



## Public Document Pack

# Uttlesford District Council

Chief Executive: Dawn French

## Planning Committee

**Date:** Wednesday, 14th February, 2018

**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, H Ryles and G Sell

## 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**

5 - 8

To consider the minutes of the previous meeting held on 17 January 2018.

#### **3 UTT/17/3038/DFO - Land Behind The Old Cement Works, Thaxted Road, Saffron Walden**

9 - 22

To consider application UTT/17/3038/DFO.

#### **4 UTT/17/1896/FUL - JF Knight Roadworks, Copthall Lane, Thaxted**

23 - 34

To consider application UTT/17/1896/FUL.

- |           |  |                  |
|-----------|--|------------------|
| <b>5</b>  | <b>UTT/17/3662/FUL - Police Station, East Street, Saffron Walden</b>           | <b>35 - 48</b>   |
|           | To consider application UTT/17/3662/FUL.                                       |                  |
| <b>6</b>  | <b>UTT/17/3663/LB - Police Station, East Street, Saffron Walden</b>            | <b>49 - 54</b>   |
|           | To consider application UTT/17/3663/LB.  |                  |
| <b>7</b>  | <b>UTT/17/3078/FUL - 22 Cambridge Road, Stansted</b>                           | <b>55 - 64</b>   |
|           | To consider application UTT/17/3078/FUL.                                       |                  |
| <b>8</b>  | <b>UTT/17/2903/FUL - Tandans, Canfield Drive, Great Canfield Road, Takeley</b> | <b>65 - 76</b>   |
|           | To consider application UTT/17/2903/FUL.                                       |                  |
| <b>9</b>  | <b>UTT/17/2807/FUL - Brazille, 14 St Johns Crescent, Stansted</b>              | <b>77 - 86</b>   |
|           | To consider application UTT/17/2807/FUL.                                       |                  |
| <b>10</b> | <b>UTT/17/2429/OP - Land adjacent to 4 Hill Top Lane, Saffron Walden</b>       | <b>87 - 92</b>   |
|           | To consider application UTT/17/2429/OP.  |                  |
| <b>11</b> | <b>UTT/17/2822/FUL - Sector 3 Woodlands Park, Great Dunmow</b>                 | <b>93 - 104</b>  |
|           | To consider application UTT/17/2822/FUL.                                       |                  |
| <b>12</b> | <b>UTT/17/3111/FUL - Building 60, Chesterford Park, Little Chesterford</b>     | <b>105 - 112</b> |
|           | To consider application UTT/17/3111/FUL.                                       |                  |

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**PLANNING COMMITTEE held at the COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2pm on 17 JANUARY 2018**

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

Officers in attendance: A Bochel (Democratic Services Officer), N Brown  
(Development Manager), K Denmark (Development Management  
Team Leader), L Mills (Planning Officer) and E Smith (Legal  
Officer).

Also present: I Abrahams, Cllr G Bagnall, J Boughton and Cllr D Jones.

**PC81 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies were received from Councillor Wells.

Councillor Davey declared a non-pecuniary interest in that he was familiar with the firm carrying out the work on application UTT/17/2952/LB. Councillor Lodge declared a non-pecuniary interest in that he was familiar with the freeholders of Waltham Hall. Councillors Fairhurst and Freeman declared non-pecuniary interests as members of Saffron Walden Town Council's Planning Committee.

**PC82 MINUTES**

The minutes of the meeting held on 20 December 2017 were approved and signed by the Chairman as a correct record subject to the agreement that the names of those proposing and seconding votes would be added to the minutes. It was decided that this would become standard procedure for minutes of the Planning Committee only.

**PC83 UTT/17/1087/FUL – WALTHAM HALL FARM, BAMBERS GREEN ROAD,  
TAKELEY**

The applicant sought planning permission for the construction of a bus depot within the site that included the storage and maintenance of buses to be operated and run by National Express Ltd.

Members expressed concern that the development would result in urbanisation within the Countryside Protection Zone, that it would be out of character with adjacent listed buildings and that it would endanger the safety of the local highways network.

Councillor Fairhurst proposed to refuse the application. Councillor Lemon seconded this motion.

RESOLVED to refuse the application for the following reasons:

- 1) The proposed development would result in the urbanisation in character of the site which would appear out of character with and harmful to the rural area. The proposed use of the site would not be appropriate in the rural area and there are no reason as to why the development, in the form proposed, needs to take place there. As such the proposals are contrary to Uttlesford Local Plan Policies S7 and S8 (adopted 2005) and the NPPF.
- 2) The proposed development would represent a form of development which would result in less than substantial harm to the character and setting of adjacent listed buildings. There are insufficient public benefits arising from the scheme to outweigh the level of harm. As such the proposals are contrary to Uttlesford Local Plan Policy ENV2 (adopted 2005) and the NPPF.
- 3) The nature and characteristics of the local highway network is inadequate to safely accommodate the number and type of vehicles associated with the proposed use. As such the proposals are contrary to Uttlesford Local Plan Policy GEN1 (adopted 2005).

*Cllr D Jones, Cllr G Bagnall and J Boughton spoke on this application.*

PC84

**UTT/17/1088/LB - WALTHAM HALL FARM, BAMBERS GREEN ROAD, TAKELEY**

The proposal related to alterations to Network House which included new internal partitions, replacement windows and doors and re-roofing. It also proposed to demolish existing structures physically attached to a listed building identified as a Nine Bay Barn. New guttering would be required to be fixed to the listed building as a result of the demolition works.

Councillor Fairhurst proposed to approve the application. Councillor Lodge seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

*Cllr G Bagnall and J Boughton spoke on this application.*

PC85

**UTT/17/3195/FUL – QUICKSIE HILL, ARKESDEN, SAFFRON WALDEN**

The application had been withdrawn before the start of committee and so was not considered at the meeting.

PC86

**UTT/17/2952/LB – POLICE STATION, EAST STREET, SAFFRON WALDEN**

The application is for listed building consent to make various internal and external alterations to the police station.

The Planning Officer said the applicants wished to commence the work without delay and the proposed works stood on their own as an application.

Councillor Lodge proposed to approve the application. Councillor Davey seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

*I Abrahams spoke on this application.*

The meeting ended at 3.30pm.

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## UTT/17/3038/DFO – (SAFFRON WALDEN)

(MAJOR)

**PROPOSAL:** Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale

**LOCATION:** Land Behind The Old Cement Works, Thaxted Road, Saffron Walden

**APPLICANT:** Tarncourt Ambit Ltd

**AGENT:** Ian Abrams Architect Ltd

**EXPIRY DATE:** 16 February 2018

**CASE OFFICER:** Luke Mills

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### **1. NOTATION**

1.1 Within Development Limits; Employment Land to be Safeguarded.

### **2. DESCRIPTION OF SITE**

2.1 The site is located off Thaxted Road, Saffron Walden. It comprises an area of open land, previously used as a cement works, lime kiln and scrapyard, to the rear of existing residential development at The Kilns and Tiptoft Lane.

### **3. PROPOSAL**

3.1 The application is for approval of the reserved matters of layout, scale, appearance and landscaping, following a grant of outline planning permission (including the matter of access) for a residential development of up to 49 dwellings (UTT/16/1444/OP). The current application proposes 35 dwellings, and an accommodation schedule is appended to this report.

3.2 A separate application for planning permission has been submitted for landscaping works on adjacent land to the rear of Plots 21 – 23 (UTT/17/3199/FUL). It primarily relates to land contouring between the development and existing properties, but would also contribute a small portion of the garden land associated with Plots 21 – 23.

### **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, Design & Access Statement
- Soft Landscaping Scheme

- Supplementary Ecological Statement (ELMAW Consulting, May 2016)
- SuDS Checklist
- Response to SuDS Checklist

## **6. RELEVANT SITE HISTORY**

6.1 The site has been the subject of a number of applications for permission/consent, as listed below:

UTT/1382/01/FUL Erection of 8 blocks for class B1 business "live/work" purposes and creation of new vehicular access  
*Approved with Conditions 21/07/2003*

UTT/1882/05/FUL Variation of conditions C90D and C90E of planning permission UTT/1382/01/FUL to provide off-site highway works and surfacing of estate road prior to occupation rather than commencement.  
*Approved with Conditions 22/02/2006*

UTT/13/1937/OP Outline application for up to 52 dwellings with all matters reserved except access  
*Approved with Conditions 11/10/2013*

UTT/16/1444/OP Outline application, with all matters reserved except for access, for a residential development of up to 49 dwellings. Previously approved under UTT/13/1937/OP  
*Approved with Conditions 16/11/2016*

UTT/16/3477/DFO Details following outline planning permission for a residential development of up to 49 dwellings (UTT/16/1444/OP) - Details of appearance, layout, scale and landscaping (total of 46 dwellings)  
*Withdrawn 28/03/2017*

6.2 The most relevant application is UTT/16/1444/OP – the outline permission to which the current application relates. A Reserved Matters application for a 46-dwelling scheme was withdrawn in March 2017 (UTT/16/3477/DFO).

