedestrian and cyclist signs at key points along the appropriate routes to the town centre and railway station from the site, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development.

REASON: To improve links for pedestrians and cyclists from the development to local amenities and the town centre in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

22. Prior to each phase of development approved by this planning permission/ No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

23. No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

24. No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing

by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

26. No infiltration of surface water drainage into the ground at the site which is the subject of this planning permission is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

27. Prior to the commencement of development, a scheme for the provision and implementation of pollution control to the water environment shall be submitted and agreed, in writing, with the Local Planning Authority. As a minimum, the scheme shall ensure that:

(i) Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected to the surface water drainage system.

(ii) All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

(iii) There shall be no internal drains in areas where chemicals and other polluting materials are stored. Appropriate spill clean-up material shall be available in case of an emergency.

(iv) All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the foul sewer.

The scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

REASON: To ensure a satisfactory method of pollution control, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

28. 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 the agreed timetables.

REASON: To enhance the sustainability of the development through better use of water, energy and materials, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and Supplementary Planning Document for Energy Efficiency and Renewable Energy (October 2007).

29. 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. Thereafter the development hereby permitted shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development, unless otherwise agreed in writing.

REASON: To enhance the sustainability of the development through efficient use of water resources, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and Supplementary Planning Document for Energy Efficiency and Renewable Energy (October 2007).

30. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) Ridgeons Ltd Land at Ashdon Road, Saffron Walden, Essex CB10 2NH Reference: SJC/614633/JRC, 07 August 2013 has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA giving priority to infiltration should ground conditions permit. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Policy GEN3 and GEN7 of the Uttlesford Local Plan (adopted 2005)

31. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

32. Prior to the commencement of development a detailed phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of ensuring the scheme will deliver the appropriate level of commercial development, in accordance with Policies S1, SW6, and E2 of the Uttlesford Local Plan (adopted 2005)

33. Before the commencement of each phase of the development a details of plant/machinery, noise and dust mitigation shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In the interest of protecting the residential amenity of existing and future residents and the amenity of the locality, in accordance with Policy GEN4 and GEN2 of the Uttlesford Local Plan (adopted 2005).

APPENDIX B

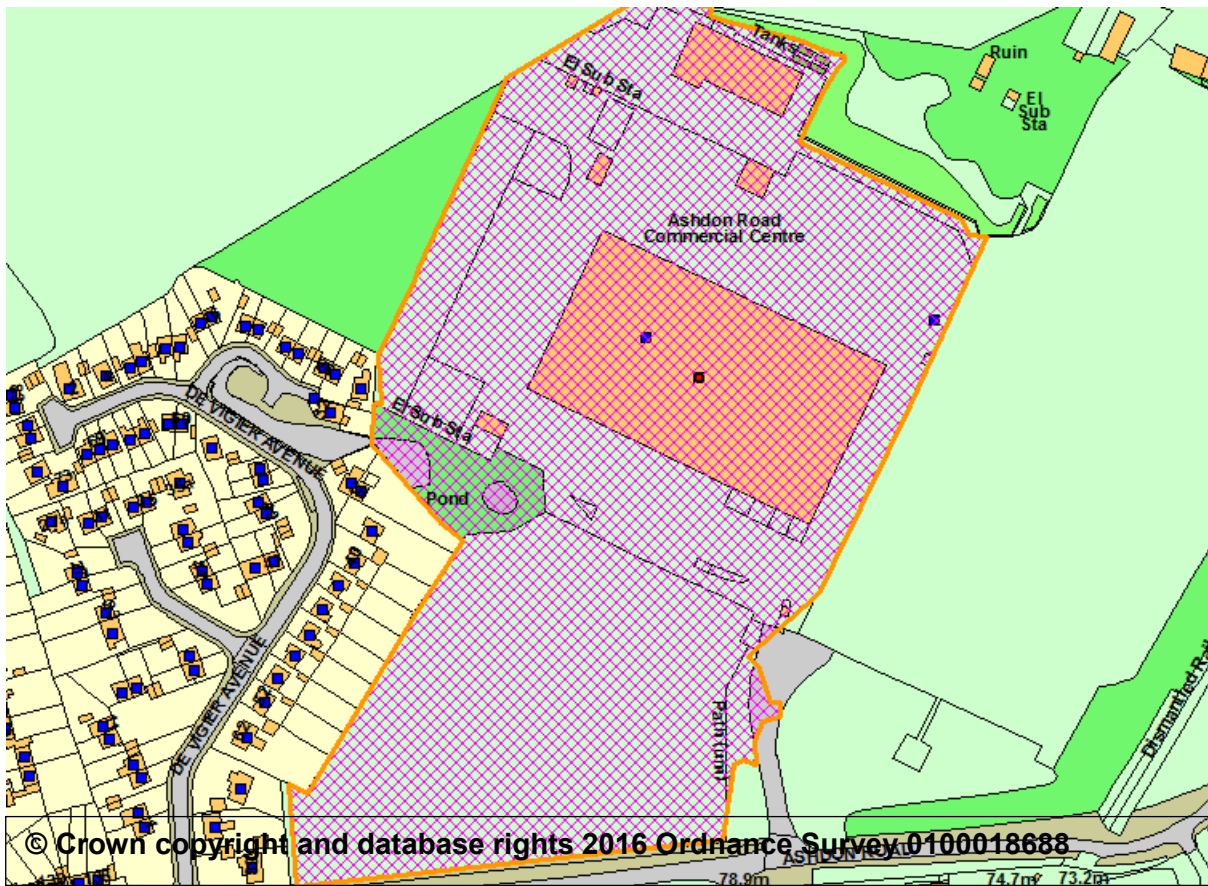
Plot Number	Tenure	Number of Bedrooms	Garden Amenity Size (m ²)	Number of Parking Spaces
1	Market	4	102	3
2	Market	4	108	3
3	Market	3	143	2
4	Market	3	145	2
5	Market	4	114	3
6	Market	4	100	3
7	Market	4	121	3
8	Market	4	116	3
9	Market	4	106	3
10	Market	4	105	3
11	Market	3	107	2
12	Market	2	57	2
13	Market	2	55	2
14	Market	2	55	2
15	Affordable	2	78	2
16	Affordable	2	73	2
17	Affordable	3	100	2
18	Affordable	3	100	2
19	Affordable	3	101	2
20	Affordable	3	105	2
21	Affordable	2	55	2
22	Affordable	1	60	1
23	Affordable	1	60	1
24	Market	4	107	3
25	Market	2	124	2
26	Market	2	115	2
27	Market	2	135	2
28	Market	2	123	2
29	Affordable	2	102	2
30	Affordable	2	91	2
31	Affordable	2	114	2
32	Affordable	2	50	2
33	Market	3	102	3
34	Market	3	109	3
35	Market	4	132	3
36	Market	3	100	3
37	Market	3	105	3

38	Market	3	114	3
39	Market	4	109	3
40	Market	4	106	3
41	Market	4	100	3
42	Market	4	100	3
43	Market	4	121	3
44	Market	3	102	3
45	Market	3	100	3
46	Market	4	109	3
47	Market	4	100	3
48	Market	4	104	3
49	Market	4	117	3
50	Market	4	103	3
51	Market	4	111	3
52	Market	4	123	3
53	Market	4	127	3
54	Market	4	101	3
55	Market	4	142	3
56	Market	4	130	3
57	Market	4	183	3
58	Market	4	161	3
59	Market	2	67	2
60	Market	2	54	2
61	Market	3	103	2
62	Market	3	100	2
63	Market	4	101	3
64	Market	4	101	3
65	Market	4	131	3
66	Market	4	151	3
67	Market	3	100	2
68	Market	3	101	3
69	Market	4	119	3
70	Market	4	116	3
71	Market	4	101	3
72	Market	4	105	3
73	Market	4	102	3
74	Market	4	106	3
75	Market	4	100	3
76	Market	4	101	3
77	Affordable	2	134	2
78	Affordable	2	134	2
79	Affordable	2	134	2
80	Affordable	2	134	2

81	Affordable	2	53	2
82	Affordable	2	69	2
83	Market	4	122	3
84	Market	4	151	3
85	Market	4	102	3
86	Market	4	107	3
87	Market	4	120	3
88	Market	4	122	3
89	Market	4	114	3
90	Affordable	3	104	2
91	Affordable	3	109	2
92	Affordable	4	105	3
93	Affordable	4	103	3
94	Affordable	3	108	2
95	Affordable	3	104	2
96	Market	3	101	2
97	Market	4	100	3
98	Market	4	103	3
99	Market	3	100	3
100	Market	3	100	3
101	Market	4	100	3
102	Market	3	109	3
103	Market	3	115	3
104	Market	3	123	3
105	Market	3	106	2
106	Market	4	151	3
107	Market	4	166	3
108	Market	3	104	3
109	Market	3	100	3
110	Affordable	3	121	2
111	Affordable	3	136	2
112	Affordable	2	74	2
113	Affordable	2	51	2
114	Affordable	2	50	2
115	Affordable	2	52	2
116	Affordable	2	50	2
117	Affordable	2	50	2
118	Affordable	2	55	2
119	Affordable	1	50	1
120	Affordable	1	50	1
121	Affordable	2	50	2
122	Affordable	2	50	2
123	Affordable	2	50	2

124	Affordable	1	225	1
125	Affordable	1	225	1
126	Affordable	1	225	1
127	Affordable	1	225	1
128	Affordable	1	225	1
129	Affordable	1	225	1
130	Affordable	1	225	1
131	Affordable	1	225	1
132	Affordable	1	225	1
133	Market	4	105	3
134	Market	3	105	3
135	Market	3	142	3
136	Market	4	113	3
137	Market	4	103	3
138	Market	3	100	3
139	Market	4	103	3
140	Market	2	50	2
141	Market	2	50	2
142	Market	2	50	2
143	Market	2	81	2
144	Market	2	83	2
145	Affordable	3	123	2
146	Affordable	3	100	2
147	Affordable	3	100	2
148	Affordable	3	100	2
149	Affordable	2	110	2
150	Affordable	2	110	2
151	Affordable	2	110	2
152	Affordable	2	110	2
153	Affordable	3	113	2
154	Affordable	3	141	2
155	Affordable	3	152	2
156	Affordable	3	102	2
157	Affordable	2	60	2
158	Affordable	2	57	2
159	Affordable	1	74	1
160	Affordable	1	74	1
	64 Affordable houses	Visitors parking spaces - 18 on plot 37 off plot (3 spaces are disabled allocated visitors bays)		

Application number: UTT/16/2701/DFO
Address: Commercial Centre Ashdon Road Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 25 January 2017

UTT/16/2632/FUL (STANSTED)

(MAJOR)

PROPOSAL: **Mixed use development comprising 10 no. dwellings, ground floor retail unit with independent first floor office and 1.5 storey commercial building, including associated garages, car parking, new access road and landscaping.**

LOCATION: **14 Cambridge Road, Stansted.**

APPLICANT: **FOWE Developments & London and Stansted Furnishing Co. Ltd.**

AGENT: **Landmark Planning Ltd.**

EXPIRY DATE: **15 January 2017**

CASE OFFICER: **Clive Theobald**

1. NOTATION

1.1 Within Development Limits / Town Centre SM1 / Part Protected Retail Frontage / adjacent to Grade II Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The site lies predominantly behind the frontage to Cambridge Road to the rear of Nos.12-30 Cambridge Road. The site previously contained within its boundaries a single storey shop positioned onto the Cambridge Road frontage (No.14) and two storey and single storey buildings located to the rear used as auction rooms, a retail home furnishing premises and also storage premises with surface parking accessed from Cambridge Road. All of the buildings have now been demolished on the site due to their poor condition and the site now comprises cleared land which is enclosed to the Cambridge Road frontage by hoarding and recessed frontage gates. The site has an overall area of 0.42 ha and is uniformly level across the site.

2.2 The site is bounded onto Cambridge Road to the NE of the existing vehicular entrance by a single storey frontage building comprising a Tesco Express and to the NE of this by a two storey frontage building comprising a back pain clinic and to the north of this by a larger further two storey frontage building comprising a Co-operative food store with residential accommodation above. Further along, there is a frontage row of dwellings, half of which are listed. The site is bounded on its SE (rear) side by the Crafton Green car park, library and Parish Council offices and on its NE side by adjacent residential properties. The site is enclosed around its perimeters by closeboarded fencing with high level conifers additionally running along the eastern boundary of the site.

2.3 The site is bounded onto Cambridge Road to the SW of the existing entrance by a vacant two storey building formerly occupied by Barclays Bank, whilst The Greens Buildings exist beyond this. The site is bounded on its south side by the former Geneva Motors car sales and showroom premises (now under new name).

3. PROPOSAL

3.1 This full application proposal relates to the provision of a mixed use development on this cleared site comprising 10 no. market dwellings, a two storey frontage building comprising a ground floor retail unit with independent first floor office over (Unit 1) and a 1.5 storey commercial building to the rear of this building (Unit 2) with associated domestic and commercial parking, new access road from Cambridge Road and indicative landscaping.

3.2 The residential element of the scheme would comprise 5 no. detached dwelling units, a pair of semi-detached dwelling units and a row of 3 no. terraced dwelling units and would be a mix between two and three bedroomed units with an emphasis on three bedroomed units (7 x 3 bed units, 3 x 2 bed units). The dwellings would all be two storied in height and would be externally clad in a mixture of brick, render and weatherboarding under plain tiled roofs. The breakdown of the proposed dwellings for the presented scheme is as follows:

<u>Dwelling Unit No.</u>	<u>Number of Bedrooms</u>	<u>Garden amenity size (sqm)</u>	<u>No. of parking spaces (h/s)</u>
1	3	102	2
2	3	106	2
3	3	123	2
4	3	121	2
5	3	103	2
6	2	165	2
7	3	104	2
8	2	165	2
9	2	137	2
10	3	106	2

3.3 The housing layout would have a total of 20 no. allocated hardstanding parking spaces (two per dwelling), which would be a combination of covered and uncovered spaces. Each hardstanding space would measure 5.5m x 2.9m. The housing layout would also have 2 no. visitor parking spaces. Bin areas capable of providing two recycling bins per dwelling are shown immediate to each dwelling unit with the exception of the dwelling for Plot 2 (mid terrace) which would have its recycling point at the rear of its garden facing onto the commercial parking area.

3.4 The commercial element of the scheme would comprise 2 no. commercial units consisting of a two storey frontage building having a gross internal floorspace of 235 sqm designed in traditional building style with its principal elevation facing onto the beginning of the new service road and a larger 1½ storey commercial building situated behind beyond a frontage service area having two floors with a gross internal floorspace of 429 sqm also designed in traditional building style. The first floor of this building would have a series of rooflights running along the length of the building on both the principal and rear elevations.

3.5 The development as a whole would be served off a 4.8m wide carriageway, which would have a Size 3 turning head at the rear end of the housing element of the scheme. A marked out parking area for the two commercial units comprising a total of 16 no. parking spaces, to include 2 no. disabled bays together with a powered two wheeler parking space is shown laid out towards the front of the site

either side of the carriageway. A service area which would be used to house a commercial bin store and also a secure cycle store leads off of this parking area on the site's SW boundary. A 2m wide linking footway from the development to Crafton Green car park and the Parish Council Offices to Chapel Hill is shown leading out of the development in the south-east corner between commercial unit 2 and Plot 10.

4. APPLICANT'S CASE

- 4.1 The application is accompanied by a supporting planning statement prepared by Landmark Planning Group which sets out the extensive planning history to this site and states that the current application represents a revised and updated scheme to refused application UTT/15/1666/FUL for a similar mixed use redevelopment scheme for the site and seeks to address the Planning Inspector's reasons for dismissing that refused scheme in relation to parking provision for the commercial element of the scheme and the impact that commercial unit 2 would have had on the residential amenities of Plot 1 for the residential element of the scheme.
- 4.2 With regard to the outstanding planning issues as raised by the inspector for that appeal, the applicant's statement provides the following response:
- "The site has a long and complex history which effectively has been resolved by two major material planning considerations, the first being the refusal by Uttlesford District Council to grant planning permission under reference UTT/13/1126/FUL on 29 August 2013. This Decision was upheld on appeal. The second and most recent appeal decision issued following the refusal by Uttlesford District Council under reference UTT/15/1666/FUL is significant on a number of accounts. Firstly the housing scheme element of the proposal was found to be entirely acceptable by the Inspector. Secondly, notwithstanding the considerable amount of evidence submitted by third parties in relation to highway safety and the point of egress and access onto Cambridge Road, this scheme like her predecessor was dismissed. On the later point and indeed the entire decision issued, this was not subject to challenge by either the LPA, the Parish Council, Councillor Dean, the adjoining landowner or any third parties who made representations through the application and appeal process. Therefore, not only is this document a Design and Access Statement, but indeed can be viewed by the LPA as a statement of common ground".
- 4.3 "The scheme as now submitted is a response to the issues identified and the criticisms made by the Inspector in her decision on 17 June 2016. The Inspector found in favour of the residential scheme, which remains in its entirety as she determined. To highlight the differences between the former layout and content and what is now proposed is a reduced commercial building in height from three storeys to 1.5 storey, there is now maximum parking for the commercial element without tandem parking and careful regard has been given to the immediate context...It is therefore hoped that upon consideration by the Local Planning Authority that Members of the Planning Committee will take on board all the material considerations in this matter and will grant planning permission for the scheme as submitted".
- 4.4 The application is supported by the following consultant reports prepared by SLR Ltd:
- Transport Statement (Sept 2016)
 - Surface Water Management Plan (Oct 2016)

- Phase 1 Environmental Site Assessment (March 2015)

5. RELEVANT SITE HISTORY

- 5.1 The site has an extensive planning history relating to its proposed comprehensive redevelopment, which is set out below.

UTT/0215/12/FUL:

Demolition of 8 no. existing employment buildings and erection of 14 no. dwellings comprising 6 x 3 bed units, 4 x 4 bed units and 4 x 5 bed units, erection of new retail unit with office space over fronting onto Cambridge Road with associated residential and commercial parking and landscaping

Application refused.

UTT/1193/12/FUL:

Demolition of existing buildings and erection of 14 no. dwellings, retail and office unit and associated garages, car parking, landscaping and footpath to the Crafton Green Car Park.

Application refused.

UTT/12/6142/DEM:

Prior approval application for demolition consent for demolition of various buildings on the site.

Application approved (site cleared)

UTT/13/1126/FUL:

Erection of 14 No. dwellings, ground floor retail unit with independent first floor office and 2.5 storey commercial building, including associated garages, car parking and landscaping.

Application refused. Appeal dismissed.

UTT/15/1666/FUL:

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.

Application refused. Appeal dismissed.

Comments on UTT/15/1666/FUL:

- 5.2 This fourth planning application for the redevelopment of 14 Cambridge Road was recommended for approval by Officers, although the recommendation was subsequently overturned by Members at Planning Committee. In her decision against the subsequent appeal, the appointed Planning Inspector considered that the residential element of the scheme was acceptable as was the commercial use, but that the level of parking shown for the commercial element of the

scheme would be about half of the maximum set out in adopted parking standards which also included tandem parking in two blocks of four, which whilst could be an appropriate solution for residential properties, was not included in the various different parking layouts suggested in the parking standards. As such, the Inspector remarked that this parking deficiency, combined with the proportion of tandem spaces would be likely to lead to indiscriminate parking within Cambridge Road and the wider area exacerbating existing parking problems within the vicinity to the detriment of highway safety.

5.3 The Inspector was also of the view that commercial unit 2 by reason of its three storey height and existence of windows on its upper floors would have a material overbearing effect and loss of privacy by reason of overlooking on the occupiers of Plot 1, the nearest dwelling of the residential element of the scheme resulting in poor amenity and outlook for the dwelling. However, the Inspector considered that the amenities of properties within Clarence Road to the immediate north-east of the site would not be materially affected by way of overlooking given the separation distances involved, notwithstanding that the ground level within the application site was higher than these adjacent properties.

5.4 The following planning application is also relevant to the current application proposal:

UTT/16/1243/FUL:

Proposed extension to existing motor trade showroom to create motor vehicle tyre, exhaust and repair facility and additional showroom with office over

Site: Geneva Motors, Cambridge Road, Stansted.

Approved (development not implemented to date).

Comments on UTT/16/1243/FUL:

5.5 This "renewal" application for previously approved application UTT/13/1456/FUL for this adjacent car sales site to 10 Cambridge Road to the immediate south involved a new building which would have a workshop height with a footprint of 12.5m x 24.5m and a ridge height of 12m which would be set off the shared northern boundary with 14 Cambridge Road whereby the siting of the building would taper away from west to east in relation to this shared boundary.

5.6 In the delegated officer report assessment for this application proposal, due consideration was given to the likely impact that this new building positioned onto the boundary with 14 Cambridge Road would have on the residential amenities of any resubmitted mixed redevelopment scheme for that site following the previous refusal of UTT/13/1126/FUL (see above). In appraising the proposed scheme, the officer report stated as follows:

"The submitted scheme has not changed in any detail in relation to the design and layout of the proposed extension to the existing showroom building or the additional showroom with office over where the same drawings have been resubmitted for the current "renewal" application. In this respect, it should be emphasised that the larger new building on the site would still have an overall height of 12 metres as before. Therefore, the proposal would not have any additional impact upon the proposed redevelopment scheme at 14 Cambridge Road in terms of scale than as originally submitted for approved application

UTT/13/1456/FUL when the officer report for that application stated that whilst recognising that the extensions and workshops would be large in nature where the workshop would be 12m high that the development would be set back from the Cambridge Road frontage whilst at the same time having an acceptable relationship with the dwellings proposed for the redevelopment scheme at 14 Cambridge Road to the immediate north”.

- 5.7 The report added that, “In considering the living conditions of the residential occupiers of that adjacent mixed use development scheme at 14 Cambridge Road, the Planning Inspector in assessing the impact of other nearby influencing factors on residential amenity, namely the impact of the approved commercial development at Geneva Motors (UTT/13/1456/FUL), stated at paragraph 20 of her decision notice for UTT/15/1666/FUL for the refused scheme at 14 Cambridge Road that “I have taken account of the extant planning permission at Geneva Motors, but if built, the building would be further away from Plot 1 and would have a blank façade. Consequently, it would not cause the harm that the appeal proposal would”.
- 5.8 The officer report for UTT/16/1243/FUL concluded on this issue that,” Whilst it is accepted that any revised redevelopment scheme for 14 Cambridge Road is likely to result in changes to the commercial element of the scheme, particularly with regard to Unit 2, it is considered that a new site layout could be produced for that site that would mean that the extant approval scheme for 10 Cambridge Road (Geneva Motors) and any revised scheme for 14 Cambridge Road could work successfully side by side without significant and overriding amenity issues where the officer report for UTT/13/1456/FUL in the conclusions section crucially stated that “It is reiterated that the proposed application does not prevent the adjacent sites from coming forward and being developed. It is for the representatives of 14 Cambridge Road to provide a solution for this adjacent site involving the local community”.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- ULP Policy S1 – Development Limits for the Main Urban Areas
- ULP Policy SM1 – Local Centres
- ULP Policy E1 – Distribution of Employment Land
- ULP Policy E2 – Safeguarding Employment Land
- ULP Policy RS1 – Access to Retailing and Services
- ULP Policy S2 – Town and Local Centres
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Protection
- ULP Policy GEN4 – Good Neighbourliness
- ULP Policy GEN6 – Infrastructure Provision to Support Development
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy ENV2 – Development Affecting Listed Buildings
- ULP Policy ENV3 – Open Spaces and Trees
- ULP Policy ENV12 – Protection of Water Resources

- ULP Policy ENV14 – Contaminated Lane
- ULP Policy ENV15 – Renewable Energy
- ULP Policy H1 – Housing Development
- ULP Policy H3 – New Houses within Development Limits
- ULP Policy H4 – Backland Development
- ULP Policy H10 – Housing Mix

- ECC Highways Parking Standards (September 2008)
- Uttlesford District Council Parking Standards (February 2013)

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

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

7. **PARISH COUNCIL COMMENTS**

- 7.1 "The Parish Council has recently considered the principles which it would apply to any proposal for development on this site – these are attached for your information. Members do not believe that this particular proposal meets the principles. However, we have recently been in discussion with the landowners' agent and believe that a further application, which would meet these principles, may soon be the subject of pre-planning advice and presented to the Parish Council for consideration".

8. **CONSULTATIONS**

ECC Highways

- 8.1 The assessment of the application and transport assessment was undertaken with reference to the National Planning Policy Framework and in particular paragraph 32, the following were considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.
- 8.2 I am aware that this site has a long planning history and there are a number of concerns around the suitability and safety of the access. However, the site has permission for an existing use which would have generated vehicular traffic throughout the day, and uses an existing access. In assessing this application this is a material consideration. In addition, the safety of the access has been considered not only by the highway authority, but also by the planning inspector at appeal. I and colleagues have been on site visits a number of times and also considered the material, such as letters and CDs provided by objectors.
- 8.3 In terms of visibility from the access, the visibility splays conform to the higher DMRB standards and are not blocked by any permanent structures. Although there is a loading bay to the north of the access and a bus stop to the south, these are common features of a high street where there are many businesses with vehicular accesses and parking bays for customers. In this case, the width of the footway outside 14 Cambridge Road allows vehicles when exiting the site to see further north along Cambridge Road to gauge the level of traffic before

vehicles then become obscured by any HGVs parked in the loading bay.

- 8.4 Therefore from a highway and transportation perspective the impact of the application as shown on drawing BRD/15/006/002-D is acceptable to the Highway Authority subject to highway conditions.

ECC SUDS

- 8.5 Thank you for the additional information received from the applicant on the 11 November 2016 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application following our earlier holding objection.

- 8.6 As the Lead Local Flood Authority (LLFA), this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15 April 2015. In providing advice, this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

- 8.7 Having reviewed the revised Surface Water Management Plan and the associated documents which accompanied the planning application, we consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding elsewhere subject to conditions being adhered to.

ECC Archaeology

- 8.8 Recommendation: Trial trenching and Excavation.

NATS

- 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.

Stansted Airport safeguarding

- 8.10 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, the Aerodrome Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal. However, should any further information be submitted in relation to this, or any future applications for this site, the Aerodrome Safeguarding Authority for Stansted Airport must be consulted and

reserve the right to provide further comment.

