



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 22nd November, 2017

Time: 2.00 pm

Venue: Council Chamber - Uttlesford District Council, Council Offices, London Road, Saffron Walden, CB11 4ER

Chairman: Councillor A Mills

Members: Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks, M Lemon, J Lodge, J Loughlin (Vice-Chair) and L Wells

Substitutes: Councillors A Gerard, G LeCount, V Ranger, H Ryles and G Sell

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements subject to having given notice by 12 noon two working days before the meeting.

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 the Previous Meeting held on 25 October 2017 1 - 4

To consider the minutes of the previous meeting.

3 UTT-17-2334-FUL - New World Timber Frame and Graveldene 5 - 20

To consider application UTT-17-2334-FUL.

4	UTT-17-1444-FUL - Molecular Products Site, Mill End Thaxted	21 - 40
	To consider application UTT-17-1444-FUL.	
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11	Chief Officer's Report: Appeals Chart	111 - 122
	To receive the Chief Officer's Appeals Chart report.	
12	UTT/17/2498/TPO - Landscape View, Saffron Walden	123 - 128
	To consider application UTT/17/2498/TPO.	

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PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 2pm on 25 OCTOBER 2017

Present: Councillor A Mills (Chairman)
Councillors R Chambers, J Davey, P Fairhurst, E Hicks, G
LeCount (substituting – R Freeman), J Lodge, J Loughlin, V
Ranger (substituting – M Lemon) and L Wells.

Officers in attendance: N Brown (Development Manager), B Ferguson
(Democratic Services Officer), M Jones (Planning Officer), M
Shoemith (Development Management Team Leader), E Smith
(Legal Officer) and C Tyler (Planning Officer).

Also present: A Dern, Cllr P Lees, J Petchey, R Sach, S Weston, J Wigley.

PC49 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Freeman and Lemon.

Councillors Chambers and Ranger declared a personal, non-prejudicial interest in application UTT-17-2167-FUL as the applicant was a fellow UDC Ward and Cabinet Member.

Councillor Fairhurst declared a non-pecuniary interest as a Member of Saffron Walden Town Council.

PC50 MINUTES

The minutes of the meeting held on 27 September 2017 were approved and signed by the Chairman as a correct record.

PC51 UTT-17-2241-FUL - HILL TOP YARD, MILL ROAD, HENHAM

The application site was a long narrow piece of land which was approximately 0.2 hectares in area and approximately 500 metres south of the settlement of Henham and 1 kilometre from Elsenham. The lawful use of the land was a haulage yard, with the stationing of two residential mobiles on the land. The proposal was for the retention of ten lamp posts at a height of 2 meters. It was noted that there were twenty unauthorised lamp posts existing on the site at a height of 5 meters. If approved, ten of the existing lamp posts would be reduced in height to 2 meters.

Councillor Davey said he would not be supporting the proposal as local residents were overwhelmingly against the application, as demonstrated by the number of representations outlined in the report. The Development Manager said the number of objectors to an application was a not valid planning reason to turn it down.

Councillor Wells asked why the recommendation permitted lighting between the hours of 07.00 – 22.00, when the majority of that time was during daylight hours. The Development Manager said this was to cover both the early morning and evening periods when lighting was required but this condition could be changed if members wished.

In response to questions from Councillor Loughlin, the Planning Officer said the site in question was not a conservation area; the commercial site next door was illuminated by flood lighting; and the permitted lamp posts would be fitted with hoods and reduced in height from 5 meters to 2 meters, which would be the same height as the perimeter fence.

Councillor Lodge said he was unsure if the plot was being used as a haulage site as the applicant had claimed and said he would not be supporting the application.

Councillor Ranger said he would support the application if condition two was amended, specifically if illumination was only permitted between the hours of 07.00 - 09.00 and 16.00 - 22.00, and also for a motion sensor to be fitted. Councillor Fairhurst agreed and said the application must be heard dispassionately as members could only consider what was in front of them, which in this case was an application for artificial lighting at a certified haulage yard. Councillor Loughlin added that the revised application had been changed significantly since it had last been submitted and would likely win on appeal if members rejected it against the officer's recommendation.

The Chairman asked for an amendment to condition 3, reducing the maximum illumination levels from 1000 lumens to 700.

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

Amended conditions

2. The lighting hereby permitted shall only be illuminated between the hours 07.00 and 9.00 and 16.00 and 22.00 hours. A restricted hours' time clock and a motion sensor shall be installed and permanently retained so that the lights are automatically turned off outside these times.

Reason: In the interests of residential amenity in accordance with ULP policies GEN4 and GEN5.

3. Each light hereby permitted shall be fitted with lights that result in maximum illumination levels of 700 lumens and that light shall be directed downwards and fitted with a hood.

Reason: In the interests of residential amenity in accordance with ULP policies GEN4 and GEN5.

Cllr P Lees and J Wigley spoke against this application.

PC52

UTT/17/2050/FUL– THE THATCH, ELSENHAM ROAD, STANSTED

The application was for the proposed erection of a single dwelling and garage. The dwelling would be within the existing curtilage of The Thatch, and sited within the rear garden area. The dwelling proposed would be two storeys with habitable accommodation within the roof space and basement. The dwelling would include external finishes of rendered and cladded walls under a plain clay tiled roof.

The Chairman said the reallocation of the driveway would save the trees that the Parish Council had been concerned about and had been the primary motivation for their objection. The Planning Officer added that he had spoken to the applicant who was willing to revise their plans if it resulted in a positive outcome.

Councillor Fairhurst proposed a deferment of the application to allow the applicant to amend the plans regarding the driveway, which would result in fewer trees having to be removed.

RESOLVED to defer the application in order for the applicant to amend the plans for the driveway.

PC53

UTT/17/2179/HHF– 3 WHITEGATES, HOLDERS GREEN ROAD, LINDSELL

Planning permission was sought for the construction of a single storey rear extension to the existing dwelling house. The extension would project 10.4 meters from the original rear façade and have a width of 7.3 meters. It would have an eaves height of 2.6 meters and consist of a dual pitch roof with a maximum height of 3.9 meters. External finishing materials were proposed to match those of the existing building. The extension would be constructed along the northern side boundary shared with number 4 Whitegates and 1.1 meters off the southern side boundary shared with number 2 Whitegates. The extension would provide additional living accommodation for 2 further bedrooms and a bathroom.

Councillor Hicks said this was a tragic case but he could not support the application as it was too unfair on the neighbours. Councillor Wells agreed and said she could not support it based on anything else other than sound planning reasons. Councillor Loughlin added that after visiting the site it was clear the proposed extension was too large and would have a huge impact on the neighbouring properties. She would not be supporting the application.

Councillor Davey referenced the Parish Council's comments in support of the application and said he would be voting in favour of the application.

Councillor Fairhurst said this was a difficult situation but there was a solution that could work fairly for all those involved. The Development Manager said if members rejected this application the applicant would have to go back to the drawing board and propose an entirely new scheme. The Chairman agreed and

said that whilst the general consensus from members was one of support for an extension, it would need to be compliant with planning regulations and considerate of the neighbour's needs.

RESOLVED that the application be refused for the reason stated in the report.

R Sach and S Weston spoke in support of the application. A Dern and J Petchey spoke against the application.

PC54

UTT/17/2167/FUL – THE DELLES, CARMENT STREET, GREAT CHESTERFORD

The Chairman adjourned the meeting at 3.15pm. The meeting was reconvened at 3.30pm.

The application was for planning permission to erect a detached house and garage. The proposal represented an alternative design for Plot 1 of the two dwelling development approved by planning permission UTT/16/3394/FUL in February 2017. The main differences proposed were to the design of the garage, the fenestration of the house and an increase of its height by approximately 50 centimetres.

Councillor Lodge said he was wary of the new height of the garage as he felt it could be seen from Jackson's Lane. He said he would not be supporting the application.

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

The meeting ended at 3.45pm.

UTT/17/2334/FUL - (GREAT CHESTERFORD)

(More than five dwellings)

PROPOSAL: Variation of conditions 2 and 14 of approved application UTT/14/0174/FUL. Variation of condition 2 to amend drawing to all plots and increase the total units from 42 to 45. Variation of condition 14 to change wording to "The 2 m wide footway shown on Drawing Nos. C-100 Rev C1, C-101 Rev C1 and C-102 Rev C1 must be constructed prior to occupation of any dwelling".

LOCATION: New World Timber Frame and Graveldene Nurseries, London Road, Great Chesterford

APPLICANT: Enterprise Property Group

AGENT: PiP Architecture

EXPIRY DATE: 30 November 2017

CASE OFFICER: Luke Mills

1. NOTATION

- 1.1 Within Development Limits; Employment Land; Employment Land to be Safeguarded.

2. DESCRIPTION OF SITE

- 2.1 The application site is located off London Road, Great Chesterford. It has been cleared of previous development, and construction has begun in connection with planning permission UTT/14/0174/FUL.

3. PROPOSAL

- 3.1 The application is to vary conditions 2 and 14 of planning permission UTT/14/0174/FUL, which are worded as follows:

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below.

14. Prior to occupation of the development, the provision and implementation of section 1.2 (opposite Granta Close to station approach) of the Great Chesterford to Little Chesterford Cycle Route (Phase 1) 2 metre wide shared footway/cycleway.

- 3.2 The proposed variation to Condition 2 is to substitute revised drawings, which would allow for minor alterations to the design of the development and the insertion of an additional three apartments in the roof spaces of the approved apartment buildings.

- 3.3 The proposed variation to Condition 14 would amend the condition to read as follows:

The 2 m wide footway shown on Drawing Nos. C-100 Rev C1, C-101 Rev C1 and C-102 Rev C1 must be constructed prior to occupation of any dwelling.

- 3.4 A schedule of accommodation is provided at Appendix A.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

- 5.1 No case has been submitted.

6. RELEVANT SITE HISTORY

- 6.1 The site has an extensive planning history. Nevertheless, the most relevant application is that which resulted in a full planning permission for the erection of 42 dwellings (UTT/14/0174/FUL).

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

(a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

- 7.2 S73 of the Act requires the local planning authority, in dealing with an application to develop land without compliance with conditions previously attached, to consider only the question of the conditions subject to which planning permission should be granted.

- 7.3 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.

- 7.4 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.5
- S3 – Other Development Limits
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards

- E1 – Distribution of Employment Land
- E2 – Safeguarding of Employment Land
- ENV2 – Development affecting Listed Buildings
- ENV4 – Ancient Monuments and Sites of Archaeological Importance
- ENV10 – Noise Sensitive Development and Disturbance from Aircraft
- ENV14 – Contaminated Land
- H1 – Housing Development
- H3 – New Houses within Development Limits
- H9 – Affordable Housing
- H10 – Housing Mix
- Great Chesterford Local Policy 1 – Safeguarding of Existing Employment Area
- Great Chesterford Local Policy 2 – London Road Employment Site

Supplementary Planning Documents/Guidance

- 7.6
- 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)

National Policies

- 7.7
- National Planning Policy Framework (NPPF) (2012)
 - paragraphs 14, 17, 22, 32-39, 47-49, 55, 58, 100-104, 111, 118, 120-123 & 128-135
 - Planning Practice Guidance (PPG)
 - Conserving and enhancing the historic environment
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Land affected by contamination
 - Natural environment
 - Planning obligations
 - Rural housing
- House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)
- Planning Update: Written statement (HCWS488) (2015)

Other Material Considerations

- 7.8
- West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
 - Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
 - Housing Trajectory 1 April 2017 (August 2017)

8. PARISH COUNCIL COMMENTS

- 8.1
- “Great Chesterford Parish Council wishes to record a strong objection to the above application.

The wording of condition 14 should retain the phrase "shared footway/cycleway". This is an integral part of the cycle route and is essential for children living on the development to gain safe access to open spaces elsewhere in the village.

We are also concerned that there is insufficient extra parking space for the proposed increased number of dwellings, and that the visitors' parking spaces need to be more evenly distributed around the site to avoid casual parking on pavements.

We have further concerns that the lack of play area and reduced amenity area will seriously diminish the quality of communal living on the development.

We believe Condition 14 was originally imposed in error - it should have referred to section 1.1 of the cycle path, not 1.2.”

9. CONSULTATIONS

Highway Authority (Essex County Council)

- 9.1 “The highway authority has considered the documents submitted for the variation of condition 2 UTT/17/2334/FUL (amended drawing and increase of total units from 42 to 45) of planning consent UTT/14/0174/FUL and has the following comments to make: It is not possible to locate the cycle parking for the apartments on the revised plans. In order to conform with Essex Parking Standards a convenient, secure, covered cycle parking should be provided for each dwelling. We would not want this condition varied until the plans show the location of the cycle parking spaces of a number and design that conform with the Essex Parking Standards.

The highway authority has considered the application for the variation of condition 14, provision and implementation of a 2m footway. This is a change from provision of a 2m shared use cycleway. Discussion has taken place with the Essex Highways Development Management Engineers and the Essex Cycling Officer, the plans have been reviewed and while a cycle facility along this road is still a part of the strategy for Uttlesford, it is now considered that this is not the best way to provide it, as the constraint of width could lead to unnecessary conflict and safety issues, especially with a footway remaining either side. The developer is still complying with the condition to widen that stretch of footway to 2m. In addition it is recommended that the funding that would have been spent on Traffic Regulation Orders (TRO) (£6000) should be secured so that feasibility, design work or TROs are funded for a future cycle facility along this stretch of road.

Therefore the highway authority has no objection to condition 14 being varied in accordance with proposed wording and the submitted plans but would recommend that the S106 is varied to so that a contribution of £6000 (indexed linked from the date of this recommendation) for use in feasibility, design work or TROs of a cycle facility is paid before first occupation of the development.”

Highways England

- 9.2 No objections.

Education Authority (Essex County Council)

- 9.3 No change to education contributions.

Stansted Airport

- 9.4 No objections.

Essex Police

9.5 Would like the applicant to seek a Secure by Design award.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press.

10.2 The following concerns have been raised among the submitted representations:

- 1) Inadequate parking provision
- 2) Adverse effect on road safety
- 3) Loss of cycleway
- 4) Inadequate amenity space for the additional dwellings
- 5) Inadequate accessibility to new flats
- 6) Loss of privacy at 13 Ash Green, Lyndene
- 7) Poorly designed elements e.g. skylights, dormers, fencing
- 8) Lack of surveillance of the parking court in the western corner
- 9) Increased demand on local infrastructure
- 10) An additional affordable home is necessitated
- 11) The S106 agreement contains an error regarding eligibility for affordable housing

10.3 The following comments are made in relation to the above points:

1) – 10) Covered in the below appraisal.

11) The S106 agreement has been completed. Changes can only be made if necessitated by the amendments in the current application, which is not the case with affordable housing eligibility.

11. APPRAISAL

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

- A Location of housing (S3, H1, H3, 55 & PPG)
- B Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)
- C Transport (GEN1, GEN8, 32-39 & HCWS488)
- D Accessibility (GEN2, 58 & PPG)
- E Amenity (GEN2, ENV10, 17 & 123)
- F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 118 & PPG)
- I Employment safeguarding (E1, E2, Local Policy 1, Local Policy 2 & 22)
- J Archaeology (ENV4, 128-135 & PPG)
- K Land contamination (ENV14, 120-122 & PPG)
- L Affordable housing (H9 & PPG)
- M Housing mix (H10 & SFRA)
- N Housing land supply (47-49)
- O Previously developed land (111)

A Location of housing (S3, H1, H3, 55 & PPG)

- 11.1 The proposed amendments do not affect the development's accordance with policies on the location of housing.

B Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)

- 11.2 The proposed amendments to the design of the scheme are relatively minor. The most significant changes to the buildings include the addition of dormer windows to the apartment blocks, smaller chimney structures and the increase in height of the two apartment blocks by 0.5 and 0.3 m. The most significant changes to the site layout include small adjustments to the parking space locations.
- 11.3 It is noted that the proposed changes would have no material effect on the setting of the nearby Grade II listed building, Stanley House. In drawing this conclusion, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 11.4 Overall, it is considered that the proposed changes to the approved scheme would not have a significant effect on the character and appearance of the area. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character, appearance and heritage.

C Transport (GEN1, GEN8, 32-39 & HCWS488)

- 11.5 The highway authority supports the proposed variation of Condition 14. However, it requests a payment of £6000 towards a potential future cycle route. As no specific project has been identified and the need for a cycle route would not be a direct result of the proposed development, it is considered that this request is both unreasonable and unnecessary.
- 11.6 All dwellings would have suitable off-street parking provision, in accordance with the minimum residential parking standards. It is noted that the spaces and garages have the same dimensions as those already approved.
- 11.7 As the additional three apartments necessitate an increase of one visitor space, the total has been increased from six to seven. It is noted that the spaces marked 'X', which were allocated to visitors in the approved scheme, are not counted as visitor spaces due to the unsuitable tandem arrangement.
- 11.8 It is noted that the highway authority has raised concerns regarding the cycle storage provision. However, this aspect of the proposal was addressed by Condition 7 of the original planning permission. It is considered that the additional three spaces could be provided within the approved cycle stores.

D Accessibility (GEN2, 58 & PPG)

- 11.9 The approved scheme was designed in accordance with the Lifetime Homes standards, as required by the Council's adopted SPD. As the additional flats would be at third storey level, the standards require the provision of a lift. However, accessibility standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG.
- 11.10 Requirement M4(2) requires the provision of a lift for all apartment buildings with more than one storey. As the proposed flats would be located inside an approved

building with no lift, application of the updated standards to the new dwellings would effectively mean retrospectively applying them to the approved building. It is considered that this would be inappropriate.

E Amenity (GEN2, ENV10, 17 & 123)

11.11 The proposal generally accords with the minimum garden size standards in The Essex Design Guide. The non-compliances are addressed below:

- Plots 1, 2, 10, 13 and 26 fall below the relevant standard. However, upon measuring the respective gardens in the approved scheme, it is found that the gardens were already under-sized.
- Plot 5 would have a garden of 88 sq m – below the 100 sq m minimum standard. Nevertheless, it is considered that the regular, usable shape of the garden ensures that the level of provision would be reasonable.
- The flats at Plots 15 – 20 b would have a communal garden, providing the equivalent of 22 sq m each. This is considered sufficiently close to the 25 sq m standard to ensure a reasonable level of amenity for the occupants.
- Plots 25, 29 and 32, all two-bedroom houses, would have 36 sq m of private amenity space – below the 50 sq m minimum standard. Nevertheless, it is considered that the regular, usable shape of the gardens and the limited needs of a two-bedroom household ensure that this level of provision would be reasonable.

11.12 The apartment block containing Plots 15 – 20 b would have an additional dormer window facing south-east, giving rise to the potential for overlooking of 9 Ash Green. However, it is considered that the impact would be no greater than that caused by the approved lounge/diner window at Plot 20, on the first floor.

11.13 It is noted that the proposed amendments would not affect the level of noise disturbance from the railway, for which mitigation measures were secured by the original permission.

F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)

11.14 The proposed amendments do not affect the development's accordance with policies on flooding.

G Infrastructure (GEN6)

11.15 The original planning permission was accompanied by a S106 agreement, which secured financial contributions towards education provision and off-site open space and play area infrastructure. The education authority has confirmed that no further education contributions are required, and it is considered that there is no policy basis to seek further contributions towards open space and play area infrastructure.

H Biodiversity (GEN7, 118 & PPG)

11.16 The proposed amendments do not affect the development's accordance with policies on biodiversity.

I Employment safeguarding (E1, E2, Local Policy 1, Local Policy 2 & 22)

11.17 The proposed amendments do not affect the development's accordance with policies on employment safeguarding.

J Archaeology (ENV4, 128-135 & PPG)

11.18 The proposed amendments do not affect the development's accordance with policies on archaeology.

K Land contamination (ENV14, 120-122 & PPG)

11.19 The proposed amendments do not affect the development's accordance with policies on land contamination.

L Affordable housing (H9 & PPG)

11.20 As explained in detail in various appeal decisions, including UTT/15/3599/FUL, the Developer Contributions Guidance Document must not be given weight when considering affordable housing requirements. Therefore, the basis for seeking affordable housing provision is Policy H9 and its preamble.

11.21 Policy H9 indicates that 40% of the 45 dwellings must be affordable homes. This equates to 18 units, which is an increase of one unit compared with the approved scheme. Plot 38 a has been identified as the additional affordable home, and its tenure would be secured through a variation of the S106 agreement.

M Housing mix (H10 & SFRA)

11.22 Policy H10 requires residential developments to include a significant proportion of small market dwellings with no more than three bedrooms. The development would remain in accordance with this policy because only one of the 45 dwellings would contain more than three bedrooms.

N Housing land supply (47-49)

11.23 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, the proposed addition of three units must be regarded as a positive effect.

O Previously developed land (111)

11.24 The proposed amendments do not affect the development's accordance with policies on the reuse of previously developed land.

12. CONCLUSION

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

A The proposed amendments to the approved scheme do not cause conflict with the development plan or the NPPF, and no material considerations indicate that the application should be refused. It is therefore recommended that approval be granted.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL AGREEMENT:

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:
 - (i) the on-site provision of one additional affordable housing unit**
 - (ii) payment of the Council's reasonable legal costs****
- (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 29 November 2017 the Assistant Director of Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
 - (i) inadequate affordable housing provision****

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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the erection of the development hereby approved (not including footings and foundations) 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. 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).

4. The windows shown as being obscure glazed at first floor level on the south-eastern elevations of Plots 1, Plots 19, 20 and 23 shall be retained with obscure glazing at all times.

REASON: To avoid overlooking in the interests of the amenity of the neighbouring residential properties in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. Prior to occupation of the development, the provision and implementation of an upgrade of the existing central island on London Road to the south of the site, to a pedestrian refuge.

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

6. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

No development shall take place, including any works of 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 times of demolition and construction work
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

7. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the erection of the development hereby approved full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- i. proposed ground floor levels of the dwellings;
- ii. means of enclosure and boundary treatments;
- iii. hard surfacing materials;
- iv. Cycle stores
- v. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, Street Lighting, etc.);
- vi. proposed and existing functional services above and below ground (e.g. drainage, power)
- vii. communications cables, pipelines etc. (indicating lines, manholes, supports.).

REASON: The landscaping of this site is required in order to protect and enhance

the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

REASON: To enhance the sustainability of the development through better use of water, energy and materials.

9. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

REASON: To enhance the sustainability of the development through efficient use of water resources.

10. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

- 1) 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.
- 2) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the trial trenching work and prior to any reserved matters submission.
- 3) 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.
- 4) 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: To ensure the adequate protection/recording of archaeological remains in accordance with Policy ENV4 of the Uttlesford adopted Plan 2005.

11. The dwellings shall be constructed so that the windows to all habitable rooms identified within the submitted Noise Impact Assessment prepared by 24 Acoustics and dated 23 January 2014, as being within Zone 1 shall achieve the sound reduction indices set out in the Assessment. A means of ventilation other than opening windows shall be provided to the bedrooms of those dwellings as set out in Noise assessment Fig 2. Ventilators in bedrooms will achieve a minimum attenuation performance of 39 dB Dne,w.

REASON: To protect the occupiers from noise from the railway in the interests of amenity in accordance with Policies GEN2, GEN4, and ENV10 of the Uttlesford Local Plan (adopted 2005).

12. A 1.8m high close boarded timber barrier comprising 18mm thick timber with 25% overlap and no holes or openings shall be erected at the site boundary with the railway.

REASON: To protect the occupiers from noise from the railway in the interests of amenity in accordance with Policies GEN2, GEN4, and ENV10 of the Uttlesford Local Plan (adopted 2005).

13. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC, WITH RESPECT TO '1. SITE CHARACTERISATION' ONLY:

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,

(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'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

4. Reporting of Unexpected Contamination

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 in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 3.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14 of the Uttlesford Local Plan (adopted 2005).

14. The 2 m wide footway shown on Drawing Nos. C-100 Rev C1, C-101 Rev C1 and C-102 Rev C1 must be constructed prior to occupation of any dwelling.