## **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 S1 – Development Limits for the Main Urban Areas  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision to Support Development  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
E2 – Safeguarding Employment Land  
ENV8 – Other Landscape Elements of Importance for Nature Conservation  
ENV12 – Protection of Water Resources  
ENV13 – Exposure to Poor Air Quality  
ENV14 – Contaminated Land  
H1 – Housing Development  
H3 – New Houses within Development Limits  
H9 – Affordable Housing  
H10 – Housing Mix  
SW6 – Safeguarding of Existing Employment Areas

### **Supplementary Planning Documents/Guidance**

- 7.5 SPD – Accessible Homes and Playspace (2005)  
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, 22, 32-39, 47-49, 55, 58, 100-104, 111, 118, 120-125  
Planning Practice Guidance (PPG)  
- Design  
- Flood risk and coastal change  
- Housing: optional technical standards  
- Land affected by contamination  
- Light pollution  
- 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**

- 7.7 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. TOWN COUNCIL COMMENTS**

### **8.1 Objection. Full response:**

“The Committee noted the plans and after discussion agreed to object to the plans on the grounds of lack of green space that is inconsistent with the emerging Neighbourhood Plan.

Councillor Dr R Freeman and Councillor Paul G Fairhurst abstained from voting as they are on Uttlesford District Council's Planning Committee.”

## **9. CONSULTATIONS**

### **Highway Authority (Essex County Council)**

#### **9.1 No objections, subject to conditions. Extract:**

“The highway authority has assessed the highways layout of the application in detail and had a number of requirements in terms of road layout and parking. The applicant has addressed these comments with a revised layout drawing number 90416.30 REV F and the submitted highways technical note dated 12 January 2018.”

### **UDC Housing Enabling Officer**

#### **9.2 No objections. However, advises that lifts may be expensive for housing associations and Plots 33 – 35 should be 2-bed, 4-person properties.**

### **London Stansted Airport**

#### **9.3 No objections.**

### **UK Power Networks**

#### **9.4 General comments regarding works near electricity apparatus.**

### **Affinity Water**

#### **9.5 No objection, subject to measures to reduce groundwater pollution risk.**

### **Ecological Consultant (Place Services)**

#### **9.6 No objections, subject to a condition to secure biodiversity enhancements. Extract:**

“Actions by the applicant have resulted in net loss of biodiversity in the form of loss of Priority habitat and associated species. No effort has been made to mitigate for this. Under paragraphs 109 and 118 of the NPPF, the planning system is required to demonstrate no-net-loss of biodiversity and to provide net gains in biodiversity where possible. We therefore expect all adverse impacts to be fully mitigated, and in cases of Major development such as this we would expect additional enhancements to be provided to result in a net gain in biodiversity.”

### **Infrastructure Planning Officer (Essex County Council)**

#### **9.7 Offers no comment on the basis that this is a Reserved Matters application.**

## **Environment Agency**

- 9.8 No further implications for contaminated land and groundwater compared with the outline application.

## **Essex Police**

- 9.9 Objection. Full response:

“We are concerned that the proposed boundary treatments only offer a symbolic boundary and offer no security to the rear of the properties. UDC Local Plan Policy GEN2 – Design (d) states “It helps to reduce the potential for crime”, when it is well known that most burglaries occur at the rear of the property this proposal does not reduce the potential for crime.

We would also like to know what lighting provision is being considered and would recommend the applicant seeks to achieve a Secured by Design award in respect of this development for the benefit of the intended residents and their neighbours.”

## **Lead Local Flood Authority (Essex County Council)**

- 9.10 No objections. Full response:

“Thank you for consulting us however as this is application was originally a renewal of a previous application where the drainage scheme had already been approved and agreed, we did not provide comment at the outline stage.

We would continue this view, and will not be providing comment to this reserved matters application.”

## **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 in the submitted representations:

- 1) The proposal represents an overdevelopment of the site
- 2) Inadequate parking provision
- 3) Unsuitable access through existing car park
- 4) Loss of privacy at 10 Tiptofts Lane
- 5) Lack of integration of affordable and market housing
- 6) Unsafe access from Thaxted Road
- 7) Inadequate infrastructure – education, healthcare and roads
- 8) Adverse effect on pedestrian safety due to a lack of street lighting on Thaxted Road

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

- 1) – 5) Covered in the below appraisal.
- 6) The access was approved under application UTT/16/1444/OP.
- 7) – 8) Infrastructure improvements were secured under application UTT/16/1444/OP, including financial contributions towards education and

healthcare and the provision of a pedestrian crossing facility.

- 10.3 It is also noted in one representation that the overall scheme is well-designed and represents an appropriate use of a brownfield site.

## 11. APPRAISAL

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

- A Location of housing (S1, H1, H3, 55 & PPG)
- B Character and appearance (S1, GEN2, GEN5, 58, 125 & PPG)
- C Transport (GEN1, GEN8, 32-39 & HCWS488)
- D Accessibility (GEN2, 58 & PPG)
- E Crime (GEN2, 58 & PPG)
- F Amenity (GEN2, GEN4 & 17)
- G Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- H Infrastructure (GEN6)
- I Biodiversity (GEN7, ENV8, 118 & PPG)
- J Employment safeguarding (E2, SW6 & 22)
- K Groundwater contamination (ENV12, 120-122 & PPG)
- L Air quality (ENV13, 124 & PPG)
- M Land contamination (ENV14, 120-122 & PPG)
- N Affordable housing (H9 & PPG)
- O Housing mix (H10 & SHMA)
- P Housing land supply (47-49)
- Q Previously developed land (111)

### **A Location of housing (S1, H1, H3, 55 & PPG)**

- 11.1 The principle of residential development was accepted when outline planning permission was granted under application UTT/16/1444/OP.

### **B Character and appearance (S1, GEN2, GEN5, 58, 125 & PPG)**

- 11.2 With an open field to the north and commercial development to the south, the residential design cues for the site are provided by the contemporary apartment blocks of The Kilns and the more traditional housing of Tiptoft Lane. It is considered that the proposed development takes a suitable approach, adopting traditionally-designed buildings and positioning the larger-scale apartment buildings close to The Kilns.

- 11.3 The majority of the development comprises two-storey housing, centred on an area of public open space and positioned in line with the road network to form a cohesive street scene. Subject to the use of a condition to secure a suitable landscaping scheme, it is considered that the development is well-designed and compatible with the character of the area. 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 & HCWS488)**

- 11.4 The vehicle movements associated with the development and the access off Thaxted Road were assessed at the outline stage. Therefore, the assessment of the Reserved Matters application focuses on the road safety implications of the detailed layout, as well as the proposed parking provision.

- 11.5 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety as a result of the proposed layout, subject to the use of appropriate conditions. Furthermore, the proposed parking provision is fully compliant with the Council's minimum residential parking standards. It is therefore concluded that the proposal accords with the above transport policies.
- 11.6 It is noted that a small portion of the site has been used as an informal car park associated with The Kilns. However, the land is wholly within the application site, as defined by the outline planning permission, and is therefore available for the proposed development. The existing apartments are provided with parking elsewhere – to the rear of Block A and to the front of Block B.

#### **D Accessibility (GEN2, 58 & PPG)**

- 11.7 Condition 4 of the outline planning permission requires that the Reserved Matters application demonstrates compliance with the Lifetime Homes standards, in accordance with Policy GEN2 and the associated SPD entitled 'Accessible Homes and Playspace'. It is considered that compliance is demonstrated by the submitted Lifetime Homes drawings.

#### **E Crime (GEN2, 58 & PPG)**

- 11.8 Taking into account the comments of Essex Police, it is considered that the development generally has regard to the need to design-out crime. The identified vulnerabilities with respect to boundary treatment and lighting could be addressed using a condition to secure full details prior to occupation, thereby ensuring compliance with the above policies insofar as they relate to crime prevention.

#### **F Amenity (GEN2, GEN4 & 17)**

- 11.9 Taking into account The Essex Design Guide, a non-adopted but useful guidance document, it is considered that the proposed gardens would be of a suitable size. All houses would have gardens larger than the recommended minimum size standard, the flats at Plots 22 and 23 would have more than 25 sq m of communal garden space each and the flats at Plots 27 – 32 would have separate terraces/balconies much larger than 5 sq m (12 sq m).
- 11.10 The minimum standards on privacy and daylight levels indicate that the development would not have any significant adverse effects on the amenity of existing or future residents. It is noted that the lower ground level of the development ensures that there would be no loss of privacy in the gardens of the dwellings on Tiptoft Lane, as shown in detail on the submitted site section drawing.
- 11.11 Finally, it is considered that there would be no significant overbearing impacts or noise nuisance as a result of the development. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

#### **G Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)**

- 11.12 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 the outline planning permission does not require the use of a sustainable drainage system. It is therefore concluded that there is no

conflict with the above policies.

**H Infrastructure (GEN6)**

- 11.13 Infrastructure requirements were assessed at the outline stage, with a S106 agreement securing financial contributions towards primary education and healthcare.

**I Biodiversity (GEN7, ENV8, 118 & PPG)**

- 11.14 The effect of the development on existing biodiversity and the need for mitigation are issues which were considered at the outline stage. In granting outline planning permission, the Council determined that the development would not adversely affect any protected species or valuable habitats. Nevertheless, taking into account the comments of the Council's ecological consultant, it is considered that the proposal represents an opportunity to secure biodiversity enhancements. It is therefore concluded that the suggested condition be used in the event that approval is granted.