Thames Water

Waste Comments:

- 8.11 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.

Surface Water Drainage - 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. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments:

- 8.12 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Affinity Water

- 8.13 You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

UDC Environmental Health

- 8.14 Recommendation: Approval subject to conditions

Comments

Thank you for consulting Environmental Health on this application.

Noise:

The site is adjacent to Geneva Motors, which has permission for a tyre, exhaust and repair facility (UTT/16/1243/FUL). This would be located behind the

proposed commercial building on the application site. It would only operate during the daytime, and the permission carries a condition requiring submission of a noise insulation scheme. For these reasons I do not raise any objection on the basis of environmental noise.

Contaminated land:

The submitted Phase 1 Environmental Site Assessment indicates potential sources of contamination and pollutant pathways on site which could affect the health of end users of the site. Further investigation in addition to the submitted report and appropriate remediation are required.

SuDS should be consulted regarding the risk to groundwater.

9. REPRESENTATIONS

9.1 7 representations received. In support = 3, Object = 4.
Neighbour notification period expires 17 November 2016. Advertisement expires 17 November 2016. Site notice expires 17 November 2016.

Support:

- 9.2
- Revised scheme represents an improvement on the previously refused scheme by overcoming the planning inspector's concerns at appeal with regard to levels of commercial parking and the height of commercial building 2 and now represents an appropriate design layout for the site.
 - Can commercial deliveries be restricted to between 10pm and 6am?
 - Rumble surface should be put on the access road
 - Sainsbury's will not now be taking up the option of occupying the former Barclays Bank premises

Object:

- 9.3
- The revised scheme is still essentially the same as the refused scheme and fails to satisfactorily address the previously raised concerns relating to access and poor site visibility.
 - Proposal represents backland development which would be behind existing frontage retail units and would not be conducive to a good quality of living.
 - No need for further commercial premises within the vicinity of Cambridge Road. The commercial building would be later converted to flats.
 - Space taken up by the commercial premises would be better served by increasing car parking for existing retail units in Cambridge Road and providing access to Crafton Green.
 - Traffic problems still not resolved.
 - Housing density still not resolved.

Comments have also been received from Councillor Alan Dean, Ward Councillor dated 9 November 2016 regarding the current scheme, which are provided verbatim below:

9.4 "The design behind this application is an improvement on three past schemes for which applications and appeals were made and lost. Nevertheless, it does not achieve the standard that is expected for this location.

Whilst this is not a planning matter, the proposed scheme probably does not achieve the best market match that could deliver an optimum commercial outcome for the landowner and his agents.

The applicant seeks approval to build ten large, expensive homes in an enclave plot immediately behind a large convenience store and other buildings with old and unattractive rear features to the east of the high street in Stansted Mountfitchet. The applicant proposes that access to the site will be via a narrow (4.8m) road with a footway only on one side. The left side of the access road will be hard up against the wall of the large convenience store.

9.5

Evaluation

The proposed design has many disadvantages that do not meet the requirements of Policy GEN 1, regarding poor access and compromised safety:

1. The access road will not be wide enough for commercial vehicles visiting the commercial properties to be able to pass with safe enough margins to avoid collisions.
2. Most pedestrian residents of the homes and their visitors would need to walk in the narrow roadway in the absence of a footway along the northern side of the access road. Pedestrians would be squeezed up against the wall of the large convenience store when walking to and from the homes, so compromising pedestrian safety.
3. Passing vehicles would also be squeezed up against the wall of the convenience store and would have to risk causing damage to their vehicles and the building.
4. The absence of a footway or other barrier by the wall of the large convenience store means that there would be no splays, normally of 1.5m width, at the throat of the road to provide certain clearer visibility of and for pedestrians walking on the Cambridge Road footway.
5. The approval of application UTT/14/1549/FUL for only three dwellings at the Wood Grill restaurant/former Yuva restaurant site directly opposite the current application site was conditional on the creation of 1.5m splays to avoid a blind egress. It would be wholly inconsistent for this requirement to be excluded from the current application.
6. Essex Highways is currently calling for the access at a nearby application site, the former Three Colts site, 86, Cambridge Road, Stansted, UTT/16/2771/FUL+LB, to meet a new standard of road width at 5.0m. The applicant at the Three Colts is expected to comply with that request. At least the same or wider width standard should be required for this application. 14 Cambridge Road is a much busier location for pedestrians and vehicles, both within the application site and immediately outside it, than is the case at no. 86. The site will have a shared residential/commercial use, not a simple, small residential use.
7. See Annexe for an extract from the new standard. The standard calls for 6.0m wide combined pedestrian and vehicular access. However, as the proposed development would be mixed use, and will have pedestrians transiting the site from a public car park, there is a case for avoiding a combined pedestrian and vehicular access. Instead there should be not only the footway shown on the southern side of the access road to serve the commercial building and car park users, but also a footway on the northern side to serve the residential properties and to provide the visibility splays at the mouth adjacent to the busy B1383. The proximity of the major B1383 highway calls for more stringent measures than those described in the extract from the Essex Design Guide annexed below.
8. A safe and workable access and egress from the site should not be sacrificed in order to maintain a street-facing retail unit for which there is questionable

market demand, especially in an area where the market “push factor” is high owing to the traffic and parking congestion. The council should waive its retail retention policy in this location to assist the achievement of traffic and parking improvements that benefit the wider commercial vitality of Cambridge Road and instead help to change the market environment from a “push factor” to a “pull factor” by widening the access road.

9. In addition to the foregoing points about the actual access road set out above, I maintain my position at the last application and appeal that the entrance to the site and the exit from it into Cambridge Road is too narrow with poor sight lines; there would be a dangerous conflict with pedestrians and with passing vehicles and with parked lorries outside the Tesco convenience store and with buses at the bus stop immediately outside the site. The site does not afford a 70m unobstructed clear visibility because there is an HGV delivery bay located square up to the edge of the junction of the B1383 with the site access road.

I urge refusal of this application for the above reasons”.

9.6 **Marketability**

I made reference above to the marketability of the application scheme. The disadvantages of this scheme at this location with its surrounding degraded environment are comparable with a current development in Lower Street, Stansted which is reported to be struggling to sell its residential accommodation. The demand for commercial units at this location may also be restricted by the poor traffic conditions. The location may be more successfully promoted for a development that contained apartments for more elderly members of the population. More elderly residents would benefit most from local services on their doorsteps and would be likely to generate fewer vehicular movements themselves. So whilst the latest scheme is better than previous ones it is still a wrong design in the wrong place.

Additional comments have been received from Councillor Alan Dean, Ward Councillor dated 16 November 2016, which are provided verbatim below;

9.7 “In my previous representation I made reference to the access and egress for the site onto Cambridge Road, the B1383, which I understand has a critical designation owing to local congestion, in the following terms:

- In addition to the foregoing points about the actual access road set out above, I maintain my position at the last application and appeal that the entrance to the site and the exit from it into Cambridge Road is too narrow with poor sight lines; there would be a dangerous conflict with pedestrians and with passing vehicles and with parked lorries outside the Tesco convenience store and with buses at the bus stop immediately outside the site. The site does not afford a 70m unobstructed clear visibility because there is an HGV delivery bay located square up to the edge of the junction of the B1383 with the site access road.
- I wish to invite highways and planning officers to examine photographs that can be viewed and downloaded at the following link when they evaluate the proposed junction and its suitability without improvement for traffic to emerge onto the B1383. A CD of these will be posted to Essex Highways”.

10. APPRAISAL

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

- A Principle of development (ULP Policies S1, E2, SM1, RS1, H1, H3, H4, GEN6)
- B Housing Mix (ULP Policy H10)
- C Whether access arrangements would be acceptable (ULP Policy GEN1)
- D Whether parking arrangements would be acceptable (ULP Policy GEN8)
- E Density, scale and design (ULP Policy GEN2)
- F Impact on residential amenity (ULP Policy GEN2)
- G Contamination (ULP Policy ENV14)
- H Surface water arrangements (ULP Policy GEN3)

A Principle of development

- 10.1 The principle of the re-development of this brownfield former commercial site for mixed residential and commercial use involving the loss of existing commercial buildings has been previously accepted by the Council through the various planning applications submitted for this now cleared site, most recently with application UTT/15/1666/FUL. The current scheme as resubmitted following the subsequently determined appeal for UTT/15/1666/FUL is essentially the same as the previously submitted, albeit refused scheme in terms of site layout and relationship between the residential and commercial elements of the scheme, but with the difference this time that the level of commercial parking has been increased where this was considered to fall short of maximum commercial parking requirements by the Planning Inspector and that the height of commercial unit 2 has been reduced in height from 3 storeys to 1½ storeys so as to address the Inspector's concerns with regard to residential amenity.
- 10.2 Given this previously stated Council position, it follows that the principle of re-development of the site remains acceptable for the current application and no objections are raised to the submitted proposal on this basis whereby the proposed development would accord with national planning policy (NPPF) and relevant adopted local plan policies where there has not been any material changes in planning policy since the refusal of UTT/15/1666/FUL to influence the assessment and outcome of the proposal in this regard..

B Housing Mix

- 10.3. The proposed development would have a housing mix of 7 x 3 no. bed housing units and 3 x 2 no. bed housing units. The latest Uttlesford Housing Survey has identified that there is a local demand for 3 bedroomed family housing units within the district and the provision of this ratio of 3 bedroomed units within the housing mix for the submitted scheme would therefore meet this demand. The housing mix for the development is therefore considered acceptable and no objections are raised under ULP Policy H10.

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

- 10.4 The matter of whether the proposed development would be served by an adequate means of access from Cambridge Road has been afforded much discussion through the previously determined planning applications for this site and at appeal whereby the existence of the Tesco Express store on the northern corner of the site means that this building serves to constrain to some extent site visibility for drivers of vehicles who would be driving out of the site development.

However, whilst the previous planning inspector for UTT/15/1666/FUL acknowledged this position, she did not consider this issue to be an overriding reason for refusal where it should be noted that this issue did not form a reason for refusal by the Council for UTT/15/1666/FUL nor did it form one of the two rejection reasons at appeal. As relevant and pertinent to this issue, ECC Highways did not raise any specific highway objections to the means of access during previous application consultations, whilst the ECC Highways Officer for the current application in her consultation response has similarly raised no highway objections to the proposal both in recognition of this fact and as the access is of an established nature.

- 10.5 The proposed development would be served by a 4.8m wide service road with Type 3 turning head which would be capable of allowing a car and a commercial vehicle to pass side by side and would also allow both a fire engine and a refuse vehicle to access the site and turn around at the end of the development as demonstrated in the swept path analysis drawings contained within the Transport Statement prepared by SLR. The drawings also show that it would be possible for both a fire engine and a refuse vehicle to be able to turn into the service road off Cambridge Road from both directions safely without interference.
- 10.6 Given the continuing lack of a highway objection to the development from ECC Highways, it is considered that there are no valid planning grounds under which the planning application as submitted like its predecessor application can be refused planning permission in relation to the matter of vehicular access and no objections are therefore raised under ULP Policy GEN1.

C Whether parking arrangements would be satisfactory (ULP Policy GEN8)

- 10.7 The scheme layout as shown for the current application has been changed to reflect the comments made by the Planning Inspector at appeal for refused application UTT/15/1666/FUL and now provides an improved level of commercial parking for the site. This has been achieved by moving commercial unit 2 further along into the site along the service road whereby four spaces which were previously shown to the rear side of the building adjacent to the domestic parking for the dwelling for Plot 10 have now been moved to the front of the site to be included with the remainder of the commercial parking spaces making a total of 16 spaces in this front area, whilst the parking layout as shown now does not include any tandem parking spaces and thus reducing the likelihood of traffic conflict within the site in terms of unnecessary vehicle movements, particularly to the front of the site adjacent to the A1/B1 frontage building.
- 10.8 ECC Highways have commented that the level and nature of commercial parking shown for the current application now meets the ECC Parking Standards criteria where this remains a maximum standard and not a minimum standard. That said, it is considered that the way in which the commercial parking has been changed would improve parking arrangements for the site and also now crucially overcomes the previous planning inspector's concerns raised for application UTT/15/1666/FUL in this regard. As such, no objections are raised under ULP Policy GEN8.
- 10.9 Comments previously made in representation on previous schemes for this site and for the current scheme that more commercial parking spaces for this development should be provided for the general public using services along the Cambridge Road frontage are noted. However, the proposed parking is primarily intended to serve the frontage retail/B1 office unit and the B1 office unit behind

(Units 1 and 2) within the site as part of a private development scheme and is not intended to provide a displacement parking area for the general public. However, depending on any private parking enforcement arrangements, this may be possible to achieve, although this would be entirely at the discretion of the developer and therefore a matter which is outside the Council's gift.

- 10.10 Each of the proposed 10 no. dwelling units shown for the residential element of the submitted scheme would have 2 no. parking spaces where these would comprise a mix of frontage hardstandings and covered hardstanding spaces. All of the spaces would be "on-plot" with the exception of one of the spaces for Plot 1 which is shown to be located at the rear of the garden for the dwelling at the front of the commercial parking area and accessed through the rear garden (as previously shown for UTT/15/1666/FUL). All of the spaces as laid out would measure 5.5m x 2.9m.
- 10.11 The residential parking provision for the submitted scheme is identical to the parking provision as shown for application UTT/15/1666/FUL. In this respect, the number of parking spaces provided per dwelling as either two or three bedroomed units would comply with adopted parking standards, whilst the size of each parking space would also comply with the standards. No parking objections are therefore raised.

D Density, scale and design (ULP Policy GEN2)

- 10.12 Density for the proposed development would remain the same as for the previously submitted scheme for this site under UTT/15/1666/FUL, namely at 35dph which reflects that of national policy and the Essex Design Guide. As previously stated in the officer report for UTT/15/1666/FUL, the reduction in the number of dwellings for the scheme from 14 to 10 has already resulted in a reduction of density whereby the current density would be compatible with the surrounding area.
- 10.13 All of the dwellings would be two storied in height whereby this dwelling height is consistent with the two storey scale of the previously submitted scheme under UT/15/1666/FUL. The two storey nature of the dwellings is therefore considered appropriate for the site context and no design objections are raised in this regard. The dwellings would be designed in the local vernacular style with an appropriate use of external materials and no objections are raised to the appearance of the dwellings.
- 10.14 The dwellings would have rear private amenity spaces of between 102 and 165sqm and would therefore all comply with the minimum recommended garden standards for two and three bedroomed dwellings as set out in the Essex Design Guide
- 10.15 The retail/office building shown for the front of the site (Unit 1) would be two storied in height and this building height does not therefore change from the previous submission scheme for this site. The design and appearance of this building is also considered acceptable.
- 10.16 The height of commercial building 2 would be 1½ storied in height whereby the first floor office space for the unit would be located within the roofspace of the building. The building is shown with an attractive principal façade incorporating large brick arch window inlays. The scale, design and appearance of the building are considered appropriate for its setting, particularly in the context of the

adjacent two storey housing for the scheme. No design objections are therefore raised to the design and appearance of this building.

- 10.17 Overall, no design objections are raised to the development under ULP Policy GEN2.

E Impact on residential amenity (ULP Policies GEN2 and GEN4)

- 10.18 The proposed dwellings for the development as shown would not cause any intra-site amenity issues in terms of overshadowing, loss of light, overlooking or overbearing effect in view of the nature of the site layout and the indicated orientation of the dwellings which would mainly face square onto the internal service road with the exception of the dwellings for Plots 4, 5 and 10. There would be some amenity loss for the occupants of Plot 3 in view of the fact that Plots 4 and 5 would be positioned at right angles to Plot 3, although the level of amenity loss is not considered to be significant where it should be stressed that the Planning Inspector in deliberating for the appeal against UTT/15/1666/FUL found the housing layout to be acceptable.
- 10.19 The proposed dwellings would have reasonable distances to the boundaries of the site, albeit that they would be slightly under the 15m distance as recommended within the Essex Design Guide with the exception of the dwelling for Plot 7 which would only have a distance of 4m to the boundary line with a property in Clarence Road. However, it was the case that the Planning Inspector for UTT/15/1666/FUL after standing on site for the appeal site visit considered that the amenity loss of the corresponding property to the rear in Clarence Road would not be significantly impacted by the proposal (see Planning History above). No amenity objections are therefore raised in this respect.
- 10.20 The impact of proposed commercial unit 2 on the residential amenities of Plot 1 of the residential element of the scheme was assessed as being significant by the planning inspector for application UTT/15/1666/FUL when the commercial building for that refused scheme was shown at 3 storeys. As mentioned in the Planning History section above, the Inspector considered in this respect that the height of the building would have an unreasonable overbearing effect on Plot 1 and that overlooking would occur from the upper floors of the building into the rear gardens of this nearby residential plot.
- 10.21 The revised scheme as submitted has now reduced the height of commercial unit 2 to 1½ stories in height whereby the applicant has shown on drawing BRD/15/006/004-B in cross section detail that a minimum height of 1.7m would exist between FFL at first floor level and the cill of the series of roof lights for the building. The streetscene cross section submitted shows that a 45 degree line drawn from the roof of unit 2 as now reduced in height would not hit the dwelling for Plot 2. As a consequence of these design changes, it is considered that the commercial building would no longer cause significant material harm to the occupants of the dwelling for Plot 1 and now successfully overcomes the second reason for refusal in the planning inspector's appeal decision notice for UTT/15/1666/FUL. In the circumstances, no amenity objections are raised under ULP Policy GEN2.

G Contamination (ULP Policy ENV14)

- 10.22 The submitted Phase 1 scoping environmental report prepared for the applicant by SLR found that pollution traces were evident at the site given its long history of

previous commercial uses where some of this pollution would appear to stem from former fuel storage tanks on the site as well as evidence of potential soil gases. As a result of this past contamination, the report concludes that a further report should be prepared to ascertain precise contaminant levels and risks to human health.

- 10.23 UDC Environmental Health have been consulted on the application and have not raised any environmental objections under ULP Policy ENV14 subject to appropriate remediation conditions being imposed on any planning permission granted to ensure that human and other receptors are not harmed by any resulting development.

H Surface water arrangements (ULP Policy GEN3)

- 10.24 The scheme proposal is accompanied by a surface water management plan for the site prepared by SLR which shows how surface water from the proposed development would be safely disposed of. ECC SuDS have been consulted on the management plan who initially raised a SuDS holding objection to the proposal, but who have subsequently removed their objection following the receipt of further drainage details from SLR and who have stated that the management plan is now acceptable subject to appropriate conditions being imposed. No objections are therefore raised under ULP Policy GEN3.

11. CONCLUSION

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

- A The proposed mixed use development of the site comprising 10 no. dwellings, ground floor retail unit with independent 1st floor office and 1.5 storey commercial building, including associated garages, car parking and landscaping remains acceptable in principle as brought forward from previously determined scheme UTT/15/1666/FUL.
- B The housing mix for the site remains acceptable.
- C Access arrangements for the site remain acceptable.
- D Parking arrangements for the site are now acceptable following an improvement in the level and nature of commercial parking provision, including the removal of tandem parking.
- E The scale and design of the dwellings remain acceptable. The scale of the commercial units is now acceptable following the reduction in height of Unit 2.
- F The impact of Unit 2 on the residential amenities of the adjacent dwelling for Plot 1 is now acceptable following the reduction in height of Unit 2.
- G Identified contaminants on the site can be addressed through a Phase 2 contamination report to be approved by the Council by way of conditions.
- H Surface water arrangements for the site are acceptable subject to conditions.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

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

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

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

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, In accordance with Policies GEN2, GEN3, GEN4, GEN7 and GEN 8 of the Uttlesford Local Plan (adopted 2005).

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

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

5. No development shall take place until proposed levels including cross-sections of

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

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

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

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

7. The 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 appropriate parking is provided and discouraging on street parking of vehicles in the adjoining streets in the interests of highway safety in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

8. Prior to first occupation of the dwellings and commercial buildings for the development hereby approved, a pedestrian access of a minimum width of 2m shall be provided from the development to the Crafton Green car park as shown on drawing BRD/15/006/002-D and shall be maintained in perpetuity thereafter.

REASON: To ensure the permeability of the site and in the interests of promoting sustainable development and transport in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

9. The cycle/powered two wheeler parking shall be provided in accordance with the Essex Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. The cycle parking for the commercial provision should be separate from any bin storage provided and the residential cycle parking should not rely on storage within the dwellings, but rather in secure covered accommodation within the curtilage of the dwelling such as a shed.

REASON: To encourage the use of sustainable means of transport by ensuring appropriate cycle parking is provided in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policies GEN2 and GEN5 of the Uttlesford Local plan (adopted 2005).

11. No development other than that required to be carried out as part of an approved scheme of remediation shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that the development hereby approved is not hazardous to human health and other receptors in accordance with Policy ENV14 of the Uttlesford Local plan (adopted 2005).

12. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that the development hereby approved is not hazardous to human health and other receptors in accordance with Policy ENV14 of the Uttlesford Local plan (adopted 2005).

13. The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: To ensure that the development hereby approved is not hazardous to human health and other receptors in accordance with Policy ENV14 of the Uttlesford Local plan (adopted 2005).

14. In the event that contamination is found at any time when carrying out the

approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition 11 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 12 above.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 13 above.

REASON: To ensure that the development hereby approved is not hazardous to human health and other receptors in accordance with Policy ENV14 of the Uttlesford Local plan (adopted 2005).

15. No works shall take place until a detailed surface water drainage scheme for the site, based upon sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include, but not be limited to:

- Detailed design of the infiltration SuDS features, i.e. soakaways, pervious tarmac with sub-base storage, materials, size and volumes
- Design of the SuDS features to be based on controlling all run-off from the new impermeable areas of the development for all events up to and including the 1 in 100 plus 40% climate change using infiltration techniques.
- Provide detailed modelling of the different SuDS features, i.e., source control features dimensions and storage volumes (including design drawings).
- Provide run-off treatment from all parts of the development in accordance with the CIRIA SuDS Manual C753.
- Provide details of any mitigation measures being implemented to avoid mobilisation of contaminants and causing pollution to underground water resources.
- Provide a drainage layout plan showing the development masterplan and SuDS features, including connection of the SuDS features.
- Provide a drainage layout showing the exceedance flow routes and management thereof.

Note: It is noted that the north-western part of the site is reported to have some “localised hydrocarbon contamination”; any infiltration features located in this location should be sealed to avoid mobilisation of contaminants.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any resulting environmental harm which may be caused to the local water environment in accordance with Policy GEN3 of the Uttlesford Local plan (adopted 2005).

16. No works shall take place until a scheme to minimise the risk of off-site 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 subsequently be implemented as approved.

REASON: The National Planning Policy Framework, paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

17. No works shall take place until 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, have been submitted to and agreed in writing by the Local Planning Authority.

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 as failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

18. The applicant or any successor in title must maintain yearly 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 in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

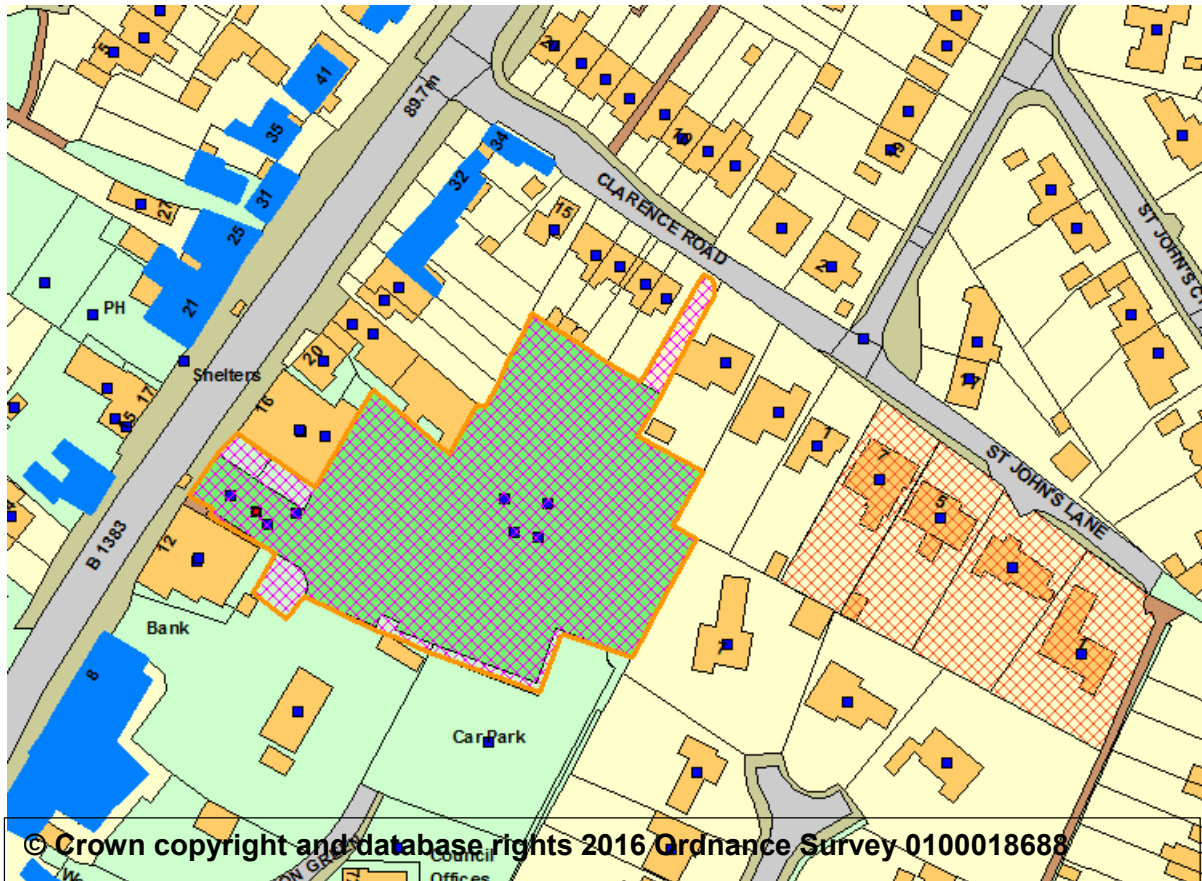
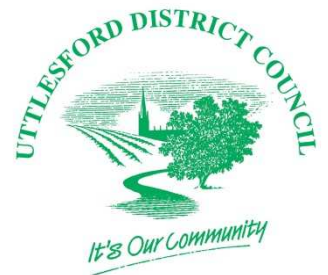
20. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

21. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of trial trenching and archaeological excavation in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Application number: UTT/16/2632/FUL
Address: 14 Cambridge Road Stansted



Organisation:	Uttlesford District Council
Department:	Planning
Date:	26 January 2017

UTT/16/2865/OP (Stansted)

(Referred to Committee by Councillor Sell Reason: Overdevelopment of the site due to the intensification of the development.)