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

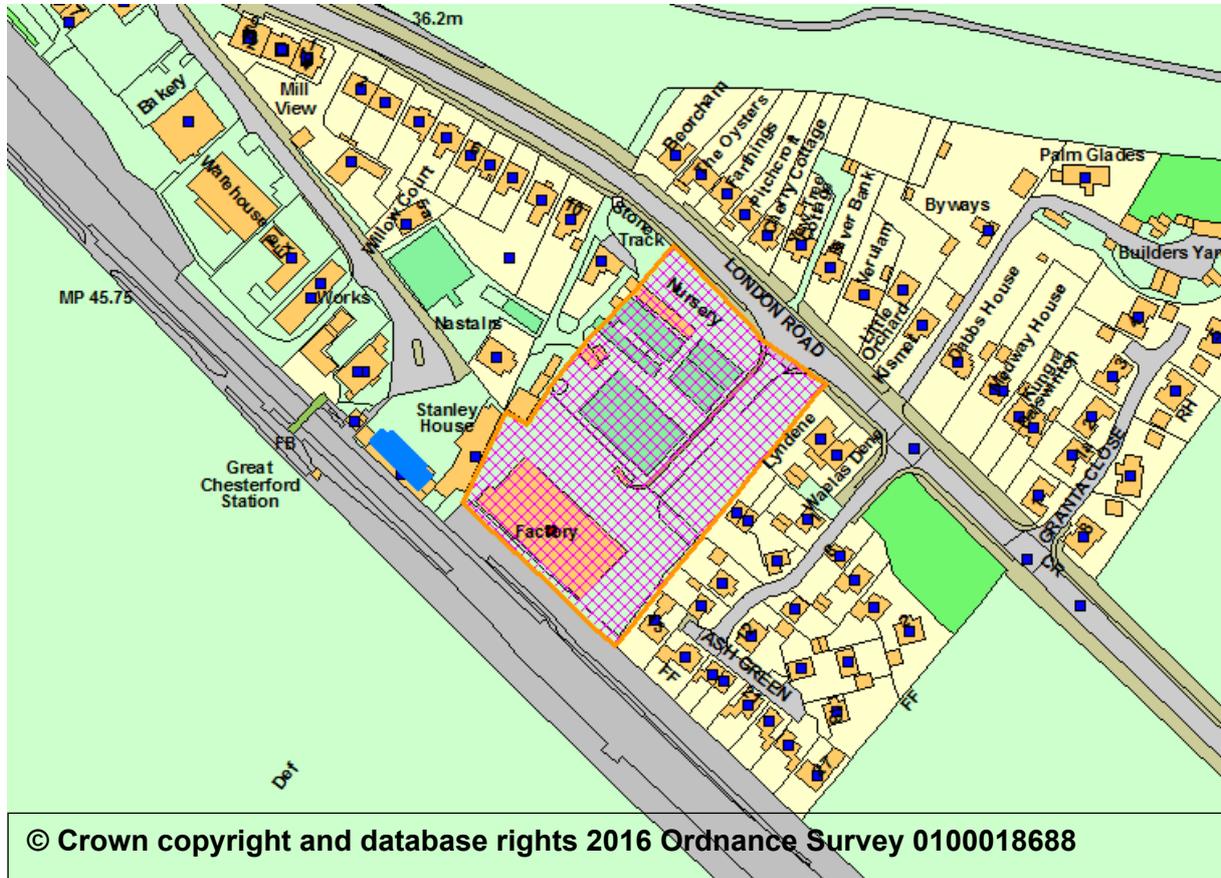
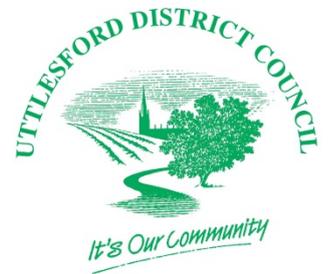
Appendix A - Schedule of Accommodation

Plot	Bedrooms	Parking	Garden (sq m)	Tenure
1	3	2	74	Affordable
2	3	2	72	Affordable
3	3	2	95	Market
4	3	2	98	Market
5	4	3	88	Market
6	3	2	99	Market
7	3	2	97	Market
8	2	2	82	Affordable
9	2	2	53	Affordable
10	2	2	44	Affordable
11	2	2	45	Market
12	2	2	61	Market
13	2	2	39	Affordable
14	2	2	56	Affordable
15	2	2	22	Market
16	2	2	22	Market
17	2	2	22	Market
18	2	2	22	Market
19	2	2	22	Market
20	2	2	22	Market
20 a	1	1	22	Market
20 b	1	1	22	Market
21	2	2	53	Affordable
22	2	2	54	Affordable
23	2	2	73	Affordable
24	2	2	50	Affordable
25	2	2	36	Market
26	2	2	43	Market
27	2	2	48	Market
28	2	2	64	Market
29	2	2	36	Market
30	2	2	49	Market
31	2	2	47	Market
32	2	2	36	Market
33	1	1	23	Affordable
34	1	1	23	Affordable
35	1	1	23	Affordable
36	1	1	23	Affordable
37	1	1	23	Affordable
38	1	1	23	Affordable

38 a	1	1	23	Affordable
39	3	2	119	Market
40	2	2	72	Market
41	3	2	98	Market
42	3	2	148	Market
Visitors	-	7	-	-

Application: UTT/17/2334/FUL

Address: New World Timber Frame and Graveldene Nurseries, London Road,
Great Chesterford



Organisation: Uttlesford District Council

Department: Planning

Date: 9 November 2017

UTT/17/1444/FUL - (THAXTED)

(MAJOR application)

PROPOSAL: Demolition of all structures on site (except designated Listed Buildings), demolition of 1.5m of the Listed brick wall. Redevelopment for 22 new dwellings and the conversion of the Listed Buildings to 7 dwellings with associated public open space, roads, access alterations and landscaping. Erection of new boundary wall. Revised scheme to that approved under UTT/16/0171/FUL - revisions to 8 of the new build dwellings and 7 of the proposed units in conversions of existing Listed Buildings.

LOCATION: Molecular Products Ltd, Mill End, Thaxted

APPLICANT: A.J. Wadhams Ltd

AGENT: Wighton Architects

EXPIRY DATE: 21 September 2017

CASE OFFICER: Nigel Brown

1. NOTATION

1.1 Within development limits, Thaxted conservation area, Listed buildings.

2. DESCRIPTION OF SITE

2.1 The application site as outlined in red on the submitted location plan is located on the western side of Mill End on the southern edge of the town perimeter of Thaxted. The site itself is mainly rectangular in shape, relatively level and is approximately 0.9 of a hectare in size.

2.2 The site was previously used by the Molecular Products Group for commercial activities until it became recently vacant in August 2013.

2.3 The site consists of a number of industrial like structures of a modern appearance that varying in size, scale and materials. Most noticeable is the main factory along with the distribution warehouse. In addition a tall tank approximately 14m in height is centrally positioned within the site and is highly noticeable within the wider surrounding area.

2.4 In addition to these buildings, a row of three buildings, double storey in height and externally finished from facing brickwork and render are located along the eastern boundary of the site fronting onto Mill End. These buildings are grade two listed and were once used as ancillary office accommodation in connection within the commercial use of the site.

2.5 Vehicle access to the site is off Mill End to the south of the junction with Bardfield Road. The site is dominated by hard standing with very little soft landscaping. Mature vegetation is located along the boundaries of the site however it is more dense along the southern boundary. Four trees in and around the site are subject to tree preservation orders.

2.6 The site is located within a well-established built up area compressing of a mixture of development. A petrol station abuts the northern boundary of the site whilst the western boundary is almost entirely occupied by two residential plots known as 'Westways' and 'West Lodge'. A public foot path abuts the southern boundary extending the entire length of the site. Further beyond this path is a local community centre along with further residential housing. The local Thaxted tennis club is located to the south east of the site and the local primary school is located to the north east fronting onto Barfield Road. The site is located approximately 170m from the town centre which can be easily reached by the existing public foot path.

3. PROPOSAL

3.1 Planning permission is sought for the demolition of all structures on the site except for designated listed buildings, the demolition of a 1.5m section of brick wall along the sites frontage, and the redevelopment of the site for the construction of 22 new dwellings and the conversion of the listed buildings to 7 dwellings with associated infrastructure and landscaping.

3.2 The site has extant planning permission and listed building consent approved under planning references UTT/16/0171/FUL and UTT/16/0172/LB dated 30.6.16. Works have legitimately started on site. This current application varies the previous approval in the following way.

3.2 The proposal incorporates a range of housing types including one and two bedroom flats, and one, two, three, and four bedroom houses. The revised residential mix is set out below with the approved mix in parenthesis.

1 x 1 bed unit (2 x 1 bed units)
13 x 2 bed units (13 x 2 bed units)
9 x 3 bed units (13 x 3 bed units)
6 x 4+ bed units (1 x 4 bed unit).

3.4 The new dwellings would be limited to two stories in height. Building styles within the development would range from terrace style buildings, semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. Each of these dwellings within the development including the converted listed buildings has been provided with off street parking spaces and its own private or communal amenity space. The scheme has been revised to accommodate the additional parking requirement for the increased number of four bedroom units

3.5 The proposed scheme would consist of 100% open market housing. No on site affordable housing or contribution is proposed as part of this scheme.

4. APPLICANT'S CASE

4.1 The appraisal of the overall site was focused on the following criteria;

1. Minor amendments to the mix of accommodation to suit market demand
2. Minor amendments required in order that the approved scheme meets Building Control Approval
3. Reconfiguration of the listed building to further improve on the existing sympathetic scheme.

- 4.2 Following a review by the new owner and a local agent the current mix of accommodation is felt to be unbalanced. Due to the sensitive nature of the site and the previous planning history it is proposed to make no changes in form or openings to the existing approved elevations. To align the mix with local demand it is proposed to simply utilise some of the roof voids within the approved scheme. This will require the introduction of a number of discreet roof lights but no changes to the form, size, window locations/size or setting out of the approved dwellings. As this is work that could in future be carried out under the occupants' permitted development rights we feel adapting the dwellings at this stage will minimise the potential ad hoc changes possible and enable a degree of control to be retained through this application to the local authority.
- 4.3 It is proposed to make minor amendments to the internal layout of the listed building element containing units 3,4,5,6 & 7. The intention, excluding Unit 3, is to have the living area to the first floor which would enable the roof structure be further exposed further due to the open plan nature of the living/kitchen areas as opposed to the cellular nature of bedrooms and bathrooms.

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/1250/FUL - Demolition of structures (except Listed Building), demolition of 1.5m of Listed Brick wall and the redevelopment of the site for 22 new dwellings and the conversion of the existing Listed Buildings into 7 dwellings with associated public open space, roads, access alterations and landscaping (withdrawn)

UTT/15/1251/LB - Demolition of 1930s factory building (curtilage listed) and 1.5m brick wall, external and internal alterations and additions to 3 no. Listed Buildings and associated works (withdrawn)

UTT/16/0171/FUL, Demolition of all structures on site (except designated Listed Buildings), demolition of 1.5m of the Listed brick wall. Redevelopment for 22 new dwellings and the conversion of the Listed Buildings to 7 dwellings with associated public open space, roads, access alterations and landscaping. Erection of new boundary wall, Granted 30.6.16.

UTT/16/0172/LB, Demolition of 1930s factory building and 1.5m of brick wall. Conversion of 3 Listed Building into 7 no. dwellings together with internal and external alterations including: replacement windows, removal of fire escape, additional door to south elevation, escape door converted to window, removal of internal partitions and insertion of new internal partitions, new stair unit, removal of ramps and raising of floor, new glazed French Door to existing opening, restoration of historic hearth. Erection of new boundary wall, Approved 30.6.16.

6. POLICIES

National Policies

- 6.1 - National Planning Policy Framework

Uttlesford Local Plan (2005)

- 6.2 - Policy S3 – Settlement boundaries for Main Urban Areas
 - Policy GEN1 – Access
 - Policy GEN2 – Design
 - Policy GEN3 – Flood Protection

- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy E2 – Safeguarding Employment Land
- Policy ENV1 – Design of development within Conservation Areas
- Policy ENV2 – Development effecting listed buildings
- Policy ENV3 – Open Spaces & Trees
- Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy ENV14 – Contaminated Land
- Policy H1 – Housing development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix
- Thaxted Local Policy 3 – Safeguarding of Employment Land

Supplementary Planning Policy

- 6.3
- SPD Accessible Homes & Play Space
 - SPD Renewable Energy
 - SPD Parking Standards Design & Good Practice September 2009
 - SPD Essex Design Guide
 - SPD Developer Contributions Guidance

7. PARISH COUNCIL COMMENTS

- 7.1
- The council support the application on the following provisions that the roof line remains the same as the listed building and the tiles which are used are clay tiles with ridges to ensure the character is not affected.

8. CONSULTATIONS

ECC Flood and Water Management

- 8.1
- Having reviewed the updated information in relation to surface water flood risk we do not object to the unconditional discharge of this planning application in relation to surface water.

The proposed development will only meet the requirements of the NPPF if the measures as detailed in the FRA and the additional documents submitted with this application are implemented as approved.

ECC Historic Environment officer

- 8.2
- By and large there are no fundamental changes to the originally approved scheme relating to the heritage asset. The differences relate mostly to slight variation in subdivision of internal volume into 7 units. Consequently some of the new party walls and partitions would be in an alternative location, but all the existing openings would be used as before. The exemplary Heritage Statement successfully informs the rational leading to the now proposed arrangement. All the above changes follow the discussions on site when on emptying the listed buildings its specific features could be more successfully utilised.
- 8.3
- As before I feel that the scheme endeavours to improve upon previous unsympathetic alterations. It would result in much superior elevational details and

final preservation of this heritage asset in new, financially secure ownership. The removal of modest area of listed wall would allow for the implementation of the wider scheme and could be viewed as of public benefit. In conclusion I suggest approval subject to conditions.

ECC Ecology Advice

8.4 No objection subject to conditions.

Historic England

8.5 On the basis of the information available to date, we do not wish to offer any comments.

9. REPRESENTATIONS

9.1 The application was publicised by sending 149 letters to adjoining occupiers, displaying of site notices and advertising it within the local newspaper. 1 letters of representations have been received at the time of writing this appraisal. The following concerns are as below:

- The existing surface water drainage is unable to cope. Further residential dwellings would make the situation worse.
- The Chase is an incredibly narrow private road. It seems inconceivable that construction vehicles will be able to access the site from the Chase. The Chase will be unable to sustain the stress of heavy construction and commercial vehicles.

10. APPRAISAL

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

- A Whether the proposal is acceptable in principle (NPPF, Local Policies S3, H1, E2 and Thaxted Local Policy 3)
- B Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2 & ENV1)
- C Dwelling mix and Affordable Housing provisions (NPPF, Local Policies H9 & H10)
- D Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- E Landscaping and open space (NPPF, Local policy GEN2)
- F Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)
- G Drainage and flooding (ULP Policies GEN3 and GEN6)
- H Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

A Whether the proposal is acceptable in principle (NPPF, Local Policies S3, H1, E2 and Thaxted Local Policy 3)

10.1 The town of Thaxted is identified within the local plan as a key rural settlement that is located on main transport link between the towns of Great Dunmow and Saffron Walden. In planning policy terms, the site lies within the established development limits as defined by the Uttlesford Local Plan and as such the principle of the development is regarded to be acceptable so long as it is compatible with the settlements character.

- 10.2 The National Planning Policy Framework requires local planning authorities to consider, and where appropriate, approve development which is suitable to paragraphs 7 and 14 of the NPPF which 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.
- 10.3 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.
- 10.4 The site itself has been abandoned for over two years and whilst it has been actively promoted for alternative commercial uses whilst it remains vacant, no one has come forward to use the site for employment. The proposed development would result in the loss of an established employment site within the town centre of Thaxted which would result in a loss to the local economy.
- 10.5 However to overcome this, the proposal would have short term benefits to the local economy as a result of construction activity. In addition existing amenities such as local shops and services would benefit as a result of the increase activity by the future occupiers thereby result in long term economic benefits to the local community. Although the proposal would result in the loss of an employment site, on balance the proposal would be acceptable as it would bring other economic benefits to the wider community.
- 10.6 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.
- 10.7 The location of the site is such that it is within a reasonable distance to the town centre to allow the future residents to interact and mix within the wider community. The site is not isolated with residents in close proximity to local amenities such as schools, shops, health and employment to meet their desired needs. Furthermore a regular bus service would provide residents with a reliable and easily assessable public transport link to other amenities and employment opportunities further beyond the town.
- 10.8 It is therefore considered, that the proposal adequately meets the needs of present and future generations and would satisfy the social dimension of sustainability.
- 10.9 Environmental role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. From an environmental aspect, the proposal would protect the historical environment by making efficient use of redundant listed buildings. In addition, it would enhance the visual appearance of appearance of the site as a whole by removing what is now a derelict former commercial yard within the town centre. The proposal would have the potential to enhance and improve ecology and biodiversity by removing a considerable amount of hard standing and replacing it with soft landscaping. Furthermore it is considered

that there would not be a heavy reliance for the use of motor vehicles due to the close proximity to local amenities.

- 10.10 The proposals would help to fulfil the three principles of sustainable development. As such the proposals 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.
- 10.11 Local policies E2 and Thaxted Local Policy 3 identifies that the application site is safeguarded as employment land however local policies allow alternative uses to be permitted if the employment use has been abandoned or the present use harms the character of amenities of the surrounding area.
- 10.12 In addition paragraph 22 of the NPPF states that applications for alternative uses of land or buildings should be treated on their own merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 10.13 As already identified within this appraisal, the site has been abandoned since August 2013. Although it is not a requirement for the applicant to demonstrate evidence of marketing the site for alternative commercial uses, the applicant has supplied information within their planning statement the level of the marketing exercise that has foregone to promote the site for future commercial employment.
- 10.14 The marketing exercise was unsuccessful which provides some justification that the marketing signals for the site in this instance to be used for employment purposes is no longer viable or in demand.
- 10.15 Given the significant demand for local housing and the lack of interest for employment within the site, it is regarded that the alternative use for residential housing is appropriate.
- 10.16 Furthermore, in light of the application site located within a conservation area and contains listed buildings, it could be argued that the present lawful use of the site harms the character and amenity of the surrounding area particular given its poor derelict conditions of the existing building. The re-development of the site for residential housing would be beneficial in accordance with local policy E2 as a well-designed development would help enhance and improve the visual amenity of the surrounding locality.
- 10.17 Based on the above it is considered that the proposed development is appropriate in principle.

B Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2, & ENV1)

- 10.18 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.19 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new

buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

- 10.20 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, heritage assessment mitigation measures and surface water drainage strategies.
- 10.21 The guidance contained within the Essex Design Guide and the general character of the built form and siting of within the Thaxted has been considered in the overall design of the proposed development. The design of the buildings generally reflects the local vernacular of the surrounding built form.
- 10.22 The mixture of individual housing types, the addition of different ridge heights and the use of different materials would all contribute to a development that would break up any repetitiveness and avoid any strict symmetry that would be visually unpleasant within the street scene.
- 10.23 The proposed house type would be representing a pleasing blend of traditional steeply pitched roof forms and relatively narrow floor spans and more contemporary elevational details. The suggested geometry and design of the fenestration would result in proportions of void to solid compatible with many historic buildings in Thaxted. Furthermore, the proposed mixture of finishing material of hand made plain clay tiles, natural slate, smooth render of hand made good quality brickwork would be in keeping with local vernacular pallet.
- 10.24 The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units with linked carports. They would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form.
- 10.25 The site plans shows the existing access to be retained creating a single route into the site. This route then splits into two distinct directions as vehicles entre into the site offering access to either the northern residential cluster of housing pass the central green area within the site or carrying on towards the southern cluster of housing.
- 10.26 The street layout generally encourages walking and cycling in that internal paths are well connected allowing pedestrians and cyclists a choice of direct routes and to move freely between all parts of the layout and to wider destinations.
- 10.27 The frontage of the buildings largely follows existing development in the vicinity in that they have been sited at the back edge of the public footpaths and arranged to follow the curve of the internal highways within the site and Mill End itself to allow for a more harmonious street scene appearance. In addition this also allows for the majority of vehicle parking to be sited between houses or within carports reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings.
- 10.28 Although the majority of residential units would have on plot parking, it is however noted that there is a large parking court located centrally within the site. This is to

provide vehicle parking for the dwellings units 1 to 7. It is acceptable that parking courts are not generally considered to be appropriate for the rural nature of Uttlesford and “on plot” parking should be the normal approach however in this case, officers have taken a balance approached. The layout of the parking court has been agreed by officers in order to protect the historical significance of the listed buildings in which the vehicle spaces are to serve. It is deemed that the separation distance of the parking court set away from the listed buildings would result in less harm than if parking was individually provided behind each listed building. As such the design and layout of the parking court is considered to be acceptable.

- 10.29 Policy GEN2 requires that developments are designed appropriately and that they provide provides an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.
- 10.30 As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design Guidance stipulates that a distance of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary.
- 10.31 Apart from units 20 and 22 which have a back to back separation distance of 24m between them, the remaining units within the scheme comply with the above guidance. However given that the distance it is only a shortfall and it only affects two units within the scheme, officers considered this to be this short fall to be appropriate.
- 10.32 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including flats. If permission is granted a planning condition would be imposed to ensure that all dwellings within the scheme comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 10.33 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, streets, lanes play grounds and cycle areas have been design to be overlooked to provide natural security to the public realm.
- 10.34 For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For two or more bedroom flat communal gardens must be provided on a basis of a minimum area of 25sqm per flat. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide and outdoor sitting area and should be located to the rear rather than the side.
- 10.35 Each residential unit within the scheme has been provided with at least the

minimum private or communal garden sizes as stipulated above to meet the recreational needs of future occupiers.

- 10.36 A key issue to address is whether the proposed development would be in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and the relevant policies contained within Uttlesford District Council's Adopted Local Plan given that the proposal falls within a conservation area and proposes the conversion of listed buildings. The issues regarding the conversion of the listed building have been assessed under the Listed Building application ref: UTT/16/0172/LB and as such this appraisal focuses on the issues surrounding the potential harm to the conservation area.
- 10.37 It is noted that Historical England have raised some concerns regarding the layout of the site in that recommend that they would have prefer to see a clearer, more coherent layout incorporating a public realm of real quality. The views of the Historic England have been acknowledged however officers including conservation officers considered that the proposed layout, design and appearance would not be detrimental to the historical significance of the conservation area.

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

- 10.38 Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.39 Since the submission of this application, there has been a very recent Court of Appeal judgement dated 11 May 2016 which effectively reinstates the government Written Ministerial Statement of 28 November 2014 that affordable housing contribution for schemes of 10 units or less should not be sought and allow for 'vacant building credit'.
- 10.40 Vacant building credit is designed as an incentive for the reuse of vacant buildings and to encourage residential development on brownfield sites such as the subject site. This effectively means that that the existing floor space of the vacant buildings on the site can be off-set against the floor space of any affordable housing in line with Planning Policy Guidance. The reintroduction of this policy is a significant material consideration in the decision making of this application as it is the latest statement on Governments policy towards affordable housing.
- 10.41 The guidance states that *'Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the Local Authority calculates any affordable housing contribution which will be sought'*.
- 10.42 It then goes on to say *'Where there is an overall increase in floor space in the proposed development, the local authority should calculate the amount of affordable housing contribution required by the development as set out in their local plan'*.

The constraints of the application site amounts to:

Existing floor space = 2,973sqm

Proposed floor space = 2,777sqm

- 10.43 The difference in floor space amounts to approximately -7%. As such this equates that no affordable housing provision is required for the site.
- 10.44 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings
- 10.45 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2. 15 of the 29 dwellings proposed comprise of 3 bedrooms or more which equates to 51%. Although the percentage of market dwellings consisting of three bedrooms or more is a little low, and it would a better mix to provide a few additional 3 or more bedroom dwelling units, on balance it is considered that the mix of one, two, three, and four bedroom market dwellings across the development is appropriate.
- 10.46 It would normally be expected that the provision of two bungalows would be provided as part of the development which amounts to 5% of the total units when rounded up. However it is noted that the proposal does not provide any provision for bungalows within the site. Officers considered that on balance the lack of any bungalow provision within the site is considered to be appropriate as the bungalows themselves would out of keeping and odds to the rest of the development and thereby result in detrimental harm to the design and character of the scheme as a whole.