**J Employment safeguarding (E2, SW6 & 22)**

- 11.15 It is noted that the site is safeguarded for employment use in the Local Plan. Nevertheless, the principle of residential development was accepted when outline planning permission was granted.

**K Groundwater contamination (ENV12, 120-122 & PPG)**

- 11.16 The issue of groundwater contamination was addressed at the outline stage, in consultation with the Environment Agency.

**L Air quality (ENV13, 124 & PPG)**

- 11.17 The issue of air quality was addressed at the outline stage, in consultation with the Council's Environmental Health Officer.

**M Land contamination (ENV14, 120-122 & PPG)**

- 11.18 The issue of land contamination was addressed at the outline stage, in consultation with the Environment Agency and the Council's Environmental Health Officer.

**N Affordable housing (H9 & PPG)**

- 11.19 The submitted site layout identifies 14 affordable housing units, in accordance with the requirement in the S106 agreement that 40% of the total units must be affordable homes.

**O Housing mix (H10 & SHMA)**

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

**P Housing land supply (47-49)**

- 11.21 It is noted that the Council is unable to demonstrate a five-year supply of housing

land, as confirmed in the document entitled Housing Trajectory 1 April 2017 (August 2017). Nevertheless, the principle of residential development was accepted when outline planning permission was granted.

**Q Previously developed land (111)**

11.22 It is noted that the site constitutes previously developed land. Nevertheless, the principle of residential development was accepted when outline planning permission was granted.

**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 the application should be refused. It is therefore recommended that approval be granted.

**RECOMMENDATION – APPROVAL WITH CONDITIONS**

**Conditions**

1. 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 S1 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.

2. Prior to commencement of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment
- External lighting (including light emissions)
- Pedestrian and cycle access to PROW byway 18 (Saffron Walden)

All hard and soft landscape works must be carried out in accordance with the approved details prior to occupation of the thirty-fifth dwelling.

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, to assist in the prevention of crime and to ensure highway safety and accessibility, in accordance with Policy S1, Policy GEN2 and Policy GEN1 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, a Construction Traffic Management Plan must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details, which must provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities.

REASON: To ensure that the highway is not obstructed during the construction period, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Prior to occupation of any dwelling, a biodiversity enhancement strategy must be submitted to and approved in writing by the local planning authority. The approved strategy must be implemented prior to occupation of any dwelling.

REASON: To take the opportunity to enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. Each dwelling hereby permitted must not be occupied until such time as its associated vehicle parking area has been formed and provided in accordance with Drawing No. 90416.30 Rev F.

REASON: To prevent hazardous on-street parking, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. The eaves and ridge heights of the permitted dwellings relative to each other and to existing buildings must be constructed as shown on the following drawings:

- Drawing No. 90416.40
- Drawing No. 90416.26 Rev A

REASON: For the avoidance of doubt and to ensure compatibility with the character

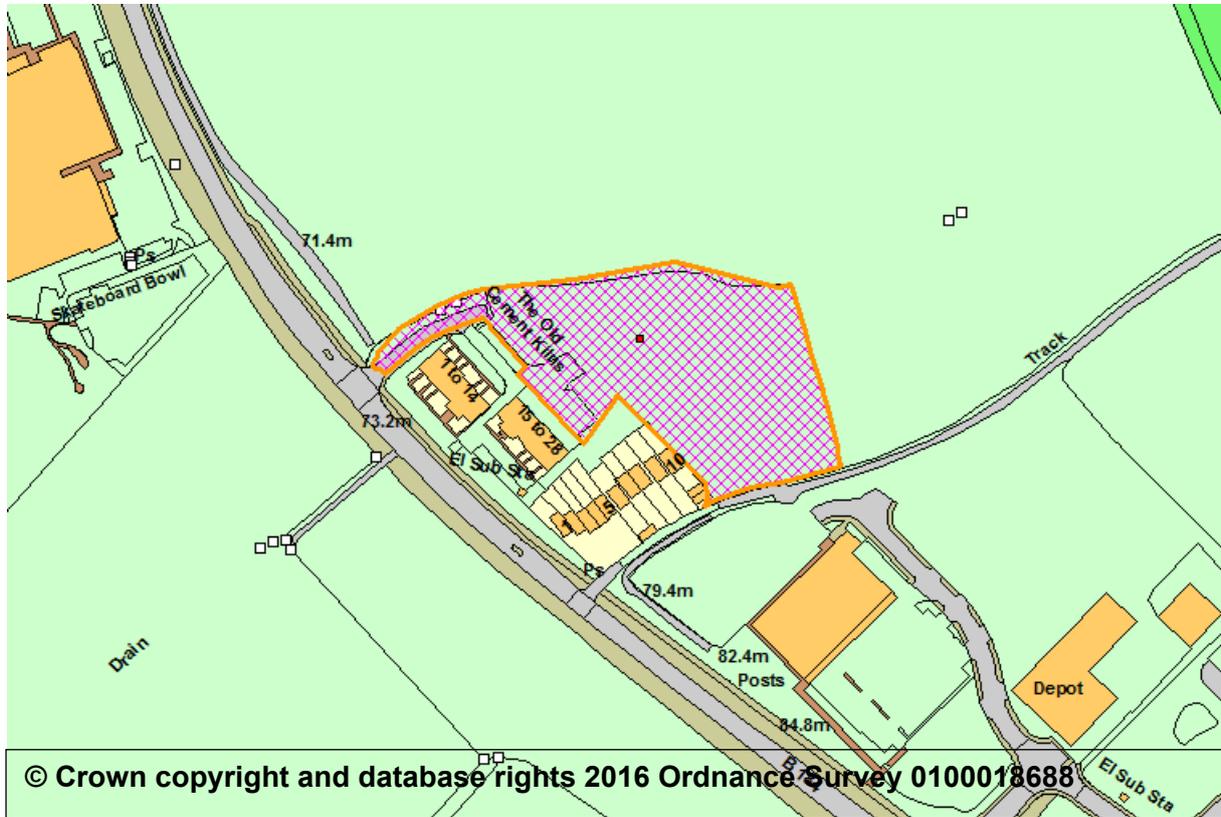
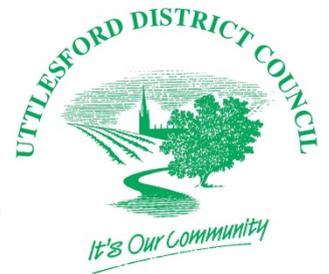
and appearance of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

**Appendix:  
Accommodation Schedule**

<b>Plot</b>	<b>Bedrooms</b>	<b>Parking</b>	<b>Garden</b>	<b>Tenure</b>
1	3	2	109	Market
2	3	2	100	Market
3	4	3	127	Market
4	3	2	138	Market
5	3	2	129	Market
6	3	2	117	Market
7	4	3	161	Market
8	4	3	239	Market
9	3	2	106	Market
10	3	2	105	Market
11	3	2	110	Market
12	3	2	107	Market
13	3	2	106	Market
14	3	2	102	Market
15	2	2	59	Affordable
16	3	2	100	Market
17	3	2	100	Market
18	3	2	100	Affordable
19	3	2	100	Affordable
20	3	2	102	Affordable
21	3	2	103	Affordable
22	2	2	56 (shared)	Market
23	2	2	56 (shared)	Market
24	3	2	149	Market
25	3	2	127	Market
26	3	2	130	Market
27	2	2	12	Affordable
28	2	2	12	Affordable
29	2	2	12	Affordable
30	2	2	12	Affordable
31	2	2	12	Affordable
32	2	2	12	Affordable
33	2	2	59	Affordable
34	2	2	62	Affordable
35	2	2	64	Affordable
Visitors	-	9	-	-

Application: UTT/17/3038/DFO

Address: Land Behind The Old Cement Works, Thaxted Road, Saffron Wa



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

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## UTT/17/1896/FUL – (THAXTED)

(Referred to Committee by Councillor Freeman. Reason: development's benefit to the area)

**PROPOSAL:** Demolition of all existing buildings and structures and comprehensive residential redevelopment comprising of the construction of 7 no. new dwellings and related development

**LOCATION:** JF Knight Roadworks, Copthall Lane, Thaxted

**APPLICANT:** Mr JF Knight and Mrs JV Knight

**AGENT:** Mr T Dodkins, Phase 2 Planning

**EXPIRY DATE:** 14 February 2018

**CASE OFFICER:** Peter McEvoy

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### 1. NOTATION

- 1.1 The following planning constraints apply to the application site:
- general aerodrome direction
  - contaminated and historic land use area
  - within 2km of an SSSI
  - outside development limits

### 2. DESCRIPTION OF SITE

- 2.1 Thaxted is an historic small market town that lies approximately 12km (7.5 miles) to the south east of Saffron Walden. The town is characterised by its medieval layout and the large number of listed buildings, especially in the town centre.
- 2.2 Bardfield Road runs from the south east of the town in an easterly direction towards Bardfield End Green. The application site is located to the north of the road, via a narrow access road approximately 450m in length with a distance to the town centre at over 1km. Copthall Lane, a narrow unlit country lane with no pavement, until it meets the town boundary, runs to the north west; access to the town centre is estimated at around 820m. The site is broadly rectangular in shape with an overall plot area of around 0.83ha.
- 2.3 The site was used as a civil engineering/ground works business, but the applicants state that it is currently used by a building company for storage purposes. Although there are residential developments nearby, the site is surrounded by open fields and is physically isolated from these settlements.
- 2.4 The LPA considers that the site may be classed as brownfield as it has been used for an established commercial enterprise.