PROPOSAL: Outline application, with all matters reserved except for access and scale, for the redevelopment of the former gas holder site to provide for up to ten dwellings

LOCATION: Land North of Water Lane, Stansted

APPLICANT: Mr D Smith

AGENT: Lanpro Services

EXPIRY DATE: 10th February 2017

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Within development limits

2. DESCRIPTION OF SITE

2.1 The site lies within the centre of Stansted Mountfitchet village within close proximity to the railway station and comprises an irregular shaped parcel of enclosed land consisting of 0.12 ha which fronts onto Water Lane towards its south-western end. The rear boundary of the site backs onto Stansted Brook. The site was formerly the location of the town's gasholder, but has since over time become colonised by self-sown trees and scrub and is now overgrown. The site and the section of Water Lane in front of it slopes down from a row of attractive frontage cottages which stand onto the lane at higher ground on the site's north-eastern side, whilst the rear boundary of the site running parallel with Stansted Brook is screened by a line of mature trees.

2.2 Braemar House, a large 2½ storey commercial building with adjoining staff car park to the side stands directly opposite the site to the front across the lane with the railway line running immediately behind this building, whilst residential streets (Sunnyside and Woodfields) exist on rising ground to the rear of the site from the brook where these streets run parallel with the width of the site. Other residential properties lie to the immediate south-west beyond the end of Water Lane, which is a narrow single width adopted road which becomes unmade after the site. The lane serves as a convenient "cut through" for local residents/commuters who walk and cycle to and from the station and the Lower Street area from the adjoining residential areas

3. PROPOSAL

3.1 This outline application proposal with all matters reserved except for access and scale, for the erection of 10 No. dwellings comprising a terrace of 8 No. two bedroomed house units with undercroft parking and 2 No. one bedroomed flat units. The proposal includes private amenity areas with additional rear communal garden area to be provided as additional resident amenity space.

- 3.2 The submitted illustrative drawings show a terrace of frontage dwellings at 2½ storey height running down the slope of Water Lane which would have a staggered roof line. Each dwelling unit is shown with one resident parking bay however additional parking is provided to the side of the site. The drawings also show the width of the carriageway of Water Lane being widened into the site along its full width to allow for turning of resident cars into and out of the undercroft parking bays from/to the lane.

4. APPLICANT'S CASE

- 4.1 The applicant's agent's accompanying planning statement describes the site and its surroundings and the nature and extent of the proposed development, sets out the planning policy context for the development and provides a planning assessment insofar as it relates to the relevant issues under consideration for this outline application proposal. The planning statement concludes as follows:

- This outline application would facilitate the remediation of a site with known contaminants, which in terms of water and soil resources could be described as a sensitive location.

- The remediation of the site will allow for the development of up to 10 dwellings in a sustainable location within settlement limits. The development would provide for market homes, this site also has sufficient land within its boundaries to provide for attractive recreational spaces for the residents in compliance with policy standards.

- The existing vegetation to be retained is not considered to be of high quality in terms of specimens, although it is recognised that they provide for screening between the site and surrounding residential areas. The boundary trees and hedging will require a considerable amount of work to be undertaken to ensure that they continue to grow and provide for habitats for bats and birds. The final details of this vegetation management can be obtained through a Reserved Matters application to address Landscape.

- The flood risk associated with the site has resulted in the dwellings being located away from the northern and western boundaries as these would be the areas at the highest risk of flooding. The dwellings have been designed to accommodate flood protection measures and the site can accommodate flooding events to ensure that the risk is not increased elsewhere.

- The proposed development complies with the intent of the Essex Design Guide for residential amenity and place making principles, whilst the provision of one car parking space per dwelling is considered to be acceptable in this extremely sustainable transport location.

- The site has previously been considered by the Council and refused due to the overdevelopment of the site, subsequently this was allowed at appeal. This revised scheme reduces the number of dwellings on the site.

- It is the stated central government intention that contaminated brownfield sites should be remediated and used to boost housing delivery. The application site meets with these requirements and can deliver housing within the next five years.

- The outline application seeks to provide assurance that the means of access can be considered as addressed and that the scale of the development proposed is acceptable. Matters regarding the appearance and landscaping of the site could be

considered through Reserved Matters, a process which is considered to be appropriate as the site is not within any designated area or within the setting of a listed building.

•The principle of development is supported by National and Local Planning Policy and the economic, social and environmental benefits of the development proposal should be considered as a significant benefit within the planning balance.

•The application is considered to comply with all of the relevant planning policies and there are no material considerations which would indicate that the proposal should be refused. We would request that in accordance with the guidance of the NPPF that the development proposal is approved without delay.

5. RELEVANT SITE HISTORY

5.1 Detailed application for the redevelopment of the site for the erection of 10 No. dwellings comprising 8 No. terraced units and a pair of semi-detached dwellings together with carriageway widening, provision of footpath and vehicle turning area refused in 2006 on the basis of excessive height of the terrace combined with its close proximity to the narrow roadway and overbearing effect on the streetscene, inadequate and unworkable parking arrangements, including tandem parking resulting in parking on the highway to the detriment of highway safety, overdevelopment of the site, intensification of a sub-standard access road and increased conflict with pedestrians (UTT/1971/05/FUL).

5.2 Detailed application for the redevelopment of the site for the erection of a terrace of 7 No. two bedroomed dwellings with undercroft garages and a single dwelling with open parking spaces together with widening of Water Lane to provide a footpath and provision of new turning head approved in 2006 (UTT/0788/06/FUL). The delegated officer report for this subsequent application proposal stated that *“In design and layout terms, the proposal fits in with the grain of Stansted and achieves a satisfactory size of amenity areas and parking provision. The widening of the lane addresses concerns about access and turning and improves the lane for all users. The flood risk appears to have been addressed. The ground contamination issue is less well studied and there is evidently a problem to be solved, but the applicant requested consent with the contamination to be covered by a condition requiring a more detailed study and a remediation plan to be agreed”* (a condition was subsequently imposed on the Council’s grant of planning permission). This permission has since expired

5.3 The previous planning application UTT/16/0075/OP (12 dwellings) was refused by the planning committee on the 3/6/2016 due to the overdevelopment of the site, subsequently the refused decision was allowed at appeal. Therefore planning permission on this site has already been established for outline permission 12 dwellings with all matter reserved, except access and scale.

6. POLICIES

6.1 - Uttlesford District Local Plan 2005

- ULP Policy S1 – Settlement Boundaries for the Main Urban Areas
- ULP Policy ENV3 – Open spaces and trees
- ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
- ULP Policy ENV10 – Noise sensitive development
- ULP Policy ENV12 – Groundwater protection

- ULP Policy ENV14 – Contaminated land
- ULP Policy H1 – Housing development
- ULP Policy H3 – Infilling with new houses
- ULP Policy H9 – Affordable Housing
- ULP Policy H10 – Housing Mix
- ULP Policy SM2 – Residential Development within Stansted Mountfitchet’s Built up area
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Protection
- ULP Policy GEN6 – Infrastructure Provision to Support Development
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards

- ECC Parking Standards 2009
- UDC Parking Standards 2013

- Stansted Village Neighbourhood Development Plan (2011).

6.2 National Policies

- National Planning Policy Framework (NPPF)

7. PARISH COUNCIL COMMENTS

- 7.1 The Parish Council reiterates its previous objections to applications for development on this site (over-development, flooding, highway safety, possible contamination of the site and inadequate parking spaces).

8. CONSULTATIONS

Environment Agency

- 8.1 (Revised comments received 6 November 2016):

We would now like to remove our objection, as the site is not located within Flood Zone 3b. We now have sufficient information for us to be able to remove our holding objection subject to the two conditions described below being included in any planning permission granted. The proposed development will only meet the policy requirements of the National Planning Policy Framework to ensure the safety of residents and that flood risk is not increased elsewhere if the following planning conditions are included:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment ‘Site Specific Flood Risk Assessment, Water Lane, Stansted Mountfitchet, September 2016’. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To prevent flooding on the site and elsewhere by ensuring that compensatory storage of flood water is provided.

Condition 2

Finished floor levels shall be set no lower than 66.68m AOD.

Reason: To protect the development from flooding.

Natural England

- 8.2 Natural England has no comments to make on this application

Network Rail

- 8.3 Network Rail has no objection or further observations to make after reviewing the information provided in relation to the planning application.

NATS Safeguarding

- 8.4 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.

8.5 **Thames Water**

Surface Water Drainage - 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. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

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. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Affinity Water

- 8.6 The site is located close to or within an Environment Agency defined groundwater

Source Protection Zone (GPZ). This is a public water supply comprising a number of Chalk abstraction boreholes operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be carried out in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

ECC Highways

- 8.7 The impact of the proposal as shown in principle on Proposed Site Layout Drawing No.102 is acceptable to the Highway Authority subject to highway conditions.

ECC SUDS

- 8.8 The application is on a site area of 0.12ha. We have set a threshold of commenting where 0.1ha impermeable areas or more are being created. Therefore, as the [impermeable area for the] site is likely to be below this we will not be providing bespoke comments.

ECC Ecology

- 8.9 No objections subject to the following condition regarding the submission of a of a landscape and an ecological management plan.

ECC Archaeology

- 8.10 Although no formal comments have been received from the Historic Environment Advisor, it has been identified the above application as having potential archaeological implications from the weekly list. The following recommendations are in line with the National Planning Policy Framework.

RECOMMENDATION: Desk Based Assessment followed by potential Trial trenching and Excavation.

"No development or preliminary groundworks of any kind shall take place until the applicant has secured and fully implemented a programme of archaeological work 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.

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 of by the local planning authority through its historic environment advisors.

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: The Essex Historic Environment Record shows that the proposed development lies on the site of a post-medieval gas works (EHER 40422). The gas works is recorded as being constructed in the middle of the 19th century with two gas cylinders being recorded on the site by the late 19th century. The site also lies to the west of the Scheduled Motte and Bailey Castle which would have had an associated settlement, probably in the area around Station Road and Water Lane. To the north of the Water Lane site animal bones of cattle have been recorded, although their date is unknown (HER 18552).

A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the production of a desk based assessment potentially followed by the excavation of a series of trial trenches in the area of the proposed housing, which will be expanded if archaeological deposits are identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the work required.

UDC Environmental Health Officer

- 8.11 The application relates to the site of the former Stansted gas works. In general the submitted assessment and the proposed remediation strategy were acceptable in previous applications with respect to human health risk. The assessment and remediation strategy will need to be updated due to the differing site layout of the present application, possible changes in site conditions since the intrusive investigation was carried out, developments in remediation techniques, and updated assessment criteria.

The Environment Agency should be consulted with respect to the risk to controlled waters.

Noise impact

The site is adjacent to the railway and close to Stansted Mountfitchet station. A noise impact assessment will be required to show how acceptable noise levels within the development can be achieved.

9. REPRESENTATIONS

- 9.1 12 letters of objection have been received (reply date 17/11/2016)
Site Notice and advertised (reply date 17/11/2016)
- Principle of development should not be accepted at this site.
 - No urgent need to develop the site as the Council can demonstrate a 5 year land supply of deliverable housing.
 - Proposal would represent overdevelopment.
 - Flood risk issue – site and bottom end of Water Lane has previously flooded. Development of site would cause flooding problems downstream and affect nearest properties. Soft and vegetated areas within the site currently slow down rate of run-off into the brook. Hard surfaced areas associated with the development would increase run-off rate into the brook to increase flood risk.
 - Scale of development inappropriate for the site and its surroundings. Scheme not compatible with existing grain, scale and pattern of local development.

- Three storey height would cause overlooking and loss of privacy across to properties within Sunnyside situated behind. Overbearing effect. Scale of the development not properly represented on the submitted elevational drawings given the slope in the site which could distort the final heights of the dwellings.
- Resident parking inadequate for two bedroomed housing units. Allocated parking has decreased from the previously approved scheme by increased number of dwellings.
- Rear garden areas would be very small. How would indicated communal amenity area be managed and maintained? Would this conflict with Environment Agency wayleaves for the brook?
- Water Lane is unsuitable to carry any more vehicular traffic due to its narrow nature without footpaths and physical condition. Where would they park/turn? How would emergency vehicles access the site?
- Poor sight lines and increased use of it through the proposed development would create a potentially increased highway danger.
- Site is contaminated and contains potentially hazardous chemicals
- Ecology concerns over protected species.
- Protected trees on the site. How could the Council ensure these are not removed by the developer?
- Cumulative negative impact on existing residents of Water Lane and on existing users of it with no added benefits accruing.

10. APPRAISAL

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

- A Principle of development with reference to sustainability objectives, previously developed land, flood risk and effect of noise generators on noise sensitive development (NPPF, ULP Policies S1, H1, H3, SM2, GEN3 and ENV10);
- B Access (ULP Policy GEN1
- C Scale (ULP Policy GEN2);
- D Contamination / ground water protection (ULP Policies ENV12 and ENV14
- E Effect on wildlife, including impact on protected species / trees (ULP Policies GEN7 and ENV3
- F Housing mix / affordable housing / infrastructure provision to support development (ULP Policies H9, H10 and GEN6);
- G Other material planning considerations – design and parking (ULP Policies GEN2 and GEN8

A Principle of development with reference to sustainability objectives, previously developed land, flood risk and effect of noise generators on noise sensitive development (NPPF, ULP Policies S1, H1, H3, SM2, GEN3 and ENV10)

- 10.1 The site falls within development limits for Stansted where ULP Policy S1 accepts development if it is compatible with the settlement. This central part of Stansted

intersected by the railway line has a very tight residential urban grain and form with narrow streets, many of a terraced nature, and dwellings, many Victorian, positioned close to the carriageway whereby this form gives a very strong sense of character to this area. The proposal to erect a terrace of dwellings adjacent to an existing frontage row of dwellings in Water Lane would therefore be consistent with this general character, would represent an appropriate form of infill development and would additionally represent a small scale site for housing within the built up area for Stansted not specifically identified on the Proposals Map to supplement larger and allocated sites for the town (ULP Policies S1, H1, H3 and SM2).

- 10.2 The site lies within easy walking distance of the railway station situated at the beginning of Water Lane which serves local commuters to London and Cambridge. The site is also within walking distance of local services and amenities located within Station Road, Lower Street and Chapel Hill and would in view of this favourable positioning be within easy reach local amenities. The NPPF has a presumption in favour of sustainable development described as the “golden thread” running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that development proposals that accord with the development plan should be approved without delay. The proposed development would because of its location have a presumption in favour of sustainable development in accordance with the provisions of the NPPF.
- 10.3 The site comprises previously developed land (brownfield) as the location of the former town gasworks and has been found to be contaminated because of this former use. Paragraph 17 of the NPPF states in regard to previously developed / contaminated land that LPA’s should approve developments which “contribute to conserving and enhancing the natural environment and reducing pollution and that land for development should prefer land of lesser environmental value” and “encourages the effective use of land by re-using land that has been previously developed (brownfield land) providing that it is not of high environmental value”.
- 10.4 The proposed development would be consistent with this national advice in terms of land re-use when set against these parameters where the site is not considered to have a high environmental value (notwithstanding consideration of ecology and trees as discussed below). The Council’s adopted local plan echoes this general national policy thrust where it advises in the preamble to ULP Policy ENV14 that “The principle of sustainable development means that, where practicable, brownfield sites, including those affected by contamination, should be recycled into new uses”.
- 10.5 In terms of flood risk, the site is shown on the Environment Agency’s flood risk map as having a combination of Flood Zone 1 (lowest risk of flooding), Flood Zone 2 (medium risk of flooding and Flood Zone 3 (highest risk of flooding) where in this case the flood risk relates to fluvial flooding. The Flood Risk Assessment (FRA) accompanying the application expands upon this flood zoning, the FRA breaks down the flood zone extents whereby the lowest part of the site for just over half of the site’s width adjacent to Stansted Brook is shown as Flood Zone 3, whilst a part of the middle section of the site above this zone towards its western end at the bottom of the slope is shown as Flood Zone 2 with the greater part of the site being within Flood Zone 1.
- 10.6 The NPPF advises at paragraph 100 that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere” adding that local authorities should apply a sequential, risk based approach to the location of development taking into account the impacts of

climate change. The NPPF further advises that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate elsewhere which have a lower probability of flooding. An Exception Test should be applied if following the application of the Sequential Test it is not possible consistent with sustainability objectives for the development to be located to those lower flooding risk areas where the NPPF goes on to say that when determining planning applications LPA's should ensure flood risk is not increased elsewhere and only consider development appropriate in areas of risk of flooding where, following the Sequential Test and, if appropriate an Exception Test that "within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed" (including use of sustainable drainage systems).

- 10.7 Two proposed dwellings and open space areas are shown to be located within the Flood Zone 3a. Four dwellings, the communal car parking area and open space are shown to be located within the Flood Zone 2. All remaining parts of the site are located within the Flood Zone 1.
- 10.8 The submitted FRA acknowledges that the building has been located in areas of least flood risk and the Sequential Approach has therefore been implemented. There is a minor infringement into Flood Zones 2 and 3 to the west of the site and, where land is to be raised from flood zone 3, compensation will be required. Mitigation of flooding has also been addressed and includes the "The finished floor levels of all the buildings proposed will be well above the fluvial flood levels.
- 10.9 The Environment Agency has been consulted on the application proposal who initially objected to the application on flood risk grounds (advice letter dated 15th November 2016), although added that the applicant could overcome its objection by revising its development proposal or flood storage compensation arrangements to ensure that there would be no loss of flood storage.

Following the submission of further flood mitigation details to the Environment Agency by the applicant's consulting engineers in response to its holding objection, the Environment Agency further advised the Council that it could still not remove its holding objection where it stated that:

Following further responses from the Environment Agency on the 16th November 2016 the holding objection was removed. Sascha Barnes reviewed the submitted information and confirmed the site not being within flood zone 3b, however any approval would be subject to the imposition of condition as stated in the FRA. Any mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing, by the local planning authority.

- 10.10 It is considered that the applicant has sufficiently demonstrated through the submission of the FRA and resulting discussions with the Environment Agency that the majority of the proposed development would be at the lowest probability of flooding (Flood Zone 1), whilst that smaller part of the development site which would be within Flood Zone 2 (Medium risk of flooding) would be addressed by agreed site-specific flood mitigation measures as previously described. The proposal

therefore complies with the flood risk advice contained within the NPPF and would comply with ULP Policy GEN3

- 10.11 The site is located within close proximity of the main London to Cambridge railway line and due consideration would therefore need to be had as to whether this noise generator would have an unreasonably detrimental effect on the occupants of the proposed dwellings as a noise sensitive development. Braemar House, the B1 premises in front of the site would have some dampening effect on the noise generated by trains passing, particularly goods trains in the night, although it would still be necessary for appropriate sound attenuation measures to be incorporated within the design of the dwellings as part of any subsequently submitted reserved matters application. The Council's Environmental Health Officer has been consulted on the application and has advised that a noise impact assessment will be required as part of any such application to show how acceptable noise reduction levels within the development site can be achieved, which can be conditioned at detailed stage (ULP Policy ENV10).

B Access (ULP Policy GEN1)

- 10.12 Access falls to be considered with this outline application. Access to the site would be via Water Lane, which is an adopted single carriageway. It is proposed within the application to widen the frontage of the site so as to be able to provide sufficient vehicle turning areas for the residents of the proposed development in and out of the lane and so as to maintain a free flow passage for pedestrians and walkers using the lane, which is used as a cut through from the west of the town to the railway station and Lower. The proposed development is shown with one vehicle space per dwelling thereby meaning there would be on average 20 No. vehicle movements per day for this 10 dwelling development assuming all of the residents had cars and were to use them daily. However, it is an argument put forward by the applicant in favour of the presumption of sustainable development given the location of the site that it is likely that some of the occupants of the dwellings would not use their cars on a day to day basis, particularly should they be railway commuters who would walk to the station and back.
- 10.13 ECC Highways have been consulted, who have not raised any highway objections to the proposal subject to Water Lane being widened outside the site and also a before and after condition survey being undertaken by the developer of the lane given the potential impact that construction traffic associated with the development is likely to have on its surface. Whilst the concerns of some local residents relating to the narrow width of Water lane from the railway station to the site and its limitations to accommodate the development have been noted, it should be noted that the lane already serves existing dwellings and a commercial premises and it is considered that there are not sufficient grounds by which to refuse the application where the development would improve the site frontage by providing a widened and improved surface carriageway with an indicated turning facility at the end of the development.

C Scale (ULP Policy GEN2)

- 10.14 In regards to scale of the proposal, the development would have quite a high site density, although as mentioned above the established residential areas surrounding the site also have a high density, including Sunnyside and Woodfields located on higher ground to the immediate north. As such, the introduction of a ten dwelling terrace on the site as proposed would not appear out of character with the area representing as it would a continuum of the terrace along Water Lane. The

development is shown for indicative scaling purposes as being at 2½ storey height, although no rear elevational details have been supplied at this outline stage, although section drawing 201 indicates that the development would be effectively three storey for the rear elevations with use of the roof spaces as the development would take advantage of the slope to the rear of the lane with internal step downs off the centre line of the dwellings.

- 10.15 It should be noted in this respect that the previously allowed planning application (UTT/16/0075/OP- 12 dwellings) showed a similar scaled terrace of dwellings along the Water Lane frontage where it was stated in the delegated officer report for that application that the terraced units would have a ridge height of 9.4m with front and rear dormers. In this respect, the scale of the proposed development would be comparable with that previously allowed scheme subject to final detailing. It is therefore considered that the indicated scale of the development would be appropriate for this site under ULP Policy GEN2.

D Contamination / ground water protection (ULP Policies ENV12 and ENV14)

- 10.16 The site is recorded by the Council as being a historically contaminated site by reason of it being the former site of the towns' gas holder. It is noted within the representations received against the current application that the effects of this previous land use can still be felt from the site today. As part of the applicant's case, it is submitted that the proposal through change of use would bring about a public benefit by removing remaining contamination from the site in favour of residential use consistent with NPPF objectives and recent government advice to direct residential development to brownfield and contaminated sites by way of remediation, particularly within sustainable urban areas.
- 10.17 The application is accompanied by a Phase 1 contamination and geotechnical dated September 2015 which describes the extent of contamination on the site and makes recommendations on how the site should be decontaminated. The 2015 desk study report has been examined by the Council's EHO who has not raised any public health objections to the residential development of the site in principle subject to decontamination and remediation conditions being imposed to protect human and other receptors as recommended in her consultation response. No objections are therefore raised under ULP Policy ENV14.
- 10.18 A Secondary Aquifer and shallow depth Chalk Principal Aquifer below this lie beneath the site where the underlying geology is that of sand and gravel and then underlying upper nodal chalk where the chalk aquifer is likely to be in hydraulic continuity with the shallow sediments beneath the site and Stansted Brook. The site because of this geology is located within a Ground Water Source Protection Zone for public potable water supplies and the development could potentially therefore have an impact on ground waters and water supply through polluting activities. The Environment Agency has reviewed the contamination and remediation desk study report submitted by the applicant and has stated that it has no objections to the proposal on groundwater protection grounds subject to appropriate conditions being imposed to prevent pollution of the water environment (ULP Policy ENV14).

E Effect on wildlife, including impact on protected species / trees (ULP Policies GEN7 and ENV3)

- 10.19 An ecological assessment report was carried out on behalf of the applicant in September 2016 to establish the extent of ecological activity on the site, including protected species, and the potential for the proposal to provide bio-diversity

enhancements for the site, including appropriate mitigation measures, together with a desk top study.

- 10.20 In terms of the impact of the development on Stansted Brook, the report of findings states that "Given the close proximity of the brook to the application site, there is the potential for pollution impacts during construction activities through chemicals and debris run-off. However, if the Environment Agency pollution control guidelines are followed, it is anticipated that the development will have a negligible adverse impact on the watercourse. The brook itself where it runs behind the site is not considered to meet the criteria of a NERC potential site due to its unnatural state with high engineered sides, silty base and complete lack of vegetation". The report of findings concludes that the proposal would achieve a net gain in opportunities for the site in terms of identified protected and non-protected species and other wildlife with the loss of existing habitats only of low ecological value providing the proposed impact mitigation measures and adoption of the agreed enhancements are carried forward as recommended in the report.
- 10.21 ECC Ecology have been consulted and has no objections subject to a LEMP condition which can be imposed at reserved matters stage which would tie in with the recommendations made within the ecology report and updated information to ensure that the proposed dwelling layout is designed in such a way as to ensure maximum gain for wildlife. As a result, no ecology objections are raised to the proposed development under ULP Policy GEN7.
- 10.22 A number of trees exist along the northern (rear) and western (flank) boundaries of the site. None of these trees are subject to a TPO, although have been surveyed for their overall condition and amenity value as described in the accompanying Arboricultural Implications Assessment Statement (site survey conducted November 2015).
- 10.23 Landscaping is a reserved matter and further discussion on trees does not therefore arise with this outline application other than to comment that there would appear from the survey be a sufficient natural screen along the site's rear boundary to screen the proposed development from the north (Sunnyside) (ULP Policy ENV3).

F Housing mix / affordable housing / infrastructure provision to support development (ULP Policies H9, H10 and GEN6)

- 10.24 It is stated that the development would be a mix of 8 No. houses and 2 No. flats/ maisonettes. This ratio between houses and flats is considered to be an appropriate housing mix for this town centre location close to the railway station and local services under ULP Policy H10. The proposal would not give rise to a requirement for a contribution towards affordable housing provision. National Planning Practice Guidance (NPPG) means that affordable housing contributions will no longer be imposed on development schemes of 10 or less dwellings, unless the floor-space of the proposed development is 1000sqm or more.