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

- 10.47 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 10.48 The application includes details of the proposed single vehicle access which although slightly modified would be located in its current position along Mill End. This single vehicle access point off Mill End allows for the primary movement corridor in and out of the site for future occupiers and visitors.
- 10.49 The application was accompanied by a Transport Assessment which concluded that the development would not adversely affect highway safety of the free flow of traffic on the local road network. Consequently the proposal would not have an unacceptable transport impact on the highway network.
- 10.50 The application was consulted to Essex County Council Highways who confirmed that they had no objection to the proposal subject to conditions being imposed on any granted permission. In relation to the amount of traffic generated from the development, the Highway Authority has not made an objection in terms of the potential impact on the surrounding road network. As a result, it is considered that the amount of traffic generated from the development could be accommodated and

that there would be no impact upon the traffic flow on the surrounding road network particularly along Mill End

- 10.51 The proposal also incorporates a pedestrian access located within the north eastern corner of the site onto Mill End in which future occupiers or visitors can utilise. This would encourage movement by other means than a car to seek local nearby amenities.
- 10.52 Access to and from the site is deemed acceptable in that it would cause no harm to matters of highway safety, would be suitable for all uses and it encourages movement by other means than a car. The development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.
- 10.53 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.
- 10.54 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.
- 10.55 The proposal makes provisions for at least 1 car parking space for each one-bedroom unit and at least 2 car parking spaces for a dwelling consisting of two bedrooms or more. A total of 56 off street parking spaces are provided which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including car ports and on and on and off street parking bays. There is also the allowance for 10 additional visitor parking spaces which is more than the required amount for the size of this development. In addition secure cycling would be provided for each residential unit within the site.
- 10.56 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. All refuse storage points would be located within 25m carry distance.
- 10.57 It is concluded that the proposed development would cause no harm to matters of highway safety.

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

- 10.58 All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.
- 10.59 The general landscape layout particularly that of the on plot landscaping is although minimalistic, it has been designed to enhance the overall character and appearance of the development and creates a pleasant environment to live in. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

- 10.60 It is noted that a small cluster of vegetation is proposed to be removed close to the south eastern corner of the site to allow for unit numbers 12-14 to front onto the Mill End. The removal of this vegetation is considered to be appropriate in that firstly it is considered that the vegetation is not of any significance that is worthwhile of preserving and secondly it would ensure that the dwelling units provide an appropriate relationship with the street scene that is in harmony with the existing listed buildings and the surrounding locality.
- 10.61 There are four significant trees that are covered by tree preservation orders that fall just outside of the site however their crowns overhang the site. These trees are not proposed to be removed or trimmed and appropriate tree protection measures would be imposed by way of planning conditions if planning permission is granted to protect their significance.
- 10.62 Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.
- 10.63 The main open space area is positioned centrally within the site either side of the parking court that consists of approximately 740sqm. Although a little undersize to that of which would be expected for the size of the proposed development, it is considered that on balance the space is appropriate in that it would be in a safe location that is overlooked to allow for informal play activities and is assessable for everyone concerned.

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

- 10.64 Paragraph 98 of Circular 06/05 states *'that presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat'*. Furthermore, the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'*.
- 10.65 The application site itself is not the subject of any statutory nature conservation designation being largely a hard standing area with disused buildings with some mature vegetation located along its boundaries.
- 10.66 The applicant has submitted a Nocturnal Bat Roost Survey (September 2014), in support of the application.
- 10.67 The application was consulted to ECC ecology officer however no comments were received at the time of writing this appraisal.
- 10.68 It is concluded that the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area. The proposal is in accordance with local policy GEN7 and the NPPF.

G Drainage and flooding (ULP Policies GEN3 and GEN6)

- 10.69 The NPPF states that inappropriate development in areas of high risk 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.

- 10.70 The development site lies within Flood Zone 1 (low probability of flooding) as defined by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.
- 10.71 The planning submission was accompanied by a Flood Risk Assessment (FRA) which provides strategic and technical guidance in relation to surface and foul water runoff, flood risk mitigations measures and Sustainable Urban Drainage Systems (SUDS). The report concludes that the proposed scheme incorporates suitable flood resilient/resistant measures on a site that is within a low probability of flooding. The report states that the proposed development could be constructed and operated safely in flood risk terms and is therefore an appropriate development in accordance with the NPPF.
- 10.72 The application was referred to Essex County Council's SUDs department who are the Lead Local Flood Authority. They stated that after reviewing the Flood Risk Assessment and the associated documents which accompanied the planning application, we support the granting of unconditional planning permission. subject to imposing planning conditions.
- 10.73 It is considered that the proposed application would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.

H Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

- 10.74 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.
- 10.75 The relative separation distance between adjoining dwellings and the proposed area of housing as illustrated on the master plan within the site and the orientation are such that it is considered that no significant adverse harm would be cause to the amenities of adjoining property occupier's particular in relation to loss of light, privacy and visual blight.
- 10.76 It is considered therefore that the development could be accommodated without significant adverse impact upon the amenity of existing and future residents in accordance with Policy GEN2 and the policies of the NPPF.

I. Infrastructure provision to support the development (ULP Policy GEN6 and the NPPF)

- 10.77 Local Plan Policy GEN6 requires that development makes provision at the appropriate time for infrastructure that is made necessary for the development. The NPPF also requires such facilities to be provided to enhance the sustainability of communities and residential environments.
- 10.78 There was no requirement to formally consult NHS England as the number of dwellings proposed was under the threshold. Therefore a financial contribution to provide capital funding towards healthcare as a result of the proposal is not sought from the applicant.

- 10.79 The application was consulted to Essex County Council' infrastructure planning officer who has requested that any permission for this development be granted subject to a S106 agreement to mitigate its impact on education. Should the final development result in the suggested unit mix, a total sum of £109,480.50 is summered for education mitigation.
- 10.80 It is considered that the proposal would be capable of meeting the needs of future residents and would not place undue pressure on existing facilities within Thaxted and the locality subject to these provisions, and the completion of a satisfactory S106 Agreement.
- 10.81 In view of the above, it is considered that the necessary infrastructure could be provided to meet the needs of the development and could be in accordance with Policy GEN6 of the Local Plan and the NPPF.

11. CONCLUSION

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

- A The principle of the development on this redundant brownfield site is considered to a sustainable form of development within the village and the alternative use of the site for housing rather than employment is deemed to be acceptable.
- B The layout, size and scale of the proposal is considered to be appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create provide a sense of well-being for future occupiers.
- C The proposed mix of one, two, three, and four bedroom dwellings across the development is appropriate. There is no need for affordable housing provision as a result to a change to recent planning guidance.
- D It is concluded that the proposed development would cause no harm to matters of highway safety. In addition, appropriate parking provisions have been incorporated into the scheme that will meet the needs of future occupiers and visitors.
- E The proposed landscaping of open spaces including street frontages is considered to be appropriate.
- F It is concluded that the proposal would not result in a significant harm to the ecology and biodiversity within the site and the surrounding area.
- G It is considered that the proposed application would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.
- H The proposal would not lead to excessive harm upon the amenities of adjoining property occupiers surrounding the site.
- I The proposal will ensure that the necessary infrastructure could be provided to meet the needs of the development.

RECOMMENDATION – Approval subject to the conditions and Section 106 Agreement.

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by**

the 22 December 107 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an agreement to secure the following:

- (i) Provision of education financial contribution**
 - (ii) Provision and transfer of open space**
 - (iii) Ensure adequate ongoing maintenance of SUDS system.**
 - (iv) Pay the Council's reasonable costs**
- (II) In the event of such a variation to the extant 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 a variation of the extant obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:**
- (i) Provision of education financial contribution**
 - (ii) Provision and transfer of open space.**
 - (iii) Not providing adequate ongoing maintenance of SuDs system**

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. Based on the findings of the Phase I Preliminary Assessment Report and the Phase II Contamination Assessment Report produced by MLM dated November 2014 submitted with the application, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by Uttlesford Planning Authority prior to commencement of development other than that required to carry out the remediation. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, and details of how remediation will be deemed to be complete.

REASON: To ensure that the proposed development does not cause harm to human health or other receptors, and in the wider interests of safety and residential amenity, in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification: The proposed development site lies in a highly sensitive area of previous commercial and industrial uses and therefore it is essential that these details are submitted for approval in advance of the works being undertaken to ensure that any contamination deposits present on the site are appropriately investigated prior to development.

3. No occupation of any part of the permitted development shall take place until a

verification report including results of any sampling and monitoring to demonstrate the remediation objectives have been achieved has been submitted to and approved in writing by Uttlesford Planning Authority.

REASON: To ensure that the proposed development does not cause harm to human health or other receptors, and in the wider interests of safety and residential amenity, in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 4 In the event that contamination which was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to Uttlesford Planning Authority and the site risk assessment reviewed. Where remediation is necessary a remediation scheme detailing how the unsuspected contamination shall be dealt with must be submitted to and approved in writing by Uttlesford Planning Authority. The remediation shall be implemented as approved, following which a verification report must be submitted to and approved in writing by Uttlesford Planning Authority. The assessment, evaluation of remediation and verification shall be carried out in accordance with Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", available on the UDC website.

REASON: To ensure that the proposed development does not cause harm to human health or other receptors, and in the wider interests of safety and residential amenity, in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 5 Prior to occupation of any dwelling, the modified existing access shall be at right angles to Dunmow Road with a minimum 5.5 metre carriageway width and 2 x 1.8 metre wide footways. Visibility splays as shown on TPA Drawing No. PL02 Rev A with dimensions of 43 metres x 2.4 metres x 43 metres as measured from and alongside the nearside edge of the carriageway shall be provided before the access is first used by vehicular traffic and 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 in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 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 streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 7 All hard and soft landscape works shall be carried out in accordance with the

approved details (Drawing Number 102C). 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.

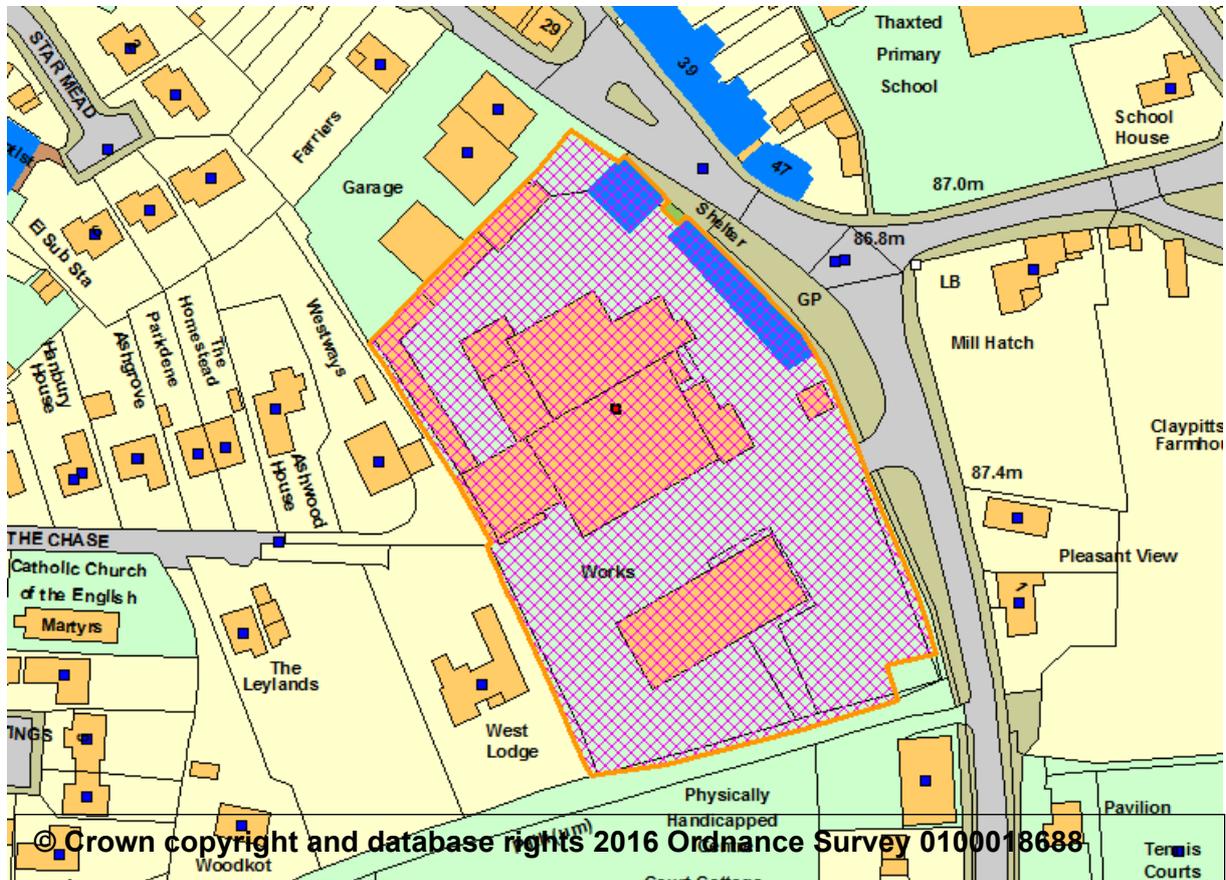
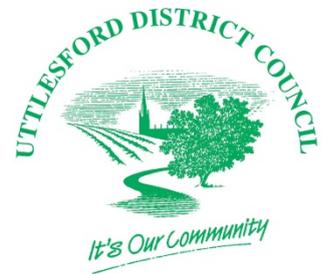
REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005)

- 8 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

Application: UTT/17/1444/FUL

Address: Former Molecular Products Ltd, Mill End, Thaxted



Organisation: Uttlesford District Council

Department: Planning

Date: 9 November 2017

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UTT/16/1445/LB - (THAXTED)

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PROPOSAL: Demolition of 1930s factory building and 1.5m of brick wall. Conversion of 3 Listed Building into 7 no. dwellings together with internal and external alterations hearth. Revised proposal that that approved under UTT/16/0172/LB

LOCATION: Molecular Products Ltd, Mill End, Thaxted

APPLICANT: A.J. Wadhams Ltd

AGENT: Wighton Architects

EXPIRY DATE: 21 September 2017

CASE OFFICER: Nigel Brown

1. NOTATION

1.1 Within development limits, Thaxted conservation area, Listed buildings.

2. DESCRIPTION OF SITE

2.1 The application site as outlined in red on the submitted location plan is located on the western side of Mill End on the southern edge of the town perimeter of Thaxted. The site itself is mainly rectangular in shape, relatively level and is approximately 0.9 of a hectare in size.

2.2 The site was previously used by the Molecular Products Group for commercial activities until it became recently vacant in August 2013.

2.3 The site consists of a number of industrial like structures of a modern appearance that varying in size, scale and materials. Most noticeable is the main factory along with the distribution warehouse. In addition a tall tank approximately 14m in height is centrally positioned within the site and is highly noticeable within the wider surrounding area.

2.4 In addition to these buildings, a row of three buildings, double storey in height and externally finished from facing brickwork and render are located along the eastern boundary of the site fronting onto Mill End. These buildings are grade two listed and were once used as ancillary office accommodation in connection within the commercial use of the site.

2.5 Vehicle access to the site is off Mill End to the south of the junction with Bardfield Road. The site is dominated by hard standing with very little soft landscaping. Mature vegetation is located along the boundaries of the site however it is more dense along the southern boundary. Four trees in and around the site are subject to tree preservation orders.

2.6 The site is located within a well-established built up area compressing of a mixture of development. A petrol station abuts the northern boundary of the site whilst the western boundary is almost entirely occupied by two residential plots known as

'Westways' and 'West Lodge'. A public foot path abuts the southern boundary extending the entire length of the site. Further beyond this path is a local community centre along with further residential housing. The local Thaxted tennis club is located to the south east of the site and the local primary school is located to the north east fronting onto Barfield Road. The site is located approximately 170m from the town centre which can be easily reached by the existing public foot path.

3. PROPOSAL

- 3.1 Listed building consent is sought for the demolition of all structures on the site except for designated listed buildings, the demolition of a 1.5m section of brick wall along the sites frontage, and the redevelopment of the site for the construction of 22 new dwellings and the conversion of the listed buildings to 7 dwellings with associated infrastructure and landscaping. Works have legitimately started on site this is a revised proposal including minor alterations to the approved scheme.

4. APPLICANT'S CASE

- 4.1 Extensive pre-application meetings with the Local Planning Authority were held in which general advice was taken into consideration regarding the final design and layout of the application.
- 4.2 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. In addition further information in relation to technical issues such as a heritage assessment has also been submitted in support of the proposal.
- 4.3 The applicant considers that the proposed residential scheme accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/1250/FUL - Demolition of structures (except Listed Building), demolition of 1.5m of Listed Brick wall and the redevelopment of the site for 22 new dwellings and the conversion of the existing Listed Buildings into 7 dwellings with associated public open space, roads, access alterations and landscaping (withdrawn)

UTT/15/1251/LB - Demolition of 1930s factory building (curtilage listed) and 1.5m brick wall, external and internal alterations and additions to 3 no. Listed Buildings and associated works (withdrawn)

UTT/16/0171/FUL, Demolition of all structures on site (except designated Listed Buildings), demolition of 1.5m of the Listed brick wall. Redevelopment for 22 new dwellings and the conversion of the Listed Buildings to 7 dwellings with associated public open space, roads, access alterations and landscaping. Erection of new boundary wall, Granted 30.6.16.

UTT/16/0172/LB, Demolition of 1930s factory building and 1.5m of brick wall. Conversion of 3 Listed Building into 7 no. dwellings together with internal and external alterations including: replacement windows, removal of fire escape, additional door to south elevation, escape door converted to window, removal of internal partitions and insertion of new internal partitions, new stair unit, removal of ramps and raising of floor, new glazed French Door to existing opening, restoration

of historic hearth. Erection of new boundary wall, Approved 30.6.16.

6. POLICIES

National Policies

- 6.1 - National Planning Policy Framework
The Planning (Listed Buildings and Conservation Area) Act 1990

Uttlesford Local Plan (2005)

- 6.2 - Policy ENV2 – Development affecting Listed Buildings

7. PARISH COUNCIL COMMENTS

- 7.1 The council support the application on the following provisions that the roof line remains the same as the listed building and the tiles which are used are clay tiles with ridges to ensure the character is not affected

8. CONSULTATIONS

Historic England

- 8.1 On the basis of the information available to date, we do not wish to offer any comments.

UDC Conservation officer

- 8.2 By and large there are no fundamental changes to the originally approved scheme relating to the heritage asset. The differences relate mostly to slight variation in subdivision of internal volume into 7 units. Consequently some of the new party walls and partitions would be in an alternative location, but all the existing openings would be used as before. The exemplary Heritage Statement successfully informs the rational leading to the now proposed arrangement. All the above changes follow the discussions on site when on emptying the listed buildings its specific features could be more successfully utilised..

- 8.3 As before I feel that the scheme endeavours to improve upon previous unsympathetic alterations. It would result in much superior elevational details and final preservation of this heritage asset in new, financially secure ownership. The removal of modest area of listed wall would allow for the implementation of the wider scheme and could be viewed as of public benefit. In conclusion I suggest approval subject to conditions

ECC Ecology Advice

- 8.4 No objection subject to conditions.

9. REPRESENTATIONS

- 9.1 The application was publicised by sending 155 letters to adjoining occupiers, displaying of site notices and advertising it within the local newspaper. No representations received relevant to the listed building application.

10. APPRAISAL

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

A. **Whether the proposal would result in detrimental harm to the historical significance or fabric of the listed buildings (UDC policy ENV2 and the NPPF)**

- 10.1 The main issue to address is whether the proposed development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and the relevant policies contained within Uttlesford District Council's Adopted Local Plan.
- 10.2 The Planning (Listed Buildings and Conservation Area) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly section 16(2), of preserving a listed building or its setting or any features of special architectural or historic which it proposes.
- 10.3 Paragraph 133 of the Framework states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 10.4 Furthermore, paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.
- 10.5 The proposed development was consulted to UDC conservation who made the following comments:
- 10.6 The site is located within Thaxted Conservation Area and despite containing some listed structures; it has been identified as one which detracts from its character.
- 10.7 This listed building consent application seeks the consent to demolish the factory structures, some areas of listed wall and the conversion of listed range fronting the road. A detailed scheme for new housing development would form a separate planning application. The proposal has been much negotiated. Clearly, removal of C20 factory buildings is acceptable. The conversion to residential use of the listed and much altered ranges follows officer's previous advice. The scheme endeavours to improve upon previous unsympathetic alterations. It would result in much superior elevational details and final preservation of this heritage asset in new, financially secure ownership. The removal of modest area of listed wall would allow for the implementation of the wider scheme and could be viewed as of public benefit.
- 10.8 Officers consider that the proposal would cause less than substantial harm to the historical significance and fabric of the existing listed buildings and would provide sufficient public benefits such as providing additional housing for the village. The development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and policy ENV2 of the Uttlesford District Council's Adopted Local Plan.

11. CONCLUSION

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

- A The development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and policy ENV2 of the Uttlesford District Council's Adopted Local Plan.

RECOMMENDATION – Approval subject to the 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. Samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the local planning authority before any work commences on site. The works shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with local policy ENV2 and The national Planning Policy Framework.

Justification: The existing building is of historical importance and it is thereby necessary that these details are required before works commence to ensure that no detrimental harm fabric of the building is caused.

3. Notwithstanding the details shown on the submitted plans, additional drawings that show the railings and dwarf walls at scales between 1:20 and 1:1 as appropriate, shall be submitted and approved by the Local Planning Authority prior to the commencement of works.

REASON: In the interest of protecting the architectural and historical significance of the existing building in accordance with local policy ENV2 and The national Planning Policy Framework.

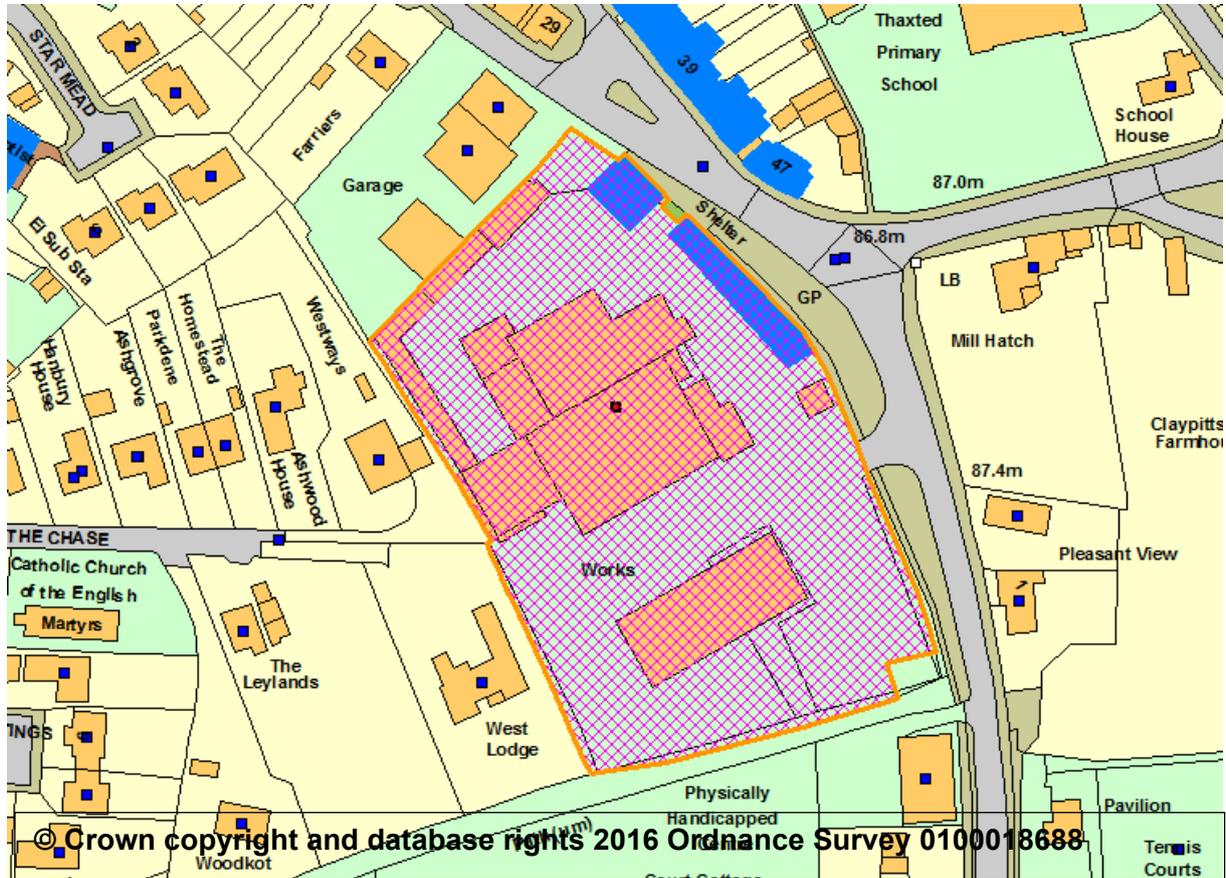
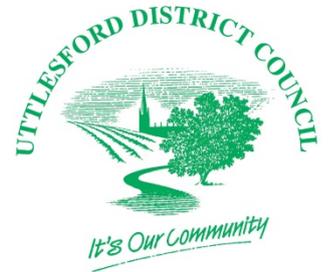
Justification: The existing building is of historical importance and it is thereby necessary that these details are required before works commence to ensure that no detrimental harm fabric of the building is caused.