### 3. PROPOSAL

- 3.1 The applicants are requesting planning permission for the comprehensive redevelopment of the site with the construction of seven new dwellings, car parking bays, visitor parking provision and associated landscaping.

3.2 Full details can be obtained from the plans, but the proposal may be summarised as follows. When approaching the site from the south, there would be a detached three bedroom dwelling to the left of the access road, followed by a larger four bedroom detached property. The access road would then gently curve to a courtyard where the remaining properties would be arranged, with a six bay cart lodge (or carport) for parking. Each property would be detached and three bedroom, with the exception of plot two which is four bedroomed and plots five and six which would be a pair of three bedroomed semi-detached dwellings. Visitor parking would be at the development's entrance and to the south of the courtyard.

3.3 All measurements may be scaled from the submitted plans.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

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 The applicants have submitted the following documents in support of the proposal:

- design and access statement
- highway and drainage review
- preliminary ecological appraisal
- biodiversity checklist
- geo-environmental site investigation report
- noise assessment
- soft landscaping scheme (including specification)
- Tree protection plan
- arboricultural impact assessment

5.2 There is also information relating to a S106 agreement, including details of a footpath link.

#### **6. RELEVANT SITE HISTORY**

6.1 The Council's records show that the previous site history centred on various alterations to storage and workshops:

UTT/0747/77 – proposed demolition of two existing buildings and erection of a new building to be used for garaging of vehicles and store

UTT/0790/80 – erection of toilet and staff accommodation

UTT/0633/84 – proposed addition to existing office

UTT/1394/88 – proposed new service road, rearrangement of parking, material storage and vehicle parking and turning areas, extensions to the existing buildings

and change of use of land

UTT/1494/89 – proposed extensions to workshops following outline approval

UTT/1627/00/FUL – erection of replacement storage building and extension to existing workshop

6.2 The applicants sought pre-application advice from the LPA, who formally responded on 9 November 2015 (reference: UTT/15/3126/PA).

## **7. POLICIES**

### **7.1 National Policies**

### **7.2 Supplementary Planning Documents/Guidance**

- SPD Parking Standards Design & Good Practice September 2009.
- SPD Essex Design Guide.

### **7.3 Uttlesford Local Plan (2005)**

- Policy S7 – The Countryside.
- Policy E2 – Safeguarding Employment Land.
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN7 – Nature Conservation.
- Policy GEN8 – Vehicle Parking Standards.
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation.
- Policy H9 – Affordable Housing.
- Policy H10 – Housing Mix.

### **7.4 Other Material Considerations**

- Thaxted Neighbourhood Plan, including the Thaxted Landscape Character Assessment (not yet made).
- Thaxted Design Guide.

## **8. PARISH COUNCIL COMMENTS**

8.1 Thaxted Parish Council objects to the current application, though is generally supportive of the scheme in principle, subject to a s106 agreement.

## **9. CONSULTATIONS**

### **Ecology (Essex County Council)**

9.1 Officers do not raise any objections to the scheme, subject to conditions regarding compliance with the ecological report, and a suitable lighting scheme.

### **London Stansted Airport**

9.2 No objection as the proposal does not conflict with their safeguarding criteria.

### **Landscape Officer (Uttlesford District Council)**

- 9.3 The countryside is a working landscape. The existing use of the site as a yard with its relatively low key industrial buildings is not considered to be out of place in this context. The introduction of a housing development in this setting is considered to be inappropriate and detrimental to the character of the surrounding rural landscape. Policy S7 of the Local Plan 2005 seeks to protect the countryside from inappropriate development and only permits development that is appropriate to the countryside location or needs to take place there. The proposed residential development in this isolated countryside location is considered to be inappropriate and contrary to policy.

### **Local Highways Authority (Essex County Council)**

- 9.4 Officers did have some initial concerns about the proposal, but they revised their opinion after the applicants provided additional information. They take the view that the proposed seven residential dwellings, compared to the existing use of the site as a roadworks contractor, are expected to have an inconsequential net impact on the highway network. Furthermore, it would also remove HGV movements associated with the lawful use of the site. Consequently, the Highway Authority concludes that the proposal will not have a detrimental impact upon safety or efficiency of the road network at this location, subject to conditions regarding the Advance Payments Code, amongst others.

### **Environmental Health (Uttlesford County Council)**

- 9.5 A full response will be available before committee.
- 9.6 The LPA also sought the views of the Environment Agency and Affinity Water but had not received a response at the time this report was prepared.

## **10. REPRESENTATIONS**

- 10.1 The application was publicised by sending twenty one letters to adjoining occupiers and the displaying of site notices. At the time this report was prepared, the LPA had received:
- two letters of support (including one from The Thaxted Society)
  - two neutral letters which expressed concern about access and the other about traffic generation, but were not objecting to the scheme.
  - one letter of objection from the Thaxted Neighbourhood Plan Committee. Whilst they recognise that the site is brownfield, does not believe it would be a sustainable location for housing. The accompanying Landscape Character Assessment identified the site as being unsuitable for housing of the proposed scale due to the damage such a development would cause to views in the vicinity. The access road would be long and narrow and the proposed landscaping would offer little in the way of screening mitigation. The Neighbourhood Plan's housing needs assessment showed that demand was for one to two bedroom units.

## **11. APPRAISAL**

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

- A The principle of development (NPPF, Local Plan Policies S7 and E2).
- B Compliance with the Thaxted Neighbourhood Plan.
- C Visual amenity and design (Local Plan Policies GEN2, ENV3 and ENV8, Essex Design Guide, Thaxted Design Guide).
- D Design and neighbourhood amenity (NPPF, Essex Design Guide, Thaxted Design . Guide, Local Plan Policy GEN2).
- E Residential Amenity (Local Plan Policy GEN2).
- F Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, Uttlesford Parking Standards).
- G Mix of Housing and Affordable Housing (Local Plan Policies H9, H10, and NPPF)
- H Biodiversity and Protection of Natural Environment (Local Plan Policies GEN7, GEN2, and ENV8).

**A The principle of development:**

- 11.1 The Local Plan, which was adopted on 20 January 2005, identifies the site as being outside any settlement limits, that is, within the open countryside and so Local Plan Policy S7 applies to the proposal. This policy recognises the intrinsic value of the countryside by limiting development that either needs to take place in such locations or else would be appropriate for the area. There are some exceptions relating to limited infilling, but the LPA does not consider that the site constitutes an infill plot.
- 11.2 Policy S7 cannot solely be used in the determination of the application for the following reasons:
  - a) following the adoption of the Local Plan, the Government published its overarching National Planning Policy Framework (NPPF) in March 2012, which obliged planning authorities to take a more flexible approach to sustainable development; and
  - b) there are additional considerations where as is the case for Uttlesford District Council, a LPA cannot demonstrate a five years' supply of deliverable housing sites.
- 11.3 (a) The introduction of NPPF:  
The LPA asked an independent consultant in July 2012 to check the compatibility of the Local Plan's policies against the Framework's new requirements. The report concluded that Policy S7 was only partially consistent with the Framework, as it took a too restrictive to sustainable development in the countryside. The LPA does not therefore accept the applicants' assertion that little weight should be given to this policy as it obviously still merits some consideration.
- 11.4 (b) A five year supply of housing:  
Paragraphs 47-49 of the NPPF require the Council to identify at least five years' supply of housing land. In particular, paragraph 49 states, 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

- 11.5 The Council's most recent housing projection was in August 2017 and it identified that the housing land supply for Uttlesford was between 3.77 and 4.2 years' worth, which is much less than the five year requirement. In such circumstances, the LPA must apply paragraph 14 of the Framework and grant planning permission if:
- the proposal simultaneously satisfies all three of the NPPF's criteria for sustainability development (that is economic, social and environmental); and
  - any harm arising from the proposal's harm does not significantly and demonstrably outweigh any benefit created by the development. This is based on whether the proposal meets all other relevant planning policies.

- 11.6 NPPF sustainability criteria:

**Economic role:** a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

The application site is located outside the town's settlement boundary, and a notable distance from the town's services and facilities. Any economic benefit created by the construction of the development would be limited and temporary in nature, but the new occupants would support Thaxted's general amenities. This benefit must be weighed against the loss of employment site and the LPA notes that there are limited existing employment opportunities in Thaxted.

**Social role:** supply the required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The proposal would create a small residential development, but given the narrow access road, and its length, it is unrealistic to expect that occupiers would access the town's amenities by cycling, walking or other non-car means. Nevertheless there would be opportunities to participate in the town's social activities.