G Other material planning considerations – design and parking (ULP Policies GEN2 and GEN8).

- 10.25 The design of the proposed dwellings would improve surveillance along Water Lane from the existing terrace at the top of the site down to the dwellings beyond given the narrowness of the lane where it slopes down and would therefore improve the environment for walkers and cyclists using the lane under Secured by Design. Layout and appearance are reserved matters and therefore do not fall to be

considered with this outline application. However, it is indicated that the dwelling units are likely to be two bedroomed and that the appearance of the dwellings would likely to be influenced by the red brick terrace which stands above the site onto Water Lane whereby external materials to be used are likely to be a mix of red brick, timber and render to match this adjacent local vernacular form. In terms of compliance with Part M4(2) of the Building Regulations and wheelchair provision, the applicant's agent has advised that the need for compliance (e.g. level access and lift provision given the dwelling design) is understood and will be worked into the final design for the reserved matters application where this could ultimately influence the final dwelling layout to meet these requirements.

- 10.26 The dwellings would have rear gardens which would be less than the recommended 50sqm rear amenity areas for 2 bedroomed dwellings as set out in the Essex Design Guide whereby the gardens would range from between 30sqm and 50sqm. Normally, this would be a subsequent design reason for refusal. However, in this case, this identified rear garden deficiency would be compensated by the provision of a communal garden strip to the rear of the gardens which would run parallel with the brook, this would also act as a maintenance strip to the brook and also as a flood storage compensation area and emergency access area in the event of flood which would be accessed from a resident parking area at the lower end of the site as shown on the indicative site layout plan. In terms of impact on adjacent amenity, the development would likely to have back to back distances which would be less than 25m as recommended by the Essex Design Guide. However, amenity is a reserved matter also and assessment of amenity impact cannot be fully made until detailed design stage (ULP Policy GEN2).
- 10.27 Parking (as part of Layout) would be in the form of 2 No. space per dwelling (type A) and 1 No. space per dwelling (type B). Whilst the proposal meets the required parking provision it is also added that the sustainable location of the site combined with the fact that there would be less usage of Water Lane as a result would justify and mitigate against this lesser parking provision. ECC Highways in their consultation response have recommended that parking provision be in accordance with the adopted parking standards. Although further parking provisions have not been demonstrated the reduction of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport". The proposal would fulfil this sustainable criteria (ULP Policy GEN8).

11. CONCLUSION

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

- A The re-use of this undeveloped former gasholder site situated within development limits close to the train station, local services and amenities for residential development as sought is considered acceptable in principle where there would be a presumption in favour of sustainable development and as the proposal would make more efficient use of the land which is also contaminated and where flood risk has been addressed in line with national and local policy (NPPF, ULP Policies S1, H1, H3, SM2, GEN3 and ENV10).
- B Access to the site and means of access into the proposed development off the highway which would involve a widening of Water Lane along the site frontage to the benefit of other lane users is considered acceptable (ULP Policy GEN1).
- C The scale of the indicated development involving a terrace of 10 No. dwellings at 2½ storey height is considered acceptable for the site where the development would respect the existing street frontage and where there is a mixture of built form and

- densities within the immediately surrounding area (ULP Policy GEN2).
- D Other material considerations in the determination of this planning application include the previously allowed planning application for 12 dwellings UTT/16/0075/OP. This revised scheme reduces the overall number of dwelling to 10.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

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

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

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

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

4. Prior to occupation of any dwelling, the carriageway shall be widened into the application site as shown in principle on Proposed Site Layout Drawing No.102, details of which shall be first submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development. The approved scheme shall be carried out in its entirety prior to occupation of any dwelling and shall be maintained at all times.

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

The use of such pre-commencement condition is justified to ensure the highway requirements are in place prior to the occupation of the development.

5. No development shall take place until a comprehensive condition survey of Water Lane from its junction with Station Road to the application site has been completed, details of which shall be first submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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 and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

The use of such pre-commencement condition is required to ensure the highway serving the development is of sufficient standards to facilitate such development.

- 6 Following completion of the construction of the dwellings, a further comprehensive survey of Water Lane from its junction with Station Road to the application site shall be completed in accordance with the details approved in Condition 5 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 by the Local Planning Authority.

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

7. The development hereby permitted shall be carried out in accordance with the approved flood risk assessment 'Site Specific Flood Risk Assessment, Water Lane, Stansted Mountfitchet. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

REASON: To prevent flooding on site and elsewhere by ensuring that compensatory storage of flood water is provided in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

8. Finished floor levels shall be set no lower than 66.68m AOD.

REASON: To protect the development from flooding in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 9 The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) 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 SPD on Accessible Homes and Playspace.

- 10 No development or preliminary groundworks of any kind shall take place until the applicant has secured and fully implemented a programme of archaeological work 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.

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.

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: The Essex Historic Environment Record shows that the proposed development lies on the site of a post-medieval gas works (EHER 40422). The gas works is recorded as being constructed in the middle of the 19th century with two gas cylinders being recorded on the site by the late 19th century. The site also lies to the west of the Scheduled Motte and Bailey Castle which would have had an associated settlement, probably in the area around Station Road and Water Lane. To the north of the Water Lane site animal bones of cattle have been recorded, although their date is unknown (HER 18552). In accordance with ENV4 of the of the Uttlesford Local Plan (adopted 2005).

The use of such pre-commencement condition is required to ensure the any archaeological surveys can be established prior to the commencement of works on the site

- 11 No development shall take place until a landscape and ecological management plan has been submitted to and approved in writing by the Local planning authority. The plan shall include:

- a. A description and evaluation of features to be managed
- b. Ecological trends and constraints on the site that might influence management
- c. Aims and objective of management
- d. Appropriate management options for achieving the aims and objective of the project
- e. Prescriptions for management actions
- f. Preparation of work schedule
- g. Details of the body or organisation responsible for the implementation of the plan
- h. Ongoing monitoring and remedial measures.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interest of biodiversity and in accordance with ULP Policy GEN7.

The use of such pre-commencement condition is required to ensure the development will not result in a harmful impact to protected species and biodiversity.

- 12 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. It must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, building services and controlled waters;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's

"Model Procedures for the Management of Land Contamination, CLR11".

REASON: To ensure that the approved development is not harmful to human health or other receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, building services and controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that the approved development is not harmful to human health or other receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

The use of such pre-commencement condition is required to ensure the proposed development is not harmful to human health or other receptors

- 14 The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: To ensure that the approved development is not harmful to human health or other receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition 9 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 10 above.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition above.

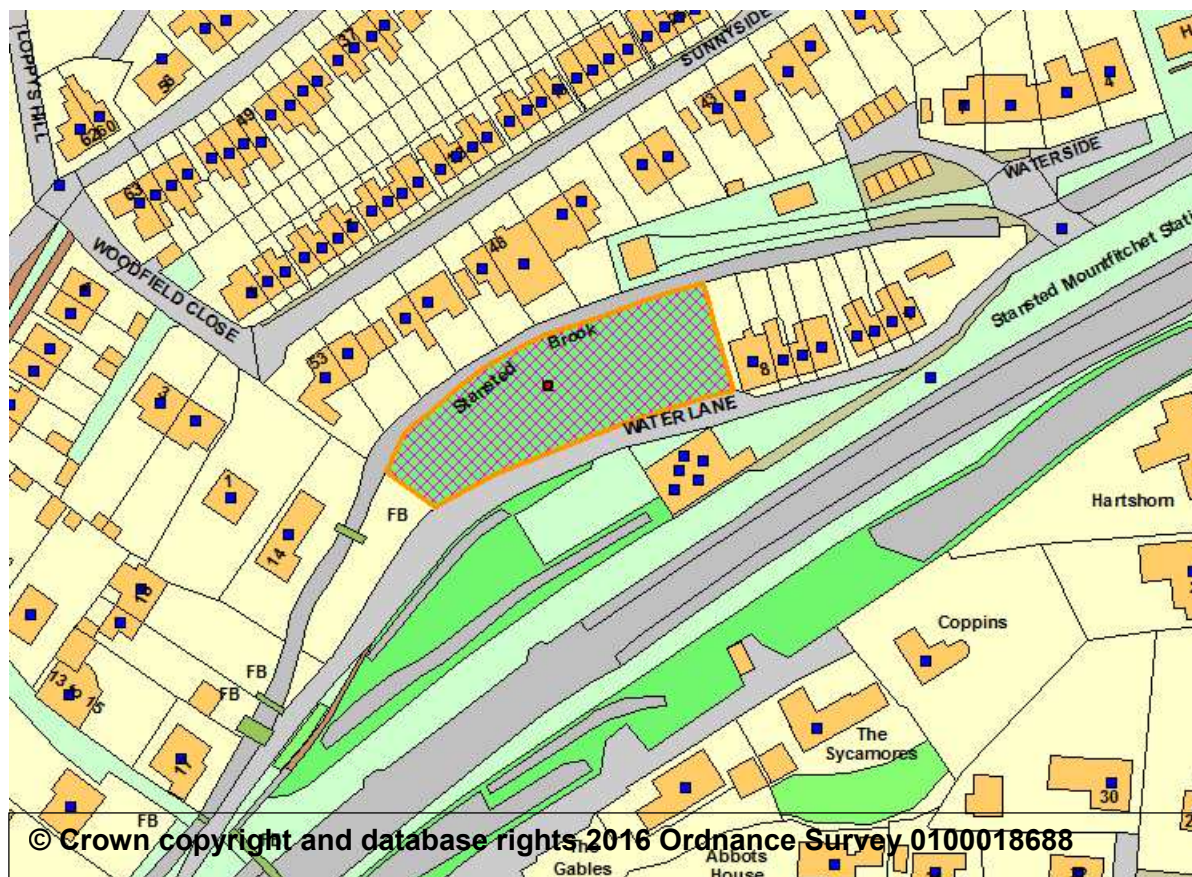
REASON: To ensure that the approved development is not harmful to human health or other receptors in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 16 Construction work shall not begin until a scheme for protecting the proposed noise sensitive development from noise from the railway, with provision for ventilation, has been submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the noise-sensitive development is occupied. The scheme may involve the site layout, internal layout of noise sensitive areas and/or the provision of insulation and ventilation measures, and shall be designed to achieve the following internal noise targets:
Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB L_{Amax}.
Living Rooms (07.00-23.00 hrs) 35 dB LAeq
Gardens (07.00-23.00 hrs) 55 dB LAeq

REASON: To ensure that the approved development is not impacted by noise disturbance in relation to the site and nearby railway in accordance with ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

The use of such pre-commencement condition is required ensure the development does not result in material noise disturbance that may result in significant harm to the occupiers.

Application number: UTT/16/2865/OP
Address: Land North Of Water Lane Stansted



Organisation:	Uttlesford District Council
Department:	Planning
Date:	25 January 2017

UTT/16/2597/FUL (Elmdon & Wendon Lofts)

(Referred to Committee by Councillor Robert Chambers. Reason: to allow the committee to assess any impact on the Conservation Area, listed buildings, compliance with the Uttlesford Local Plan (2005) policy relating to the retention of services in rural areas and other associated planning matters)

PROPOSAL: Change of use from public house to licensed cafe, shop/delicatessen and hairdressers, alterations and repairs, and erection of cartlodge.

LOCATION: Elmdon Dial, Heydon Lane, Elmdon, Saffron Walden, Essex CB11 4NH

APPLICANT: H E Stringer Flavours Ltd

AGENT: Mrs Julie Barnes

EXPIRY DATE: 10.02.2016

CASE OFFICER: Philip Freeman Bentley

1. NOTATION

1.1 Elmdon Conservation Area; Grade II listed building – The King’s Head Inn; Asset of Community Value – The Elmdon Dial PH.

2. DESCRIPTION OF SITE

2.1 The site is located to the southwest of Heydon Lane and comprises a two-storey public house. The Public House, known as the Elmdon Dial or The King’s Head, is a Grade II listed building and is timber framed with a tiled, pitched roof and is faced with weather-boarding and plaster; it has been previously extended.

2.2 The total area of the site is approximately 0.23 hectares and includes gardens as well as an area of hardstanding that is used for car parking.

2.3 The site is within the Elmdon Conservation Area, at the centre of Elmdon village. It is located close to a number of other listed buildings, including the Grade II* listed Church of St. Nicholas. The immediate neighbouring properties are residential.

3. PROPOSAL

3.1 The proposal is primarily for a change of use of the public house to a licensed café, shop/delicatessen and hairdressers. This would be a change from the existing A4 use to an A3 use, which would also include ancillary A1 uses. The upper floors would be retained as residential accommodation.

3.2 There would be alterations and repairs to the fabric of the building and landscaping. These are numerous and detailed within the application documents.

3.3 It is also proposed that a new cartlodge and store is constructed.

4. APPLICANT'S CASE

- 4.1 The applicant has submitted a Heritage, Design & Access Statement, a justification statement, a statement of biodiversity, a short statement on flood risk, the Premises Licence Register entry for the public house, a report on the public house's kitchen's extraction system, and photographs of the public house. Confidential information relating to the public house's viability and marketing was also submitted.

5. RELEVANT SITE HISTORY

- 5.1 There is no relevant, recent planning history, aside from the associated application for Listed Building Consent (reference number UTT/16/2598/LB).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF).

6.2 Uttlesford Local Plan (2005)

- Policy S7 – The Countryside.
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN4 – Good neighbourliness.
- Policy GEN7 – Nature Conservation.
- Policy GEN8 – Vehicle Parking Standards.
- Policy ENV1 – Design of Development within Conservation Areas.
- Policy ENV2 – Development affecting Listed Buildings.
- Policy ENV8 – Other landscape elements of importance for nature conservation.
- Policy ENV11 – Noise generators.
- Policy RS1 – Access to Retailing and Services.
- Policy RS3 – Retention of retail and other services in rural areas.

6.3 Supplementary Planning Policy

- The Essex County Council Parking Standards Design and Good Practice (September 2009).

7. PARISH COUNCIL COMMENTS

- 7.1 Elmdon & Wenden Lofts Parish Council objects to the proposed development for the following reasons:

- It has not been demonstrated that the public house has been marketed in a way that is consistent with the Uttlesford Local Plan (2005) policy relating to the retention of services in rural areas.
- There are potential purchasers that would wish to continue operating the premises as public house and restaurant.
- The public house passes CAMRA's viability test and the other services that are proposed alongside the licensed café could be offered alongside a public house.
- There have been 'issues' with the public house's past management.
- There is a risk that the proposed change of use could be the first step in the conversion of the public house to a dwellinghouse.

- The public house is an Asset of Community Value, which highlights its importance to the community.

8. CONSULTATIONS

Highway Authority (ECC)

- 8.1 No objections, subject to a condition requiring adequate cycle and powered two wheeler parking.

Historic England

- 8.2 No comments.

UDC Environmental Health

- 8.3 No objection in relation to noise, subject to a condition preventing late night and early morning deliveries. No objection in relation to odour, subject to a condition requiring the ongoing maintenance of the kitchen's existing extraction system.

ECC Ecology Consultant

- 8.4 No objections, subject to an informative relating to bats.

North-west Essex CAMRA

- 8.5 Objection, because the public house is the last such business in Elmdon and would pass CAMRA's Public House Viability Test (updated November 2015). It is noted that other facilities could be run alongside a public house and that a licensed café is not the same as a public house.

Conservation Officer (UDC)

- 8.6 It is also noted that comments were made in relation to the associated application for Listed Building Consent. The proposal is supported. It is considered that the repairs and alterations would either have an insignificant impact on the fabric of the listed building, or be in keeping with its character; the cartlodge is considered acceptable in its context. Eight conditions are suggested, subject to which there would be no undue impact on the heritage assets' special architectural or historic interest.

9. REPRESENTATIONS

- 9.1 Twenty nine representations have been received from neighbours. All are objections. The site notice expired 28/10/2016, the press advert expired 20/10/2016 and the letters to neighbours expired 10/10/2016. One of the letters stated that it was from a representative of the Elmdon Community Group. The comments are summarised as follows:

- The proposal would not constitute sustainable development.
- The proposed cartlodge would increase the built footprint on the site.
- The use of the building as a public house would be viable, subject to proper management.
- There are no other pubs within walking distance of the village.

- A public house is a community hub; a licensed café would not be the same.
- The proposal is contrary to Paragraph 70 of the NPPF.
- The building has not been marketed in accordance with the Council's requirements.
- The proposed uses would not be viable and are not needed.
- The proposal would lead to the conversion of the building to a dwellinghouse.
- The proposals would cause harm to the listed building and the Conservation Area.
- There is no objection to repairs to the fabric of the listed building.
- There would be a negative impact on neighbouring amenity; in particular, the proposed hedge and the use of the outside area would have a undue effect on 1 Cross Hill.
- There would be an increase in traffic that would have a negative impact on road safety.
- There would be insufficient car parking.
- The cycle parking layout would be poor.
- The proposal would cause harm to bats.
- The proposal would cause 1 Cross Hill to have damp problems.
- The proposed internal layout is poor.
- The Asset of Community Value process has not been followed correctly.
- No public consultation has taken place.
- There are a number of mistakes within the application materials including that the submitted biodiversity questionnaire does not mention nearby hedgerows and trees, the application form does not mention trade waste and the inclusion of a windows within the existing elevations that is not there.
- It is noted that the Council's description of the development incorrectly mentions residential use.

9.2 It is noted that some of the comments made are relevant to the associated application for Listed Building Consent, and are considered through the assessment of that application. Comments made in relation to the association application for Listed Building Consent that are relevant to this application have been considered below.

9.3 Specific comments on matters that are not addressed in the appraisal section are set out below:

- Some of the representations claim that the proposed use would not be viable and is not needed. Notwithstanding the points made, it is clear that the applicant believes that the proposed use would generate custom and be viable. Moreover, it would be unusual for an assessment of viability to be required in relation to such a proposal and it is not considered that it would be reasonable to refuse the application on such grounds.
- The conversion of the public house to a dwellinghouse would require separate planning permission, irrespective of whether this application is granted or not. As such, it is not considered that the proposal would necessarily lead to the conversion of the building to a dwellinghouse
- It is noted that the occupiers of 1 Cross Hill have claimed that the proposed use of the site would cause damp problems at their site, and that these problems were previously experienced when the site was used as a public house. It is claimed that the damp problem was caused by a foul drain. This is a private matter that should be resolved by the two neighbouring property owners concerned; moreover, it is not considered that the proposed use

would cause any material impact over and above the lawful use in this respect.

- It is noted that some concerns have been expressed regarding the practicality of the proposed internal layout and its suitability for the proposed use; however, whilst the impact of the proposed internal changes has been considered in relation to the associated Listed Building Consent application, the suitability of the internal layout for the proposed use is not relevant to the assessment of whether the proposal is acceptable in planning terms.
- Although the value of the public house to the local community has been considered below in the appraisal, it is noted that the Asset of Community Value process is separate to the planning process and that there is no planning policy basis for refusing planning consent on such grounds.
- It is noted that the Council does not have any requirement for public consultation.

9.4 With specific reference to the alleged mistakes within the application materials and the Council's description of the development, it is noted that:

- The application has been assessed by the Council's Ecology Consultant, who has considered the surrounding environment, including any hedgerows and trees, notwithstanding the submitted biodiversity questionnaire.
- Notwithstanding the submitted application form, it is noted that the Heritage, Design & Access Statement sets out that waste storage would be within the proposed cartlodge. Whilst it is not considered that there would be any impact in terms of waste over and above that caused by the lawful use, it is noted that the use of the cartlodge to store waste would constitute an improvement.
- It is noted that a window has been incorrectly included in the existing and proposed ground-floor plans for the kitchen, facing out of the building's front elevation onto the grassed area. Revised plans have been requested.
- The application description (alongside the associated Listed Building Consent application description) has been amended to remove any erroneous reference to a proposed residential use.

9.5 Otherwise, where relevant, comments on representations are included in the planning considerations text below

10. APPRAISAL

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

- A Whether the principle of the proposal within the countryside is acceptable (ULP Policy S7 and the NPPF).
- B Whether the proposed change of use is acceptable (ULP Policies RS1 and RS3, and the NPPF).
- C Whether the visual impact of the proposal is acceptable and whether it would cause undue harm to the Conservation Area and listed buildings (ULP Policies S7, GEN2, ENV1 and ENV2, and the NPPF).
- D Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2, GEN4 and ENV11, and the NPPF).
- E Whether the proposal would have an acceptable impact on the operation and safety of the public highway and provide appropriate levels of parking (ULP Policies GEN1 and GEN8, and the NPPF).
- F Whether the proposal would have a harmful effect on wildlife (ULP Policies GEN7 and ENV8, and the NPPF).

A Whether the principle of the proposal within the countryside is acceptable (ULP Policy S7 and the NPPF).

- 10.1 The subject site is located within the countryside. Local Plan Policy S7 protects the countryside for its own sake and places strict control on new building. It only permits development that either needs to take place in the countryside or is appropriate to rural areas, and requires that the appearance of development protects or enhances the particular character of the part of the countryside within which it is set or that there are special reasons why the development in the form proposed needs to be there.
- 10.2 The NPPF generally supports sustainable development in rural areas. In particular, paragraph 28 supports sustainable growth and the expansion of business through well designed new buildings and the expansion of tourist and visitor facilities.
- 10.3 The proposed development is considered appropriate in the countryside and a sustainable form of development in this respect. For the most part, the proposal includes a change of use and alterations and repairs to an existing building. The proposed use would be similar to the lawful use in terms of its impact on the countryside; and it would continue to deliver similar benefits in terms of it being a business that would serve the local community and visitors alike. The proposed alterations and repairs to an existing building in the subject location are an entirely appropriate form of development, with no scope for material harm to the countryside.
- 10.4 The proposed cartlodge would lead to additional built form within the countryside; however, this would be a relatively modest outbuilding, which would be located centrally within a village and support the proposed use of an existing building.
- 10.5 As such, subject to the impact of the appearance of the development on the rural character of the area, which is discussed below, it is considered that the proposal is acceptable in terms of impact on the countryside.

B Whether the proposed change of use is acceptable (ULP Policies RS1 and RS3, and the NPPF).

- 10.6 Local Plan Policy RS3 relates to the change of use of community facilities and sets out criteria that must be satisfied before a change of use is supported.
- 10.7 NPPF paragraph 28 also promotes the retention and development of local services and community facilities in villages; paragraph 70 requires the provision, and protects against the loss, of community facilities, but also states that such facilities should be able to develop and modernise in a way that ensures that they are retained for the benefit of the community.
- 10.8 Whilst the proposed use is not explicitly mentioned as a protected community facility, unlike public houses, it is considered that the proposed use is not materially different to the lawful use in terms of the benefits that would be offered to the community. Indeed, Local Plan Policy RS3, like the NPPF, only sets out a sample list of uses that are considered to be community facilities in rural areas, rather than an exhaustive list. Therefore, it is considered that the proposed use would also fall within the scope of the range of uses that could be protected as community facilities.
- 10.9 Notwithstanding that the two uses are in different use classes and the

representations that state that the two uses are different, it is considered that there is not a significant enough difference to cause harm through the loss of a community facility, specifically a public house, in a rural area. Indeed, the proposed licensed café would offer food and drink in a similar way to a public house and also include some additional facilities, in the form of a shop/delicatessen and hairdressers.

- 10.10 As such, notwithstanding claims that a well-run public house would be viable, there is demand for a public house in the village and there are no other public houses within walking distance, it is not considered that there is any requirement for the proposal to satisfy the criteria in Local Plan Policy RS3 in order to be considered acceptable. It is noted that the applicant has submitted some information seeking to address these criteria, in confidence. This material, including details of the public house's marketing, is not considered sufficiently robust to satisfy Policy RS3; however, as already stated, this is not considered necessary, in any case.
- 10.11 CAMRA's Public House Viability Test (updated November 2015) is not considered to be relevant, given the comments set out above; in any case, it is considered that the Test only allows for a subjective assessment.
- 10.12 It is noted that a change of use from a public house to a café could be permitted by virtue of the General Permitted Development Order. However, the public house's status as an Asset of Community Value would prevent this from taking place without separate planning permission.
- 10.13 Local Plan Policy RS1 requires that all retail and service development proposals, where there is public access, need to be accessible to all. The proposal does not include any measures to enhance accessibility and the current level of accessibility is unclear. However, it is considered that the proposal is acceptable in this respect, given that the proposed use would be similar to the lawful use. Also, it is considered that alterations to enhance accessibility could potentially cause unacceptable harm to the listed building.

C Whether the visual impact of the proposal is acceptable and whether it would cause undue harm to the Conservation Area and listed buildings (ULP Policies S7, GEN2, ENV1 and ENV2, and the NPPF).

- 10.14 Local Plan Policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Paragraph 64 of the NPPF complements this policy by resisting poor design.
- 10.15 Local Plan Policy ENV1 states that the design of development within conservation areas should preserve or enhance the character of the essential features of the conservation area. Local Plan Policy ENV2 requires that development affecting a listed building is in keeping with its scale, character and surroundings, and states that alterations that impair the special characteristics of a listed building will not be permitted. The NPPF generally requires that the significance of heritage assets not be harmed.
- 10.16 The proposed alterations and repairs would be minor and would not have a significant visual impact. The cartlodge would be in proportion to the main building. It is therefore considered that the proposals would be acceptable in terms of their design and scale. With reference to the list entry for The King's Head Inn, the Elmdon Conservation Area Appraisal and Management Proposals (2014) and the Conservation Officer's advice in respect of the related Listed Building Consent

application, it is considered that the proposal would not result in any harm to important features of the listed building or the Conservation Area. In particular, the Conservation Officer has advised that the repairs and alternations would either have an insignificant impact on the fabric of the listed building, or be in keeping with its character; the cartlodge is considered acceptable in its context. However, it is advised that this would be subject to conditions. A number of conditions should be attached to any Listed Building Consent – this is discussed in relation to the associated application for Listed Building Consent – however, given that some matters can only be controlled through this application it is recommended that conditions requiring the submission and approval of materials for the cartlodge and a scheme of landscaping are attached, should the consent be granted.

D Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2, GEN4 and ENV11, and the NPPF).