4. No historic timbers other than that indicated on the approved drawing numbers of the existing building shall be cut or removed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with local policy ENV2 and The national Planning Policy Framework.

Application: UTT/17/1445/LB

Address: Former Molecular Products Ltd, Mill End, Thaxted



Organisation: Uttlesford District Council

Department: Planning

Date: 9 November 2017

UTT/17/1782/FUL - (SAFFRON WALDEN)

(MAJOR)

PROPOSAL: Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend control over retail space details relating to materials, landscaping, cycle parking

LOCATION: Site At Thaxted Road (former Civic Amenity And Granite Site), Thaxted Road, Saffron Walden

APPLICANT: Granite Property Development Saffron Walden Limited

AGENT: Barton Willmore

EXPIRY DATE: 15 September 2017

CASE OFFICER: Maria Shoesmith

1. NOTATION

- 1.1 Part within Development Limits/Part within Employment Land, Part within Employment Land to be Safeguarded.

2. DESCRIPTION OF SITE

- 2.1 The site is situated on the southern approach to Saffron Walden on the eastern side of the B184. The site as a whole is roughly rectangular in shape, incorporating the former Civic Amenity site, a former Highways Depot, an open field and the site formerly occupied by Granite. The frontage of the site is approximately 190m and the site has a depth of approximately 175m (3.33ha). An access road to the new Community Recycling Centre (CRC), Highways Depot and Howdens building also forms part of the application site. This new access road was constructed to serve the new CRC and Highways Depot and effectively determines the proposed levels within the site.
- 2.2 The site runs from south east to north west and the ground levels vary by several metres, falling away towards the northwest. The site levels have since varied since the assessment of the first application as the first phase of the development has been implemented in the form of the Aldi store, which is located to the front of the site. The Discount food store unit has a height ranging between 6.4 -8.6m, and a floorspace of 1,578 square metres. This unit would be similarly constructed to the other proposed units.
- 2.3 The byway running along the northern edge of the site is approximately 5m lower than the proposed site levels. This difference in site and highway levels forms a landscape buffer zone screening the site. The plot to the southeast is at a higher ground level to the rest of the application site also framed by a bank of landscaping.
- 2.4 Within the application site, to the east, are the former buildings occupied by Granite. Adjacent to the access road is the former Civic Amenity Point (CAP) which is hard surfaced and to the north east of the CAP is an area formerly used as a Highways Depot. This area is covered in hard material, predominantly old broken up road surfacing material. To the north east of this, and adjacent to the Granite building, is

an area of open land that has been used to deposit spoil and large pipes, possibly from the construction of the new access road.

3. PROPOSAL

3.1 The original application was for the demolition of existing buildings on site and the redevelopment of the site to comprise 3no. retail warehouse units and an associated garden centre (Class A1), a discount foodstore (Class A1), and a café (Class A3), including associated landscaping, servicing areas, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land. This was granted planning permission in May 2013. The first phase of this development, the discount food store, has been built out, leaving the north-eastern half of the site.

3.2 This application now seeks the variation/omission of conditions 8 and 27 of the approved consent to allow amendments to the layout, floorspace, and goods in response to identified potential end users. The conditions state;

Condition 8:

"Units 1-3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming other non-food bulky goods but not including fashion wear items or fashion foot wear.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF." And;

Condition 27:

"The mezzanine floorspace of 186 sq m in Unit 2 shall be used for ancillary purposes only and not for the sale of retail goods within Class A1 of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order).

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF."

3.3 The approved scheme has floorspace area of 3,531 square metres for retail warehousing and 190 square metres for the proposed café. The units would be constructed from metal cladding panels with aluminium rain screens.

3.4 Below is a breakdown of the approved floor space and the proposed floorspace amendments;

- Retail Warehouse Unit 1 – approved 517 sq m GEA proposed amendment to 557sqm GIA
- Retail Warehouse Unit 2 – approved 2,020 sq m, with an outdoor garden centre extending to 1,114 sq m including a garden centre lobby of 108 sq m GEA and

staff mezzanine of 186sq.m including, proposed amendment to 2,043sqm and garden centre 650sqm;

- Retail Warehouse Unit 3 – 700 sq m GEA proposed amendment to 650 sqm;
- Discount foodstore – 1,578 sq m GEA (1,125 sq m net sales area) this element has been implemented, and
- Café (Class A3) – 190 sq m GEA with an external seating area, proposed amendment to 167 sqm.

3.5 The previous approved scheme indicated 93 car parking spaces for the retail warehouse units including 9 disabled parking bays and 10 cycle parking bays. The discount food store is served by 137 car parking spaces, with 8 disabled parking bays and 4 parent parking bays.

3.6 This application indicates amendments to the parking layout and the number of parking spaces to be provided. It is proposed that an additional 43 car parking spaces top the west of the site would be provided indicating a total of 135 spaces adjacent to the Aldi scheme. Also, 126 including 6 disabled parking bays, 10 cycle bays and 5 motorcycle bays.

3.7 The approved scheme showed units would be single storey and have a height of 9.3m. The heights of the proposed units would be similar as to the approved scheme at 9-9.5m.

3.8 The main existing entrance from Thaxted Road would be used for the proposed development. The access road currently serving the CARC facility, highway depot and the now Howdens store would be moved for highway safety reasons to prevent highway conflict with proposed access road that would serve the units. The scheme indicates a continuation of the pedestrian link accessed from Thaxted Road to the main retail store/through the centre of the site.

4. Environmental Impact Assessment

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, exceeds the threshold criteria of Schedule 2, however the application has been screened and an Environmental Assessment is not required.

4.2 Human Rights Act considerations:
There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

5.1 Various documents have been submitted as part of the main full planning application, which have been listed below:

- Design and Access Statement Addendum;
- Construction Method Statement;
- Proposed Materials Schedule;

- Letter from GEA dated 26th October 2016;
- BREEAM Design Stage Assessment;
- Retail Assessment Addendum;
- Transport Statement;
- Air Quality Supplement Review;

Plans:

- Location Plan – Drawing 14467-100 Rev B;
- Existing Site Plan – Drawing 14467-101 Rev C;
- Proposed Site Plan – Drawing 14467-102 Rev Q;
- Proposed GA Plan – Drawing 14467-103 Rev D;
- Proposed Elevations 1 of 2 – Drawing 14467-104 Rev C;
- Proposed Elevations 2 of 2 – Drawing 14467-105 Rev F;
- Proposed Roof Plan – Drawing 14467-106 Rev D;
- Proposed Site Sections – Drawing 14467-107 Rev E;
- Proposed External Works – Drawing 14467-108 Rev B;
- Proposed Cycle Storage Details – Drawing 14467-110 Rev A;
- Landscape Plan – Drawing V14467-L01 Rev E;
- External Lighting Design Plan – Drawing D29088/LKM/D
- Swept Path Analysis Using a 3.5t Panel Van – Drawing 2013-1657-AT-123

5.2 Due to changes in tenant's requirements, minor alterations to the proposed unit sizes are required and this has an effect on the proposed layout. These are summarised as follows:

- After entering the site from Thaxted Road by vehicle, the first left hand turn is proposed to be altered to provide a wider roadway and easier manoeuvring for HGVs. This results in the loss of 2no. car parking spaces (compared to the approved layout).
- The upper section of car park is proposed to be made larger by pushing Units 2 and 3 further to the rear of the site by the width of a car parking space. This increases the proposed car parking figure from 93no. approved spaces to 126no. proposed spaces.
- The previous projecting entrance lobby is no longer required to Unit 2, allowing the proposed site layout to offer more car parking spaces along the frontage.
- The access from the central spine road into the car park opposite Unit 3 is proposed to be closed off in order to assist with addressing the level difference between the car park and the road.
- The outdoor garden centre is proposed to be reduced from 1,137sqm GEA to 664sqm GEA.
- The reduction in garden centre area allows Unit 1 to be increased in size and the proposed coffee shop unit relocated adjacent to it. This makes more efficient use of the site as the area of service yard behind the original coffee shop location is now proposed to be removed and the larger terrace repositioned closer to the access road.
- The proposed substation which was previously located adjacent to the rear

service yard access is now proposed to be located within the corner of the proposed car park in order to make the electrical services design more efficient in terms of lengths of cables, etc.

- The proposed gabion retaining walls to the rear service yard have been replaced with earth retaining walls to tie in with the proposed concrete hard standing area and making the structure of the external works that are required more efficient.

6. RELEVANT SITE HISTORY

- 6.1 The application site has a long planning history; the most relevant planning applications are listed below:
- 6.2 UTT/13/0269/AV - The erection of a totem pole sign - granted Advertisement Consent 4 April 2013.
- 6.3 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 19 December 2007(UTT/1788/07/OP).
- 6.4 There has been a recent application for the renewal of UTT/1788/07/OP this has been approved subject to conditions and a Section 106 Agreement relating to travel plan and highway works at the 24th August 2011 Planning Committee (UTT/2208/10/REN).
- 6.5 Planning permission was granted for “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.” (UTT/13/0268/FUL, 10 May 2013).

This is the subject of the current application before us.

- 6.6 Other relevant planning applications relate to the adjacent sites for a Heritage Quest Centre proposed to store museum artefacts and resource base for study, located to the north-west of the application site (UTT/1709/05/DC) and the alternative site to the south-east of the application site (UTT/0098/10/DC).
- 6.7 UTT/1451/09/FUL was the first planning application that Sainsbury’s submitted for a new retail food store with a café, teller machines and the creation of a car park and service yard. The store would have a gross internal area of 6322sqm, with 3766sqm net retail floorspace. A total of 382 car parking spaces are proposed including 19 disabled spaces and 15 parent and child spaces. In addition 74 cycle hoops are proposed giving 148 cycle spaces. This was refused on the grounds of *“The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre food store. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the*

comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4.”

6.8 Planning permission was granted for the “Erection of new petrol filling station and customer kiosk, new landscaping, access and associated works” (LPA reference UTT/0788/11/FUL) at the Planning Committee on 16 October 2011. This is the same committee at which planning application UTT/0787/11/FUL was considered (after the appeal against non-determination was made).

6.9 With regards to UTT/0787/11/FUL this related to the “Erection of new foodstore (use class A1) including cafe, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping servicing and associate works”. This application was 20% smaller than the previous refused application UTT/1451/09/FUL. It was resolved that *“Had the application not been appeal under the grounds of non-determination it would be recommended for Refusal for the following reasons: The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre foodstore. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4.”*

7. POLICIES

National Policies

7.1 - National Planning Policy Framework

Uttlesford Local Plan (2005)

- 7.1
- Policy SW1 - Town Centre
 - Policy SW5 - Thaxted Road Employment Site
 - Policy SW6 – Safeguarding of Existing Employment Area
 - Policy S1 – Development limits for the Main Urban Areas
 - Policy S7 - Countryside
 - Policy E2 – Safeguarding Employment Land
 - Policy RS1 - Access to Retailing and Services
 - Policy RS2 – Town and Local Centres
 - Policy GEN1 – Access
 - Policy GEN2 – Design
 - Policy GEN3 – Flood Protection
 - Policy GEN7 - Nature Conservation
 - Policy GEN8 – Vehicle Parking Standards
 - Policy ENV3 - Open Spaces and Trees
 - Policy ENV12 – Protection of Water Resources
 - Policy ENV13 – Exposure to Poor Air Quality
 - Policy ENV14 – Contaminated Land
 - Policy ENV15 - Renewable Energy
- **Uttlesford Retail Capacity Study**

8. SAFFRON WALDEN TOWN COUNCIL

8.1 To note with no objections.

8.2 Further comments received requesting S106 agreement and renegotiation to allow provision for installation of street lights in Thaxted Road, and that they are to be fully and properly installed to working order.

9. CONSULTATIONS

Cadent

9.1 The proposal as currently specified is in proximity to Cadent and/or National Grid apparatus, which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons.

Anglia

9.2 As condition 8 and 27 do not relate to foul water or surface water conditions, Anglian Water have no comment to make.

NATS

9.3 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.

Natural England

9.4 Natural England currently has no comment to make on the variation of condition 8 & 27. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

ECC Ecology

9.5 No objections. The proposed changes to the layout are minor and I understand all ecological matters are now resolved.

SUDs

- 9.6 Having reviewed the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

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 enough detail in regards to the run-off rate and lifetime of the development. More information should be given as to how the run-off rate has been derived and it should be stated whether the lifetime of the development will exceed 2069. If the lifetime will exceed 2069, the climate change allowance will need to be increased.

Provide sufficient treatment – no treatment has been shown on the proposed plan.

However, in the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Response received 28.09.2017

The site has previously had planning permission and therefore whilst perhaps it has not been fully demonstrated that our requirements on water quality have been met, the proposal provides betterment on the previously approved scheme.

Having reviewed the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

Environmental Health

- 9.7 The supplementary review of the Air Quality Assessment (January 2013) prepared by WSP is acceptable. There will be no significant change to AADT flows and fleet make up as a result of the proposed revision, and therefore no additional impact on air quality.

Comments received 4.10.2017

- 9.8 A letter has been submitted as part of the application, from GEA dated October 2016, to support discharge of Conditions 21 & 22 of UTT/13/0268/OP.

The letter refers to historic assessments of ground conditions on the whole planning envelope. The latest report referred to, dated September 2009, identified elevated levels of the hydrocarbon benzo a pyrene in one of the five stockpiles on the part of the site under consideration.

Since these assessments were carried out, development of Phase 1 of the site has been completed, and no application has been made to discharge condition 22 relating to validation of remediation on Phase 1. It therefore remains unclear

whether the size, nature and location of the stockpiles has altered in the interim.

In addition, previous reports on the site as a whole have identified a risk from contamination in the made ground in the quarry beneath the majority of the site, including emission of carbon dioxide, and risk assessments have been carried out against criteria, many of which have changed over the time elapsed since the referenced investigations were completed. Insufficient evidence has been submitted to demonstrate that the presence of asbestos containing material in the fill and stockpiles has been adequately addressed.

A comprehensive review of the current site conditions is therefore required to be able to be confident that risks to human health, groundwater and services have been fully addressed, and it is recommended that Conditions 20 to 23 relating to contamination on UTT/13/0268/OP are replicated.

UDC Landscaping Officer

- 9.9 The landscaping details as set out in Dwg. No. V14467-L01 Rev.C are considered to be acceptable, and broadly accord with the previously approved GA Landscaping Plan Dwg. No. V0913-L01 Rev. E.

With regards to the proposed fencing details, the 4.8m high fencing around the service yard and garden centre perimeter is considered to be acceptable as this will be seen for much the greater part, set against the warehouse units.

ECC Highways

- 9.10 The development on this site has been subject to a number of applications. Some of the highway works from previous applications have not been completed to adoptable standards. These are identified below and the highway authority seeks advice from the planning authority as to whether is appropriate to address these through this application.

The impact of the proposed changes has been calculated in two different ways and the highway authority is satisfied that the traffic generation is broadly similar to the UTT/13/0268 application and the change in impact in highways terms minimal.

The development is adjacent to byway 18 and therefore the detailed design of the adjacent retaining structure will be subject to approval by the Highway Authority. The following observations are made on the in principle proposal. The Highways Authority would expect the structure to remain in private ownership; and have a working life of 120 years. The retained height of the retaining wall is in excess of 1.5m therefore it is required that a full technical approval (including an AIP) is submitted for the structure, to the requirements in ECC guidance. The service area adjacent to the retaining wall is a potential hazard to the public therefore an adequate restraint system is would have to be installed at the top of the structure.

The additional car parking provision is welcomed and consideration should be given for an electric vehicle charging point to be provided as part of the car parking facilities.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions or obligations:.

10. REPRESENTATIONS

The neighbouring properties have been consulted of the planning application and the scheme has been advertised in the local press and on site. 4 letters have been received raising the following comments;

- Roundabout required to address current highway safety issues from existing access;
- The northern boundary should be landscaped gabion;
- An opportunity to increase the amount of forest type, long lived, tree planting on the boundary of the site, particularly where it abuts neighbouring housing and agricultural land. (Types of trees were mentioned in the rep.)
- The number of proposed trees in the car parking areas should be doubled; if not then the development should be reduced. This will offset the amount of additional traffic on site and in the surrounding area as well as absorbing some of the fumes and diesel deposits generated by heavy transport vehicles. It would also make the area more attractive and some compensation for taking business away from the town centre.
- Support the application but any lighting visible outside of the proposed premises is reduced as far as possible.
- Outside normal working hours, could measure be put in place for any unnecessary lighting to be switched off or shaded to reduce light pollution. The adjoining Aldi premises to the application site is brightly lit 24 hours a day and 7 days a causing pollution. Otherwise, I look forward to the sensible development of this site for employment use.

11. APPRAISAL

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

- A Principle & Retail Impact;
- B Design & Amenity;
- C Highways;
- D Contaminated land issues;
- E Drainage
- F Impact on biodiversity;
- G Infrastructure
- H Other issues;

A Principle & Retail Impact

11.1 The application site, other than an area between the main site and Thaxted Road has been previously developed and is predominately classified as 'brownfield' land which in principle would be acceptable to re-develop, in accordance with local plan Policy S1. The proposal involves the reuse of the former Granite site, Highways depot and Civic Amenity Site and is currently an area which forms an unattractive entrance to the town. This is mainly due to the abandoned buildings and the spoil piles from the construction of the new access road to the new Civic Amenity and Recycling Centre (CARC) and Highways Salt Depot. The area has begun to be transformed following the implementation of the first phase of the approved development under UTT/13/0268/FUL, the Aldi store.

11.2 This application seeks to amend the approved scheme through the amendment to the floorspace layout of the units as identified in Section 3 above fundamentally;

- The garden centre is proposed to be reduced by 464 m² to 650m²;
 - Retail Unit 1 has been enlarged by 92m² to 557m² and has been re-sited slightly northwards;
 - The café together with its external seating area has been re-sited to be adjacent to Unit 1 and proposed to increase by 5m² to 167m²;
 - Unit 2 is proposed to increase by 185m² to 2,043m²;
 - Unit 3 would remain the same at 650m²;
 - There has also been a slight amendment to the parking layout;
- 11.3 The principle of the development has been previously discussed and accepted as part of the original application and the history of previous similar planning applications on this site.
- 11.4 Little has materially changed since the determination for the original application in 2013. The then draft emerging Local Plan has since been withdrawn and there is a new emerging draft local plan which is at its early stages in the process. Due to the early stages of the draft local plans both past and present these have little weight to the determination of the application.
- 11.5 However, as a result of the current local plan work a revised Retail Capacity Study on behalf of the Council has been undertaken by Savills in 2016. This forms part of the evidence base for the emerging Local Plan, which is currently being prepared by the Council.
- 11.6 The updated retail capacity study identified *“little leakage to competing convenience shopping floorspace outside of the district and we, therefore, conclude that, taking into account the physical provision of shopping facilities, particularly main food stores in the respective towns, Uttlesford is relatively well served in terms of main food shopping facilities.”* The Study also stated that there is *“Limited convenience capacity arises in Saffron Walden by 2021. By the end of the plan period in 2033 this will have risen to £28.04m which would support for a small to medium sized food store.”* Equally the study shows that whilst there is a deficit identified in 2016 there would be expenditure capacity in comparison goods from 2021 onwards. It is recommended that the capacity is met within the town centre first but the study acknowledges that this is likely to be limited due to potential sites.
- 11.7 The application site has been identified as a committed site within the study.
- 11.8 The applicant has submitted a Retail Assessment Addendum as part of this application highlighting the impact assessment of the proposed changes. The report outlined that the proposed increases in floorspace are minimal in comparison to the overall provision within the Town Centre. To assess the level of impact as a result of the proposed alterations the applicant has looked into the potential turnover, trade diversion and subsequent impact of the units as a whole. This has then been compared to the previous 2013 permission.
- 11.9 The Council’s retained retail consultants have been consulted of the application to assess the retail impact of the scheme and the applicant’s Retail Assessment Addendum. Their retail review outlined the differences between the extant consent and the proposed development as the following;

	s73 Proposed Development (UTT/17/1782/FUL) sq m GIA	Extant Planning Permission (UTT/13/0268/FUL) sq m GIA	Difference in floorspace sq m GIA
Unit 1	557 sq m (excluding mezzanine at 269 sq m)	465 sq m	92 sq m
Unit 2	2,043 sq m	1,858 sq m (excluding mezzanine at 186 sq m)	185 sq m
Unit 3	650 sq m	650 sq m	Nil
Garden Centre	650 sq m	1,114 sq m	- 464 sq m
Cafe	167 sq m	162 sq m	- 5 sq m
Aldi	1,523 sq m	1,523 sq m	Nil
Total Floorspace GIA (excluding mezzanine)	5,595 sq m	5,772 sq m	- 182 sq m
Unit 1	269 sq m	-	
Unit 2	-	186 sq m	
Total Floorspace GIA	5,859 sq m	5,958 sq m	- 99 sq m

11.10 The table shows that the proposal results in a reduction of floorspace by 99 sq m GIA when the development is considered as a whole. The unit that is most significantly affected by the changes is the garden centre which would reduce by 464 sq m GIA.

11.11 It has been concluded that due to the location of the site and the secured committed development the proposal is not in conflict in regards to the sequential test, in any event there are no other sequentially preferable sites for the proposed development. This is in accordance with paragraph 24 of the NPPF.

11.12 As part of the application it is sought that conditions 8 and 27 are varied from;

Condition 8:

Units 1-3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming other non-food bulky goods but not including fashion wear items or fashion foot wear.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF; And,

Condition 27:

The mezzanine floorspace of 186 sq m in Unit 2 shall be used for ancillary purposes only and not for the sale of retail goods within Class A1 of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order).

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

11.13 This would allow the range of goods that can be sold from the Unit 2 whereby 10% of the floorspace can be used for the sale of convenience (or food) goods and 5% of

floorspace to be used for the sale of toiletries. The sale of such goods from the retail units is not currently permitted due to restrictions on the sale of goods as controlled by the conditions of the previous application. The impact of this has been assessed and it has been concluded that there would not be a significant adverse impact upon Saffron Walden Town Centre as a result of the scheme, subject to some minor alterations to the proposed original conditions attached to the previous application which is necessary to ensure that the proposed development would not give rise to harm to the vitality and viability of Saffron Walden Town Centre.

- 11.14 On this basis the proposed development and variation of conditions 8 and 27 are considered acceptable and would have an acceptable impact upon the town centre, in accordance with paragraphs 24-27 of the NPPF and would accord with the draft plan supporting studies.