The proposal would provide new dwellings that comply with the accessibility requirements of Part M of the Building Regulations for less able occupiers.

**Environmental Role:** protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.

The application site would form a discrete development, whilst close to other residential units, would still nevertheless be separate from the main settlement with a corresponding notable residential encroachment into the open countryside that would be outside the settlement limits. The LPA recognises that there is a fall back position of lawful employment use and that the site is brownfield, but nevertheless there would be an increase in built form and a new development away from an established settlement limit. Against this point, the dwelling units themselves would be energy efficient and contain features to ensure low carbon usage, as required by building regulations.

- 11.7 Policy E2 places safeguards against the loss of employment sites over 0.5ha in Thaxted (amongst other areas). The proposal would therefore be contrary to this policy.

11.8 In summary, the proposal must be assessed primarily against the NPPF, rather than just Policy S7. The current lack of a five year supply of housing means that a development in principle must be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The LPA considers that the proposal's harm would result in the loss of an employment site, the creation of a new and notable discrete housing development with an increase in built form and loss of general openness on the site, even when compared with the commercial nature of the existing use. It would be outside the settlement limits which would not be close to Thaxted's services and realistically only accessible by car. Balanced against these considerations, however, the site is brownfield, with an existing lawful use and the development (with sensitive landscaping) would possibly make some (but not a significant) contribution to area's general amenity, together with a contribution to the housing shortfall. Overall the LPA considers that on balance the proposal's principle of development on site has not been established for the site's particular circumstances.

## **B Compliance with the Thaxted Neighbourhood Plan**

11.9 The Thaxted Neighbourhood Plan has yet to be submitted to an independent examiner for assessment or subject to a referendum within the designated area. The Neighbourhood Plan may therefore be regarded as an emerging plan, but once it is made (ie adopted), it will have the same legal standing as development plan.

11.10 Paragraph 216 of the NPPF states that the weight given to policies in an emerging plan depends on a number of factors:

- the stage of preparation of the emerging plan;
- its consistency to the Framework's policies; and
- objections to relevant policies.

11.11 A planning application cannot be used to establish the compatibility of the neighbourhood plan and associated supporting documents with the NPPF, or whether there are any unresolved issues: these matters will be properly addressed during the consultation and examination stages. As the Plan is still in its early stages, and in accordance with the Framework's paragraph 216, the LPA considers the Neighbourhood Plan cannot yet be used to determine proposals in the Thaxted area. This also applies to the Plan's associated documents, such as the Thaxted Landscape Character Assessment.

## **C Visual amenity and design**

11.12 The NPPF stipulates that 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 (NPPF, paragraph 58).

11.13 Policy GEN2 seeks to promote good design requiring development to have regard 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.

11.14 Reference should also be made to the Thaxted Design Statement with particular reference to boundary treatment, use of materials and colour palette. A re-creation of historic design is not necessary, but new buildings should be constructed to a high design level.

- 11.15 The applicants are proposing a traditional unifying design throughout the development, with the houses bearing common design cues, such as gable wings and the fenestration treatment. They state that the overall height of the houses would broadly match those found nearby. External materials would be brick and painted timber weatherboarding which is a common choice for dwellings throughout the district. Perhaps the overall appearance could be broken up with the use of additional materials, such as render, but the development is considered to follow and sympathetically reinterpret the Essex vernacular. The houses would be spaced out and not crowded with sufficient amenity space to meet the LPA's requirements of one hundred square metres per property.
- 11.16 In accordance with local policy GEN2, the LPA requires developers to provide new homes, which are designed to lifetime homes standards, but the scheme will need to comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 11.17 The LPA prefers a layout which does not result in the street being dominated by parked vehicles to the front of dwellings, but the risk of such a detrimental impact is mitigated by the discrete grouping of the bays, landscaping and the limited size of the overall development. Parking is considered in more detail below.
- 11.18 The LPA notes that the applicants are proposing to introduce soft and hard landscaping within the site, with a landscape buffer to the eastern boundary to mitigate the impact of the development on the wider scheme. Nevertheless there would be properties close to the north eastern site boundary which does dilute this benefit. The Council's landscape officer was invited to consider the proposed hard and soft landscaping treatments of the site. He is of the view that notwithstanding the intended implementation programme, the scheme would not be appropriate for the area as it would represent an incursion into the open countryside.

#### **D Residential amenity**

- 11.19 Residential amenity is assessed in terms of a proposal's impact on privacy levels for neighbouring occupiers, whether the development would cause excessive shadowing, create a visually dominant feature or lead to a material loss of privacy to occupiers of neighbouring occupiers. It must be considered in terms of the scheme's impact on future occupiers of the development as well.
- 11.20 Some overlooking is to be expected in a housing development, but the properties' orientation, positioning of windows and the general use of blank side elevations with houses in proximity to each other helps to reduce the impact. The relatively low density of the housing also makes a positive contribution to this as well.
- 11.21 Similarly, the dwellings would cast a shade onto their neighbours' curtilages, but this is considered to be of a similar degree to other housing developments and so not excessive.
- 11.22 Finally, in terms of visual dominance, the proposal is broadly acceptable; however, it appears that the primary ground floor windows of plots would be close to the proposed six bay cart lodge, especially bedroom three of the house in plot five. The LPA considers that visual impact on this occupier in terms of visual appearance and loss of daylight is not acceptable, though a repositioning of one of the structures (either the carports or dwelling) could address this point.
- 11.23 The development is considered to be a sufficient distance away to ensure that the

amenity of existing occupiers would not be adversely affected if the development was to go ahead.

## **E Access and parking**

- 11.24 The submitted plans show that the existing access into the site would be along a private road from the main highway.
- 11.25 Local Plan Policy GEN1 requires a development to not have an adverse effect on the highway network nor compromise the safety of highway users, such as drivers, pedestrians or cyclists. Essex County Council, who act as the local highway authority for the area, considers that the development would not lead to a material increase in traffic generation compared to the existing lawful use and therefore the development would be in general compliance with this policy.
- 11.26 Policy GEN8 calls for a sufficient number of parking spaces that would be appropriate for the development as set out in the parking standards of Essex County Council and Uttlesford District Council. A residential development's parking is determined by the number of bedrooms of each dwelling: a three bedroom house should provide at least two parking spaces, with a four bedroom property required at least three parking spaces.. The proposal is acceptable in this regard. There is sufficient space within each property's curtilage to provide spaces for cycles and the applicant is also proposing to include six visitor spaces, which is sufficient for the size of the development as set out in the parking standards.

## **F Dwelling mix and the provision of affordable housing**

- 11.27 Paragraph 50 of the NPPF states that developments should deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 11.28 Policy H9 provides on a site to site basis an element of affordable housing, but in accordance with the housing minister's planning guidance issued in November 2014, a developer does not have to provide on-site affordable housing or an offsite financial contribution for a housing scheme for ten or fewer dwelling. As a result of the minister's statement (which was been upheld in appeal), the applicant does not have to make a provision for affordable housing for this development.
- 11.29 Policy H10 requires that developments of three or more dwellings should provide a significant proportion of small two and three bedroom properties. Since the adoption of the Local Plan, however, the Strategic Housing Market Assessment (SHMA) has identified that there is a need for dwellings with three or more bedrooms.
- 11.30 The LPA would prefer that the estate included some smaller two bedroom units across the scheme, but as the size of the development is limited to seven dwellings, the development is appropriate in this regard.

## **G Biodiversity and Protection of Natural Environment**

- 11.31 Paragraph 98 of Circular 06/05 (Biodiversity and Geological Conservation) states 'that the 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' (p33).
- 11.32 Policy GEN2 applies a general requirement that development safeguards important

environmental features in its setting whilst Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. ENV8 requires development to protect landscape elements (such as hedgerows, woodland, river corridors).

- 11.33 The accompanying biodiversity reports considered that the development, if properly managed through the use of appropriate mitigation measures would not have a material adverse effect on the site biodiversity, a view which the with which the Council's ecology officers concur. The proposal would therefore be acceptable on biodiversity grounds.

## **12 OTHER ISSUES**

- 12.1 Contaminated land and noise mitigation measures – these will be assessed in the forthcoming report from environmental health.
- 12.2 The applicants have also submitted various appeal decisions to back up their arguments for the site. These have been noted, but the LPA has considered the proposal from first principles and based on the site's unique circumstances and without recourse to other decisions.
- 12.3 Representations are considered in the main report.

## **13 CONCLUSION**

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

- A** The development is not acceptable in principle as the applicants have not shown that it meets the NPPF's criteria of sustainable development. The incursion beyond the town's settlement limits, and the lack of overall sustainability does not outweigh the benefit of the development in meeting the Council's five year land supply and the reuse of a brownfield site.
- B** The size, scale and siting of the proposed development is generally satisfactory, but the relationship between the six bay carport and the immediate properties is considered to create a visual dominant feature, especially to the future occupiers of plot five.
- C** The proposed development would not compromise the safety of the highway and its parking arrangements are acceptable
- D** There is no requirement to provide on-site affordable housing and the housing mix is not the LPA's preferred option, but nevertheless is still acceptable under current policies.
- E** Subject to the implementation of the suggested mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- F** There is no current requirement for the applicant to meet the policies of the Neighbourhood Plan's policies and its associated documents as the Plan has not yet been made (formally adopted).
- G** The LPA notes the provisions of the s106 agreement, but this is not been a factor in making its recommendation.