- 10.17 Local Plan Policy GEN2 sets out general design criteria for new development and, in particular, requires that development minimises the environmental impact on neighbouring properties by appropriate mitigating measures and does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. Local Plan Policy GEN4 requires that development does not cause material disturbance or nuisance, in terms of noise or vibrations. Local Plan Policy ENV11 states that noise generating development will not be permitted if it would be liable to adversely affect the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.
- 10.18 Generally, the proposal relates to alterations and repairs to an existing building and, therefore, there is very little scope for impact on the amenity values of neighbouring residents on account of new built form. Indeed, it is noted that the proposed new windows would not create any sensitive views and that the cartlodge would be single-storey and located away from neighbouring buildings.
- 10.19 With regard to the proposed use is noted that this would be very similar to the lawful use. As such, it is not considered that there would be any scope for harm to neighbouring amenity over and above that which would arise from the lawful use. The Council's Environmental Health Officer has advised that the scheme would be generally acceptable in terms of noise and odour impact, subject to conditions. It is not considered that conditions preventing deliveries at unsociable hours or requiring that of the kitchen's existing extraction system be maintained would be reasonable, as both of these issues could and should be controlled through separate environmental legislation.
- 10.20 Concerns have been expressed over the use of the garden and the impact that this could have on neighbouring amenity. Given that the fallback position is that the garden could be used for customers of the public house, rather than customers of a licenced café, it is considered that the proposal would be acceptable in this respect. Moreover, any impact could be controlled through separate environmental legislation.
- 10.21 Finally, the residents of 1 Cross Hill have stated that they are worried that the hedge that is intended to provide screening between their dwellinghouse and the front garden of the proposed licensed café would harm their amenity. Whilst it is noted that the planting of a hedge is not development, it is also noted that the landscaping condition proposed above could be used to ensure that any hedge is appropriate.

E Whether the proposal would have an acceptable impact on the operation and safety of the public highway and provide appropriate levels of parking (ULP Policies GEN1 and GEN8, and the NPPF).

- 10.22 Local Plan Policy GEN1 sets out requirements for access to new development and generally states that the surrounding transport network should not be overburdened and that road safety should not be unduly affected, taking into account the needs of those using forms of transport other than motorised vehicles.
- 10.23 The proposed use would not be materially different to the lawful use in terms of its impact on the operation and safety of the public highway. As such, it is considered that the proposal would be acceptable in this respect. It is noted that the Highway Authority has not objected to the proposal in relation to its impact on the public highway.
- 10.24 Local Plan Policy GEN8 only supports development that would provide for vehicle parking places that are appropriate for the location in terms of number, design and layout. The Essex County Council Parking Standards Design and Good Practice (September 2009) has been adopted by the Council to provide further guidance.
- 10.25 As already stated, the proposed use is not considered to be materially different to the lawful use, despite the two being within different use classes. Moreover, the adopted car parking standards for the two use classes (A3, excluding transport cafes, and A4) are identical. In this context, and given that the proposal includes two additional car parking spaces and improved cycle storage in the form of the cartlodge, but only a very small increase in floorspace through the creation of a mezzanine floor, it is considered that the proposal is acceptable in respect of the levels of parking that would be provided.
- 10.26 It is noted that the Highway Authority has suggested a condition relating to cycle and powered two wheeler car parking. Given the above, and that details have already been submitted showing proposed cycle parking with the cartlodge, it is not considered that this condition is necessary to make the scheme acceptable in terms of the proposed levels of parking.

F Whether the proposal would have a harmful effect on wildlife (ULP Policies GEN7 and ENV8, and the NPPF).

- 10.27 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife. Local Plan Policy ENV8 provides protection for landscape elements of importance for nature conservation.
- 10.28 The development includes alterations and repairs to an existing building and the construction of a new cartlodge. The Council's Ecology Consultant has not objected to the proposal. However, whilst unlikely to have any undue impact on wildlife, it is considered that an informative should be added to alert the applicant to their responsibilities in relation to bats, as recommended by the Ecology Consultant, should the application be approved.

11. CONCLUSION

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

- A The principle of the proposal within the countryside is acceptable and would accord with ULP Policy S7 and the NPPF.

- B The proposed change of use would be acceptable and accord with ULP Policies RS1 and RS3, and the NPPF.
- C The visual impact of the proposal is acceptable and would not cause undue harm to the Conservation Area and listed buildings, in accordance with ULP Policies S7, GEN2, ENV1 and ENV2, and the NPPF.
- D The proposal would not adversely affect amenity values of neighbouring residents and would accord with ULP Policies GEN2, GEN4 and ENV11, and the NPPF.
- E The proposal would have an acceptable impact on the operation and safety of the public highway and provide appropriate levels of parking, in accordance with ULP Policies GEN1 and GEN8, and the NPPF.
- F The proposal would have an acceptable impact on wildlife and accord with ULP Policies GEN7 and ENV8, and the NPPF.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Notwithstanding the approved details, no development shall take place until the external finishing materials for the cartlodge hereby permitted are submitted and approved in writing by the Local Planning Authority. The works development permitted 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 and the character of the Conservation Area and listed building in accordance with Policies S7, GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

JUSTIFICATION: Details are required prior to commencement to ensure that the scheme would be acceptable in respect of the character of the Conservation Area and listed building.

3. Prior to commencement of the development, details of hard and soft landscaping (including retained features, planting, hard surfaces and boundary treatment) must be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works must be carried out in accordance with the approved details.

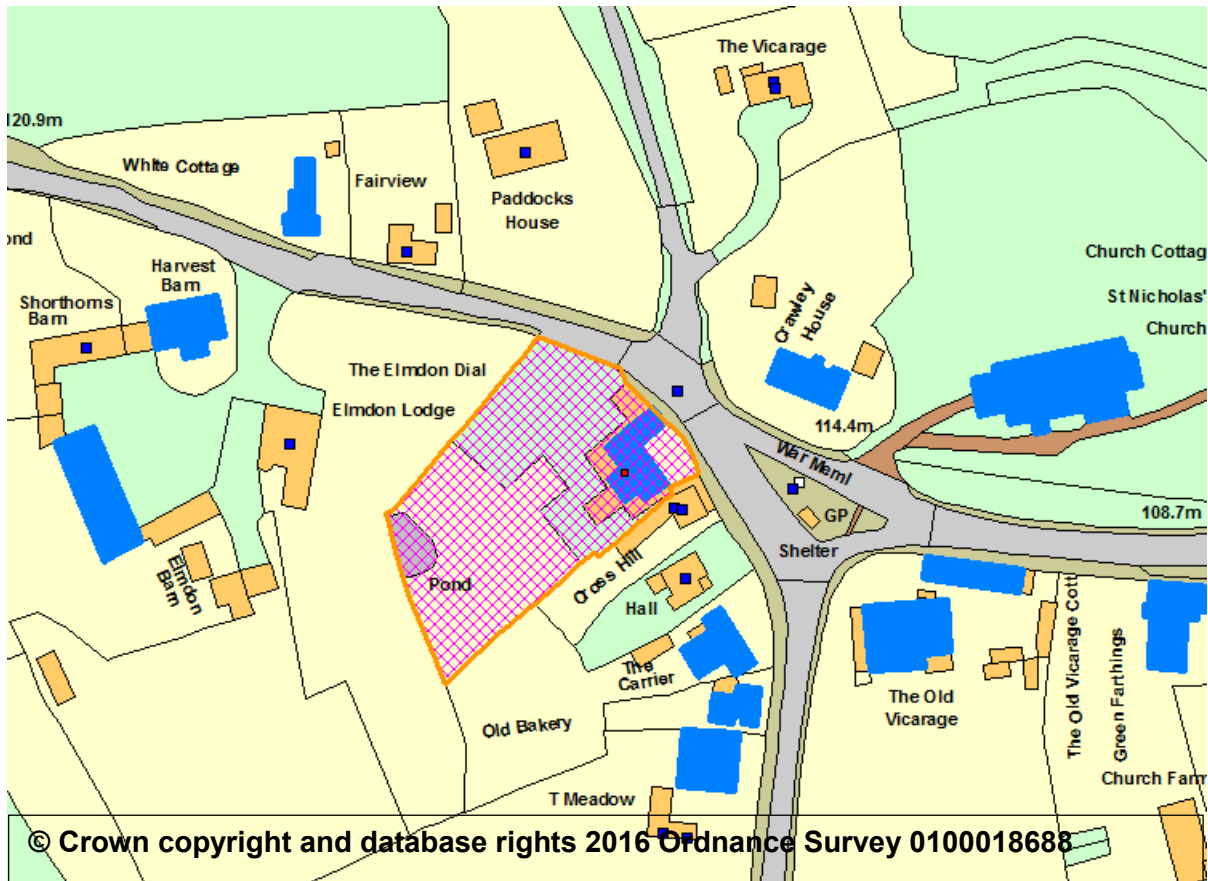
All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of

similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the appearance of the development and the character of the Conservation Area and listed building in accordance with Policies S7, GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

JUSTIFICATION: Details are required prior to commencement to ensure that the scheme would be acceptable in respect of the appearance of the development.

Application number: UTT/16/2597/FUL
Address: Elmdon Dial Heydon Lane Elmdon



Organisation: Uttlesford District Council
Department: Planning
Date: 26 January 2017

UTT/16/2598/LB (Elmdon & Wendon Lofts)

(Referred to Committee by Councillor Robert Chambers. Reason: to allow the committee to assess any impact on the listed building)

PROPOSAL: Alterations and repairs.

LOCATION: Elmdon Dial, Heydon Lane, Elmdon, Saffron Walden, Essex CB11 4NH

APPLICANT: H E Stringer Flavours Ltd

AGENT: Mrs Julie Barnes

EXPIRY DATE: 10.02.2016

CASE OFFICER: Philip Freeman Bentley

1. NOTATION

1.1 Grade II listed building – The King’s Head Inn.

2. DESCRIPTION OF SITE

2.1 The site is located to the southwest of Heydon Lane and comprises a two-storey public house. The Public House, known as the Elmdon Dial or The King’s Head, is a Grade II listed building and is timber framed with a tiled, pitched roof and is faced with weather-boarding and plaster; it has been previously extended.

2.2 The total area of the site is approximately 0.23 hectares and includes gardens as well as an area of hardstanding that is used for car parking.

3. PROPOSAL

3.1 The proposal is for alterations and repairs to the fabric of the building. These are numerous and detailed within the application documents.

4. APPLICANT’S CASE

4.1 The applicant has submitted a Heritage, Design & Access Statement, a report on the public house’s kitchen’s extraction system, and photographs of the public house.

5. RELEVANT SITE HISTORY

5.1 There is no relevant, recent planning history, aside from the associated application for Planning Permission (reference number UTT/16/2597/FUL).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF).

6.2 **Uttlesford Local Plan (2005)**

- Policy ENV2 – Development affecting Listed Buildings.

6.3 **Supplementary Planning Policy**

Not applicable.

7. **PARISH COUNCIL COMMENTS**

7.1 Elmdon & Wenden Lofts Parish Council objects to the proposed development. However, it is noted that none of the reasons given for objecting are relevant in relation to the application for Listed Building Consent. A summary of the reasons can be read in the report for the associated application for Planning Permission.

8. **CONSULTATIONS**

Conservation Officer (UDC)

8.1 The proposal is supported. It is considered that the repairs and alternations would either have an insignificant impact on the fabric of the listed building, or be in keeping with its character. Eight conditions are suggested, subject to which there would be no undue impact on the heritage asset's special architectural or historic interest.

North-west Essex CAMRA

8.2 Objection; however, it is noted that none of the reasons given for objecting are relevant in relation to the application for Listed Building Consent. A summary of the reasons can be read in the report for the associated application for Planning Permission.

Historic England

8.3 It is also noted that no comments were made in relation to the associated application for Planning Permission.

9. **REPRESENTATIONS**

9.1 Nine representations have been received from neighbours. The site notice expired 28/10/2016, the press advert expired 20/10/2016 and the letters to neighbours expired 10/10/2016. All of the representations were objections. On the whole, the comments were not relevant in relation to the application for Listed Building Consent. However, there were some relevant comments, which are summarised as follows: the proposed internal alterations would cause harm to the architectural and historic interest of the listed building. All other comments are considered through the assessment of the associated application for Planning Permission. Comments made in relation to the association application for Planning Permission that are relevant to this application have been considered below.

9.2 Where relevant, comments on representations are included in the planning considerations text below

10. **APPRAISAL**

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

A Whether the proposed works would preserve the listed building (ULP Policy ENV2 and the NPPF).

A Whether the proposed works would preserve the listed building (ULP Policy ENV2 and the NPPF)

10.1 S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.2 Local Plan Policy ENV2 requires that development affecting a listed building is in keeping with its scale, character and surroundings, and states that alterations that impair the special characteristics of a listed building will not be permitted. The NPPF generally requires that the significance of heritage assets not be harmed.

10.3 With reference to the list entry, it is considered that the proposed development would preserve the listed building. Although numerous alterations and repairs are proposed, as detailed within the application documents, it is noted that these are relatively minor and would be sensitive to the building's architectural and historic interest. The submitted Heritage, Design & Access Statement demonstrates that the applicant has considered the special architectural and historic interest of the listed building and designed the proposals so as to ensure that this is preserved, whilst also improving functionality. It is noted that some objectors have stated that they believe that the internal alterations would harm the listed building; however, the Council's Conservation Officer has thoroughly assessed the proposals and considers them acceptable, subject to eight conditions.

10.4 It is agreed that any consent should be subject to condition. However, it is recommended that the conditions are used in a modified form. Conditions relating to the historic timber frame and a schedule of repairs and method statement should be attached to any Listed Building Consent as suggested. There should also be a condition relating to historic rafters. A condition requiring the submission and approval of materials, as opposed to multiple materials conditions, should also be attached, and supplemented by an informative listing the Conservation Officer's suggested materials and finishes. A condition, or conditions, relating to finishes for the proposed cartlodge and boundary treatments should be attached to any Planning Permission; this is discussed in relation to the associated application for Planning Permission.

11. CONCLUSION

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

A The proposed works would preserve the listed building, in accordance with ULP Policy ENV2 and the NPPF.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the approved details, no elements of the historic timber frame other than those indicated shall be cut or removed without the Local Planning Authority's inspection and prior written consent.

REASON: To preserve the character of the listed building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Notwithstanding the approved details, no elements of the historic rafters shall be cut or removed without the Local Planning Authority's inspection and prior written consent.

REASON: To preserve the character of the listed building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Notwithstanding the approved details, no works hereby permitted shall take place until a formal schedule of repairs and a method statement are submitted to and approved in writing by the Local Planning Authority. All repairs must be carried out in accordance with the approved details.

REASON: To preserve the character of the listed building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

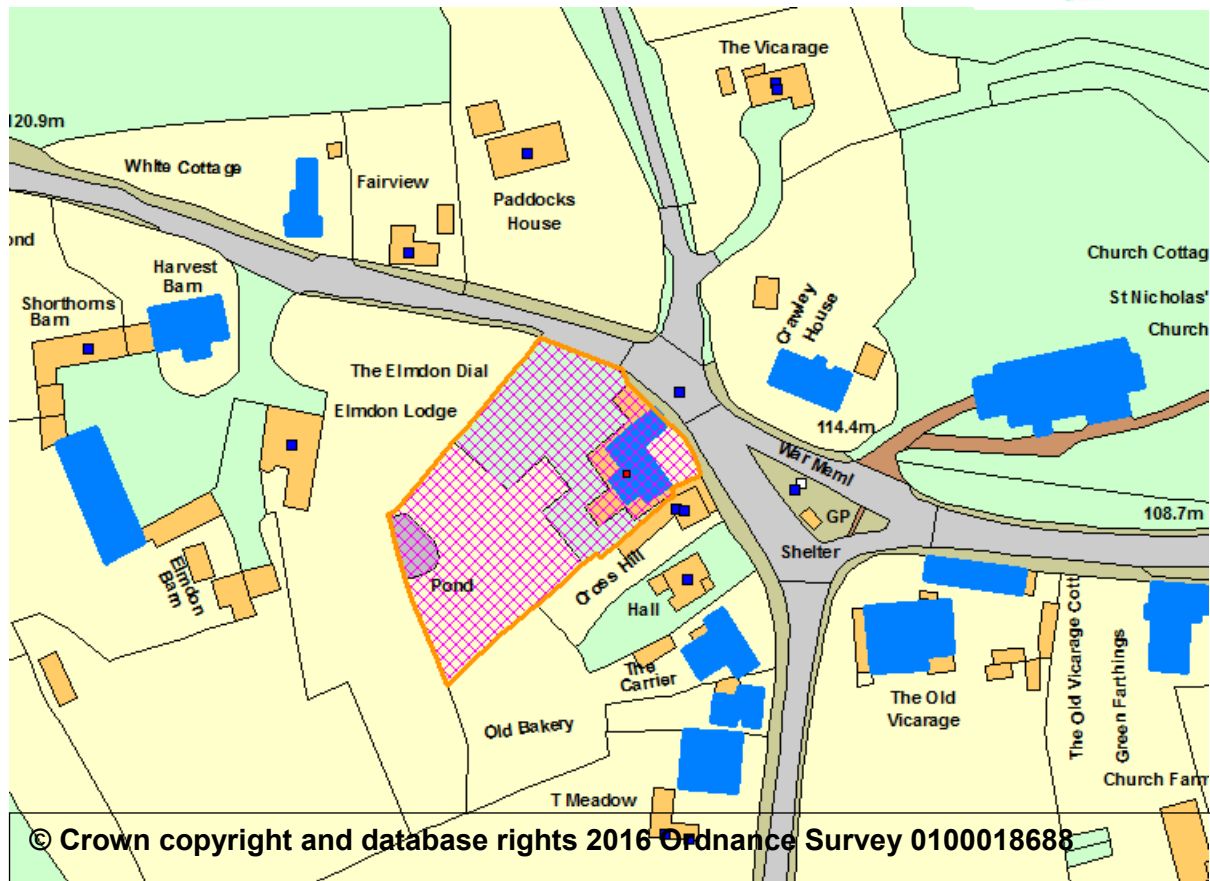
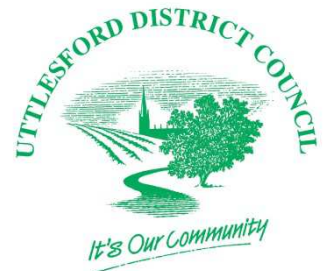
JUSTIFICATION: Details are required prior to commencement to ensure that the scheme would be acceptable in respect of the character of the listed building.

5. Notwithstanding the approved details, no works hereby permitted shall take place until the external finishing materials are submitted and approved in writing by the Local Planning Authority. The works hereby permitted shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To preserve the character of the listed building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

JUSTIFICATION: Details are required prior to commencement to ensure that the scheme would be acceptable in respect of the character of the listed building.

Application number: UTT/16/2598/LB
Address: Elmdon Dial Heydon Lane Elmdon



Organisation: Uttlesford District Council
Department: Planning
Date: 26 January 2017

UTT/16/2404/FUL (GREAT HALLINGBURY)

MAJOR

PROPOSAL: Change of use from unimproved grassland and woodland to burial ground including erection of service building, access road, car parking and associated landscaping.

LOCATION: Land east of M11, Howe Green, Howe Green Road, Great Hallingbury

APPLICANT: Mrs C Daly

AGENT: Mrs R Ballinger

EXPIRY DATE: 15th February 2017

CASE OFFICER: Madeleine Jones.

1. NOTATION

1.1 Outside Development Limits. Contaminated Land. Within 2KM of SSSI. Poor Air Quality. Within 67m of M11. Within 6KM of Stansted Airport. Within 57dB 16 hr LEQ. Adjacent to Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The site is located at Anvil Cross, to the southwest of Great Hallingbury village and Hallingbury park, historic park and gardens. The site is triangular in shape and comprises 2 hectares of mixed woodland and grassland. (about 40% of the site is woodland) The M11 bounds the west of the site and has close boarded timber fencing. There is an electricity substation to the north western corner of the site. There are several paddocks beyond the southern boundary along the motorway boundary.

The northern and eastern boundaries have mature woodland and the western boundary has M11 buffer planting. There is an existing, overgrown, vehicular access onto Howe Green Road (unclassified). The site has been used for fly tipping, and there is an old caravan on site. There is a livery on the opposite side of the road and listed buildings nearby. The road to the front of the site also serves a local school and provides access to Hatfield Forest and is a through route to Hatfield Broad Oak.

3. PROPOSAL

3.1 This proposal relates to the use of the land as a burial ground comprising the erection of a facilities/service building, together with the formation of new vehicular access road, car parking, and associated landscaping..

3.2 The main service building would be single storey with a pitched roof clad with clay plain roof tiles. It would have a footprint of approximately 300 sqm, a maximum height of 6.5m, be 19m (reducing to 8.1m) wide and 20m deep (including the entry porte cochere) the walls would be externally clad with timber and doors and windows would of be made of oak. The building would be set to the west of the

existing woodland (adjacent to the Howe Green Road) and would be accessed by a new internal access road linking to the existing access.

3.3 It was anticipated that the proposed burial ground would hold up to 1,200 plots, however to accommodate extra parking provision, the revised general layout plan now shows a total of 693 plots and that there would be approximately two internments a week.. Most services would take place between 10.00am and 3.00pm. Staff would arrive at 09.00 and leave at 17.00 hrs. It is anticipated that between 5 and 40 vehicles would arrive for an internment. The maximum total volume of traffic expected to be generated by the burial ground a week would be 240. Although the Transport Statement states there would be 6 members of staff (which is different to the information given within the application form) the agent has confirmed that there one be one full member of staff and one part time member of staff as per the application form.

3.4 Car parking would be provided for 57 vehicles.

4. APPLICANT'S CASE

4.1 The application is accompanied by the following core documents:

- Planning and Needs Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Transport Statement
- Flood Risk Assessment and Surface Water Drainage Strategy
- Ecology Mitigation Enhancement and Management Plan
- Tree Survey
- Vehicle Speed survey
- Topographical Survey
- SUD checklist
- Biodiversity Checklist

4.2 Summary of Planning and Needs Statement:

The proposed site is currently used for extensive grazing for horses. It has little agricultural value due to its isolation and has little environmental value outside of the woodland area. Even the woodland is less valuable than it might be if it was properly managed. Thus the proposed development as a burial ground will not adversely affect valuable agricultural land and will enhance and preserve the current ecological value of the site. The need for a new natural burial ground in the locality is high, with the current cemetery at Bishop Stortford reaching capacity with little opportunity to extend.

The site is highly suitable in respect to flood risk and pollution risk. Noise from the M11 will be mitigated by acoustic screening.

The site will make a visually attractive burial ground which will help meet local demand for burial space. Though part of the site is within a zone of poor air quality, neither users nor workers will be subject to extended long-term exposure. The site is well screened and will have negligible impact on surrounding properties and land. The building and fencing is designed to complement traditional local styles and minimise any visual impact.

4.3 Summary of Design and Access Statement:

The proposed development is designed to link the concept of natural burial ground with a significant open amenity space for use by the local public.

If converted to a burial ground, burial plots would be created within an open grassed setting surrounded by trees to form a sensitively landscaped glade, planted with further trees to be in keeping with the traditional landscape. A facilities building, vehicular access and car park would be required, with circulation paths linking various parts of the site.

The proposed natural burial site is designed to provide a natural and sustainable alternative to conventional burial and cremation options, with the focus on sustainability. The aim is to create an enhanced woodland formed of indigenous evergreen deciduous tree species.

Cemeteries, burial parks and churchyards can be a significant provider of open space and represent a relatively minor resource in terms of the land use. They are able to provide areas of importance for nature conservation via unimproved grasslands and other various habitats.

They are often among the few areas of green space where the local community is able to have some contact with the natural world and provide a secure buffer to further development and encroachment.

Burial grounds provide a useful resource for the local community. A wide variety of habitats can often be found supporting the other open space types such as areas of semi-natural and natural areas. Burial Grounds provide an open space for burials as well as opportunities for wildlife and a place for the public to walk and relax.

The quality of cemeteries and churchyards remains particularly important – many people use cemeteries and churchyards as amenity green space for peace and contemplation.

The natural burial ground at Anvil Cross is designed with community, environmental and ecological interests in mind and will allow the public to enjoy and reflect in the open space and provide a legacy for future generations to appreciate the maturing landscape and wildlife that it will precipitate.

Bishop Stortford Town Council has been actively looking for new burial space. A number of opportunities have been reviewed for new cemetery developments however these have yet to be fruitful. There is, therefore, a clear and demonstrable need for new cemetery provision within the region.

- 4.4 The proposed site (currently a mixture of ancient and self-set trees, ruderal scrubland and grass) would be converted into a natural burial site with the creation of burial plots set in natural setting. The proposals intend to create a burial site within a woodland setting. The burial plots would be set out to a formal layout within a matrix of tree lined, grass access paths. Species of new trees, shrubs and hedges would be carefully selected to mirror that of the existing deciduous broad leaf woodland and wider site context to ensure the burial site matures to blend with the wider landscape.
- A sympathetically designed service building is proposed, to be located in the south of the site, with a new access road connecting this building and the proposed car park to Howe Green Road.
- Additional landscaping will be proposed to the perimeter of the site, to define and/or strengthen the existing boundaries and additional woodland planting to the northern section of the site will extend and further link the deciduous woodland on the site to the motorway buffer planting.
- Existing field boundaries to the perimeter of the site would be retained, enhanced and planted up to aid with screening.
- The western boundary with the M11 would be screened with acoustic panelling and evergreen trees.
- The proposal includes new landscape elements comprising an extensive wildflower area, trees, shrubs and enhancement of the woodland to improve the natural habitat.

The concept of the design is to create a sustainable and aesthetically pleasing open space working with the existing landscape to maintain its rural setting and provide a range of natural burial options sensitive to modern, formal and multicultural burial practice.

The use of colour is an essential part of the design brief and would be achieved through the use of low maintenance tree and shrub species using a blend of evergreen and deciduous trees to provide seasonal colour variation that is complementary to the existing boundary features, back drops and provide new screening where required in a range of harmonious colours and textures.

The development of the site is deemed to very much enhance, rather than detract from, the local ecology and provide new habitats.