B Design & Amenity

- 11.15 With regards to the proposed design of the scheme in question 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.
- 11.16 The proposed development would still be set back from the main road frontage of Thaxted Road. The existing main entrance into the site would be utilised with landscaping framing the frontage, the entrance and the main car park and walkway areas. This will soften the proposed level of hardstanding areas that would form the carpark. A proportion of this has already been implemented through the development of the first phase.
- 11.17 Service yards would be retained to the rear of the proposed units and have been designed to avoid visual impact, and interference with the flow of public traffic within the proposed scheme, also to create separation between public and private realm.
- 11.18 The existing internal access road serving the highway facility and Howdens is still proposed to be realigned to avoid vehicle movement conflict within the site. However, should planning permission be granted a condition would be required for the details on how the existing access would be closed off and the provision of a hammerhead to continue to facilitate the needs of the existing units.
- 11.19 With regards to the design of the units the size, heights, design and choice of modern materials would remain similar to the approved scheme and are acceptable, consistent and in keeping with its surroundings, in accordance with Local Plan Policy GEN2. It is considered that the design of the scheme would greatly improve the overall appearance of the site and this part of Thaxted Road.
- 11.20 The landscaping works to the front of the site and the approach from Thaxted Road has already been implemented as part of Phase 1, however, further landscaping is proposed as part of the second phase of the site which forms part of this application. This would further soften the overall appearance of the scheme and would form a buffer/transition between this site and the surrounding adjacent sites.
- 11.21 Details of enclosure treatment have been provided as part of this application. It is proposed that the internal service yards of the garden centre would have a perimeter fence of 2.4m galvanised welded mesh and the rest of the service yards and gates would be a total of 4.8m on height comprising of 2.5m high Heras Zenith

galvanised prison mesh panels, 1.8m high galvanised welded mesh with wind break mesh behind topped with 3 strands of short barbed tape. Whilst it is understood that security is required for the site it is also considered that the northern and western boundaries of the site are sensitive due to backing onto countryside and current and further possible future development of housing in this location (as identified by the emerging draft local plan) and therefore the height of the proposed fencing is a concern. However, the fencing will be read in conjunction with the proposed units in the backdrop and therefore overall it is considered to be acceptable. No objection shave been raised by the Landscaping Officer.

11.22 Local Plan Policies GEN1 and ENV15 relating to renewable energy and the Council's Supplementary Planning Document "Energy Efficiency and Renewable Energy", seeks for sustainable development both in terms of reducing carbon footprint, promoting the use of renewable energy and locating development within accessible locations that can be served by other means of transport. Uttlesford has a requirement for new buildings to comply with BREEAM 'Very Good' rating, in line with national and regional policy. However, this policy has been superseded through the changes to Building Regulation requirements over recent years. It was stated within the original supporting Design and Access Statement that the proposed development will seek to achieve a BREEAM 'very good' rating as far as possible. An updated report undertaken in March 2017 states "*The retail units achieve an interim score of 57.60% BREEAM Retail New Construction 2014 Environmental and Sustainability Standard. This translates into an interim BREEAM rating of Very Good.*" Therefore the proposal accords will continue to accord with local plan policies and the SPD, subject to a revised condition requesting post construction details to be submitted.

11.23 Details of floodlighting which have been submitted and are considered to be acceptable.

C Highways

Parking & Access

11.24 ULP Policy GEN8 requires the parking provision to be in accordance with current adopted standards, the parking standards are outlined in ECC Parking Standards (January 2009). The Council's car parking standard (ECC Parking Standards 2009) was adopted by the Council January 2010 post the submission of the previous applications.

11.25 The standards requires;

- 1 car space per 14sqm for food stores and 1 car space per 20sqm (maximum),
- 1 cycle space per 400sqm for staff and 1 cycle space per 400sqm for customers (minimum),
- 1 plus 1 space per 20 car spaces for the 1st 100 spaces, and then
- 1 space per 30 over 100 spaces for powered two wheelers (minimum) and
- Disabled parking bays 4 plus 4% of total capacity

11.26 The approved scheme comprises of 93 car parking spaces for the retail warehouse units including 9 disabled parking bays and 10 cycle parking bays. The proposed discounter food store would be served by 137 car parking spaces, with 10 cycle bays, 8 disabled parking bays and 4 parent parking bays. This is a total of 230 car parking spaces, 17 disabled parking bays, 20 cycle bays. Whilst the scheme did not fully comply with the parking standards it was concluded that due to the fact that the

scheme would be located on a contained site it was acceptable and would provide an adequate balance. There is a risk that the site could be overly dominated by the level of car parking provision in relation to built form. The car parking requirements should be highlight are maximum standards and not minimum.

- 11.27 This proposal would have a requirement for a maximum of 316 car parking spaces, 14 cycle spaces for staff (minimum) and 14 cycle spaces for customers, 11 two-wheeler bays and 14 disabled parking bays.
- 11.28 The current scheme before us indicates a provision of;
- 117 car parking spaces, 6 disabled car parking spaces, 20 cycle spaces and 11 motorcycle bays are proposed to serve the second phase of the scheme to the north.
 - Phase 1 currently provides 84 car spaces with 8 disabled spaces and 10 cycle spaces.
 - An extension of the car park to the west would provide a further 43 car parking spaces.
- 11.29 This works out to provide 244 car parking spaces, 14 disabled spaces, 30 cycle spaces and 11 motorcycle bays. This complies with Local Plan Policy GEN8 and the Essex Parking Standards (2009). Therefore as a result details submitted in consequence of condition 17 of the original application UTT/13/0268/FUL which seeks for details and location of motorcycle and bicycle bays to be submitted for approval can be discharged in this respect.
- 11.30 The adopted standards has increased the required sizes of parking bays in line with the increased sized of modern vehicles seeking parking bays of 2.9m x 5.5m plus 1m either side for disabled bays. The proposal would provide parking bays of 2.5m x 5m which would be below the required standard sizes. The disabled parking bays however comply. No justification has been submitted as part of the application regarding the parking bay sizes however similar size bays have been deemed as acceptable on other applications on this site including the extant consent UTT/13/0268/FUL.
- 11.31 The Highway Authority were previously quoted on the Sainsbury's applications stating "*the proposed sizes of the bays for this particular application would be appropriate, the smaller spaces are unlikely to cause highway safety concern on the public highway, although they do not provide as much convenience and manoeuvrability for shoppers.*" Based on Highway Authority recommendation, previous approaches to similar schemes on this site and the fact that the previous planning application including the extant consent was not refused on car parking standards this part of the scheme is therefore still considered to be acceptable.
- 11.32 Travel Plans are a means of encouraging access to sites by means other than the private car. A Travel Plan has not been submitted with the application detailing the initiatives proposed to encourage staff members to seek alternative means of travel to work. It should be noted that a travel plan formed part of a Section 106 Agreement on the previous extant application. Therefore, should planning permission be granted the content of the Section 106 Agreement which formed part of application UTT/2208/10/REN and UTT/13/0268/FUL should be transferred over should planning permission be granted.
- 11.33 An accessible ramp designed to be DDA (Disability Discrimination Act) compliant has been implemented as part of Phase 1 of the development. Zebra crossings

and pedestrian link ways continue to be incorporated within the proposed development. This is in accordance with sections (c) and (d) of local plan Policy GEN1.

Highway Impact and AQMA

- 11.34 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 to 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.”
- 11.35 Local Plan Policy GEN1 seeks sustainable modes of transport this is reflected within National Planning Policy Framework. A Transport Assessment was submitted as part of the original application and assessed by ECC Highways Authority.
- 11.36 Previously no Highway objections were raised to the approved scheme subject to transfer of previous S106 agreement Heads of Terms with regards to bus stops, and street lighting.
- 11.37 The impact of the proposed development at the signalised junction with Radwinter Road/Thaxted Road was previously assessed. An updated Transport Statement has been submitted as part of this application to consider the additional floorspace proposed.
- 11.38 The supplementary Transport report has been undertaken by TTP Consulting. The report concluded that “*against the background of the traffic assessment already undertaken the intended changes to the total site layout are considered to be insignificant in traffic impact terms.*”
- 11.39 The resulting comparison of traffic flows for the weekday and Saturday peak periods between the previously assessed scheme and the revised scheme are:

Comparison of Previously Assessed Scheme and Revised Scheme				
	Previously Assessed (Motion 2013)		Revised Scheme (2017)	
	Weekday PM	Saturday	Weekday PM	Saturday
Two-Way Traffic Totals	70	180	63	147

- 11.40 The traffic generation of the revised scheme is highlighted to be lower than that already considered to be acceptable on the local road network for the previously approved extant scheme. Therefore, no objections are raised on highway grounds subject to the conditions should planning permission be granted.

11.41 At the request of ECC Highways additional traffic information has been submitted (dated 18 October 2017) to assess the vehicular movement and its robustness. In using the different approach suggested by ECC Highways this results in the following comparison of traffic flows:

Comparison of Unbuilt Area of Previously Assessed Scheme versus Revised Scheme with the new approach to trip generation.				
	Previously Assessed (Motion 2013)		Revised Scheme New Approach (October 2017)	
	Weekday PM	Saturday	Weekday PM	Saturday
Two-Way Traffic Totals	70	180	54	172

11.42 The revised traffic generation figures, based on the new trip rate methodology, are of a similar magnitude to those previously considered and, importantly, remain lower than the figures previously considered to be acceptable when the wider development was first approved. No objections has been raised by ECC Highways to this current scheme subject to conditions should planning permission be granted. The application is therefore in accordance with Local Plan Policy GEN1.

11.43 Local Plan Policy ENV13 seeks to prevent and protect against air pollution. There is one large Air Quality Management Area (AQMA) within Saffron Walden. The principle source of NO2 emissions is vehicle exhausts.

11.44 An Air Quality report was submitted as part of the original application of which the Council's Environmental Health Officer has been consulted. The Air Quality Assessment was undertaken by WSP who had also previously undertaken the reports that were supporting the previous Sainsbury's applications. The report has concluded that the residual effects of the construction phases, as well as the emissions from the construction vehicles and plant on air quality are considered to be negligible. Similarly, the residual effects of traffic generation for the proposed development, over that outlined as part of the extant permission, would be negligible. It was stated that the air quality will be a low priority consideration in the planning process in accordance with Environmental Protection UK criteria.

11.45 The Council's Environmental Health Officer had raised no objection to the original application (UTT/13/0268/FUL) subject to relevant mitigation condition being impose should planning permission be granted.

11.46 An updated report has now been submitted as part of this application. This outlined that there has been little change since the granting of planning permission for UTT/13/0268/FUL in terms of the AQMA and the annual mean NO2 concentrations between 2011 and 2015. It outlined that the Transport Consultants TTP advised that the various changes in floorspaces for the different types of units and uses within the revised scheme will result in no material change to the Annual Average Daily Traffic (AADT) flows including the Heavy Duty Vehicle component. The reduced vehicle flow (by 80 movements) would have a reduced impact upon air quality than that of the extant development.

11.47 EHO has now raised no objection stating that the supplementary review of the Air Quality Assessment (January 2013) prepared by WSP is acceptable. Also, that there will be no significant change to AADT flows and fleet make up as a result of the proposed revision and therefore no additional impact on air quality was concluded.

11.48 The scheme is therefore in accordance with Local Plan Policy ENV13.

D Contamination

11.49 Numerous previous contamination studies that have been undertaken on this site have been review. Due to historical uses on the application site contaminants have been identified. There are pockets of site contamination which have been previously identified that would need to be remedied and addressed so as to prevent any further contamination and risk. This can be adequately controlled through the undertaking of mitigation works. As a result conditions were placed on the extant consent, Conditions 20-23 of UTT/13/0268/FUL.

11.50 A further submission relating to this has been submitted as part of this application. A letter from GEA dated 26 October 2016 states that "*The site is thus considered to have had a history with a relatively low potential for soil contamination. The adjacent landfilled chalk pit was recently redeveloped as an Aldi supermarket as Phase 1 of this development*". The report went on to list the sites contamination findings from previous reports and had concluded;

"In view of the lack of a contaminant, source or viable pathway there is not considered to be a need for any remediation work at this site. The site is currently considered to be in a condition suitable for the intended use without any unacceptable risks to human health, buildings and other property and the natural and historical environments. There are thus no remediation objectives that require attention and as such, no remediation scheme is required.

Without a need for any specific remedial measures to address soil, groundwater or ground gas contamination it is concluded that Planning Conditions 21 and 22 should be recommended for discharge."

11.51 Environmental Health's comments are outlined in section 9.8 above in relation to the contamination. The conditions attached to the original planning permission were previously only partly discharge in relation to Phase 1. In considering the above there is insufficient information presented to make an assessment on this. The EHO has concurs within these findings and as a result the original conditions would need to be re-imposed should planning permission be granted in accordance with Local Plan Policy ENV14 relating to contaminated land.

E Drainage

11.52 The application site is located within Flood Zone 1 where by having a low probability of flooding. Local plan Policy GEN3 seeks the protection and prevention from flooding. A flood risk assessment has been submitted as part of the extant application submission. This concluded that the proposed development would not exacerbate flood risk elsewhere and that the proposed development is acceptable. The Environment Agency at the time were been consulted as part of the original of the application and raised no objection subject to flood risk condition, in accordance with Local Plan Policy GEN3.

- 11.53 Since the granting of planning permission ECC SUDs Team are the Local Lead Flood Authority. They have been consulted as part of this application of which they have raised an objection on the lack of information.
- 11.54 Following discussions between the applicant and ECC SUDs, ECC SUDs have removed their objection stating that *“The site has previously had planning permission and therefore whilst perhaps it has not been fully demonstrated that our requirements on water quality have been met, the proposal provides betterment on the previously approved scheme.”* However, this was on the basis that condition 25 of UTT/13/0268/FUL be substituted for alternative more onerous conditions. This in its self is considered to be unreasonable in consideration that there is an extant consent on site. As a result this aspect of the application is considered to be acceptable subject to the re-imposition of condition 25 in order to provide further information in accordance with Local Plan Policy GEN3. This approach has been discussed and agreed with ECC SUDs.

F Biodiversity

- 11.55 Local Plan Policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures.
- 11.56 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. Recent 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.
- 11.57 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:
- 11.58 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
- 11.59 There must be *“no satisfactory alternative”*; and
- 11.60 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”*.
- 11.61 A preliminary ecological appraisal has been submitted as part of the application.
- 11.62 Various survey works has been undertaken on the application site and the

associated ecological conditions attached to the extant consent have been fully discharged. As a result ECC Ecology and Natural England have not objected to the application. Therefore, the scheme is considered to accord with Local Plan Policy GEN7.

12. CONCLUSION

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

- A It is concluded that the proposed development in light of the assessment of the applicants submitted updated retail study, the Council's Capacity Study (2016), and the extant consent which remains in site the proposed development would have an acceptable impact upon the town centre and would accord with the draft plan supporting studies, and the NPPF, subject to conditions.
- B The design of the units the size, heights, design and choice of modern materials are considered to be acceptable, consistent and in keeping with its surroundings, in accordance with Local Plan Policy GEN2. An amended condition relating to achieving BREEAM 'very good' rating should be imposed should planning permission be granted.
- C The proposed scheme in terms of car parking is considered to be generally acceptable and would provide an adequate balance. With regards to the size of the parking bays based on previous Highway Authority recommendations, previous approaches to similar schemes on this site and the fact that the previous planning application was not refused on car parking standards this part of the scheme is generally considered to be acceptable. Previous S106 Agreement relating to Highway improvements and Travel Plan forming part of UTT/13/0268/FUL should be transferred over this application should planning permission be granted.

The revised traffic generation figures, based on the new trip rate methodology, are of a similar magnitude to those previously considered and, importantly, remain lower than the figures previously considered to be acceptable when the wider development was first approved. No objections has been raised by ECC Highways to this current scheme subject to conditions should planning permission be granted. The application is therefore in accordance with Local Plan Policy GEN1.

No objection has been raised regarding air quality subject to mitigation condition should planning permission be granted. The scheme is therefore in accordance with Local Plan Policy ENV13.

- D In terms of contamination the conditions attached to the original planning permission were previously only partly discharge in relation to Phase 1. In considering the above there is insufficient information presented to make an assessment on whether there is a risk to health due to contamination on site. As a result the original conditions would need to be re-imposed should planning permission be granted in accordance with Local Plan Policy ENV14 relating to contaminated land. The UDC EHO concurs with this conclusion.
- E Flood risk is also not considered to be an issue subject to re-imposition of condition 25 in accordance with Local Plan Policy GEN3.
- F Various survey works has been undertaken on the application site and the associated ecological conditions attached to the extant consent have been fully discharged. As a result ECC Ecology and Natural England have not objected to the

application. Therefore the scheme is considered to accord with Local Plan Policy GEN7.

RECOMMENDATION - CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 20 December 2017 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 Head of Legal Services Compensation Act 1991, securing the following:**
 - (i) Submission of travel plan**
 - (ii) Payment of monies relating to travel plan monitoring**
 - (iii) Highway works**
 - (iv) Pay Councils reasonable costs**

- (II) In the event of such an obligation being made, the Assistant Director of 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, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:**
 - (i) Submission of travel plan**
 - (ii) Payment of monies relating to travel plan monitoring**
 - (iii) Highway works**

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 The developer will provide a BREEAM post-construction assessment of the rating of the as-built development within four weeks following the completion of each phase, also carried out by an accredited assessor, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the promotion of sustainable forms of development and construction Policy GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

- 3 The approved landscaping details shall be implemented in the first planting and seeding season following the first occupation of this phase of 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.

REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in the Local Plan, Policy GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 4 Notwithstanding the plans hereby approved and 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 extensions or alterations, including installation of mezzanine floors, roofing, open yards or subdivision shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the local planning authority.

REASON: Extensions would result in the loss of parking spaces and servicing areas, resulting in a detrimental impact on the layout of the site and to control the use of the units without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance Policy GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 5 Notwithstanding the plans hereby approved and 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 fences, gates or walls shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development is in accordance with the character of its surroundings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 6 Unit 2 hereby permitted shall be occupied for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-bulky goods, no more than 10% or 163 sq m (whichever is greater) of the net sales floorspace for the sale of convenience food, no more than 5% or 82 sq m (whichever is greater) of the net sales floorspace for the sale of toiletries but not including fashion wear items or fashion foot wear

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 7 Unit 1 (excluding the mezzanine), Unit 3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet

related products and ancillary veterinary surgeries and animal grooming, other non-food bulky goods but not including fashion wear items or fashion foot wear.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 8 The mezzanine floorspace of 269 sq m in Unit 1 shall be used for ancillary purposes extending to veterinary surgery and animal grooming and not for the sale of retail goods within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order). There shall be no mezzanine floorspace in Unit 2

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 9 Other than during the construction of the development no processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the buildings hereby permitted.

REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 10 Other than during the construction of the development, with the exception of the garden centre, there shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the written consent of the Local Planning Authority.

REASON: To prevent harm to the character and amenity of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 11 Details regarding the closing off of the existing access to the south east of the main access road shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the approved plans.

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

- 12 Prior to development commencing of the development forming part of this consent, detail of the estate roads and footpaths (including layout, levels, gradients, surfacing, and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 13 No development shall take place until a surface water drainage strategy 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 drainage strategy should

demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm inclusive of an appropriate climate change allowance will not cause flooding to the development or increase flood risk elsewhere. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, both on and off site, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

- 14 The café unit hereby permitted shall be used for Class A3 restaurant and café use and for no other purposes within the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To control the use of the café unit from being used as Class A1 retail without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the NPPF.

- 15 No development of any phase 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, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems.

(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: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 16 No development of any phase 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, buildings and other property and the natural and historical environment 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, an appraisal of remedial options, and proposal of the preferred option(s), 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: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 17 The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. 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 and approved by the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 18 In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 15, 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 16. 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 17.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 19 All flood risk management measures identified in the approved Flood Risk Assessment (Revision C, dated 23 November 2012) shall be incorporated into each phase of the development prior to the occupation or first use of that phase of the development hereby permitted.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 20 Notwithstanding the plans hereby approved and the provisions of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order) the foodstore premises shall be used for a Limited Assortment Discounter retail store and for no other purpose within Class A1. The Limited Assortment Discounter store hereby approved is defined as a store which carries a limited range of grocery products and base their retail offer on selling these products at very competitive prices. This means that the number of product lines (stock-keeping units) available within the store at any one time should not exceed two thousand lines.

REASON: To ensure that use as approved reflects the identified retail requirements and to prevent unacceptable impact upon the vitality and viability of the town centre in accordance with NPPF.

- 21 The net sales floorspace of the foodstore shall not exceed 1,125 sq m, and the sale of convenience goods shall not exceed 90% of the net floorspace and the sale of comparison goods shall not exceed 20% of the net floorspace.

REASON: The restricted 20% in comparison goods is to allow for flexibility in the selling of seasonal goods and arrangement of floorspace and to ensure that use as approved reflects the identified retail requirements and to prevent unacceptable

impact upon the vitality and viability of the town centre in accordance with NPPF.

- 22 The Cycle / Powered Two wheeler parking shall be provided in accordance with the submitted plans 14467-102 Rev G and 14467-110 Rev A. prior to occupation and retained thereafter for that purpose.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 23 The road layout, crossing points, turning heads and vehicle parking as indicated on drawing number 14467-102 Rev G to be provided before first occupation of the site and retained thereafter for that purpose.

REASON: To ensure adequate facilities for all movement within the site and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 24 A vehicle electric charging point shall be provided, fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: In the light of the additional parking being provided this will facilitate sustainable modes of transport in a development that will impact on an Air Quality Management Area and in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to [...] incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

- 25 No development shall take place until a comprehensive condition survey of PROW byway 18 (Saffron Walden) from its junction with Thaxted Road to a point 50m north-east of the north-eastern boundary of the application site has been completed and submitted and approved by the highway authority. Reason: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it.

Following completion of the construction of the retaining structure, a further comprehensive survey of PROW Byway 18 (Saffron Walden) from its junction with Thaxted Road to a point 50m north-east of the north-eastern boundary shall be complete. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair

works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

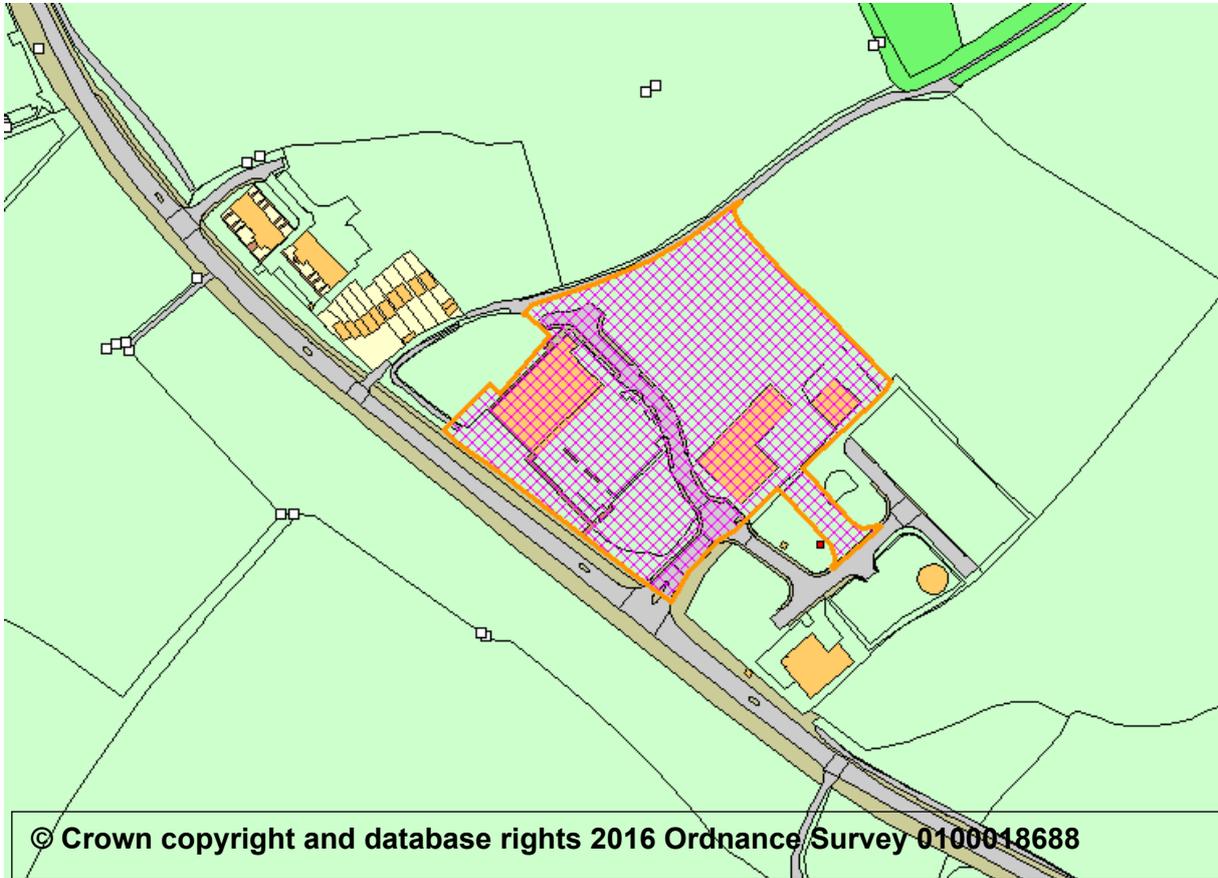
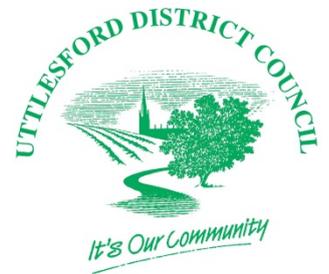
REASON: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it, in accordance with Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 26 Prior to commencement of the development the detailed design, construction/composition of the retaining structure to be submitted to and approved by the highway authority.