## **RECOMMENDATION – REFUSE**

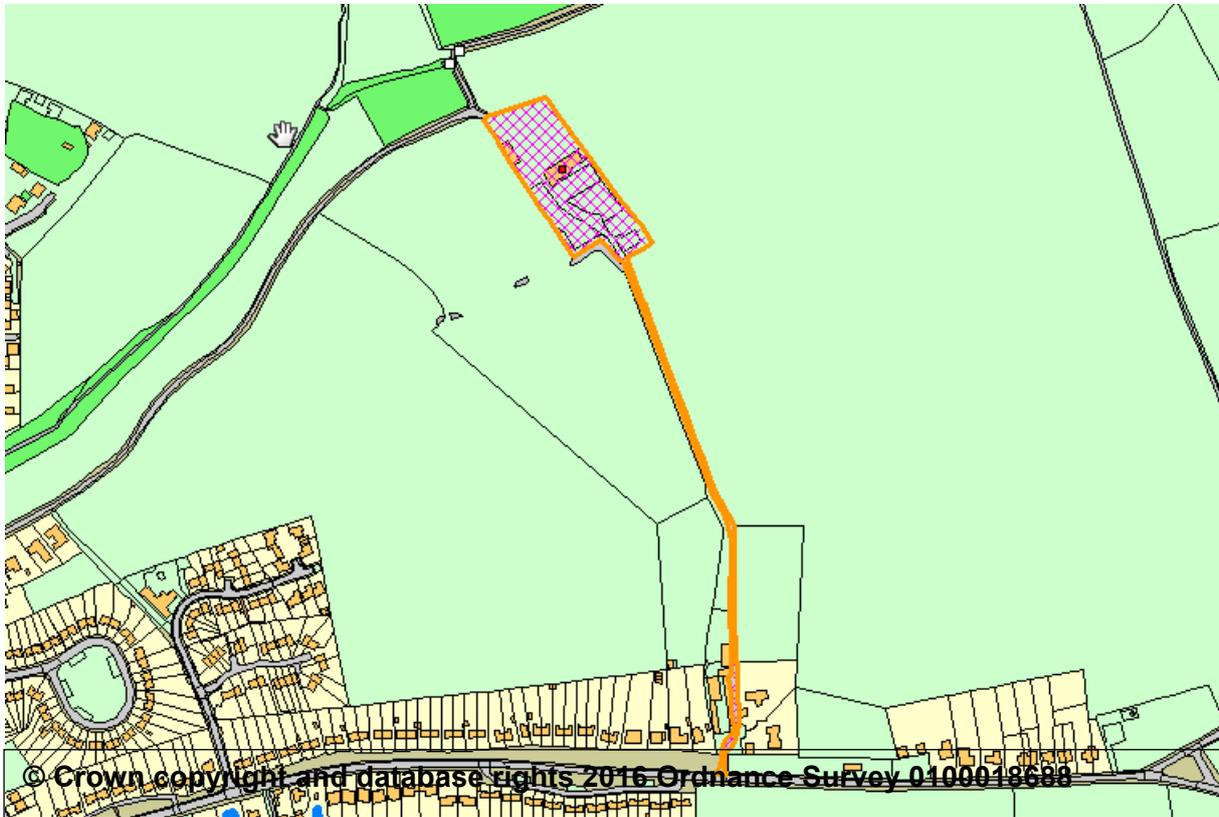
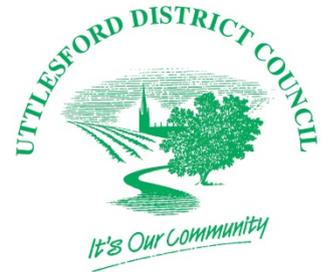
The development is not acceptable in principle as the applicants have not shown that it meets the NPPF's criteria of sustainable development. The incursion beyond

the town's settlement limits, and the lack of overall sustainability does not outweigh the benefit of the development in meeting the Council's five year land supply and the reuse of a brownfield site. The proposal is contrary to the NPPF and Local Plan Policy S7

The relationship between the six bay carport and the immediate properties is considered to create a visual dominant feature, especially to the future occupiers of plot five and so is contrary to Local Plan Policy GEN2

Application: UTT/17/1896/FUL

Address: JF Knight Roadworks, Cophall Lane, Thaxted



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

## UTT/17/3662/FUL – (SAFFRON WALDEN)

(Referred to Committee by Cllr Lodge. Reason: Potential overdevelopment)

**PROPOSAL:** Demolition of existing two semi-detached dwellings, erection of four dwellings (plots 1-4), change of use and extension of former Police Building to form three dwellings (plots 5-7) with associated alterations, construction of cantilevered garden with parking below to the rear, closure of existing East Street vehicular access and alterations to frontage wall.

**LOCATION:** Police Station, East Street, Saffron Walden

**APPLICANT:** Cityshape Heritage Limited

**AGENT:** Ian Abrams Architect Limited

**EXPIRY DATE:** 15 February 2018

**CASE OFFICER:** Luke Mills

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### 1. NOTATION

1.1 Within Development Limits; Conservation Area.

### 2. DESCRIPTION OF SITE

2.1 The site is located off East Street, Saffron Walden. It contains a Grade II listed police station and associated offices within a pair of former police houses. A parking area to the rear is accessed from Common Hill.

### 3. PROPOSAL

3.1 The application is for planning permission to demolish the police houses, erect four semi-detached houses and change the use of the police station to three houses. The converted building would be extended and altered, and the existing boundary wall would be extended. An accommodation schedule is provided below:

Plot	Bedrooms	Parking spaces	Garden (sq m)
1	3	2	101
2	4	2	100
3	4	2	105
4	4	2	114
5	3	2	128
6	4	3	166
7	5	3	439
Visitors	-	2	-

3.2 The vehicular access from East Street would be removed, with the existing access off Common Hill leading to a rear parking area under new cantilevered gardens.

3.3 An application for listed building consent has also been made (UTT/17/3663/LB).

#### **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 Supporting Statement incorporating Design and Access Statement
- Heritage Appraisal
- Transport Statement
- Tree Survey, Arboricultural Impact Assessment and Method Statement
- Biodiversity Validation Checklist
- Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal Incorporating Bat Survey Inspection)
- Japanese Knotweed Management and Eradication method statement
- Flood Risk Assessment, Foul and Surface Water Statement
- Phase 1 Environmental Report
- Factual Report
- Chemical Interpretive Report
- Asbestos Refurbishment Survey
- Existing Building Images
- Schedule of Windows and Doors
- Construction Method Statement
- Lighting specifications

#### **6. RELEVANT SITE HISTORY**

6.1 The site has been the subject of a number of applications for permission/consent, as listed below:

CC/SWB/0002/51 Erection of wooden hut at rear of Police Station  
*Unconditional Approval 27/08/1951*

SWB/0093/66 Provision of a double garage on land at rear  
*Approved with Conditions 14/10/1966*

SWB/0090/71 Erection of timber screen and door to front porch  
*Approved with Conditions 18/10/1971*

SWB/0097/72 Police office accommodation  
*Approved with Conditions 18/10/1972*

UTT/1254/83/CC/CA Proposed extension to car park and new petroleum installation  
*Approved with Conditions 06/02/1984*

UTT/2241/88/CC Conversion of garage to recreation room and resiting of garage block  
*Approved with Conditions 22/02/1989*

UTT/0688/96/LB Erection of advertisement display board to replace existing  
*Approved with Conditions 04/09/1996*

UTT/0769/98/FUL Provision of access ramp and provision of new pedestrian gate and 900mm wall between station building and front boundary. Provision of telephone on west elevation  
*Approved with Conditions 30/09/1998*

UTT/0770/98/LB Provision of access ramp and provision of new pedestrian gate and 900mm wall between station building and front boundary. Provision of telephone on west elevation  
*Approved with Conditions 30/09/1998*

UTT/0711/99/AV Erection of 6.25m high flag pole.  
*Approved with Conditions 20/08/1999*

UTT/1567/99/FUL Change of use from residential to offices, provision of car park at rear and installation of replacement windows  
*Approved with Conditions 24/03/2000*

UTT/12/5672/TCA Fell 1 no. Pear, 1 no. Lime and group of conifers. Remove lower branches to height of 2.5-3m, reduce crown by approx. 0.5-1m 1 no. Pear  
*No Objections 21/11/2012*

UTT/15/1011/LB Replacement of previously removed railings; structural repairs to elevated platform supporting railings  
*Approved with Conditions 23/12/2015*

UTT/16/2890/LB Application to vary condition 1 of UTT/15/1011/LB to extend the time frame given for replacing railings.  
*Pending Decision*

UTT/17/2951/FUL Proposed change of use, alterations and extensions for form 3 no. dwellings. Alterations of existing front boundary wall and rear retaining wall. Demolition of existing single storey garages and rear kitchen extension.  
*Withdrawn 11/12/2017*

UTT/17/2952/LB Alterations and extensions to include: repair and restoration of window frames, alterations to access to main front door, removal of internal partitions, creation of doorway from existing window on eastern elevation, pitched roof and 1st floor extension to former stable block, addition of conservation roof lights and addition of garden rooms to rear. Alterations to existing front boundary wall.  
*Approved with Conditions 18/01/2018*

6.2 The most relevant application is UTT/17/2952/LB, which resulted in a grant of listed building consent for various extensions and alterations to the police station and its boundary wall.