The resultant cemetery will provide its visitors with an experience of beauty and tranquillity that is easily accessed by all and be sufficiently welcoming to attract members of the public who wish to walk through its grounds as a place of contemplation and reflection, to enjoy the range of planting and landscape design and explore the wildlife enhanced areas.

It is important that all phases of design take into account the practical management issues associated with grounds maintenance and grave site access on both the formal and informal areas without creating an overly clinical perspective.

On the areas where grass cutting and turf maintenance is required, it should be undertaken quickly and tidily with minimal staff requirement. Roadways and pathways will be durable, of low maintenance and be soft on foot and eye where practical car parks will be constructed using grass re-enforced mesh.

4.5 The service building design concept has been formulated to fulfil the requirements of its function as well as ensure it sits with the rural nature of the landscape. The building will occupy a footprint of 300 m².

The building concept has been to create a strong sense of geometry and purpose, conceiving the building to be keeping with traditional Essex design. Primary in its design is the conjugation between nature and the materiality of its construction and to aim for carbon neutrality in its operational standards.

The design elements discussed cover:

- Primary infrastructure
- Internal layout
- Orientation, geometry and visual impact
- Construction, method and materials
- Maintenance and operation
- Car parking

The overall requisite for the building is to provide the highest archetypes in material choice and delivering a clean and elegant yet simple structure that is sympathetic to its location and surroundings.

Both the exterior and interior will be defined by the organic nature of the construction and the choice of materials used.

The bespoke design has been derived following a rigorous appraisal of the visual impact to ensure that it sits sympathetically within the landscape.

4.6 The positioning of the service building and the surrounding design elements have been carefully considered in relation to the approach from Howe Green road entrance. The arrival and initial visual impact of the building are fundamental in creating an attractive and appropriate setting to the cemetery and surrounding landscape.

The initial approach to the building will be visually connected with the general high value landscape vista by utilising an avenue of existing indigenous trees to

connect with the centralised landscape feature. The focus on the building will be in part concealed from the initial arrival so that natural features are the principal visual element.

The building itself will be oriented on an east/west axis south facing to maximise the natural light.

- 4.7 Central to the building design is its relationship with the form of the regional landscape. The roof structure will weather to sit organically with the local landscape.
The materiality of the project is a key characteristic of the design conception, with a restricted use of materials reinforcing the minimalistic and non-denominational architectural approach.
Timber clad walls denote spaces for use within the public domain; whereas exterior larch clad walls denote spaces which are private; the offices, storage space and the vestry. Oak steps, floors, pillars and seating denote the journey of the congregation through the chapel.
- 4.8 A simple and controlled expression of architecture is envisaged with the use of natural elements being used extensively throughout the construction. Internal glulam wooden beams with hidden fluorescent strip lighting attached behind a stretched canvas layer will create a warm light within the chapel which will be quite surprising after experiencing its exterior appearance. The building will be constructed using hempcrete as an insulative building block, with wooden cladding to either side; the internal walls all being clad in a neutral shade plaster render.
The cladding will provide natural warmth in colour and texture. External larch and birch timbers will complement the natural larch clad walls to provide a modern but harmonious connection to the surrounding space.
Natural light will enter the chapel through recessed apertures. These provide privacy whilst lifting the ambience of the principal areas and creating a sense of spiritual occasion. Roof lights will also allow light into the space, installed along the two outer edges of the roof. By night or day, there will be a different ambience to the chapel.
Integrated bird and bat boxes within the construction of the building will complement the building to become a “living structure” giving a meaningful symbol of onward life.
- 4.9 There is direct access to the service building for cortege vehicles where the mourners can disembark under shelter. Visitor parking is directly off the main access drive opposite the building, with paved pedestrian access to the building. The conceptual ‘journey’ through the site permeates all characteristics of the design approach and is expressed in relation to siting, orientation, building form and design.
The design concept and its functional interpretation have significantly influenced the routes and parking spaces being direct, accessible for all users, convenient and legible.
- 4.10 The connection between the building and landscape is inextricably interwoven in the design concept with the conceptual and functional journey defined by the landscape at the arrival and end stages of the process. The existing qualities of the site, including the topography, trees, views and vistas, have been exploited to provide an attractive and mature setting.
Post and rail fencing will secure the perimeters of the site. The burial areas will be seeded to provide formal grassed lawn areas. The northern boundary will be planted with indigenous trees to form a screen from the farmstead and to provide

a woodland/natural burial area.

To the west a 4 metre acoustic fence, screened with evergreen trees will form the protection from the ambient noise of the M11.

4.11 The need for the proposed development to be inclusive was a key principle of the design concept. An inclusive development is one which creates a place that everyone can use with comfort, dignity and convenience regardless of their age, gender, ethnicity, disabilities, beliefs or circumstances. The site shall act as a permanent green space and buffer from any future proposed development. The parkland feel and woodland areas will provide a respectful recreational open space.

4.12 Cemetery developments are, in general, permitted within green field sites as they maintain the openness of the countryside and are also specifically defined as open space by the Department for Communities and Local Government in the document Planning Policy Guidance 17 "Planning for open space, sport and recreation".

However, a burial ground should not be considered as a public park with a large expanse of green space and little hard landscaping. The design of the cemetery is therefore a compromise between maintaining a green open space ethos and delivering "unhindered access" to the point of burial by funeral car and pedestrians for all members of the community.

The Disability Discrimination Act (DDA) together with Health & Safety legislation with respect to the manual handling of a coffin from the funeral car to the grave side has led to the current cemetery recommendation that a burial plot should not be more than twenty five metres from a roadway or major footpath and five metres from a minor grass footpath.

With a view to reducing the visual impact of the hard landscaping, the development team has explored a number of pathway surfaces as alternatives to conventional macadam construction specifically for the internal footpaths and hearse access route. A soft alternative to the use of macadam will be achieved with the use of crushed iron stone chippings rolled into a type 1 sub base to provide a natural colouration and texture.

4.13 Carparks will utilise crushed stone and grasscrete or cellular structures to ensure minimum visual impact.

The resultant proposed internal roads and footpath layout fulfil the user access requirement whilst, at the same time, dividing the cemetery into distinct burial areas in line with the need for staged burial and record keeping. The footpaths have a width of 1.7m to limit their impact on the landscape and maximise burial space in a given area.

5. RELEVANT SITE HISTORY

5.1 UTT/0095/90: Outline application for erection of a new clinic and construction of new access. Refused. Dismissed at appeal

5.2 UTT/0352/04/FUL: Material change of use of land for disabled vehicle storage. Refused.

5.3 UTT/0966/96/FUL: Construction of new vehicular and pedestrian access. Conditionally approved.

5.4 UTT/1315/90: Outline application for erection of a 100 bed private Hospital and 30 bed Nursing Home with associated access. Refused. Dismissed on appeal

5.5 UTT/2265/88: Outline application for erection of an eighty bed hospital and construction of new access. Refused.

6. **POLICIES**

6.1 **National Policies**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

6.2 **Uttlesford Local Plan (2005)**

- ULP Policy S7 – The Countryside
- ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
- ULP Policy ENV12 – Groundwater protection
- ULP policy ENV13- Exposure to poor air quality
- ULP policy ENV2 – Development affecting Listed Buildings.
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN4 – Good Neighbourliness
- ULP Policy GEN5 – Light Pollution
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy ENV9 – Historic Park and Gardens
- ULP Policy ENV13 – Exposure to poor air quality
- ULP policy ENV10- Noise Sensitive Development
- ULP policy RS1 – Access to Services

7. **PARISH COUNCIL COMMENTS**

7.1 Pleased to support the proposals within. We are pleased to see that our comments regarding the number of parking spaces has been addressed

8. **CONSULTATIONS**

London Stansted Airport Safeguarding

8.1 The proposal does not conflict with any safeguarding criteria.

Natural England

8.2 Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. No objection.

Environment Agency

8.3 Following additional information being requested the Environment agency withdrew their holding objection and now have no objection to the proposal subject to the following:

All burials in the cemetery shall be:

- A minimum of 50m from a portable groundwater supply source

- A minimum of 30m from a water course or spring
- A minimum distance of 10m from field drains
- No burial into standing water and the base of the grave must be above the local water table.

Landscape Officer

8.4 No comments

ECC Highways

8.5 No objections subject to mitigation and conditions.

1. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with associated visibility spays of 2.4 x 103m in a north bound direction and 2.4 x 72m in a southbound direction to be maintained in perpetuity thereafter. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

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.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

4. 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.

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

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

Informatives:

INF1 Highway Works

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC SuDS

8.6 Having reviewed the additional submitted documents which accompanied the planning application, we do not object to the granting of planning permission. Condition 1

No works shall take place until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Run-off from the site restricted to maximum 1l/s for all event up to the 1 in 100 inclusive of climate change storm event.
- A storage volume that manages the 1 in 100 year event inclusive of climate change.
- Demonstrate that seasonal groundwater testing has been conducted at burial depth.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site.

Methods for preventing or mitigating this should be proposed.

Condition 3

No works shall take place until 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly 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.

ECC Archaeology

8.7 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation:

Recommendation: A Programme of Trial Trenching followed by Open Area Excavation

No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

Reason for Archaeological condition

The Historic Environment Record shows that the proposed development lies adjacent to a range of archaeological deposits. The earliest deposits comprise evidence of prehistoric occupation identified on the western side of the M11 (EHER 9090) which included a ditch containing a disturbed cremation. Both cremated bone and remains of a pottery vessel were discovered within the ditch. This evidence indicates settlement in the immediate vicinity. To the south east of the site lies a moated enclosure at Howe Green (EHER 4430-1). The complex at Howe Green comprises a listed 16th century farm house, within a moated site. To the south of this lies a converted Victorian farm complex. Immediately to the East of the site lies the historic estate of Hallingbury Park. The woodland in the northern part of the development area would have formed the boundary of the estate. Looking at the site on Google Earth there seems to be a woodland ditch and possible bank along the road edge of the woodland.

A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of a programme of trial trenching followed by archaeological excavation where deposits are identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the work required.

ECC Ecology

8.8 No objections subject condition:

The following condition is recommended:

No development shall take place, including ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure the proposed grassland, woodland, hedgerows and pond enhancements are successful.

The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be

identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: to ensure maximum net-gain for biodiversity, in accordance with NPPF paragraph 109.

The following informative should also be appended in relation to nesting birds: The applicant is reminded that, under the Wildlife & Countryside Act 1981 as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Nesting birds are assumed to be present within vegetation on site between the above dates, unless a recent survey has been undertaken by a competent ecologist and has shown it is absolutely certain that birds are not present.

NATS Safeguarding

- 8.9 The proposal has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria.

Environmental Health

- 8.10 I recommend approval subject to compliance with the information submitted within the planning application

The proposed activity will introduce a new noise source from visiting vehicles but this is unlikely to cause loss of amenity due to the proposed level of use of the site.

Noise from the M11 can be reduced by the provision of an acoustic screen, to keep noise levels as low as reasonably possible for visitors, but there is no noise standard to protect health or amenity which would apply to the proposed use.

Air quality would not be an issue as it is not a proposed use where people would be expected to spend long periods of time.

Informative: Developers are referred to the Uttlesford District Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein

Landscape Officer

- 8.11 No comments

Conservation Officer

- 8.12 To the east of the site, is West Lodge; a Grade II listed lodge building which is understood to relate to Hallingbury Place. The listing description reads as follows: 'Lodge Cottage. Early C19. Plain red tile roof. Red brick with black diaper pattern. All quoins, window dressings and parapet verges of stone and a stone gabled porch with Tudor arch. 1 1/2 storeys. It has a small gabled dormer and a projecting feature gable. 3 windows with iron Gothick casements. A single storey

matching outbuilding is attached on the left by a modern red plain tile and brick single storey addition. Three chimney stacks with decorated octagonal one, two and three shafts respectively.'

To the south-east corner of the site is a further Grade II listed building; Howe Green House. The description for this heritage asset reads as follows:

'House.C16 or earlier with later additions and alterations. C20 extension to left front. Timber framed and plaster with battened panels. Plain red tile roof with cat slides over 2 windows. 2 storeys and 2 storeys and attic to crosswing. 4 windows ground floor 5 first floor and 1 gable end. Tiled gabled porch. Crown post roof. 3 rebuilt attached square red brick stacks.'

Having considered the impact of the proposed scheme upon the setting and significance of the heritage assets detailed above, I do not consider that the proposal would result in harm in principle. However, in order to preserve the wider setting and character of the countryside, I would suggest that the following conditions be applied to any consent, with regards to the materials for the proposed service building.

- Notwithstanding the details submitted, the elevations shall be clad in natural timber, featheredge boarding and shall be painted black.
- All window frames shall be timber and painted black, or an alternative colour to be agreed with the Local Authority.

Recommendation: Approve subject to conditions.

NATS

- 8.13 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

Highways England

- 8.14 No objection

9. REPRESENTATIONS

- 9.1 The application has been advertised, several site notices displayed and forty neighbours notified by letter. Expiry date 2nd November 2016. 11 representations were received.

Summary of responses / issues

- Highway safety
- Inadequate parking provision
- In accurate information supplied with regards to use of land, habitats for deer and Great Crested Newts within the site, Bishops Stortford has several allotment sites that were specially set aside for future burial grounds, the narrow access track will need to be altered extensively to create an entrance/exit road to the site, number of services to be held within a year
- Loss of ancient wood
- No public transport or pedestrian pavements
- Great concern must be given that owing to the rather small size of the proposed burial ground, its use would be for a short period of time before it became full. Cemeteries are by their very nature very long term enterprises and we should be fearful that a firm commitment is obtained.
- Seating in the hall may be also be inadequate on some occasions
- Noise pollution

- Unsightly
- Location
- In the event of a large service what would happen to any overflow of cars, given that it would not be uncommon for such services to have in excess of the parking spaces provided?
- The entry and exit road to the development will be two lanes wide – a huge differential to the grass track.
- Howe Green Road does not exist
- This proposed access road is on the apex of a bend, with a busy livery yard on the opposite side of the road, 20m away, on a country unclassified road that is extensively used by horses and cyclists - creating the cemetery will create danger for these road users with the increased traffic.
- The traffic survey was complete in April - over which dates - the report isn't specific. The school further down the road would have been closed for three weeks due to the Easter holidays falling in April, hence their figures and results could be much lower than reality due to this.
- They state that the heavy equipment required for the grave digging will most likely be contracted in - so twice a week a 3 ton tracked excavator will be brought in and out of the area - these would have to be transported on the back of a substantial sized lorry, certainly not suitable for the roads in the area.
- I actually would find it quite peaceful and could be interested in selling more land for the project if it is accepted by yourselves.
- Loss of woodland
- No street lighting
- There is an existing church and burial ground close by.
- It is very close to a school for 4-11 years old children. very depressing for them and their parents on their way to school
- This is green belt and should be used as such.

In support

- I believe that a woodland burial site will be advantageous in an area where many churchyards are full or almost to capacity.
- I know people in our village already signing up to have their ashes there
- I think it would be nice as former owner put in lots of bulbs in the woodlands when she owned it which I feel she would be happy as she was always found in the woods coppicing great memory as she sadly passed away few years ago

Comments on Representations:

9,2 There are inaccuracies within some of the documents submitted by the applicant, this is because there have been several revisions made to address consultee, officers and representation concerns and it would be unreasonable to request an update of all of the surveys and reports submitted. Please see Planning appraisal below for further details.

10. APPRAISAL

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

A Principle of development with reference to sustainability, countryside impact, flood risk / impact on ground waters (NPPF, NPPG, ULP Policies S7,ENV13, ENV12)

- B Whether access and parking arrangements would be satisfactory (ULP Policy GEN1 and GEN8)
- C Design (ULP Policies GEN2 and GEN5)
- D Impact on residential amenity (ULP Policies GEN2 and GEN4)
- E Impact upon protected species (ULP Policy GEN7)
- F Impact upon locally important heritage assets (ULP Policies ENV4 and ENV2)
- G Contamination (ULP Policy ENV14)

A Principle of development with reference to sustainability credentials, impact upon the countryside and flood risk / impact on ground waters (NPPF, NPPG, ULP Policies S7, ENV12 and GEN3)

- 10.1 The site lies within the countryside outside development limits and would therefore be contrary to the countryside protection aims of ULP Policy S7 which states that the countryside will be protected for its own sake and that planning permission will only be given for development which needs to take place there or is appropriate to a rural area. The policy adds that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.2 The National Planning Policy Framework (NPPF) was adopted on the 27th March 2012 and forms the government's over-arching guidance on planning policy. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework identifies sustainable development as being 'economic', 'social' and 'environmental' whereby all planning proposals should contribute to building a strong, responsive and competitive economy, support strong vibrant and healthy communities and contribute to protecting and enhancing the natural, built and historic environment, as well as people's quality of life. These include (inter alia) making it easier for jobs to be created in cities, town and villages and improving the conditions in which people live, work, travel and take leisure. Paragraph 10 states that planning decisions need to take local circumstances into account so that they respond to the different opportunities for sustainable development in different areas.
- 10.3 The proposed development would have clear economic benefits in that it would provide new employment within the local area, both during construction and once completed. It will also have social benefits as it would provide choice for the public in where they have funeral services and would save on both journey times and road miles accordingly. There would also be local economic benefits for funeral directors, florists, churches and even facilities that can hold funeral wakes after the service has taken place. It is considered that the development accords fully with the NPPF in this respect as the development would be required to serve an established and justified need where it is clear from the applicant's detailed Planning and Needs statement that there is a need for a new burial ground to serve the southern part of Uttlesford District and the wider population within the area, whilst at the same time also encouraging growth, competition and choice for this specialist form of development. The burial ground is designed to meet

local needs. Bishops Stortford Town Council have indicated that burial space within the town will run out within 10 years unless new land can be found, unused pre-purchased graves resold or double burials initiated. The priest of the local church has confirmed that many churchyards are full or almost full to capacity in this area. The population is not only increasing but also ageing which is likely to lead to greater demand for burial space.

- 10.4 Core Principle 4 of the NPPF relates to 'Promoting Sustainable Transport', where paragraph 29 strives to reduce the need to travel and suggests that the transport system needs to be balanced in favour of sustainable transport. Paragraph 30 suggests that encouragement should be given to solutions which support the reduction in greenhouse gas emissions and which reduce congestion. Whilst it is acknowledged that a new burial ground in this rural location would draw traffic movements from the surrounding area in order to access the burial site, those same journeys would have been made in any case in order for funeral corteges to travel from the local area to alternative existing crematoria/burial grounds.
- 10.5 The site lies within the countryside outside development limits and would therefore be contrary to the countryside protection aims of ULP Policy S7 which states that the countryside will be protected for its own sake and that planning permission will only be given for development which needs to take place there or is appropriate to a rural area. The policy adds that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It remains therefore to assess the environmental impact of the development in terms of levels of significance and whether, notwithstanding the identified sustainable credentials of the development in terms of the social and economic strands of the NPPF whether the proposal would amount to an intrusion within the countryside in terms of rural impact or whether through the design of the burial site and proposed mitigation measures put forward the development would be acceptable.
- 10.6 In this respect, the woodland is an important landscape feature, however, as part of the proposal the woodland to the site (apart from the widening of the access) will remain and all existing boundary landscaping will remain. The sites location next to the M11 is limited for many uses. The proposed use would enhance the site and provide an additional area of public open space.
- 10.7 The building has been the subject of pre-application advice from the Council's Conservation Officer and the submitted design reflects that advice. The building is compatible with the surroundings and low key and is unlikely to result in a significant visual impact.
- 10.8 The main service building would be single storey in height and would be screened along the street scene boundary by perimeter trees. A detailed Landscape Visual Impact Assessment (LVIA) has been submitted with the application which assesses the level of significance to which the proposed development would have on the character of the local landscape. This demonstrates that the proposal would have low visual impact.
- 10.9 The proposal would increase the levels of vehicular transport to the area as although there are bus services operating in the area they are infrequent (and bus stops some distance from the site) visitors and staff are likely to arrive by private motor car. There are only to be a maximum of two burials a week and

would be between the hours of 10.00 and 15.00 . It is considered that this level of intensification of traffic would not have such a significant impact on the character of the area to warrant refusal of the scheme

- 10.10 It is considered that the proposed development would have no significant material detrimental visual impact on the landscape character of the area as the limited views of the site from the surrounding area and distant views are all obscured/obstructed by intervening topography, vegetated boundaries and development and as the siting and scale of the development along with suggested means of landscaping would have a less than significant harmful impact on the particular character of the countryside at this rural site location.
- 10.11 In terms of flood risk, the site is shown to lie entirely within 'Zone 1 – low probability' (Flood Zone 1) flood risk area as defined by Table 1: Flood Zones of the PPG on the Environment Agency's flood risk map. However, the site area is in excess of 1 hectare (1.3 ha) and, therefore in accordance with the NPPF the application for the proposed development must be accompanied by a Flood Risk Assessment (FRA). The report concludes that the site is at very low risk of flooding and the potential risk from groundwater flooding at the surface and at burial depth is low. A Suds plan for the development has been submitted.
- 10.12 The Environment Agency and Essex County Council SuDs team have been consulted on the application and following further information being submitted now have no objections to the proposed development subject to conditions being imposed. It is considered subject to these conditions that the proposal would meet the aims of ULP policy GEN3
- 10.13 In view of the above It is considered that the principle of the development is acceptable in this location and would comply with the aims of policies S7, GEN3 and ENV12

B Whether access and parking arrangements would be satisfactory (ULP Policy GEN1 and GEN8)

- 10.14 Policy GEN1 states that development will only be permitted if it meets all of the following criteria.
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
 - e) The development encourages movement by means other than driving a car.
- 10.15 The Transport Statement which accompanies the application sets out detailed baseline data profiling in terms of predicted traffic flows to and from the site to make the evidence case that the local highway network would be able to cope with the level of car borne traffic predicted in terms of traffic capacity in connection with the number of burials estimated to take place at the site on an annual/weekly basis in addition to existing traffic volumes within the lane, which is, very low.

- 10.16 Vehicular access into the site for the proposed development would be via an existing access (which would be widened). The access is located on a bend and therefore adequate visibility splays must be provided. These can be achieved by an appropriate condition. Additionally in view of the sites location, it is important that there are no back to back services held as this could have an impact on highway safety. Although the applicant has stated that it is anticipated that a maximum of two services will be held each week it is considered that this needs to be reinforced by condition. The amount of traffic estimated to be generated by the proposal would be able to be accommodated on the surrounding transport network.
- 10.17 Highways England have been consulted on the proposal and have not raised any objections. ECC Highways have also not raised any highway objections subject to relevant conditions been imposed.
- 10.18 Burial sites are not specifically referred to in the ECC Parking Standards. D1 Places of worship may be the closest and at 1 space/10sqm would be a provision of 19 spaces. In view of the sites location, all parking needs to take place on site and the original application parking provision of 20 parking spaces was not considered to be adequate. Accordingly further revised plans were requested to show improved parking provision. The revised proposed site layout now shows that a total of 43 parking spaces would be provided for the public of which 2 of these would be wider disabled bays. In addition to this parking provision, 7 parking bays would be provided for staff and a further 5 spaces for hearse parking. There is a turning point for hearse turning close to the building. No objections are therefore raised to the proposal under ULP Policies GEN1 and GEN8.

C Design (ULP Policies GEN2 and GEN5)

- 10.19 Policy GEN2 states that development should be compatible with the scale, form, layout, appearance and materials of surrounding buildings. The application has been the subject of pre- application advice and this proposal reflects that advice. The building is of now of traditional design, the materials are compatible with the rural character of the area. The proposed building would be modest in scale and would be single storey. The service building would have a seating capacity of 69.
- 10.20 The building would be fully DDA compliant and would therefore comply with ULP policy RS1
- 10.21 The woodland (apart from the widening of the access) and the perimeter landscaping would remain and additional planting will be undertaken. The proposal would comply with Policy GEN2.
- 10.22 The applicant has stated that there will be no external lighting as the cemetery will only be open from dawn until dusk. The only lighting will be internal within the service building. As such, no objections are raised under ULP Policy GEN5.

D Impact on residential amenity (ULP Policies GEN2 and GEN4)

- 10.23 The proposal has the potential to impact on neighbour's amenity in respect of the generation of traffic and noise.
- 10.24 The issue of increased traffic attributed to the proposed use is noted, although it

has been demonstrated through both the applicant's submitted transport statement and also by the lack of objection by both Highways England and ECC Highways that associated traffic can be adequately accommodated on the local highway network. It is of course accepted that there will be times during the day when the occupants of these properties will be inconvenienced by slow moving traffic to the site associated with the funerals, although the operations of the crematorium at the site would be such that services would not commence before 10.00am and not finish after 3.00 whereupon these times are designed so as to reduce traffic impact during rush hour times. Any permission forthcoming for the proposal would be subject to a planning condition controlling hours of operation.

10.25 It is accepted that the nature of the proposed activity at the site could lead to some distress to the children on their way to the nearby school, however this is not a material planning consideration. The proposed timings of the services are between the hours of 10.00 and 15.00 and are the majority of services would therefore take place out of school start and finishing times. However, it should be stressed that a balance has to be struck with this planning application between providing a suitable and sustainable geographical location for a burial site for Uttlesford District where the applicant has sought to negate other potential areas of conflict in terms of site constraints and the needs of local residents. On balance it is considered that the benefits of the proposal would outweigh the negative impacts.

10.26 In the circumstances, it is considered that the proposal would not be contrary to ULP Policies GEN2 or GEN4 relating to residential amenity.

E Impact upon protected species (ULP Policy GEN7)

10.27 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

10.28 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. Several of the questions were answered with a yes, and therefore an Extended Phase 1 Habitat survey and an Ecology Mitigation, Enhancement and Management Plan have been submitted. These identify that habitats on the site are considered to be of some ecological value and the presence of protected species is probable. They further add that with mitigation and enhancement measures the development of the site is likely to increase its ecological value and provide net gains to biodiversity. Essex County Council Ecologists have been

consulted and they have no objections to the proposal subject to conditions.