REASON: In the interests of safety given the proximity of the structure to the PROW Byway 18 (Saffron Walden) , in accordance with Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

Application: UTT/17/1782/FUL

Address: Site At Thaxted Road Former Civic Amenity And Granite Site,
Thaxted Road, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 9 November 2017

UTT/17/2480/OP - (STEBBING)

(Reason: More than 5 dwellings)

PROPOSAL: Outline application with all matters reserved except for access to demolish all buildings and remove commercial uses (car sales and airport parking etc.) and construct residential development of up to 9 dwellings.

LOCATION: Sabre House, Dunmow Road, Stebbing

APPLICANT: Mr K Newnham

AGENT: Sue Bell

EXPIRY DATE: 29 November 2017

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is located on the north side of the B1256 Dunmow Road (former A120) equidistant between Great Dunmow and Braintree and comprises an enclosed commercial yard with a stated area of 0.44 ha and also an older style frontage bungalow situated to the western side. A single storey building used until very recently as a car sales office (NWCB Ltd) stands behind a frontage hardstanding apron behind the main vehicular entrance and secondary access to the bungalow, whilst two other buildings stand behind this which are being separately used for workshop and office purposes with the building situated furthest away from the site frontage being two storey equivalent in height of traditional barn appearance with rear lean-to. The site also contains three smaller outbuildings and some lorry containers. The frontage hardstanding apron has been used until very recently for car sales, whilst an extension of the apron to the rear leading down the eastern side of the frontage building is presently being used extensively for airport parking. Open undeveloped land exists beyond this parking area to the rear of the site.

2.2 The site frontage is enclosed by 2m high close boarded fencing between the vehicular access points, whilst the site is screened along both of its flank boundaries by mature hedging and trees with arable land beyond on either side. The site is open to bare grassland beyond its rear boundary, although further vegetation screening exists to the north of this.

3. PROPOSAL

3.1 This outline proposal seeks planning permission in principle for the demolition of all existing structures on the site, the cessation of all commercial uses and the erection of up to 9 dwellings with associated parking by way of change of use and internal service road with the matter of Access to be considered at outline stage.

3.2 An indicative site layout has been submitted with the application which shows how

nine dwellings could be accommodated on the site which shows a mix between detached dwellings positioned around the perimeter of the site and a terrace of three dwellings positioned within the centre of the site whereby seven dwellings would be served by a 5.5m shared surface access road leading off the B1256 and two dwellings served by an existing vehicular access off the B1256. Each dwelling is shown with either garaged or hardstanding parking spaces. The indicative site layout is shown with the footprint of an extant 2004 planning approval for a detached five bedroomed dwelling with detached garage shown at the rear of the site and outside the site area edged in red. An indicative streetscene drawing has also been submitted which shows elements of a mixed house type scheme at 1½ storey scale.

3.3 The site layout is nominally shown with the following bedroom sizes, garage spaces and private amenity areas:

Plot	Bedrooms	Garage spaces	Amenity area
Plot 1	5	4	250 sqm
Plot 2	4	4	150 sqm
Plot 3	4	4	190 sqm
Plot 4	3/4	3	110 sqm
Plot 5	3	2	100 sqm
Plot 6	2	2	70 sqm
Plot 7	3	2	100 sqm
Plot 8	3/4	3	200 sqm
Plot 9	4	3	120 sqm

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposal has been considered against the criteria set out under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 relating to “Infrastructure Projects” (Section 10 (b) – Urban development project). Whilst the proposed development cannot strictly be said to be an *urban* development project, the overall area of the development does not exceed 5 hectares and would not in the circumstances and in any event meet applicable thresholds and criteria. Notwithstanding this, it is considered that there would not be any significant environmental impacts arising from the scheme proposal based upon the indicative site layout submitted for this outline application.

5. APPLICANT’S CASE

5.1 The application is accompanied by a planning statement incorporating a Design and Access Statement prepared by Sue Bell Bsc MRTPI dated August 2017. The Conclusions section of the planning statement reads as follows:

- The site is previously developed land [PDL] where one of the main uses is not controlled by any planning conditions so that there is the potential for the car parking use to be visually or in another way be uncharacteristic of the rural area.
- The commercial uses are not part of an established employment area and in many ways again are uncharacteristic of the area.
- There is significant support for the re-use of land that is PDL for development for housing which is currently lacking regarding completions in the District not meeting need.
- The site is not remote and close to the services and facilities of a number of communities that would benefit from additional housing in the scale planned.

- The level of housing planned illustrates that the proposal can comply with the requirements of policies – see plans and street scene.
- The site has a significant level of commercial uses, although with further studies can identify ways of remediating the risks.
- The access to the site is good given the likely reduction of vehicular movements if the site were to be redeveloped for housing.
- Moreover, the proposal represents sustainable development where there have been benefits identified to all three strands of this definition.

6. RELEVANT SITE HISTORY

- 6.1 The site has a detailed planning history primarily relating to commercial use leading back to when the site was a petrol filling station and café with associated bungalow (Unity garage/café) until its closure in the 1990's and its partial redevelopment for B1/B2 uses following the acquisition of the site by the current owner (applicant: Mr K Newnham), its subsequent use by Sabre Sports (engineering firm) and now the current mixed commercial uses, including Sabre Sports, airport parking and recent car sales. The most relevant planning applications to the current application proposal are as follows:

UTT/1018/89: Outline application for erection of a motel and associated parking – Approved.

UTT/0599/02/FUL: Extension of timber barn for the storage of a lorry (Sabre Sports) – Approved 2002 and implemented, although this building has been used as a workshop for the last ten years.

UTT/0218/04/FUL: Replacement pitched roof and extensions to incorporate first floor offices and workshops

UTT/0418/04/FUL: Erection of two storey detached dwelling and garage (Sabre House) – Approved 01.10.2004 (subject to occupancy condition) – works commenced on this approved development (garage concrete base).

UTT/1080/05/FUL: Removal of restrictive condition to allow use of commercial buildings for any B1 use other than by Sabre Sports – Approved.

UTT/0988/11/CLE: Certificate of lawfulness for existing airport related parking (Sabre House) – Approved.

UTT/17/0365/FUL: Retention of change of use of land and associated office building to car sales (Nationwide Car Buyers - NWCB Ltd) with retention of access to airport parking to the rear of the site – Approved 12 April 2017.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1
- ULP Policy S7 – The Countryside
 - ULP Policy H1 – Housing Development
 - ULP Policy H9 – Affordable Housing
 - ULP Policy H10 – Housing Mix
 - ULP Policy ENV4 - Archaeology
 - ULP Policy ENV10 – Noise Sensitive Development
 - ULP Policy ENV14 – Contaminated Land

- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Risk
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- 7.2 - SPD “Accessible Homes and Playspace”

National Policies

- 7.3 - National Planning Policy Framework (NPPF)

Other Material Considerations

- 7.4 - Essex Design Guide
 - ECC Parking Standards – Design and Good Practice (September 2009)
 - Uttlesford District Council Parking Standards (February 2013)

8. PARISH COUNCIL COMMENTS

- 8.1 Stebbing Parish Council objects to this application on the grounds that it is development in the countryside and that this could mean local job losses with the closure of the businesses currently being run at this site.

9. CONSULTATIONS

Highways England

- 9.1 No objections.

London Stansted Airport

- 9.2 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

ECC Archaeology

- 9.3 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation (evidence of extensive archaeological deposits found within the immediate local area).

ECC Ecology

- 9.4 No objections subject to conditions.

The site is existing hardstanding with little potential for protected species, but it is surrounded by hedgerows and grassland habitats. The hedgerow to the west appears as priority habitat on a desk top survey (using MAGIC (<http://www.magic.gov.uk/magicmap.aspx>)). The applicant should provide a Construction Environment Management Plan prior to commencement to ensure that the surrounding habitats are not adversely affected.

9.5 We recommend that the following condition is appended to any planning permission:

Construction environmental management plans (Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Use of protective fences, exclusion barriers and warning signs.

9.6 Enhancements:

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of any granted planning permission. This is in accordance with Paragraph 118 of the NPPF "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

Environmental Health

9.7 No objections subject to conditions.

The following supporting documents have been examined:

Phase I Geoenvironmental Assessment 1001 R01: Issue 1 prepared by Gemco dated August 2017.

The conclusions and recommendations of the report are accepted.

Due to the site's current brownfield usage, further investigations as recommended in the report are required to identify the risks to the future users of the site and where necessary remedial measures to ensure that the site is suitable for use in accordance with the model procedures for management of land contamination. Plots one, two and three are located close to the B1256 and A120 roads and future users of the properties will be subject to road traffic noise. To ensure that these properties are suitable for habitable use, UDC will require the following noise limits for residential properties:

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB L_{Amax}, F by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- Gardens and terraces (daytime) 55 dB LAeq

The appropriate recommended conditions are given below.

RECOMMENDED CONDITIONS

Contaminated Land:

ENV2 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, buildings and other property and the natural and historical environment 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, an appraisal of remedial options, and proposal of the preferred option(s), 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: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

ENV3 The remediation scheme shall be implemented in accordance with the approved timetable of works. 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: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

ENV4 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 in writing within [2] days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, 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 ENV 2. 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 ENV3.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Traffic Noise:

Prior to commencement of the development, a scheme of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The measures must be implemented prior to occupation of the dwelling hereby permitted

REASON: The site lies next to a main road where appropriate noise mitigation and sound proofing to noise sensitive development is required to prevent loss of amenity

for future occupants.

Developers are referred to the Uttlesford District Code of Development Practice. <http://www.uttlesford.gov.uk> To avoid/minimise the impact upon the amenity of nearby residents, developers are advised to follow the General Principles and advice contained therein.

10. REPRESENTATIONS

10.1 3 representations received. Neighbour notification period expires 19 September 2017. Advertisement expires 6 October 2010.

Support (1):

- No objections as long as there is adequate drainage to the development.

Object (2):

- Already too much development and uncertainty about future development in this rural area. There are other development projects already in the planning system for the district which needs clarity before considering the current proposal.
- Would provide a satellite development of densely populated housing in a sparsely developed area. Such a development would set a dangerous local precedent between Dunmow and Braintree which would result in urbanisation and go against the Council's housing policies for large developments in this area, i.e.; the West of Braintree Garden Community project.
- Detrimental impact on wildlife and ecology.
- Services in the area are poor, including the local water supply from Stebbing Green.

11. APPRAISAL

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

- A Principle of development (NPPF, ULP Policies E2, H1, S7 and GEN3)
- B Access (ULP Policy GEN1)
- C Design (indicative scheme) (ULP Policies GEN2, GEN8 and ENV10)
- D Housing Mix (ULP Policy H10)
- E Affordable Housing (ULP Policy H9)
- F Impact on protected species (ULP Policy GEN7)
- G Contaminated Land (ULP Policy ENV14)

A Principle of development (NPPF, ULP Policies H1, S7 and GEN3)

11.1 The NPPF has at its core a presumption in favour of sustainable development and identifies three strands of sustainability, economic, social and environmental, which, when considered jointly will determine the levels by which a development can be described as being sustainable for its location. As such, these strands (or roles) should not be undertaken in isolation as they are mutually dependent. Paragraph 17 of the NPPF sets out twelve core principles, the two most relevant for the submitted proposal being that "Planning should proactively drive and support sustainable economic development to deliver the homes, businesses and industry, infrastructure and thriving local places the country needs" and "Encourage the effective use of land by reusing land that has been previously developed (brownfield land) providing that it is not of high environmental value. Other relevant sections of the framework

include at Chapter 6 for the need to deliver a wide choice of homes where the issue of insufficient land for housing may be a central factor whereby this states that housing applications should be considered in the context of the presumption in favour of sustainable development and at Chapter 7 which seeks a good standard of design (although design aspects do not fall to be considered for the current outline application).

- 11.2 The site comprises previously developed land (brownfield) by reason of its former and current uses containing a number of buildings as previously described. In addition, the land is being used both for airport parking under a lawful use certificate (rear section of the site) and until very recently for car sales under a 2017 grant of planning permission. As such, the uses which are being conducted at the site have the benefit of either lawful status or planning permission. The site sits on a general plateau before the Stebbing Brook valley further west and is not because of the buildings present and the uses being conducted of any high environmental value. Indeed, the site has a rather utilitarian appearance, although that said, the site is reasonably screened both from the front and sides and from further to the rear. Whilst the site provides for some employment, the site is not, given its rural location and the nature of B1/B2 uses conducted a protected employment site within the adopted local plan. Indeed, the airport parking use would not be an activity which would be condoned by the Council at this location, whilst the car sales use was recently granted by the Council given the established and lawful nature of the airport parking use whereby it was considered for the planning application for the retention of the car sales use that there was no discernible difference on the ground between the two uses (both vehicle related), whilst the frontage building which until recently housed the car sales office already existed at the site. As such, the loss of the present commercial uses at the site would not be contrary to ULP Policy E2 whereby this employment loss would not be significant and where in any event the Council would not be able to control the actions of the applicant over his tenants as a landlord.
- 11.3 In terms of assessment against the three strands of sustainable development, the proposal would provide employment for the duration of the construction of the housing scheme (economic). With regard to the social strand, the site is not on a bus route whereby the hourly Stansted Airport to Colchester bus service (133) runs through Felsted village as opposed to past the site. As such, the residents of the development would not be able to rely upon public transport. That said, the site is situated on the B1256 running parallel with the A120 with convenient vehicular access by car to both Great Dunmow and Braintree and also Stebbing and Felsted villages, whilst the provision of housing on the site would support local services, such as primary schools and village shops. In terms of environmental impacts, the site has some screening to the site frontage, although has, over the passage of time, gained a commercial character and appearance that might be regarded as being unsightly and also “unneighbourly” inconsistent with its rural surroundings, whilst the bungalow on the site understood to be connected with this historical use is now ageing and is “of its time”. As such, it is the environmental improvements which could be gained as a result of the introduction of sensitively designed and scaled housing at the site for which planning permission is sought in principle which are considered germane to the planning merits of this outline application where it should be noted that the applicant argues that the dwelling previously approved at the rear of the site under the 2004 planning approval can be completed at any time following a lawful commencement and would therefore represent the introduction of housing at the immediate rear of the site, albeit in the form of just one dwelling.
- 11.4 Given the above, it is considered that the redevelopment of this previously

developed site for housing purposes, which has a low environmental value, has significant weight whereby it is considered that residential use of it would make more efficient use of the land and represent a planning gain in this regard. In the circumstances, and for the foregoing reasons, it is considered that the proposal would represent a presumption in favour of sustainable development in accordance with the provisions of the NPPF. Another material consideration relating to this brownfield site is the Housing and Planning Act 2016 that allows “Permission in principle” for the development of suitable brownfield sites for housing whereby the site is in excess of the 0.25 ha minimum size threshold at 0.44 ha and capable of supporting more than five dwellings (see discussion below), whilst the site would appear to be available, achievable and suitable for housing, this latter criteria being necessary for being included on the brownfield register. Thus, the redevelopment proposal would be forwarding the objectives of central government in this regard.

- 11.5 ULP Policy S7 of the adopted local plan states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that there will be strict control on new building. As such, the submitted proposal is contrary to this local plan policy. However, it has been previously assessed by the Ann Skippers Compatibility Report that ULP Policy S7 as a protective local policy is only partially consistent with the more proactive stance taken towards development in rural areas within the NPPF providing that such development can be said to be sustainable. In this context, ULP Policy S7 would have more force were it the case that the site was a greenfield site. However, this is not the case and only limited weight can therefore be afforded to this policy, particularly in light of the NPPF's encouragement of redevelopment of brownfield sites and more so in light of the vulnerability of the Council of being able to successfully defend this local plan policy in view of its present lack of a five year housing supply when other relevant factors are weighed in the balance in favour of the development and ULP Policy H1 has little if any force in view of this shortfall in local housing supply.
- 11.6 The site is included within Flood Zone 1 as shown on the government's flood risk map, which represents the lowest risk of flooding. As such, the site is not within an area of medium to high flood risk and is not because a flood risk to the proposed development whereby it is not necessary for the application to be accompanied by a flood risk assessment (FRA). Accordingly, the proposal is not contrary to ULP Policy GEN3.
- 11.7 Given all of the above factors, it is considered that the application proposal is acceptable in principle when assessed against national and relevant local plan policy.

B Access (ULP Policy GEN1)

- 11.8 Access falls to be considered with the current application. There is evidence of three retained vehicular entrance points into the site to include the bungalow which stands onto the site's western flank boundary stemming from when the site was a petrol filling station and cafe, although only two access points are now used, with the principle one leading into the commercial area of the site.
- 11.9 The submitted outline scheme shows the retention of use of the two established access points leading into what is currently the commercial area of the site with the existing access leading to the bungalow (to be demolished) to be sealed off with the left hand side retained access to serve two frontage dwellings and the right hand retained access to serve the remainder of the development and also the dwelling

shown at the rear of the site which could it is argued be lawfully completed following commencement of engineering works under an extant 2004 approval (UTT/0418/04/FUL).

- 11.10 Highways England have been consulted on the application who have not raised any highway objections in principle to the proposal on highway safety grounds and where the indicative site layout shows a 5.5m shared internal access road with rear turning head. The site has good visibility from the access points in each direction given the virtually straight nature of the B1256 at this location (Stane Street), notwithstanding that the site lies outside restricted speed limits where the national speed limit applies. In terms of comparative trip analysis, whilst the application is not accompanied by a traffic survey or trip analysis assessment, the accompanying planning supporting statement argues that the daily/weekly traffic movements at the site as a result of a housing development are likely to be lower than the present commercial movements at the site, particularly when the car sales use and airport parking uses (fluctuating activity) are taken into account where it is considered that this assertion is difficult to argue. In the circumstances, it is considered that the access aspects of the proposal are considered acceptable and no objections are raised under ULP Policy GEN1 subject to appropriate conditions.

C Design (indicative scheme) (ULP Policies GEN2, GEN8 and ENV10)

- 11.11 Matters concerning design are reserved matters and do not fall to be considered for the current outline application. Furthermore, and importantly, it should be noted that the application proposal is submitted for a quantum of up to nine dwellings rather than a prescribed number whereby any subsequent reserved matters application should Members be mindful to approve the current outline proposal in principle can be for a reduced amount of dwellings up to this number. As such, any assessment of design now would be to show whether in indicative form the site is capable of accommodating up to nine dwellings where the indicative site layout shows this maximum number for consideration without prejudice to any subsequent reserved matters application.
- 11.12 The indicative site layout shows a mix of dwelling sizes comprising detached and terraced house types, whilst the indicative streetscene layout shows a mix of dwelling design where the dwellings are shown at 1½ storey height. It should be emphasised that this is illustrative of the kind of development which could be provided at the site. All of the dwelling amenity areas are shown at 100sqm or 70sqm for the smaller house type which would comply with minimum rear amenity standards as set out within the Essex Design Guide. All of the garages for the dwellings are nominally shown parking standard compliant at 7m x 3m, whilst all of the parking hardstandings are nominally shown at compliant size of 5.5m x 2.9m whereby all of the dwellings as shown would have the compliant number of parking spaces for three and four plus dwellings respectively. One design weakness of the scheme is that rear boundary distances for some of the dwellings fall short of the recommended 15m minimum rear boundary distances (for example between Plot 1 and Plot 8 situated behind (13m) and between Plots 5, 6 and 7 and Plot 8 behind (12m) suggesting that nine dwellings for this site may possibly be too many unless the layout was changed. However, this application seeks the principle of residential development whereby a reserved matter application would specifically address design issues concerning layout and scale and also impacts on residential amenity within the site. Landscaping measures to reduce the visual impacts of the proposed development would be addressed at reserved matters stage also, whilst noise impacts of any scheme from the adjacent B1256 can be addressed through noise conditions as recommended by the Council's EHO.

D Housing Mix (ULP Policy H10)

- 11.13 The indicative housing layout is shown with a mixture of 2, 3, 4 and 4+ bed housing units shown spread across the development. This is considered to be an appropriate housing mix for the site at this rural location in terms of lower cost affordable market housing and higher cost family market housing where some of the uplift in value of the site through betterment should planning permission be granted for housing in principle would be required to be offset for the cost of decontamination and remediation of the site given its previous use as a petrol filling station. No objections are therefore raised under ULP Policy H10.

E Affordable Housing (ULP Policy H9)

- 11.14 The development would comprise a maximum of 9 no. dwellings for the site (the extant 2004 approval for a dwelling to be built at the rear of the site as shown on the site layout is not included within the site proposal) As such, the development would not be subject to any affordable housing provision or tariff based financial contributions whereby these tariffs have now been removed by central government, whilst the site's location between two centres of population would not it is contended be an appropriate site for on-site affordable housing in any event. The proposal would not therefore be contrary to ULP Policy H9.

F Impact on protected species (ULP Policy GEN7)

- 11.15 The site contains an older style bungalow, which is still occupied, relatively modern workshop/office buildings and extensive areas of enclosed hardstanding. The applicant has indicated that the site does not hold any habitat value for protected species and no specific surveys have been submitted. ECC Ecology has advised that the site offers little potential for protected species given the prevailing site conditions, although notes that the site is surrounded by hedgerows and grassland habitats with the hedgerow to the west appearing as a priority habitat on a desk top survey (there are no recorded ponds within the immediate vicinity of the site). As such, ECC Ecology have not objected to the proposal on ecology grounds, although has recommended that the applicant provide a Construction Environment Management Plan prior to commencement by way of condition to ensure that the surrounding habitats are not adversely affected by the proposal. No objections are therefore raised under ULP GEN7.

G Contaminated Land (ULP Policy ENV14)

- 11.16 The site is likely to be contaminated in view of the site's current brownfield usage and historical use as a petrol filling station (Unity Garage). The applicant has submitted a Phase I Geoenvironmental Assessment (1001 R01: Issue 1 prepared by Gemco dated August 2017), the conclusions and recommendations of which have been accepted by the Council subject to further investigations as recommended in the report being required to identify the risks to future users of the site and where necessary remedial measures to ensure that the site is suitable for use in accordance with the model procedures for management of land contamination to be carried out to the Council's satisfaction by way of imposition of the model planning conditions. No objections are therefore raised under ULP Policy ENV14.