## **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 S1 – Development Limits for the Main Urban Areas  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN5 – Light Pollution  
GEN6 – Infrastructure Provision to Support Development  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV1 – Design of Development within Conservation Areas  
ENV2 – Development affecting Listed Buildings  
ENV4 – Ancient Monuments and Sites of Archaeological Importance  
ENV13 – Exposure to Poor Air Quality  
ENV14 – Contaminated Land  
H1 – Housing Development  
H3 – New Houses within Development Limits  
H9 – Affordable Housing  
H10 – Housing Mix

#### **Supplementary Planning Documents/Guidance**

7.5 SPD – Accessible Homes and Playspace (2005)  
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, 120-125 & 128-135  
Planning Practice Guidance (PPG)  
- Air quality  
- Conserving and enhancing the historic environment  
- Design  
- Flood risk and coastal change  
- Housing: optional technical standards  
- Land affected by contamination  
- Light pollution  
- 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**

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Air Quality Action Plan 2017 – 2022  
Housing Trajectory 1 April 2017 (August 2017)  
Saffron Walden Conservation Area Appraisal and Management Proposals (2012)

## **8. TOWN COUNCIL COMMENTS**

- 8.1 No objections. Informative note states:

“...the Council expresses concerns regarding the impact of this development on the street scene of East Street. The proposed new residential properties should seek to be an integral part of the existing street scene with minimal disruption to the current view and vista of East Street.”

## **9. CONSULTATIONS**

### **Highway Authority (Essex County Council)**

- 9.1 No objections, subject to conditions.

### **Environment Agency**

- 9.2 No objections.

### **Ecological Consultant (Place Services)**

- 9.3 No objections, subject to conditions.

### **Environmental Health Officer**

- 9.4 No objections, subject to conditions. Extract:

“Contaminated land

A Phase 1 Desk top study OTS/9407 by Chelmer Global Ltd dated Sept 2017 identified a number of potential sources of contamination, including underground fuel storage and an electricity sub station. Further intrusive investigation and laboratory testing reported by Chelmer Global Ltd (Chemical Interpretative Report November 2017) has confirmed the presence of polyaromatic hydrocarbons and lead above guideline values. There is therefore a potential risk to the health of future site users.

There is no reason to suppose that the risks identified cannot be managed satisfactorily, but this will require further investigation and the submission and approval of a remediation strategy, and its implementation and validation. Conditions are recommended.

Air Quality

The site is within the Saffron Walden AQMA and opportunities to encourage non-

car travel or the use of low emission vehicles by future residents should be sought, for example the provision of safe cycle storage, and electric vehicle charging point at parking spaces.”

#### **Essex Police - Crime Prevention**

9.5 No objections, albeit comments made regarding good practice. Extract:

“We believe this to be a well-designed project which is sympathetic to its heritage nature whilst providing an acceptable level of security for the intended residents that is commensurate to any perceived risk.”

#### **Historic England**

9.6 Does not wish to comment.

#### **Affinity Water**

9.7 Advisory comments regarding the minimisation of groundwater pollution risk during construction.

#### **London Stansted Airport**

9.8 No objections.

### **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. One representation has been received, which raises an objection on the basis of the police station’s status as an Asset of Community Value.

10.2 With respect to the above objection, it is noted that the police station has been removed from the asset register following a relevant disposal in the protected period.

### **11. APPRAISAL**

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

- A Location of housing (S1, H1, H3, 55 & PPG)
- B Character, appearance and heritage (S1, GEN2, ENV1, ENV2, 58, 128-134 & PPG)
- C Transport (GEN1, GEN8, 32-39 & HCWS488)
- D Accessibility (GEN2, 58 & PPG)
- E Crime (GEN2, 58 & PPG)
- F Amenity (GEN2, GEN4, GEN5, 17, 125 & PPG)
- G Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- H Infrastructure (GEN6)
- I Biodiversity (GEN7, 118 & PPG)
- J Archaeology (ENV4, 128-135 & PPG)
- K Air quality (ENV13, 124 & PPG)
- L Land contamination (ENV14, 120-122 & PPG)
- M Affordable housing (H9 & PPG)
- N Housing mix (H10 & SHMA)

- O Housing land supply (47-49)
- P Previously developed land (111)

**A Location of housing (S1, H1, H3, 55 & PPG)**

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

**B Character, appearance and heritage (S1, GEN2, ENV1, ENV2, 58, 128-134 & PPG)**

- 11.2 The site is located within the Saffron Walden conservation area and the police station, its railings, gates and walls form a Grade II listed building. The front of the site forms an important part of the street scene of East Street, while the rear of the site is visible from the public rights of way and common to the north.
- 11.3 The extensions and alterations to the listed building are generally the same as those approved by listed building consent UTT/17/2952/LB, with the following differences:
- The rear extensions at Plots 6 and 7 would be set lower
  - The pedestrian gates for Plots 5 and 6 would be blue-painted timber, rather than metal railings
  - Additional rooflights would be inserted on the west elevation of Plot 5
- 11.4 It is considered that the proposed extensions and alterations would appear appropriate for the listed building. Furthermore, it is considered that the demolition of the former police houses and their replacement with four new dwellings would appear compatible with the surrounding area. The suitable scale, traditional designs and high quality materials of the buildings would complement the adjacent listed building and the surrounding conservation area. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character, appearance and heritage.
- 11.5 In assessing the proposal's effect on listed buildings and conservation areas, regard has been had to the Council's statutory duties under S66(1) and S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

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

- 11.6 The site's location within one of the District's main settlements ensures that the occupants of the proposed dwellings would have access to a relatively wide range of services, facilities and employment opportunities, as well as good public transport options. It is therefore considered that the proposal accords with the above policies insofar as they relate to sustainable transport objectives.
- 11.7 An existing vehicular access off Common Hill would connect to the parking areas at the rear of the proposed dwellings, which would primarily be positioned under cantilevered gardens. Pedestrian accesses would be provided off East Street. Taking into account the comments of the highway authority, it is considered that the development would not have any adverse effects on highway safety or the road network, subject to the use of appropriate conditions.

- 11.8 Taking into account the comments of the highway authority, it is considered that the proposed use of the minimum parking bay size standard is appropriate in this instance. As for the number of spaces, the proposal is broadly compliant with the minimum standards although Plots 2, 3 and 4 would be four-bedroom properties with two rather than three spaces. As the guidance allows for a reduction in the standards in urban areas with good sustainable transport links, it is considered that the proposed level of provision represents a suitable balance that reflects car ownership needs and the realistic sustainable transport alternatives.

**D Accessibility (GEN2, 58 & PPG)**

- 11.9 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, albeit not for the conversions which are exempt.

**E Crime (GEN2, 58 & PPG)**

- 11.10 Taking into account the comments of Essex Police, it is considered that the proposed design and layout suitably address the issue of crime prevention. It is therefore concluded that the proposal accords with the above policies insofar as they relate to designing-out crime.

**F Amenity (GEN2, GEN4, GEN5, 17, 125 & PPG)**

- 11.11 The Essex Design Guide, a non-adopted but useful guidance document, suggests that new dwellings with three or more bedrooms should be provided with at least 100 sq m of private amenity space. All plots meet this requirement.
- 11.12 Taking into account the standards in The Essex Design Guide, it is considered that there would be no harmful effects on the amenity of existing or future residents from inadequate privacy or daylight, or from overbearing impacts. Furthermore, the vehicle movements at the rear of the site would be unlikely to generate a significant degree of disturbance, while the draft lighting proposals indicate that suitable lighting levels could be achieved without causing nuisance.

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

- 11.13 The Environment Agency's flood map, as refined by the Council's SFRA, indicates that a small area of land at the Common Hill access is located within Flood Zones 2 and 3a, as is a narrow strip of land adjacent The Slade. Therefore, as none of the development would be located within an area at risk of flooding, it is concluded that there would be no significant flood risk implications or conflict with the above policies.
- 11.14 Notwithstanding the above, it is noted that a sustainable drainage system is not a requirement in this instance because the proposal is not a major development.

**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, 118 & PPG)**

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

**J Archaeology (ENV4, 128-135 & PPG)**

- 11.17 Taking into account the comments of the Historic Environment Advisor on the recent planning application (UTT/17/2951/FUL), it is considered unlikely that the development would adversely affect any significant archaeological remains. It is therefore concluded that the proposal accords with the above policies insofar as they relate to archaeology.

**K Air quality (ENV13, 124 & PPG)**

- 11.18 Paragraph 124 of the NPPF requires planning decisions to ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan. The site is located within the Saffron Walden AQMA. Taking into account the comments of the Environmental Health Officer, it is considered that the development would not have a significant adverse effect on air quality objectives. It is therefore concluded that the proposal accords with the above policies.