10.29 Subject to these conditions being imposed, the proposal would not be contrary to ULP Policy GEN7.

F Impact upon locally important heritage assets (ULP Policies ENV4 and ENV2)

10.30 The Historic Environment Record shows that the proposed development lies adjacent to a range of archaeological deposits. The earliest deposits comprise evidence of prehistoric occupation identified on the western side of the M11 (EHER 9090) which included a ditch containing a disturbed cremation. Both cremated bone and remains of a pottery vessel were discovered within the ditch. This evidence indicates settlement in the immediate vicinity. To the south east of the site lies a moated enclosure at Howe Green (EHER 4430-1). The complex at Howe Green comprises a listed 16th century farm house, within a moated site. To the south of this lies a converted Victorian farm complex. Immediately to the East of the site lies the historic estate of Hallingbury Park. The woodland in the northern part of the development area would have formed the boundary of the estate.

10.31 ECC Archaeology have been consulted on the application and they have recommended an Archaeological Programme of Trial Trenching followed by Open Area Excavation. This can be achieved by an appropriate condition.

10.32 The site is also adjacent to listed buildings. Specialist Conservation Advice is that she has no objections to the proposal subject to conditions in relation to appropriate materials being used in the construction of the service building. These can be achieved by the use of appropriate conditions

10.33 The proposal subject to conditions would comply with the aims of ULP policies ENV2 and ENV4.

G Contamination

10.34 Policy ENV14 requires that where a site is suspected to be contaminated and this may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.

There is an electricity sub-station adjacent to the site and therefore there may be the potential for polychlorinated biphenyls contaminants in the vicinity.

There also may be issues relating to possible contamination of aquifers, which are used for the extraction of drinking water, from the discharge of ammonia from the buried copses. The NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Accordingly the Environment Agency, Affinity Water, Thames Water, SUDS team

and Environmental Health officers have been consulted.
Subject to appropriate conditions the proposal would comply with the aims of policy ENV14 and the NPPF..

11. CONCLUSION

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

- A The siting of a burial ground would be acceptable in principle in this location.
- B The proposal would be acceptable in every other respect against the constraints identified and assessed subject to appropriate conditions.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Notwithstanding the details submitted, the elevations of the service building shall be clad in natural timber, featheredge boarding and shall be painted black. All window frames hereby permitted shall be timber and painted black, or an alternative colour to be agreed with the Local Authority. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

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

3. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with associated visibility spays of 2.4 x 103m in a north bound direction and 2.4 x 72m in a southbound direction to be maintained in perpetuity thereafter. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with ULP Policy GEN1

4. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority..

REASON: The Historic Environment Record shows that the proposed development lies adjacent to a range of archaeological deposits. The earliest deposits comprise evidence of prehistoric occupation identified on the western

side of the M11 (EHER 9090) which included a ditch containing a disturbed cremation. Both cremated bone and remains of a pottery vessel were discovered within the ditch. This evidence indicates settlement in the immediate vicinity. To the south east of the site lies a moated enclosure at Howe Green (EHER 4430-1). The complex at Howe Green comprises a listed 16th century farm house, within a moated site. To the south of this lies a converted Victorian farm complex. Immediately to the East of the site lies the historic estate of Hallingbury Park. The woodland in the northern part of the development area would have formed the boundary of the estate in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation It is necessary to examine for recording purposes and also preservation locally important archaeological assets which are known to lie under the site prior to development commencing.

- 5 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 in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6 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 roads does not occur in the interests of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 7 Burial services shall not be conducted at the site outside the hours of 10.00am and 3.00 pm and no more than one service to be held per day

REASON: In the interests of the protection of residential amenity and highway safety in accordance with ULP Policies GEN2, GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 8 All burials in the cemetery shall be
- A minimum of 50m from a portable groundwater supply source
 - A minimum of 30m from a water course or spring
 - A minimum distance of 10m from field drains
- No burial into standing water and the base of the grave must be above the local water table.

REASON: To prevent To prevent pollution of the water environment, in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

- 9 No works shall take place until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Run-off from the site restricted to maximum 1l/s for all event up to the 1 in 100 inclusive of climate change storm event.
 - A storage volume that manages the 1 in 100 year event inclusive of climate change.
 - Demonstrate that seasonal groundwater testing has been conducted at burial depth.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
 - The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site in accordance with ULP policy GEN3

- 10 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. In accordance with ULP policy GEN3

11 No works shall take place until 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, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site, in accordance with ULP policy GEN3

12 The applicant or any successor in title must maintain yearly 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, in accordance with ULP policy GEN3

13 No development shall take place, including ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure the proposed grassland, woodland, hedgerows and pond enhancements are successful.

The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

REASON: To ensure maximum net gain for biodiversity, in accordance with NPPF paragraph 109 and ULP policy GEN7

Justification: Monitoring is required to ensure that that the proposed development

delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measure required to ensure that biodiversity outcomes comply with the originally approved scheme

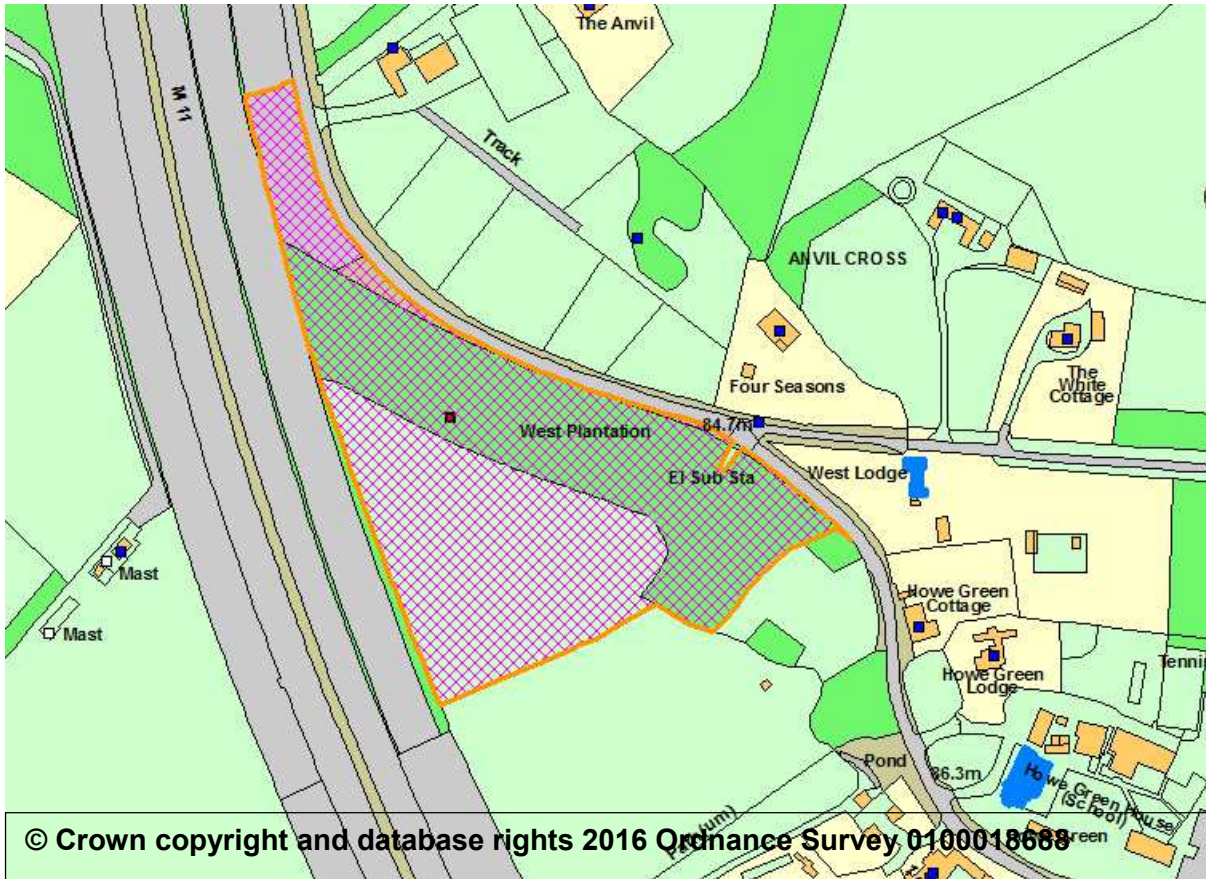
- 14 The parking area as indicated on submitted plan CDS_ SPD_ACC_01 reV06 hereby approved shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: In the interests of highway safety in accordance with ULP polices GEN1 and GEN8

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

REASON: In the interest of the protection of the wildlife value of the site in accordance with ULP policy GEN7.

Application number: UTT/16/2404/FUL
Address: Land East Of M11 Howe Green Howe Green Road
Great Hallingbury



Organisation:	Uttlesford District Council
Department:	Planning
Date:	25 January 2017

UTT/16/3392/FUL (NEWPORT)

MAJOR

PROPOSAL: Variation of condition 13 on planning consent UTT/15/2364/FUL to 5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwellings shall comply with the Lifetime Homes standard as published by the Joseph Rowntree Foundation.

LOCATION: Land West of Cambridge Road, Newport

APPLICANT: Hastoe Housing Association

AGENT: Parsons & Whittley Ltd

EXPIRY DATE: 24 February 2017

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Cambridge Road, Newport. It comprises an area of previously undeveloped land, on which development has been commenced in accordance with a planning permission for the erection of 34 affordable homes (UTT/15/2364/FUL).

3. PROPOSAL

3.1 The application is for the variation of Condition 13 of planning permission UTT/15/2364/FUL. The condition reads:

"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."

3.2 The proposed condition would replace the requirement to comply with the Building Regulations accessibility standards with a requirement to comply with the Lifetime Homes standards. The proposed condition would read:

"5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwellings shall comply with the Lifetime Homes standard as published by the Joseph Rowntree Foundation."

4. APPLICANT'S CASE

4.1 It is suggested in the submitted covering letter that the amendment is justified

because, while the wording of the condition relates to the Building Regulations requirements, the reason for the condition is to secure compliance with the SPD on Accessible Homes Playspace.

5. RELEVANT SITE HISTORY

- 5.1 The planning permission to which this application relates (UTT/15/2364/FUL) has been the subject of various non-material amendments (UTT/16/2218/NMA & UTT/16/3489/NMA). The permission has been implemented.

6. POLICIES

- 6.1 S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 6.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Uttlesford Local Plan (2005)

- 6.3
- S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV3 – Open Spaces and Trees
 - ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - ENV9 – Historic Landscapes
 - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
 - H9 – Affordable Housing
 - H10 – Housing Mix
 - H11 – Affordable Housing on “Exception Sites”

Supplementary Planning Documents/Guidance

- 6.4
- SPD – Accessible Homes and Playspace (2005)
 - Parking Standards: Design and Good Practice (2009)
 - Uttlesford Local Residential Parking Standards (2013)

National Policies

- 6.5
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

7. PARISH COUNCIL COMMENTS

- 7.1 No comments received.

8. CONSULTATIONS

Natural England

8.1 Does not wish to comment.

London Stansted Airport

8.2 No objections.

Highway Authority (Essex County Council)

8.3 Does not wish to comment.

Lead Local Flood Authority (Essex County Council)

8.4 Does not wish to comment.

9. REPRESENTATIONS

9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. No representations have been received.

10. APPRAISAL

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

A Effect of the proposed variation of condition

A Effect of the proposed variation of condition

10.1 The Council's policy on accessible homes derives from the SPD entitled 'Accessible Homes and Playspace', which is underpinned by Policy GEN2 of the Local Plan. This document, adopted in 2005, seeks enhanced accessibility by reference to the Lifetime Homes standards.

10.2 In March 2015, the Planning Practice Guidance (PPG) introduced a new approach to accessible homes. It requires that, where a local planning authority adopts a policy to provide enhanced accessibility or adaptability, it should do so only by reference to the optional requirements in the Building Regulations.

10.3 The policy in the PPG is reflected in the wording of Condition 13. However, it is not reflected in the reason for the condition as stated in the decision notice, which is as follows:

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

10.4 The officer's report for planning application UTT/15/2364/FUL makes no reference to accessible design so the only reasoning given for the use of the condition is the above wording, which refers to Policy GEN2 and the SPD but not the policy in the PPG. It is therefore concluded that the proposed variation is justified because it is consistent with the quoted reason.

11. CONCLUSION

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

- A The proposed variation of Condition 13 is justified because the wording would be consistent with the reason for the condition quoted in the decision notice.
- B Taking into account all relevant development plan policies and material considerations, the proposal would not otherwise affect the conclusion on planning application UTT/15/2364/FUL that planning permission should be granted.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A DEED OF VARIATION TO S106 LEGAL AGREEMENT:

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:
 - (i) suitable provision of affordable housing
 - (ii) suitable maintenance of the sustainable drainage system
 - (iii) payment of the Council's reasonable legal costs
 - (iv) payment of the monitoring fee
- (II) In the event of such an obligation being made, the Assistant Director Planning 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 22 February 2017 the Assistant Director of Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
 - (i) lack of suitable provision of affordable housing
 - (ii) lack of suitable maintenance of the sustainable drainage system

Conditions

1. The development hereby permitted shall be begun before 17 March 2019.

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. DETAILS APPROVED UNDER APPLICATION UTT/16/1782/DOC.
3. The glazing, ventilation and boundary treatment specifications of the houses on Plots 4-16 shall be designed to achieve the following noise limits, with provision for ventilation: Bedrooms (23.00-0700hrs) 30 Db LAeg and 45 Db LAm_{ax}. Living Rooms (07.00 - 23.00 hrs) 35 Db LAeg. Gardens (07.00 - 23.00 hrs) 55 Db LAeg.

REASON: In order to protect the amenity of the future occupiers of these dwellings in accordance with Policies GEN2 and ENV13 of the adopted Local Plan (2005).

JUSTIFICATION: In order to protect the amenity of the occupiers of the new

dwellings.

4. DETAILS APPROVED UNDER APPLICATION UTT/16/1782/DOC.
5. DETAILS APPROVED UNDER APPLICATION UTT/16/1782/DOC.
6. The development hereby permitted shall be implemented in accordance with the Biodiversity Management Plan approved under application UTT/16/2375/DOC.

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

7. 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 in accordance with Policy GEN1 of the adopted Local Plan (2005).

JUSTIFICATION: In order to safeguard traffic and other road users.

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

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

9. All hard and soft landscape works must be carried out in accordance with the details approved under applications UTT/16/1782/DOC and UTT/16/2375/DOC.

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. Prior to occupation of any dwelling, the provision of an access formed at right angles to Cambridge Road, Newport as shown in principle on Drawing No. 500-7C to include but not limited to: minimum 5.5 metre carriageway width and visibility splays with dimensions of 2.4 metres x 160 metres to the north and 2.4 metres x 90 metres to the south as measured from and alongside the nearside edge of the carriageway. Such visibility splays shall be provided before the access is first used by vehicular traffic shall be retained free of any obstruction in perpetuity.

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

11. Prior to occupation of any dwelling, the extension of the existing footway and street lighting across the site frontage of Cambridge Road and into the site access, in accordance with Drawing Number 0500-7C shall be fully implemented and thereafter retained.

REASON: In the interests of highway safety and accessibility.

12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details in the Drainage Sustainability Report Rev D, dated 19 November 2015, RRP Environmental.

The drainage scheme shall include:

- a. Where run-off is proposed to be discharged to a watercourse, discharge should be limited to the greenfield 1 in 1 year rate for all events;
- b. Where different SUDS features are being proposed, the drainage modelling should show how these are cascaded together and show clearly their combined effect in controlling both the water quantity and improving water quality within the development;
- c. Provide the Drainage Scheme Layout showing the SUDS features and their dimensions as appropriate, including the wider connectivity of the outfall to the wider surface water network. The drawing should also indicate the location of the highway drainage and any soakaways or attenuation tanks;
- d. Provide a plan showing the exceedance flow paths and these should be directed away from buildings.

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

Justification: It is imperative that the sound drainage of the site is properly secured before any development on the site.

13. 5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwellings shall comply with the Lifetime Homes

standard as published by the Joseph Rowntree Foundation.

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

UTT/16/3394/FUL (GREAT CHESTERFORD)

Reason: Applicant is a District Councillor

PROPOSAL: **Erection of 2 no. detached dwellings and garages**

LOCATION: **The Delles, Carmen Street, Great Chesterford CB10 1NR**

APPLICANT: **Mr & Mrs Redfern**

AGENT: **Ian Abrams Architect Ltd**

EXPIRY DATE: **31 January 2017**

CASE OFFICER: **Luke Mills**

1. NOTATION

1.1 Countryside; Conservation Area.

2. DESCRIPTION OF SITE

2.1 The site is located at the corner of Carmen Street and Jackson's Lane, Great Chesterford. It comprises a portion of the garden serving The Delles.

3. PROPOSAL

3.1 The application is for planning permission to erect two detached houses and associated garages.

4. APPLICANT'S CASE

4.1 The applicant's case is presented in the following submitted documents:

- Planning Supporting Statement incorporating Design and Access Statement and Heritage Statement
- Tree Survey
- Phase 1 Habitat Survey & Protected Species Survey

5. RELEVANT SITE HISTORY

5.1 Planning permission was granted in 2012 for the erection of a detached dwelling on the site (UTT/1615/12/FUL). An alternative scheme was approved in 2014 (UTT/14/1709/FUL).

6. POLICIES

6.1 S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

6.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made

under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Uttlesford Local Plan (2005)

- 6.3
 - S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV1 – Design of Development within Conservation Areas
 - ENV2 – Development affecting Listed Buildings
 - ENV3 – Open Spaces and Trees
 - ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - H1 – Housing Development
 - H9 – Affordable Housing

Supplementary Planning Documents/Guidance

- 6.4
 - SPD – Accessible Homes and Playspace (2005)
 - Developer Contributions Guidance Document (Feb 2016)
 - The Essex Design Guide (2005)
 - Parking Standards: Design and Good Practice (2009)
 - Uttlesford Local Residential Parking Standards (2013)
 - Great Chesterford Conservation Area Appraisal and Management Proposals (2007)

National Policies

- 6.5
 - National Planning Policy Framework (NPPF) (2012)
Paragraphs 14, 17, 32, 34, 39, 50, 55, 58, 103, 111, 118 & 131-135
 - Planning Practice Guidance (PPG)
 - Planning obligations
 - Housing – Optional Technical Standards
 - Planning and flood risk: Reducing the causes and impacts of flooding

Other Material Considerations

- 6.6
 - Great Chesterford Historic Settlement Character Assessment (HSCA) (2007)

7. PARISH COUNCIL COMMENTS

- 7.1 Supports the application, subject to suitable materials and landscaping.

8. CONSULTATIONS

London Stansted Airport

- 8.1 No objections.

Highway Authority (Essex County Council)

8.2 Objection. Extract:

“1. As far as can be determined from the submitted plans the proposals would lead to the intensification of use of a substandard access by reason of inadequate visibility. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.

2. The development fails to provide an access wide enough to enable a vehicle to enter the site safely and efficiently whilst another vehicle is waiting to egress the site. This would result in vehicles being unable to clear the carriageway safely efficiently to the detriment of the safety of through traffic.”

Historic Environment Advisor (Essex County Council)

8.3 No objections, subject to a condition to secure trial trenching and excavation. Extract:

“The Essex Historic Environment Record shows that the proposed development lies in a potentially sensitive area to the east of the Roman walled town of Great Chesterford (HER 4915). The proposed development lies in the area of the Roman suburbs of Great Chesterford with previous excavations in the immediate area recovering evidence of Roman occupation. Archaeological evaluation and excavation on part of the site (one of the proposed properties) only found residual material of Roman date.

There is also potential of medieval deposits surviving on the site. Any groundwork in this area is likely to destroy important archaeological deposits. This potential has not been identified within the supporting statement.”

Landscape Officer

8.4 No objections, subject to conditions regarding landscaping. Extract:

“Trees on the site are protected (excluding elm) under an ‘area’ tree preservation order. The proposed scheme shows 17 elms to be removed, together with 1 Judas Tree, 1 beech, 1 cherry, 7 sycamores, 2 horse chestnuts, 2 yews, 4 laburnums, 1 box, and 1 thuja. Only one yew tree proposed to be removed is considered to be of moderate quality, the other trees proposed to be removed are considered to be of low quality, or have significant defects.

In the circumstances of the development being approved, it is recommended that a fully detailed scheme of both soft and hard landscaping is required to be submitted for approval, together with a scheme of tree protection measures for existing trees to be retained.”

Conservation Officer

8.5 Recommends approval, subject to conditions. Extract:

“The Delles is a structure of mostly C19 characteristics but containing some earlier fabric. The building is not a designated heritage asset but has been identified in the current Great Chesterford Conservation Area Appraisal as building positively contributing to the character of the area and is subject to Article 4 Direction.

The proposal subject of this application is the formation of two new dwellings within

the generous garden of Delles. The principle of the further residential development within this garden which is outside the defined developments limits has been established by granting approval for additional substantial house. I assume that the same planning rational would apply now. Consequently my comments would relate to the design only.

I consider that the two new dwelling although architecturally different would positively contribute to the character of the conservation area. The building facing Carmen Street would be of traditional form and detailing reiterating character of the historic street and perpetuate its intrinsic nature. The new dwelling in the depth of the site would in my view represent a contemporary gem making a successful C21 input to this old village which is said to have its origins in Romans times.”

Ecological Consultant (Essex County Council)

8.6 No objections, subject to a condition. Extract:

“It appears that the four trees with bat roost features will be retained. I also note the applicant is using the same access as existing which is welcomed since additional trees won't be affected. There is a minor incursion into root protection areas of trees along the eastern and southern boundaries (particularly T17) although much of the area within RPAs is already used for access. It is therefore likely that tree root morphology has already adapted to somewhat compacted conditions. Nonetheless, protective fencing should be erected to minimise the potential for root severance during construction.”

9. REPRESENTATIONS

9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. The following concerns have been raised in the representations that have been received:

- Harm to the character and appearance of the conservation area, from the proposed buildings and the loss of trees
- Harmful effect on wildlife, including bats and nesting birds
- Adverse effect on road safety
- Potential effect on the historic flint wall along Jackson's Lane

9.2 The flint wall along Jackson's Lane would be retained. The remainder of the above concerns are addressed in the below appraisal.

10. APPRAISAL

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

- A Location of housing (S7, H1 & 55)
- B Character, appearance and heritage assets (S7, GEN2, ENV1, ENV2, ENV3, 17, 58, 131-134 & HSCA)
- C Archaeological remains (ENV4 & 131-135)
- D Sustainable transport (GEN1, 34 & 55)
- E Road safety (GEN1 & 32)
- F Parking (GEN8 & 39)
- G Accessibility (GEN2 & PPG)
- H Amenity (GEN2 & 17)
- I Biodiversity (GEN7 & 118)

- J Flooding (GEN3, 103 & PPG)
- K Infrastructure (GEN6)
- L Affordable housing (H9, 50 & PPG)
- M Previously developed land (111)

A Location of housing (S7, H1 & 55)

- 10.1 The application site is classified as 'previously developed land' and is located beyond the Development Limits of Great Chesterford. While Policy H1 permits the re-use of previously developed land for housing on a general level, Policy S7 and the associated Development Limits are clearly intended to restrict development in the countryside to that which requires such a location or is appropriate to a rural area. Housing does not satisfy either of these criteria so the erection of new dwellings on the site would be in conflict with the spatial strategy of the Local Plan.
- 10.2 Paragraph 55 of the NPPF takes a more permissive approach, supporting the growth of existing settlements while seeking to prevent new isolated homes in the countryside unless there are special circumstances. Taking into account the PPG, it is considered that the intent of this policy is to focus new housing development within and adjacent existing settlements, thereby preventing sporadic development in the countryside.
- 10.3 As the edge-of-village location is consistent with the more up-to-date policy in the NPPF, it is considered that there can be no objection to the proposal on the grounds of its location.

B Character, appearance and heritage assets (S7, GEN2, ENV1, ENV2, ENV3, 17, 58, 131-134 & HSCA)

- 10.4 The site is located within the Great Chesterford conservation area and there are a number of Grade II listed buildings to the south and west. Taking into account the comments of the Conservation Officer, it is considered that the traditional design of Plot 2 would relate well to the historic character of the area to the south and west, while the contemporary design of Plot 1 would represent a successful 21st Century addition to the historic village. Overall, it is considered that the proposal would make a positive contribution to the character and appearance of the conservation area, in accordance with Policy ENV1 and paragraphs 131-134 of the NPPF.
- 10.5 The site is the subject of an 'area' Tree Preservation Order. Taking into account the comments of the Landscape Officer, it is considered that the proposed tree removals are appropriate and that a suitable landscaping scheme would assimilate the development into its surroundings. Furthermore, it is considered that the proposal would be compatible with the countryside setting of this part of the village, which is mainly derived from the open paddock to the north.
- 10.6 S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that, in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. These statutory duties are

reflected in the above assessment.

C Archaeological remains (ENV4 & 131-135)

- 10.7 Taking into account the comments of the Historic Environment Advisor, it is considered that the proposal may affect archaeological remains from the Roman and medieval periods. It would therefore be appropriate to secure appropriate trial trenching and excavation using a planning condition.

D Sustainable transport (GEN1, 34 & 55)

- 10.8 The site's location provides for relatively good public transport links in the context of Uttlesford District. Various services and facilities are within walking distance, and nearby bus stops provide access to a regular service between Saffron Walden and Cambridge. Furthermore, the nearby train station provides rail access to both London and Cambridge. It is therefore considered that the proposal is consistent with the sustainable transport objectives in Policy GEN1 and paragraphs 34 and 55 of the NPPF.

E Road safety (GEN1 & 32)

- 10.9 The highway authority has raised an objection to the proposal on the basis that it would intensify the use of a substandard access off Carmen Street and fail to provide sufficient width to allow two cars to pass on the driveway.
- 10.10 While the highway authority's assessment of the access is not disputed, it is considered that the use would not be intensified as a result of the proposal. The access currently serves The Delles, the annexe known as Hayloft Cottage and the paddocks to the north. As a result of the proposal, the access would serve only the two proposed dwellings, and the other properties would be served by existing alternative accesses that are more suitable. It is therefore concluded that there would be no significant increase in the number of vehicle movements using the access, such that there would be no adverse effect on road safety.