12. CONCLUSION

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

- A The principle of housing development at this previously developed site located outside development limits is considered acceptable given the site's good transport access links to Great Dunmow, Braintree and nearby villages, notwithstanding the lack of a bus service along this section of the B1256 and as the NPPF encourages the use of brownfield sites for housing purposes providing the site is not of high environmental value, which it is not. The site is not a protected employment site or at flood risk and contains a mixture of buildings and surface uses whereby it is considered that housing development would make more efficient use of the land. The proposal would lead to an environmental gain for the site through a sensitively designed and scaled housing scheme which respected the characteristics of the area and would represent a presumption in favour of sustainable development given all relevant factors.
- B The development would utilise existing vehicular access points from the B1256 and would provide a 5.5m wide internal service road which are considered acceptable for this site in highway terms where no highway objections have been raised to the proposal.
- C The indicative site layout scheme submitted for illustrative purposes shows that a housing development of up to 9 no. dwellings may be able to be successfully accommodated at the site when assessed against relevant design and adopted parking standards, although the number of dwellings shown for the scheme may need to be reduced in number at reserved matters stage to overcome issues such as back to back distances and overlooking criterion.
- D The housing mix for this rural site location comprising a mixture of 2, 3, 4 and 4+ bed housing units shown spread across the development is considered to be acceptable.
- E The submitted scheme does not trigger the need for affordable housing.
- F ECC Ecology has advised that the site offers little potential for protected species given prevailing site conditions..
- G The conclusions and recommendations of the applicant's submitted Phase I Geoenvironmental Assessment have been accepted by the Council subject to further investigations as recommended in the report being required to identify the risks to future users of the site and where necessary remedial measures to ensure that the site is suitable for use in accordance with the model procedures for management of land contamination.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of layout, scale, 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. All new/modified vehicular access points shall be constructed at right angles to the highway.

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

5. Prior to occupation of any of the proposed dwellings, the proposed vehicular accesses shall be provided with appropriate dropped kerb crossings of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. The existing vehicular access which serves the existing bungalow on the site as shown on Topographical Survey drwg. No. 1705-187 01 dated May 2017 shall be permanently sealed off to the satisfaction of the Local Planning Authority in writing prior to occupation of any dwellings.

REASON: To ensure that the development does not prejudice the free movement of traffic moving along the highway as a result of the development in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. 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, buildings and other property and the natural and historical environment 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, an appraisal of remedial options, and proposal of the preferred option(s), 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: In the interests of safety, residential amenity and proper planning of the area, in accordance with ULP Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

8. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within two 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: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

9. 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 in writing within [2] days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, 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 ENV 2. 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 ENV3.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

10. 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

11. The reserved matters submission shall be accompanied by a scheme of sound insulation measures which shall be approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The measures must be implemented prior to occupation of any dwelling hereby permitted.

REASON: The site lies next to a main road where appropriate noise mitigation and sound proofing to noise sensitive development is required to prevent loss of amenity for future occupants in accordance with ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to

avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

13. No development or preliminary groundworks shall commence at the site until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork as detailed in the mitigation strategy which has been signed off by the local planning authority through its historic environment advisors.

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 ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

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

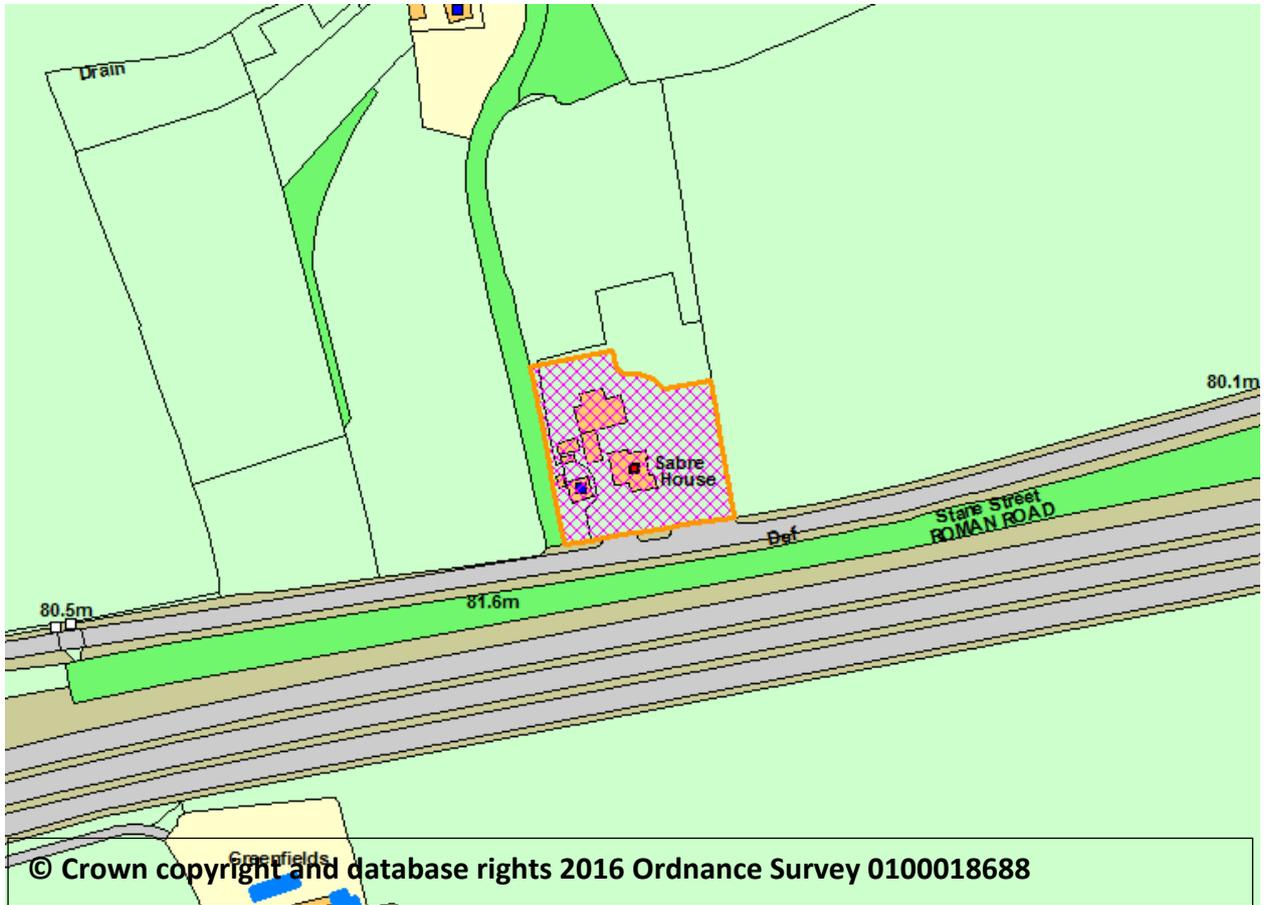
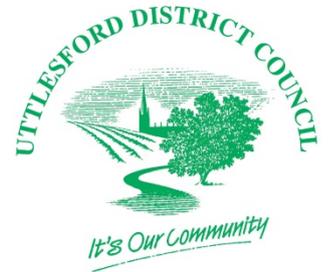
REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

15. The existing dwelling on the site shall be demolished and all the materials arising from such demolition shall be completely removed from the site within one month of the completion of any new dwellings constructed.

REASON: To avoid over-development of the site in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2480/OP

Address: Sabre House, Dunmow Road, Stebbing



Organisation: Uttlesford District Council
Department: Planning
Date: 9 November 2017

UTT/17/2611/FUL - (NEWPORT)

(Uttlesford District Council is the applicant)

PROPOSAL: The construction of four two-bed houses for rent including associated external works and parking. Including new accesses for 48, 50 & 52 Frambury Lane

LOCATION: Land to the East of Frambury Lane, Newport

APPLICANT: Uttlesford District Council

AGENT: The Design Partnership

EXPIRY DATE: 24 November 2017

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is located off Frambury Lane, Newport. It comprises a former garage ground rent site.

3. PROPOSAL

3.1 The application is for planning permission to erect four dwellings, with associated parking areas and gardens. The existing site access adjacent 56 Frambury Lane would be utilised and new driveways would be formed at 48, 50 and 52 Frambury Lane.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Planning Statement
- Drainage Statement
- Geo-environmental Report
- Preliminary Ecological Appraisal and Bat Survey Report
- Biodiversity Validation Checklist

6. RELEVANT SITE HISTORY

6.1 An application for an alternative six-dwelling scheme was withdrawn in April 2017 (UTT/17/0279/FUL).

7. POLICIES

7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

7.2 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.

7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.4
- S3 – Other Development Limits
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV8 – Other Landscape Elements of Importance for Nature Conservation
 - ENV14 – Contaminated Land
 - H1 – Housing Development
 - H3 – New Houses within Development Limits
 - H4 – Backland Development
 - H9 – Affordable Housing
 - H10 – Housing Mix

Supplementary Planning Documents/Guidance

- 7.5
- 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)

National Policies

- 7.6
- National Planning Policy Framework (NPPF) (2012)
paragraphs 14, 17, 32-39, 47-49, 55, 58, 100-104, 111, 118 & 120-122
 - Planning Practice Guidance (PPG)
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Land affected by contamination
 - Natural environment
 - Planning obligations
 - Planning Update: Written statement (HCWS488) (2015)

Other Material Considerations

- 7.7 - West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
- Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
- Housing Trajectory 1 April 2017 (August 2017)

8. PARISH COUNCIL COMMENTS

- 8.1 Newport Parish Council supports this application

9. CONSULTATIONS

Aerodrome Safeguarding Authority (Stansted Airport)

- 9.1 No objections.

Housing Enabling Officer

- 9.2 Extract:

“The 4x2 bed houses will be delivered as affordable homes for rent by Uttlesford District Council and form part of the Council’s affordable housing delivery programme.”

Ecological Consultant (Place Services)

- 9.3 No objections. Extract:

“The proposals are limited in scale/scope and are unlikely to impact designated sites, protected/priority species or priority habitats.

The OPDM Circular 06/05 is clear that further surveys are only required if there is a reasonable likelihood of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.”

Highway Authority (Essex County Council)

- 9.4 No objections, subject to conditions.

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter and notices were displayed near the site and in the local press. The following concerns have been raised among the submitted representations:

- 1) The site cannot accommodate four houses
- 2) The vehicular access is unsafe
- 3) Inadequate off-street parking provision
- 4) Loss of privacy affecting existing residents
- 5) Loss of daylight affecting existing residents
- 6) Overbearing effect affecting existing residents
- 7) Potential surface water flooding
- 8) Reduction in neighbouring property value

- 9) The site should be used as a car park instead
- 10) Noise disturbance during construction

10.2 The following comments are made in relation to the above points:

- 1) – 6) Covered in the below appraisal.
- 7) Surface water flooding is to some extent covered in the below appraisal, although the detailed drainage arrangements would be covered by the Building Regulations approval process.
- 8) Not a material planning consideration.
- 9) The proposal must be assessed on its own merits, and not compared with possible alternatives.
- 10) Impacts on neighbours during construction are regulated by the Control of Pollution Acts.

11. APPRAISAL

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

- A Location of housing (S3, H1, H3, H4 & 55)
- B Character and appearance (S3, GEN2, 58 & PPG)
- C Transport (GEN1, GEN8 & 32-39)
- D Accessibility (GEN2, 58 & PPG)
- E Crime (GEN2, 58 & PPG)
- F Amenity (GEN2 & 17)
- G Flooding (GEN3, 100-104, PPG & SFRA)
- H Infrastructure (GEN6)
- I Biodiversity (GEN7, ENV8, 118 & PPG)
- J Land contamination (ENV14, 120-122 & PPG)
- K Affordable housing (H9 & PPG)
- L Housing mix (H10 & SHMA)
- M Housing land supply (47-49)
- N Previously developed land (111)

A Location of housing (S3, H1, H3, H4 & 55)

- 11.1 The site is located within the Development Limits and built-up area of Newport. It is therefore considered that the proposal accords with the above policies insofar as they relate to the location of housing.

B Character and appearance (S3, GEN2, 58 & PPG)

- 11.2 The proposed dwellings would be concealed from most viewpoints due to their position between the rear boundaries of properties along Frambury Lane and Cherry Garden Lane. Nevertheless, it is considered that the traditional designs would be in keeping with the character of the wider area, subject to the use of conditions to secure appropriate external finishes and landscaping. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character and appearance.

C Transport (GEN1, GEN8 & 32-39)

- 11.3 The site's location within a relatively large village ensures that the occupants of the proposed dwellings would have access to a small range of services and facilities, and to a train station with regular services to Cambridge and London. It is therefore considered that the proposal meets the sustainable transport objectives of Policy GEN1 and paragraph 34 of the NPPF.
- 11.4 The existing vehicular access off Frambury Lane would be improved to facilitate the development. Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety or the road network. Furthermore, each dwelling would be provided with two off-street parking spaces and two visitor spaces would be positioned adjacent the access road, in exceedance of the Council's minimum residential parking standards.
- 11.5 It is noted that part of the site is currently used for car parking, albeit on an informal basis so there is no requirement to replace lost spaces. Nevertheless, the proposal includes new driveways at 48 – 52 Frambury Lane, each accommodating two parking spaces.

D Accessibility (GEN2, 58 & PPG)

- 11.6 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

E Crime (GEN2, 58 & PPG)

- 11.7 It is considered that the vacant and concealed nature of the site gives rise to the potential for anti-social behaviour, car crime and burglaries. The proposed development would secure a formal use for the site and ensure the prevention of crime through natural surveillance. It is therefore considered that the proposal derives support from the above policies insofar as they relate to crime prevention.

F Amenity (GEN2 & 17)

- 11.8 Each of the proposed gardens would be larger than 50 sq m, in accordance with the minimum standards in The Essex Design Guide.
- 11.9 The separation distance between Plots 3 & 4 and 72 & 74 Frambury Lane would be approximately 25 m, in accordance with The Essex Design Guide. The only window facing the properties on Cherry Garden Lane would be a bathroom window at Plot 3, which could be provided with obscure glazing to prevent privacy. The same could be achieved at Plot 4 in relation to the properties on Frambury Lane. Furthermore, a 3 m high fence along the inside of an existing hedge would successfully prevent harmful overlooking of 56 – 60 Frambury Lane from the dormer windows at Plots 1 and 2.
- 11.10 The proposed occupants would benefit from private sitting out areas within their rear gardens, which would be screened from existing properties. In the case of Plots 1 and 2 screening would be provided by the dwelling itself, while at Plots 3 and 4 a garden shed would ensure suitable screening.

- 11.11 The only contravention of the daylight standards in The Essex Design Guide occurs between Plot 3 and 177 & 179 Cherry Garden Lane. However, the effect is negligible due to the orientation of the proposed building, which ensures that only a small part at the top of the gable contravenes the '25 degree rule'.
- 11.12 Taking into account the scale of the proposed dwellings and the proposal's accordance with daylight standards, it is considered that there would be no significant overbearing impacts.
- 11.13 Overall, it is concluded that the proposed development successfully meets all relevant standards, thereby ensuring a good level of amenity for existing and future occupants in accordance with the above policies.

G Flooding (GEN3, 100-104, PPG & SFRA)

- 11.14 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

H Infrastructure (GEN6)

- 11.15 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

I Biodiversity (GEN7, ENV8, 118 & PPG)

- 11.16 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the proposal would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.

J Land contamination (ENV14, 120-122 & PPG)

- 11.17 Taking into account the submitted Geoenvironmental Report and the comments of the Environmental Health Officer on application UTT/17/0279/FUL, it is considered that the proposal would not give rise to any significant land contamination issues. It is therefore concluded that the proposal accords with the above policies.

K Affordable housing (H9 & PPG)

- 11.18 As explained in detail in various appeal decisions, including UTT/15/3599/FUL, the Developer Contributions Guidance Document must not be given weight when considering affordable housing requirements. Therefore, the basis for seeking affordable housing provision is Policy H9 and its preamble, which indicate that the proposal need not make a contribution towards affordable housing provision.
- 11.19 It is the applicant's intention that all four dwellings would be affordable homes. However, it is necessary to distinguish between the applicant's intention and the

local planning authority's requirement.

L Housing mix (H10 & SHMA)

11.20 The proposed dwellings would be two-bedroom units, in accordance with the requirement in Policy H10 to include a significant proportion of small market dwellings in residential developments.

M Housing land supply (47-49)

11.21 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

N Previously developed land (111)

11.22 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.

12. CONCLUSION

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

A The proposal accords with the development plan 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.

2. 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
- Roof
- Windows
- Doors

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 S3 and Policy GEN2 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.

3. 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, in accordance with Policy S3 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. The first floor bathroom windows on the eastern and western side elevations of Plots 3 and 4 must be glazed with obscure glass prior to occupation of the dwellings and thereafter retained. Each 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 neighbouring properties, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. The eaves and ridge heights of the proposed dwellings in relation to existing buildings must be as shown on Drawing No. UDC-703-P102.

REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S3 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

7. 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.

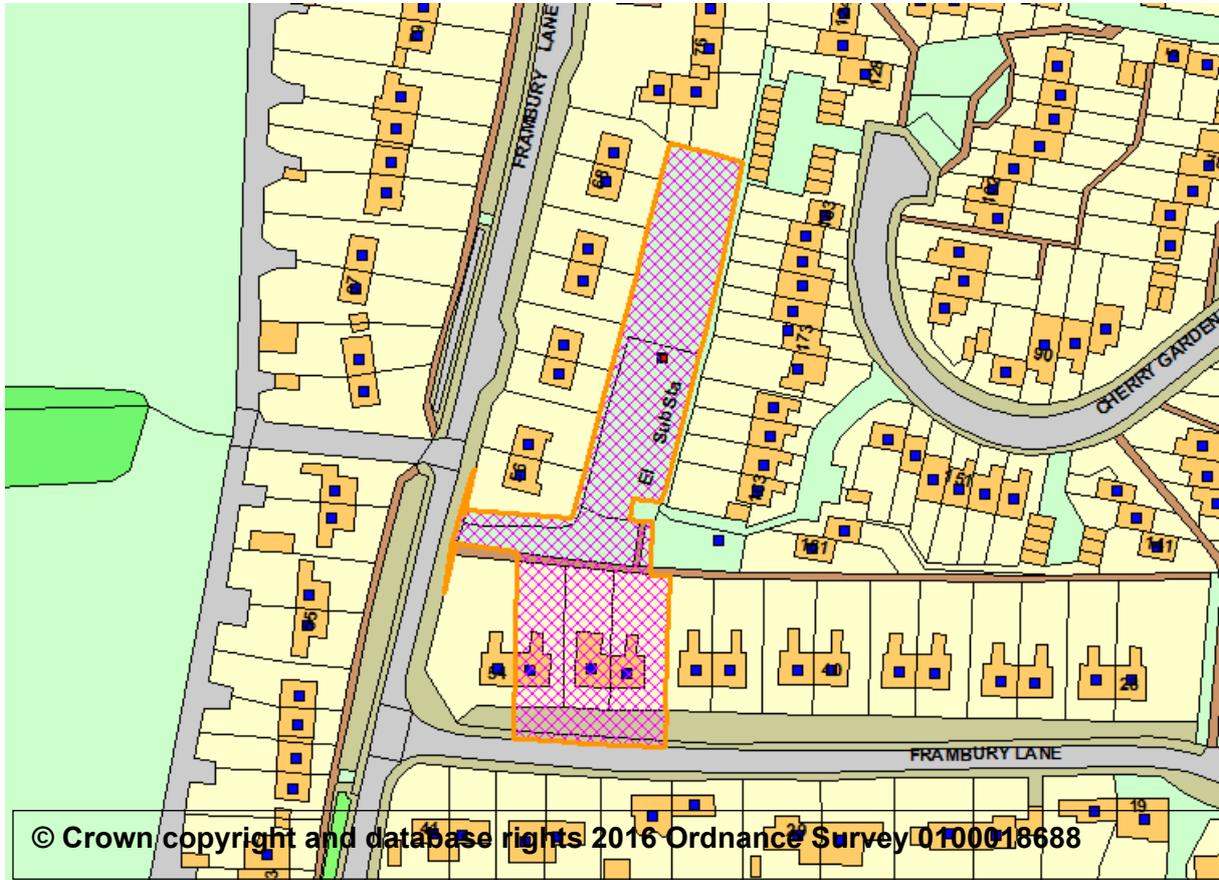
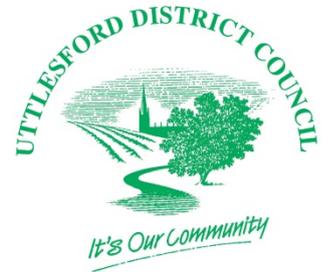
REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

8. The 'New 3 m high closeboard fence' indicated on Drawing No. UDC-703-P100 must be erected prior to occupation of Plots 1 and 2.

REASON: To protect the privacy of existing residents, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application: UTT/17/2611/FUL

Address: Land to The East Of Frambury Lane, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 9 November 2017

UTT/17/2812/HHF – (SAFFRON WALDEN)

(Referred to Committee by Cllr Freeman. Reason: Harm to open nature of local street scene)

PROPOSAL: Retrospective application for the erection of boundary fence

LOCATION: 12A Harvey Way, Saffron Walden

APPLICANT: Mr and Mrs K Hunnings

AGENT: Brian Christian

EXPIRY DATE: 24 November 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 detached dwelling situated on a residential development to the north-east of Saffron Walden town. It is positioned sideways on to the road, set behind an area of open grassland that fronts Ashdon Road. The properties in this location are similar detached, semi-detached two storey dwellings, many with open frontages or low fencing to demark the boundaries. The boundary to the application site is adjacent to the public footpath.

3. PROPOSAL

3.1 This application relates to the retention of the existing 1.8m fencing that extends almost 21m from the side of the garage to just forward of the extended building line, that was granted approval under UTT/15/1818/HHF, for a front/side and rear extension has not yet commenced. The fencing sits on concrete plinths making the overall height of the proposal 2m in height.

4. APPLICANT'S CASE

4.1 Replaces existing dilapidated fence for improved appearance and security. The length of the fence increased. A lower fence would result in complete loss of privacy to the amenity space within the rear garden.

5. RELEVANT SITE HISTORY

5.1 UTT/15/1818/HHF – Proposed demolition of existing conservatory and erection of single storey extension – approved 27.7.15 – not implemented at time of site visit (12.10.17)

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- S1 – Development within settlement limits
- GEN2 – Design and neighbour and visual amenity

7. TOWN COUNCIL COMMENTS

7.1 Parish consulted – Noted with no comments.

8. CONSULTATIONS

CLH Pipeline

8.1 No apparatus in vicinity.

Cadent Gas

8.2 Apparatus in vicinity.

Highway Authority (Essex County Council)

8.3 No comments to make on this proposal.

9. REPRESENTATIONS

9.1 6 Neighbours consulted – expired 27.10.17 – No responses received.

10. APPRAISAL

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

A Whether the proposal respects the scale form and appearance of the original dwelling (ULP Policy S1 and GEN2)

B Whether the proposal adversely affects the neighbouring residential and visual amenity (ULP Policy GEN2)

A Whether the proposal respects the scale form and appearance of the original dwelling (ULP Policy S1 and GEN2)

10.1 The dwelling is situated within the development limits of Saffron Walden, therefore the principle of modest extensions and alterations is acceptable in accordance with ULP Policy S1.

10.2 Local Plan Policy GEN2 indicates that development should respect the appearance of the existing dwelling with regard to size, design and would not be out of keeping with the character and appearance of the locality.

This application is for the retention of a boundary fence that is already in place. The proposed fence and plinth has an overall height of 2m and extends for a length of

21m. The majority of this fencing replaces fencing that was previously in place, but was in poor condition.

Whilst it is acknowledged that fencing of this height, adjacent to a highway can raise issues with highway safety there are no concerns regarding highway safety in this instance given the location of the fence.

On balance it is considered that the fencing is acceptable given that it replaced an existing fence of similar height that had been in place since the property was first built and that the erection of a lower fence would result in a complete loss of privacy to the rear amenity space available to the occupiers of no 12A. The resultant harm to the character and appearance of the locality is therefore negligible and it would be unreasonable to refuse the application for this reason.

- 10.3 The previously approved application under reference UTT/15/1818/HHF for a single storey front, side and rear extension, included the provision of a 1m high fence bordering the proposed new side extension that would be constructed adjacent to the fenced boundary. This was more in keeping with the general fencing provision within the locality. However, given that the proposed side extension would result in an increase in built form adjacent to the boundary, it would be unreasonable to consider this proposed higher fencing to be detrimental to the character and appearance of the locality.

The fence in its current appearance does appear quite stark as it is new fencing that has yet to 'dull with age'. This process could be assisted and speeded up if the fencing was stained or painted dark brown. This could be controlled by a condition if the application is approved.