F Parking (GEN8 & 39)

- 10.11 The Council's minimum residential parking standards indicate that the proposed dwellings should be provided with at least three parking spaces each. While the parking spaces within the proposed cart lodges would be slightly narrower than the minimum standard, the additional area available on the ample driveways would ensure that at least three vehicles could be parked on each property.

G Accessibility (GEN2 & PPG)

- 10.12 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' indicate that the proposed dwellings should meet the Lifetime Homes standards on accessibility. However, the PPG explains that enhanced accessibility should be sought only by reference to the optional requirements in the Building Regulations. Taking into account the objectives of the SPD, it is considered that it would be appropriate to use a planning condition to secure compliance with Requirement M4(2) of the Building Regulations.

H Amenity (GEN2 & 17)

- 10.13 The gardens serving the existing and proposed dwellings would be larger than 100

sq m, thereby ensuring the provision of a suitable amount of private amenity space in accordance with The Essex Design Guide.

- 10.14 It is considered that the proposed houses would not have a detrimental effect on the living conditions of neighbours from a loss of daylight or an overbearing impact, although this would be confirmed using a planning condition to take account of ground levels.
- 10.15 The proposed houses would be separated by approximately 25 m, thereby ensuring that a sufficient level of privacy would be provided in accordance with The Essex Design Guide. While there is some potential for overlooking between The Delles and Plot 2, there would be no significant loss of privacy because the affected living rooms windows at Plot 2 would be secondary and the affected windows at The Delles would be overlooked by bathroom windows which would be obscure glazed.

I Biodiversity (GEN7 & 118)

- 10.16 Taking into account the comments of the Ecological Consultant on the application, which is accompanied by ecology and tree surveys, it is considered unlikely that the proposal would have an adverse effect on any protected species or valuable habitats, subject to the use of a planning condition that protects those trees identified for retention.
- 10.17 S40(1) of the Natural Environment and Rural Communities Act 2006 requires local planning authorities to have regard to the purpose of conserving biodiversity when exercising its functions. Also, R9(3) of the Conservation of Habitats and Species Regulations 2010 requires Local Planning Authorities to have regard to the requirements of the Habitats Directive and Birds Directive when exercising its functions. These statutory duties are reflected in the above assessment.

J Flooding (GEN3, 103 & PPG)

- 10.18 Policy GEN3 has effectively been updated by the flood risk policies in the NPPF. Taking into account the PPG, it is considered that there are no significant surface water flooding issues associated with a development of the proposed scale.

K Infrastructure (GEN6)

- 10.19 Policy GEN6 requires development to make provision, where appropriate, for improvements to infrastructure. Taking into account the nature and scale of the development, and the above consultation responses, it is considered that no contributions towards infrastructure are required.

L Affordable housing (H9, 50 & PPG)

- 10.20 The PPG states that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development. This exemption applies to developments of less than 11 units with a combined gross floorspace of less than 1000 sq m. As the Council has not updated its Developer Contributions Guidance Document in the light of the floorspace requirements, no affordable housing contributions will be sought for developments of less than 11 units. Therefore, no contributions should be sought in connection with the proposed development.

M Previously developed land (111)

10.21 Paragraph 111 of the NPPF encourages the re-use of previously developed land, a classification which applies to the application site. Therefore, weight should be given to the positive effect of the development in this regard.

11. CONCLUSION

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

- A The proposal conflicts with the spatial strategy of the development plan. This conflict is not outweighed by compliance with other relevant policies, such that the proposal does not accord with the development plan as a whole.
- B The conflict with the development plan is overridden by the proposal's consistency with the more up-to-date policy on the location of rural housing in the NPPF. Taking into account all other material considerations, it is concluded that planning permission should be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Prior to commencement of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

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

REASON: To ensure compatibility with the character of the area, including by ensuring the existing boundary wall is not undermined by new planting, in accordance with Policy S7, Policy GEN2, Policy ENV1 and Policy ENV3 of the

Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

3. Prior to commencement of the development, details of protection measures for those trees identified for retention on Drawing No. 1.1.01 Revision P1 must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area and to preserve wildlife habitats, in accordance with Policy S7, Policy GEN2, Policy ENV1, Policy ENV3 and Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Prior to commencement of the development, site sections illustrating the height of the proposed dwellings relative to neighbouring buildings must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area and to prevent overbearing impacts on neighbouring buildings, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

5. Prior to commencement of the development or preliminary groundworks, a written scheme of investigation including a programme of archaeological work must be submitted to and approved in writing by the local planning authority. The archaeological work must be carried out in accordance with the approved details prior to commencement of the development.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. Prior to commencement of the development, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls: Bricks (both plots)
- Roof: Plain clay tiles (Plot 2); Zinc/metal cladding (Plot 1); Garage roof (Plot 1)
- Windows: Colour coated aluminium (Plot 1)
- Doors: Colour coated aluminium (Plot 1)

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

7. Prior to commencement of the development, large scale typical cross sections of the windows and doors for Plot 1 must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

8. The render finish to the dwellings hereby permitted must be smooth.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. All weatherboarding on Plot 2 must be feather-edged timber and painted.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

10. All external joinery to Plot 2 must be painted timber with slender ovolo moulded glazing bars.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

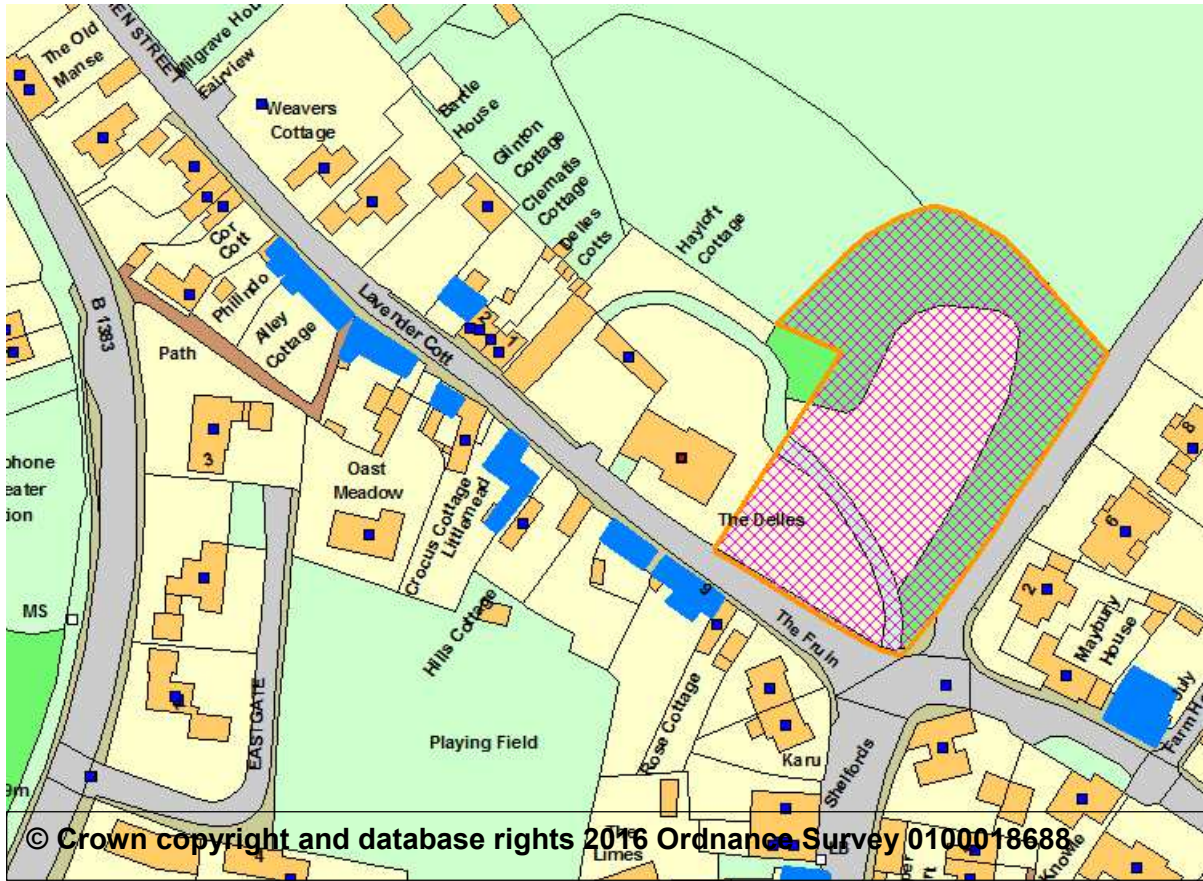
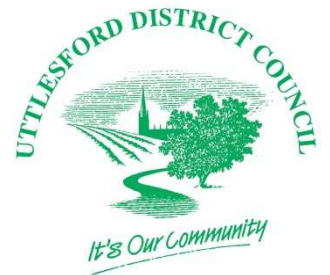
11. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

12. The first floor windows on the north-west elevation of Plot 2 must be glazed with obscure glass prior to occupation of the dwelling and thereafter retained. The window must be non-opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent a harmful lack of privacy for the occupants of the neighbouring property, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application number: UTT/16/3394/FUL
Address: The Delles Carmen Street Great Chesterford



Organisation:	Uttlesford District Council
Department:	Planning
Date:	25 January 2017

UTT/16/3659/HHF (SAFFRON WALDEN)

Reason: Applicant is related to a Council employee

PROPOSAL: **Erection of single storey rear extension**

LOCATION: **17 Plantation Close, Saffron Walden CB11 4DS**

APPLICANT: **Mr D Scraggs & Miss K Goose**

AGENT: **Mr A Weaver**

EXPIRY DATE: **16 February 2017**

CASE OFFICER: **Luke Mills**

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is located off Plantation Close, Saffron Walden. It accommodates a terraced house and its curtilage.

3. PROPOSAL

3.1 The application is for planning permission to erect a single storey rear extension.

4. APPLICANT'S CASE

4.1 No case has been submitted.

5. RELEVANT SITE HISTORY

5.1 No recent, relevant history.

6. POLICIES

6.1 S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

6.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Uttlesford Local Plan (2005)

- 6.3
 - S1 – Development Limits for the Main Urban Areas
 - GEN2 – Design
 - H8 – Home Extensions

Supplementary Planning Documents/Guidance

- 6.4 • The Essex Design Guide (2005)

National Policies

- 6.5 • National Planning Policy Framework (NPPF) (2012)
Paragraphs 14, 17 & 58

7. TOWN COUNCIL COMMENTS

- 7.1 No objections.

8. CONSULTATIONS

- 8.1 None.

9. REPRESENTATIONS

- 9.1 Neighbours were notified of the application by letter. No representations have been received.

10. APPRAISAL

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

- A Character and appearance (S1, GEN2, H8 & 58)
B Amenity (GEN2, H8 & 17)

A Character and appearance (S1, GEN2, H8 & 58)

- 10.1 The proposed single storey extension would have a lean-to form which would tie-in with the adjacent extension at 15 Plantation Close. It would not affect the character and appearance of the surrounding area due to its modest scale and discreet position to the rear of the property. Taking into account the proposed external finishes, which include cement weatherboarding and concrete roof tiles, it is considered that the extension would appear as a suitable, subservient addition to the host building.

B Amenity (GEN2, H8 & 17)

- 10.2 Taking into account the 45 degree rule in The Essex Design Guide, it is considered that the proposed extension would not cause a significant loss of daylight to the adjacent window at 19 Plantation Close. Overall, it is considered that there would be no harmful effects on the living conditions of neighbours from a loss of privacy or daylight, or from overbearing impacts.

11. CONCLUSION

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

- A The proposal accords with the development and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.

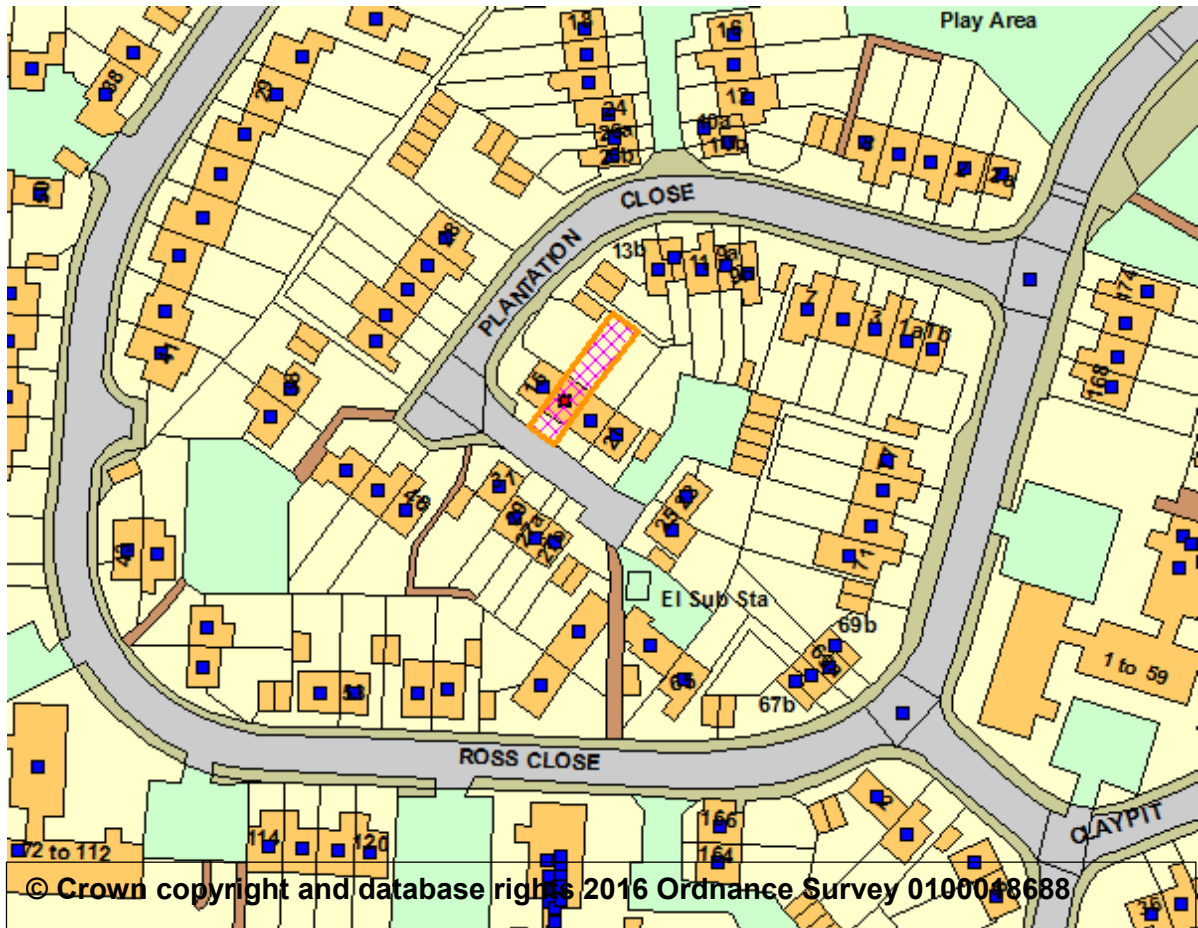
RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

Application number: UTT/16/3659/HHF
Address: 17 Plantation Close Saffron Walden



Organisation:	Uttlesford District Council
Department:	Planning
Date:	25 January 2017

UTT/16/3687/HHF – SAFFRON WALDEN)

Reason: Applicant UDC employee

PROPOSAL: **Erection of single storey front extension and loft conversion including rear dormer window and rooflights to front elevation**

LOCATION: **7 Brooke Avenue Saffron Walden Essex CB10 2BU**

APPLICANT: **Mr and Mrs S Robinson**

AGENT: **Mr J Ryan**

EXPIRY DATE: **22 February 2017**

CASE OFFICER: **Rosemary Clark**

1. NOTATION

1.1 Within Development Limits

2. DESCRIPTION OF SITE

2.1 The application site comprises a two storey semi-detached dwelling situated on a residential street to the north of Saffron Walden town. The street consists of mainly pairs of semi-detached properties of varying styles and sizes. No. 7 benefits from a two storey front extension and rear conservatory extension along with the garage building that has been converted to living accommodation. The dwelling is situated on a large plot with a garden that slopes gently downwards towards the rear gardens of the dwellings on Walden Road.

3. PROPOSAL

3.1 This application relates to a proposed single storey front extension, box dormer to rear facing roofslope and rooflights to the front roofslope

4. APPLICANT'S CASE

4.1 N/a

5. RELEVANT SITE HISTORY

5.1 UTT/13/2971/HHF – Proposed first floor extension – approved 10.2.14
 UTT/1824/06/FUL - Replacement conservatory and raised deck area – approved 14.12.06

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- S1 – Development Within Development Limits
- GEN2 – Design
- H8 – Home extensions
- Supplementary Planning Document 1 – Home Extensions
- GEN8 – Highway Safety
- Uttlesford Local Parking Standards

7. TOWN COUNCIL COMMENTS

- 7.1 Expired 1.2.17 - Noted, no objections

8. CONSULTATIONS

Fisher German:

- 8.1 Expires 25.1.17 – no response

9. REPRESENTATIONS

- 9.1 5 Neighbours consulted – Expired 25.1.17 – No responses as at 24.1.17

10. APPRAISAL

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

- A Whether the proposal would be appropriate, respecting the size, scale and form of the existing dwelling (ULP Policy S1, GEN2 and H8)
- B Whether the proposal would adversely affect the neighbouring residential amenity (ULP Policy GEN2 and H8)
- C Whether the proposal would adversely impact on Highway Safety and parking provision (ULP Policy GEN8 and Uttlesford Local Parking Standards)

- A** Whether the proposal would be appropriate, respecting the size, scale and form of the existing dwelling (ULP Policy S1, GEN2 and H8)

- 10.1 The property has previously been extended and altered as described above. This current proposal is for a modest single storey front extension that would infill the area between the two storey front element and the side elevation of the main dwellinghouse. This is a modest increase in footprint and is considered to be a subservient proposal that would respect the size and scale of the existing dwelling.

The application also includes the insertion of a large box dormer to the rear roofslope to provide additional accommodation in the loft space. Whilst this will increase the amount of usable floorspace in this dwelling, the dormer could be constructed under Permitted Development and therefore it would be futile to refuse it as being over-development of the site. The materials will be a combination of matching materials where appropriate and ship-lap boarding which are acceptable in this location. It is therefore considered that the proposal complies with the Local Plan Policies GEN2 and H8.

- B** Whether the proposal would adversely affect the neighbouring residential amenity (ULP Policy GEN2 and H8)

- 10.2 Due to the location and nature of the proposals there are no concerns regarding neighbouring residential amenity. The properties in this locality do vary in styles and many have porch and small front extensions. It is acknowledged that the property the subject of this application has already been altered to the front elevation thus the addition of this small extension to the front would not be unduly harmful to the street scene as a whole. It is therefore considered that the proposal complies with the Uttlesford Local Policies GEN2 and H8.

C Whether the proposal would adversely impact on Highway Safety and parking provision (ULP Policy GEN8 and Uttlesford Local Parking Standards)

- 10.3 The resultant dwelling should this proposal be approved will become a 4 bedroomed dwelling. There is currently a parking area to the front of the dwelling. Whilst the size of this area only provides one parking space with the dimensions recommended in the Uttlesford Local Parking Standards, two small vehicles could be accommodated within the site. There is a lay-by to the north-east on the opposite side of the road which is used for public parking. Whilst it would be preferred if additional parking could be provided, it is not possible in this instance and the additional bedroom could be achieved under Permitted Development whereby there is no opportunity to address parking provisions. Therefore on balance it is considered that it would be unreasonable to refuse the application on this basis.

11. CONCLUSION

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

- A In terms of design the proposal are acceptable and meet the criteria of Uttlesford Local Plan Policies GEN2 and H8
- B Due to the nature and location of the proposals there are no concerns regarding neighbouring residential amenity or harm to the visual amenity of the locality. Therefore the proposals accord with Uttlesford Local Plan Policies GEN2 and H8
- C The nature and location of the proposals would not have an adverse impact on highway safety in accordance with ULP Policy GEN8 and Uttlesford Local Parking Standards (February 2013)

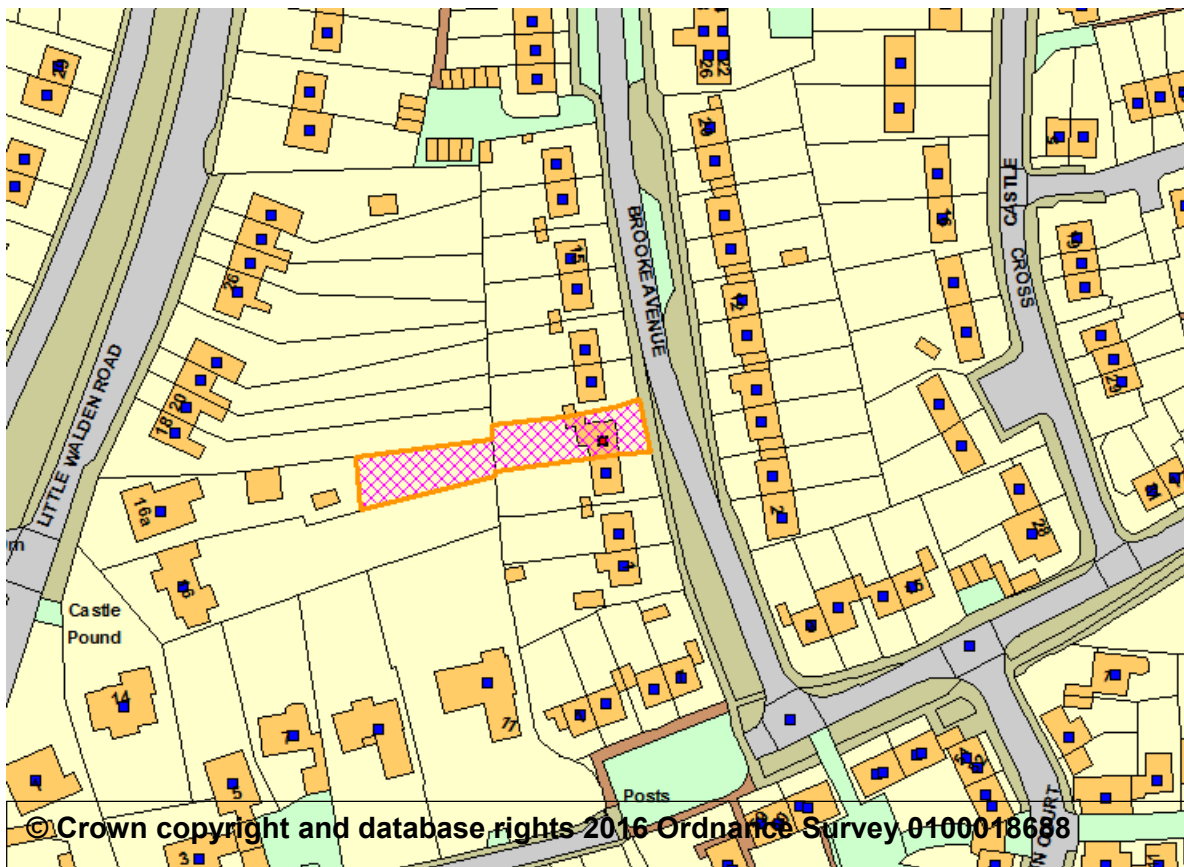
RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

Application number: UTT/16/3687/HHF
Address: 7 Brooke Avenue Saffron Walden



Organisation:	Uttlesford District Council
Department:	Planning
Date:	25 January 2017

Committee: Planning

Agenda Item

Date: 8 February 2017

Title: UTT/16/2669/FUL: Application to vary condition 21 (highway works) and condition 26 (bridleway) of UTT/14/0127/FUL

13

Land south of Ongar Road, Great Dunmow

Author: Karen Denmark
Development Management Team Leader

Summary

1. The above planning application was reported to Planning Committee on 16 November 2016. Members resolved to approve the application subject to the conditions as set out in the agenda.
2. It has come to light that in preparing the report for the 16 November 2016 Planning Committee a condition requested by Essex County Council Highways in relation to the temporary construction access has been omitted in error.
3. In order for the local planning authority to retain control over the future closure of the temporary construction access it is considered necessary for the condition to be added to the conditions previously set out in the officer's report.

Recommendations

- **It is recommended that the following condition is added to the resolution to grant for UTT/16/2669/FUL**

Prior to commencement of the development the construction access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6.5 metres, shall be retained at that width for 10 metres within the site and shall be provided with 6 metre radius kerbs. Upon completion of the development the temporary construction vehicular access shall be suitably and permanently closed, details to be agreed with the highway authority.

Reason: To ensure to ensure that vehicles can enter and leave the highway in a controlled manner and to preclude the creation of unnecessary points of traffic conflict in the highway following development in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1 (adopted 2005).

Financial Implications

1. None. There are no costs associated with the recommendation.

Background Papers

Planning Application Reference UTT/16/2669/FUL and report to Planning Committee 16 November 2016.

Impact

1.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

1. The above planning application was reported to Planning Committee on 16 November 2016. Members resolved to approve the application subject to the conditions as set out in the officer's report. The application is also subject to a S106 Legal Obligation which is currently being negotiated. As such the decision notice has not yet been issued.
2. Taylor Wimpey is currently moving towards the commencement of development on site, including the construction of the site access. They are currently in negotiations with Essex County Council about the technical issues in relation to the construction access. During these discussions it has been identified that the condition relating to the creation of, and more importantly the subsequent closure, of this temporary access has been omitted from the officer's report.
3. Therefore, it is recommended that an additional condition is added to the resolution to grant as set out below:

Prior to commencement of the development the construction access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6.5 metres, shall be retained at that width for 10 metres within the site and shall be provided with 6 metre radius kerbs. Upon completion of the development the temporary construction vehicular access shall be suitably and permanently closed, details to be agreed with the highway authority.

Reason: To ensure to ensure that vehicles can enter and leave the highway in a controlled manner and to preclude the creation of unnecessary points of

traffic conflict in the highway following development in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1 (adopted 2005).

Conclusion

1. The resolution to grant planning permission had inadvertently omitted a condition which would allow the local planning authority control over the construction, and more importantly the subsequent closure, of the temporary construction access. It is recommended that the condition be added to the resolution to grant.

Risk Analysis

2.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