B Whether the proposal would adversely affect the neighbouring residential and visual amenity (ULP Policy GEN2)

- 10.4 The impact on neighbouring residential and visual amenity has been addressed in the paragraph above. In this instance, it is considered that the retention of the fencing is not unduly harmful to the overall character and appearance of the street-scene and neighbouring residential amenity is not harmed as a result of this development.

11. CONCLUSION

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

- A In terms of the size and design, the fencing does not adversely affect the appearance of the dwelling and therefore complies with Uttlesford Local Plan Policies S1 and GEN2.
- B The nature and location of the fencing does not have an adverse impact on the street scene as a whole and therefore the visual amenity of the area is not harmed as a result of the fencing, thus complying with Uttlesford Local Plan Policy GEN2.

RECOMMENDATION – APPROVAL WITH CONDITIONS

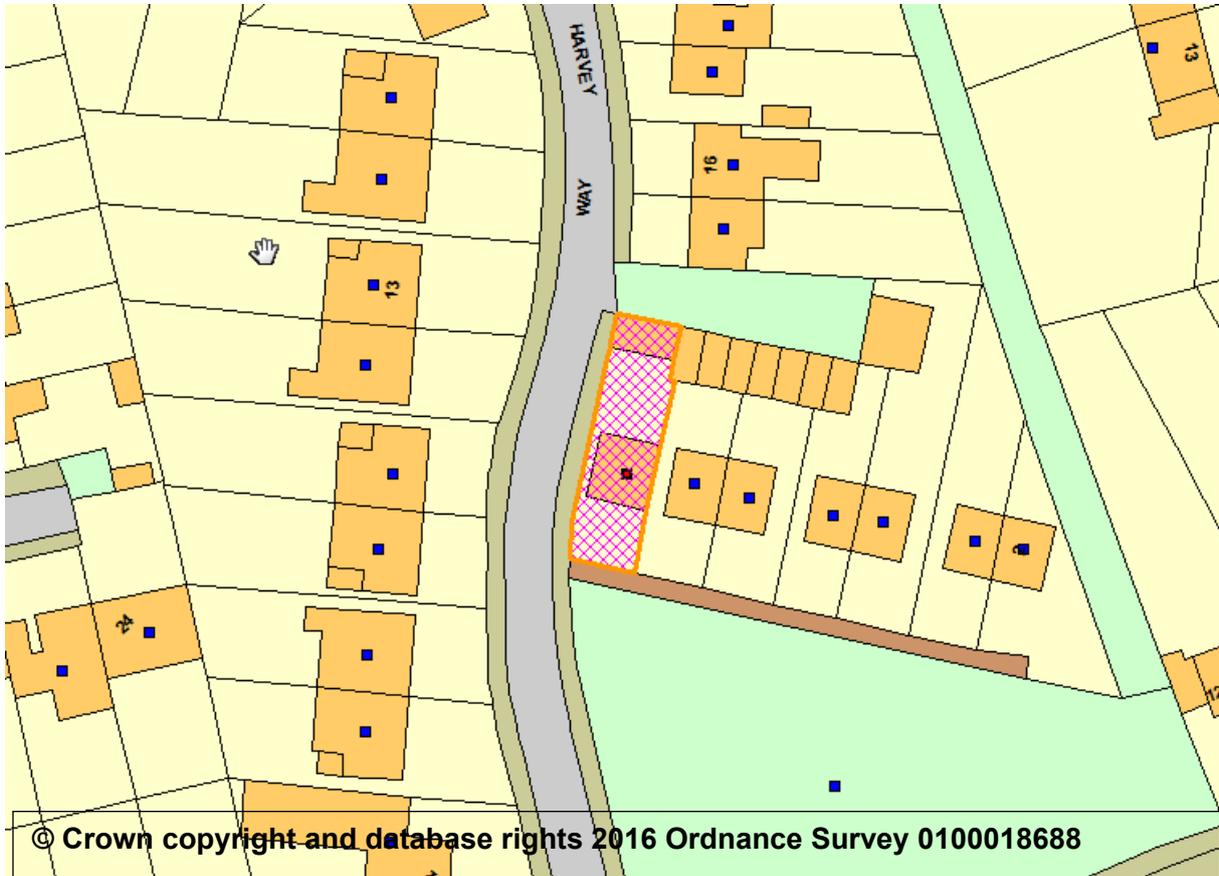
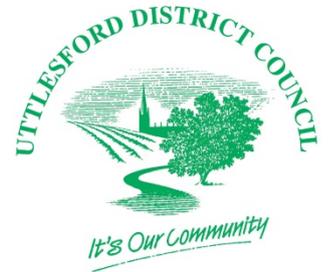
Conditions

1. Within 3 months of the date of this retrospective decision, the fence shall be painted or stained dark brown and thereafter retained in this colour. Failure to do this would result in enforcement action being taken.

REASON: In the interest of the appearance of the development in accordance with ULP Policy GEN2.

Application: UTT/17/2812/HHF

Address: Land To 12A Harvey Way, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 9 November 2017

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UTT/17/2048/LB – (SAFFRON WALDEN)

(Referred to Committee as application on council property)

PROPOSAL: Proposed trunking to serve a free standing air condition unit to be installed down the side of a wall to the rear of the building by the loading bay

LOCATION: Council Offices, London Road, Saffron Walden

APPLICANT: Uttlesford District Council

EXPIRY DATE: 27 October 2017 – Extension of time 24.11.17

CASE OFFICER: Rosemary Clark

1. NOTATION

1.1 Within Development Limits, Conservation Area, Grade II Listed Building.

2. DESCRIPTION OF SITE

2.1 The application site comprises minor works to the original listed building that once housed the Saffron Walden Hospital. An extension was constructed in the 1980's to form an L-shape building. The extension included glazed atrium and basement. The building is situated on a prominent position on London Road, within the historic market town of Saffron Walden. A separate lodge building is situated to the south of the main building currently occupied as offices for the police.

3. PROPOSAL

3.1 This application seeks consent to run trunking for an air conditioning unit down the side of a wall to the rear of the building by the loading bay. The trunking would be similar in appearance to the existing rainwater goods.

4. APPLICANT'S CASE

4.1 See Design and Access Statement submitted with the application.

5. RELEVANT SITE HISTORY

5.1 N/A

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- ENV2 – Development affecting Listed Building

7. TOWN COUNCIL COMMENTS

7.1 Noted with no objection.

8. CONSULTATIONS

Conservation Officer

8.1 The proposed ducting would visually match the rain water down pipes. On balance the proposal is acceptable subject to the following condition –
All ducting to match the rain water pipes in finishing details and colour and to be fixed to the building through the mortar joints not centre of historic bricks.

Historic England

8.2 No objections should the authority be minded to approve the application.

9. REPRESENTATIONS

9.1 12 Neighbours consulted – No responses received.

10. APPRAISAL

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

A Whether the works would be harmful to the historic importance and special architectural qualities of the listed building (ULP Policy EN2)

A **Whether the works would be harmful to the historic importance and special architectural qualities of the listed building (ULP Policy ENV2)**

10.1 The building is a Grade II Listed Building and as such Policy ENV2 applies. This policy reflects the thrust of the statutory duty in section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that development affecting a listed building should be in keeping with its scale, character and surroundings. Development proposals that adversely affect the setting and special characteristics and fabric of a listed building will not be permitted.

These minor works relate to the provision of trunking to serve an air conditioning unit down the side of a wall to the rear of the building by the loading bay. The Conservation Officer has been consulted and with the additional information received is able to support the proposed trunking as it would visually match the rain water down pipes. A condition would be attached to any approval to ensure that the materials used are as detailed to ensure the proposal complies with Uttlesford Local Plan Policy ENV2.

11. CONCLUSION

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

A The proposed works providing trunking to serve an air conditioning unit are acceptable and would not be harmful to the historic character and appearance of the listed building therefore complying with the NPPF and Uttlesford Local Plan Policy ENV2.

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.

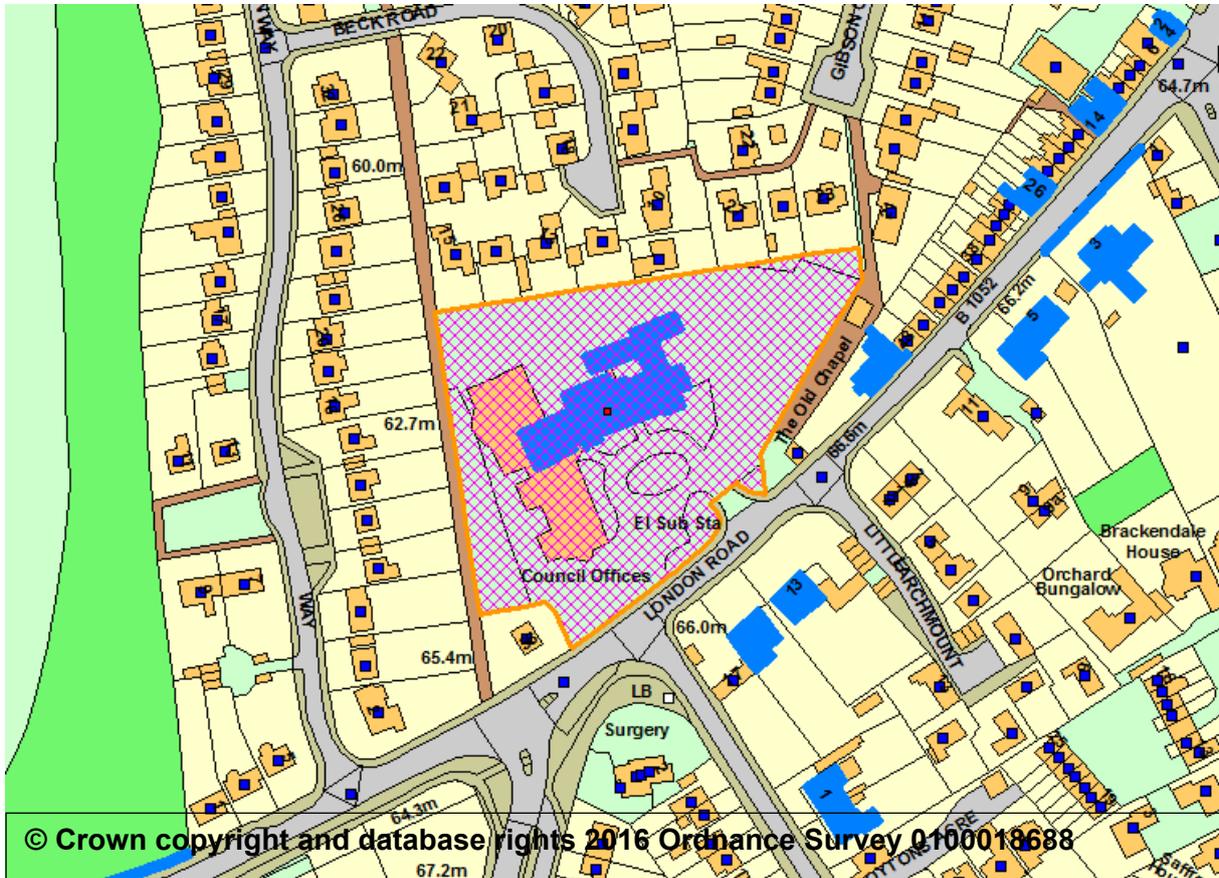
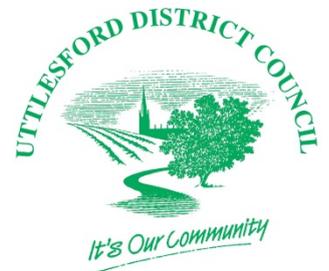
REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. All ducting to match the rain water pipes in finishing and colour and to be fixed to the building through the mortar joints not centre of historic bricks.

REASON: In the interest of the special architectural and historic importance of the listed building in accordance with the NPPF and Uttlesford Local Plan Policy ENV2

Application: UTT/17/2048/LB

Address: Council Offices, London Road, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 9 November 2017

Title: Appeal Decisions

05.04.2017 – 06.11.2017

Author: Nigel Brown

SITE ADDRESS	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	DECISION BY OFFICER/OVERTURNED BY COMMITTEE
Land West Of 1 Chestnut Cottages Burton End Stansted Essex	UTT/16/0795/OP	Outline application with all matters reserved for 1 no. dwelling	Appeal Dismissed 19.04.2017	N/A
Land At The Vineyard Cole End Lane Sewards End Saffron Walden Essex	UTT/16/1589/OP	Outline application, with appearance and layout reserved, for the erection of 1 no. dwelling	Appeal Dismissed 19.05.2017	N/A

Rear Of 8 The Elms Great Chesterford Saffron Walden Essex CB10 1QD	UTT/16/1478/FUL	Proposed dwelling and access to highway	Appeal Dismissed 19.05.2017	N/A
19 Landscape View Saffron Walden Essex CB11 4AT	UTT/16/2823/HHF	Proposed single storey front extension.	Appeal Dismissed 01.06.2017	N/A
Brooklyns Weaverhead Lane Thaxted CM6 2LE	UTT/16/3679/FUL	Demolition of outbuildings and erection of 10 no. new build over 65's residential units together with alterations to access and associated landscaping	Appeal Dismissed 22.09.2017	N/A

Land Between Wytewais And Hawthorns, Gransmore Green Lane Gransmore Green Felsted Essex	UTT/16/2827/OP	Outline application with all matters reserved except access for the erection of 1 no. dwelling with garage/outbuilding and related infrastructure	Appeal Allowed 17.05.2017	N/A
Sunny View School Lane Takeley CM22 6PJ	UTT/16/3234/HHF	Proposed erection of detached single garage.	Appeal Dismissed 01.06.2017	N/A
Land Rear Of Langhams Bakers Lane Felsted Essex CM6 3LP	UTT/16/3469/FUL	Change of use from agricultural land to domestic garden	Appeal Dismissed 08.08.2017	N/A

7 Lower Street Stansted Essex CM24 8LN	UTT/16/0550/AV	Retention of 3 no. fascia signs	Appeal Dismissed 11.08.2017	N/A
Land North Of Bartholomew Close Great Chesterford	UTT/16/1247/DFO	The reserved matters application, following outline application UTT/14/0425/OP for the construction of 12 new dwellings, covering access, layout, scale, landscaping and appearance.	Appeal Dismissed 12.04.2017	Committee 24.08.2016 Refusal against officer recommendation
Land West Of London Road Newport Essex	UTT/15/1869/FUL	Erection of 94 residential dwellings including flexible mixed use building (Use Classes B1, D1 or D2); open space, landscaping and new access	Appeal Allowed 27.10.2017	Committee 16.11.2016 Refused against officer recommendation

<p>Land At The Reeds Old Mead Road Henham Bishops Stortford Hertfordshire CM22 6JL</p>	<p>UTT/16/2779/OP</p>	<p>Outline application with all matters reserved except for scale and access for 1 no. one and a half storey dwelling</p>	<p>Appeal Allowed 10.10.2017</p>	<p>N/A</p>
<p>Land Adjacent Draytons Hill Cottage Royston Road Wendens Ambo</p>	<p>UTT/17/0366/FUL</p>	<p>Demolition of existing wall. Erection of two detached 4 x bedroom residential dwellings along with access, car parking, associated landscaping and new boundary wall on Royston Road</p>	<p>Appeal Dismissed 26.10.2017</p>	<p>N/A</p>
<p>Land To The South Of Braintree Road Felsted Essex</p>	<p>UTT/16/0287/OP</p>	<p>Outline application for up to 55 dwellings, means of access and associated works, with all other matters (relating to appearance, landscaping, layout and scale) reserved.</p>	<p>Appeal Dismissed 11.07.2017</p>	<p>N/A</p>

Land Off Little Walden Road Saffron Walden Essex	UTT/16/2210/OP	Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Little Walden Road and associated ancillary works. All matters to be reserved with the exception of the main site access.	Appeal Allowed 21.08.2017	
Land Rear Of Watsons Close Spare Penny Lane South Great Sampford Essex	UTT/16/2555/OP	Outline application, with all matters reserved except for access, for 18 dwellings and garages, extension to Council car parking and new vehicular access	Appeal Dismissed 16.08.2017	N/A
The Old Barn Slough Farm Thaxted Road Debden CB11 3LS	UTT/16/3058/OP	Outline application, with all matters reserved, for the erection of 1 no. dwelling	Appeal Allowed 11.08.2017	N/A

Land Rear Of Chestnuts/Willow Chase London Road Newport Essex	UTT/17/0050/FUL	Erection of two detached dwellinghouses and garages	Appeal Dismissed 03.11.2017	N/A
Barns At Brocking Farm Langley Road Clavering CB11 4SH	UTT/16/1415/FUL	Change of use of agricultural buildings to 2 no. residential dwellings (C3) and associated works	Appeal Allowed 06.10.2017	N/A
Down House Matching Road Hatfield Heath Bishops Stortford Hertfordshire CM22 7AS	UTT/16/1703/CLP	Single storey, detached residential outbuilding	Appeal Dismissed 16.05.2017	N/A

Gransmore Meadow Chelmsford Road Felsted	UTT/17/0034/FUL	Proposed residential development and associated infrastructure to erect 9 no. dwellings.	Appeal Allowed 10.10.2017	N/A
Rear Of Holly Hedge Woodmans Lane Duddenhoe End Elmdon CB11 4UU	UTT/17/0763/OP	Outline application, with all matters reserved except for access, the demolition of existing garage for the erection of 1 no. single storey dwelling, garage and access.	Appeal Allowed 17.10.2017	N/A
Glinton Cottage Carmen Street Great Chesterford CB10 1NR	UTT/17/0157/HHF	Demolition of existing outbuilding and side extension. Erection of new two storey side extension	Appal Dismissed 01.11.2017	N/A

Land South Of School Lane School Lane Henham	UTT/15/2982/FUL	Residential development for 36 dwellings and associated roads and parking, together with public open space and a play area along with infrastructure improvements to Henham and Ugley Primary School including parking and playing fields provision.	Appeal Dismissed 30.06.2017	Committee 4.5.17 Refusal against officer recommendation
Four Seasons Hallingbury Place Great Hallingbury Bishops Stortford CM22 7UE	UTT/16/3391/TPO	Fell 2 no. Oaks, 2 No. Scots Pine and 1 no. Hornbeam	Appeal Dismissed 27.06.2017	N/A
Land South Of School Lane School Lane Henham Hertfordshire	UTT/16/0814/FUL	Installation of a SUDS pond and swale	Appeal Dismissed 30.06.2017	N/A

20 King Street Saffron Walden CB10 1ES	UTT/16/2509/LB	Proposed replacement fascia signage and projecting sign.	Part Allowed/Dismissed 12.06.2017	N/A
Pathwoods Bardfield End Green Thaxted Dunmow Essex CM6 3PZ	UTT/16/2681/OP	Outline application,with all matters reserved except for access and layout, for the erection of 2 no. dwellings with associated landscaping, garaging and access	Appeal Dismissed 14.06.2017	N/A
St Aylotts Farm Ashdon Road Saffron Walden Essex CB10 2NE	UTT/16/1042/HHF	Proposed conversion of chicken shed into annexe.	Appeal Allowed 03.08.2017	N/A

<p>Land Adjacent Cobblestones Church Road Great Hallingbury Bishops Stortford CM22 7TY</p>	<p>UTT/16/2170/FUL</p>	<p>Construction of 1 no. single storey dwelling together with landscaping, parking and access to Church Road utilising existing access</p>	<p>Appeal Dismissed 01.08.2017</p>	<p>N/A</p>
<p>Cut Elms Farmhouse Keeres Green Aythorpe Roding Dunmow Essex CM6 1PQ</p>	<p>UTT/16/3343/FUL</p>	<p>Demolition of existing stables and greenhouse. Erection of 1 no. dwelling and garage</p>	<p>Appeal Dismissed 03.08.2017</p>	<p>N/A</p>
<p>Green Arbour Radleys End Dunmow Road Great Easton Dunmow Essex CM6 3PT</p>	<p>UTT/16/2561/FUL</p>	<p>Change of use of land from arable to dog day care centre</p>	<p>Appeal Dismissed 17.08.2017</p>	<p>N/A</p>

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**PLANNING
COMMITTEE**

**22 NOVEMBER
2017**

AGENDA ITEM 12

**SUPPLEMENTARY
REPORT PACK**

UTT/17/2498/TPO

Committee: Planning

Agenda Item

Date: 22nd November 2017

12

Title: UTT/17/2498/TPO

Application for consent to fell 1No. walnut tree subject to tree preservation order No.4/12 at 53, Landscape View, Saffron Walden.

Author: Ben Smeeden
Landscape Officer

Item for decision

Summary

This item seeks the Committee's consideration of an application for consent to fell 1No. Walnut tree in the grounds of 53, Landscape View, Saffron Walden. The applicant is a former District Council ward member for Ashdon.

Recommendations

1. The application for consent to fell the walnut tree is refused for the reasons that the loss of this tree would be detrimental to public amenity and the visual quality of the surrounding area.

Financial Implications

None

Background Papers

2. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

UTT/17/2498/TPO application and Appeal Decision APP/TPO/C1570/3441

Impact

- 3.

Communication/Consultation	Weekly List.
Community Safety	None
Equalities	None
Health and Safety	None

Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

4. An application has been received seeking consent to fell a mature walnut tree situated in the rear garden of 53, Landscape View (Appendix 1: Location plan and Appendix 2: Photograph of the walnut tree). The reasons stated by the applicant for seeking to fell the tree are summarised as follows:
 - The tree is too big and is extremely high.
 - Low branches overhanging the garden shading the house and garden, and that of the neighbours’.
 - The cost of regular maintenance of the tree is very high.
 - The District Council has not objected to other trees being removed in the vicinity, or made other trees in the general locality subject to a TPO.
 - The applicant wishes to replace the walnut with one or two fruit trees elsewhere in the rear garden.
5. The tree has been inspected by an arboriculturist from Place Services on behalf of UDC. Their recommendation is the application to fell the tree is refused.
6. Previously, an application for consent to reduce the walnut tree by up to 50% was refused in 2013. The applicant appealed this decision and the appeal was subsequently dismissed. The Arboricultural Inspector concluded that “The appeal tree contributes to local visual amenity and landscape quality”, and “I do not consider that the tree is excessively large for its setting, or that it is oppressive. For these reasons, I dismiss the appeal”.
7. The walnut tree is a mature specimen of some 15m in height, well-formed with a broad and balanced crown. It is free of any significant defects and is in good general health and vigour. The tree forms a backdrop to houses softening the built forms when viewed from the public highway, and visually contributes to the local character and visual amenity of the surrounding area. The tree is expected to have a remaining lifespan exceeding 50 years.
8. The tree is not considered to shade a large part of the applicant’s garden, or that of the neighbouring properties. The full enjoyment of the applicant’s garden is not considered to be compromised by the tree’s presence. Whilst the

tree does cast early morning shade across the rear elevation of the applicant's house during the summer months, ambient light levels to the windows are not considered to be significantly affected.

9. The walnut tree's water uptake during the growing season, and the shade cast directly beneath the tree's canopy, will affect what plants can be successfully grown, however, there are plants available which are tolerant of such conditions. The suppression of the sward beneath the tree is considered to be limited.
10. The applicant's expenditure, or potential expenditure, on the maintenance of their property, which includes the tree, is not considered to be a material factor in determining this application.
11. The protection of other trees in the vicinity of the applicant's property is not a relevant factor in the determination of this application. The making of tree preservation orders is subject to individual assessment.
12. The applicant's stated intention to plant one or two fruit trees elsewhere in their garden would not compensate for the loss to public amenity if the walnut tree were to be felled.

13. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with the recommendation	1. None	1. No impact	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.

Appendix 1: Location plan



	<p>UTTLESFORD DISTRICT COUNCIL TREE PRESERVATION ORDER</p>	<p>No. 4/12 - Saffron Walden</p>	
<p>53 Landscape View</p>			
<p>Reproduced from the 1996 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</p>			
<p>Utlesford District Council licence No: 100018688 (2007).</p>			
<p>DATE:03/09/2012</p>	<p>MAP REFERENCE: TL5336NE</p>	<p>SCALE:1:1250</p>	

Appendix 2: Photograph of walnut tree (2013)