**L Land contamination (ENV14, 120-122 & PPG)**

- 11.19 Taking into account the submitted contamination report and the comments of the Environmental Health Officer, it is considered that there is the potential for contaminated land on the site. Subject to the conditions recommended in the consultation response, it is considered that the proposal accords with the above policies.

**M Affordable housing (H9 & PPG)**

- 11.20 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that the proposal need not make a contribution.

**N Housing mix (H10 & SHMA)**

- 11.21 Policy H10 requires that small market housing, with either two or three bedrooms, comprises a significant proportion of the total number of units. Two of the seven proposed dwellings (29%) are 3-bed units, which is considered 'significant' albeit not substantial. It is therefore concluded that the policy requirement is met.

**O Housing land supply (47-49)**

- 11.22 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.

**P**      **Previously developed land (111)**

11.23 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 planning 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, full details of landscaping and associated ecological mitigation and enhancement measures must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure that the landscaping scheme is appropriate for its setting and that it takes full account of the recommendations in the Extended Phase 1 Survey (T4Ecology, September 2017), in accordance with policies S1, GEN2, GEN7, ENV1 and ENV2 of the Uttlesford Local Plan (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, an assessment of the nature and extent of contamination must be submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a competent person, and must assess any contamination on the site, whether or not it originates on the site. It must include:

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

(ii) an assessment of the potential risks to human health, property (existing or proposed), adjoining land, the water environment and ecological systems

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

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) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Where remediation is found to be necessary, a detailed remediation scheme must be submitted to and approved in writing by the local planning authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: 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) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

5. Remediation must be carried out in accordance with the details approved pursuant to Condition 4 prior to commencement of the development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing 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) and the National Planning Policy Framework.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported immediately to the local planning authority and work halted on the part of the site affected by the unexpected contamination.

Prior to re-commencement of development, an assessment conforming to the requirements of Condition 3 must be submitted to and approved in writing by the local planning authority. If the assessment identifies that remediation is necessary, a remediation scheme conforming to the requirements of Condition 4 must be submitted to and approved in writing by the local planning authority prior to re-commencement of the development. Remediation must be carried out in accordance with the approved remediation scheme prior to re-commencement of the development, and a validation report conforming to the requirements of Condition 5 must be submitted to and approved in writing by the local planning authority within 2 months of the completion of measures identified in the approved remediation scheme.

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) and the National Planning Policy Framework.

7. Prior to occupation of the development, details of all external lighting and consequent light emissions must be submitted to and approved in writing by the

local planning authority. The lighting must be installed in accordance with the approved details prior to occupation of the development.

REASON: To prevent nuisance to nearby residents and conserve biodiversity, in accordance with Policy GEN4, Policy GEN5 and Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

8. Prior to the erection of the timber garden stores at Plots 5, 6 and 7, details of their design must be submitted to and approved in writing by the local planning authority. The stores must be erected in accordance with the approved details.

REASON: To ensure compatibility with the character of the area and to prevent harm to nearby heritage assets, in accordance with Policy S1, Policy GEN2, Policy ENV1 and Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. Prior to occupation of the development, details of a highway scheme must be submitted to and approved in writing by the local planning authority. The highway scheme must be fully implemented prior to occupation, and should include:

- Removal of the current traffic regulation orders (TROs) and road markings related to the police station
- Provision of an appropriate layout, including a build-out to aid pedestrian crossing, necessary parking restrictions and improvements to the nearby bus stop

REASON: To ensure highway safety and accessibility, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

10. The Japanese knotweed on the site must be removed in accordance with the submitted method statement (TCM, 9 November 2017) prior to commencement of the development.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. Prior to occupation of any dwelling, the existing vehicular access off East Street must be permanently closed in accordance with Drawing No. 95017.20 Rev A, incorporating the reinstatement to full height of the footway /kerbing.

REASON: To prevent the creation of unnecessary points of traffic conflict, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

12. The vehicle parking area must be formed in accordance with Drawing No. 95017.20 Rev A prior to occupation of any dwelling.

REASON: To prevent hazardous on-street parking, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

13. 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.

14. The vehicular access gates off Common Hill, as shown Drawing No. 95017.20 Rev A, must be inward opening only.

REASON: To ensure safe vehicular access, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

15. The eaves and ridge heights of the permitted dwellings relative to neighbouring buildings must be as shown on Drawing No. 95017.24 Rev A.

REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

16. The new-build dwellings hereby permitted (Plots 1 – 4) 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.



## UTT/17/3663/LB – (SAFFRON WALDEN)

(Referred to Committee by Cllr Lodge. Reason: Potential overdevelopment)

**PROPOSAL:** Alterations and extensions for former Police Station to form 3 no. dwellings - to include: repair and restoration of window frames, alterations to access to main front door, removal of internal partitions, creation of doorway from existing window on eastern elevation, pitched roof and 1st floor extension to former stable block, addition of conservation roof lights and addition of garden rooms to rear. Alterations to existing front boundary wall.

**LOCATION:** Police Station, East Street, Saffron Walden

**APPLICANT:** Cityshape Heritage Limited

**AGENT:** Ian Abrams Architect Limited

**EXPIRY DATE:** 15 February 2018

**CASE OFFICER:** Luke Mills

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### 1. DESCRIPTION OF SITE

1.1 The site is located off East Street, Saffron Walden. It contains a Grade II listed police station and associated offices within a pair of former police houses.

### 2. PROPOSAL

2.1 The application is for listed building consent to make various internal and external alterations to the police station to facilitate its conversion to three dwellings. The works include:

- Garden room extensions
- First floor extension to former stable block
- Window repairs
- Alterations to door positions
- Removal of internal partitions
- Alterations to front boundary wall
- Alterations to rear retaining wall

2.2 It is noted that the publicised description referred to the demolition of the adjacent former police houses. However, the demolition works do not require listed building consent because the post-1948 construction of the buildings ensures that they are not listed by association with the police station.

2.3 An application for planning permission has also been made (UTT/17/3662/FUL).

### 3. ENVIRONMENTAL IMPACT ASSESSMENT

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

### 4. APPLICANT'S CASE

4.1 The application includes the following documents:

- Planning Supporting Statement incorporating Design and Access Statement
- Heritage Appraisal
- Transport Statement
- Tree Survey, Arboricultural Impact Assessment and Method Statement
- Biodiversity Validation Checklist
- Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal Incorporating Bat Survey Inspection)
- Japanese Knotweed Management and Eradication method statement
- Flood Risk Assessment, Foul and Surface Water Statement
- Phase 1 Environmental Report
- Factual Report
- Chemical Interpretive Report
- Asbestos Refurbishment Survey
- Existing Building Images
- Schedule of Windows and Doors
- Construction Method Statement
- Lighting specifications

## 5. RELEVANT SITE HISTORY

5.1 The site has been the subject of a number of applications for permission/consent, as listed below:

CC/SWB/0002/51 Erection of wooden hut at rear of Police Station  
*Unconditional Approval 27/08/1951*

SWB/0093/66 Provision of a double garage on land at rear  
*Approved with Conditions 14/10/1966*

SWB/0090/71 Erection of timber screen and door to front porch  
*Approved with Conditions 18/10/1971*

SWB/0097/72 Police office accommodation  
*Approved with Conditions 18/10/1972*

UTT/1254/83/CC/CA Proposed extension to car park and new petroleum installation  
*Approved with Conditions 06/02/1984*

UTT/2241/88/CC Conversion of garage to recreation room and resiting of garage block  
*Approved with Conditions 22/02/1989*

UTT/0688/96/LB Erection of advertisement display board to replace existing  
*Approved with Conditions 04/09/1996*

UTT/0769/98/FUL Provision of access ramp and provision of new pedestrian gate and 900mm wall between station building and front boundary. Provision of telephone on west elevation  
*Approved with Conditions 30/09/1998*

UTT/0770/98/LB Provision of access ramp and provision of new pedestrian gate

and 900mm wall between station building and front boundary. Provision of telephone on west elevation  
*Approved with Conditions 30/09/1998*

UTT/0711/99/AV Erection of 6.25m high flag pole.  
*Approved with Conditions 20/08/1999*

UTT/1567/99/FUL Change of use from residential to offices, provision of car park at rear and installation of replacement windows  
*Approved with Conditions 24/03/2000*

UTT/12/5672/TCA Fell 1 no. Pear, 1 no. Lime and group of conifers. Remove lower branches to height of 2.5-3m, reduce crown by approx. 0.5-1m 1 no. Pear  
*No Objections 21/11/2012*

UTT/15/1011/LB Replacement of previously removed railings; structural repairs to elevated platform supporting railings  
*Approved with Conditions 23/12/2015*

UTT/16/2890/LB Application to vary condition 1 of UTT/15/1011/LB to extend the time frame given for replacing railings.  
*Pending Decision*

UTT/17/2951/FUL Proposed change of use, alterations and extensions for form 3 no. dwellings. Alterations of existing front boundary wall and rear retaining wall. Demolition of existing single storey garages and rear kitchen extension.  
*Withdrawn 11/12/2017*

UTT/17/2952/LB Alterations and extensions to include: repair and restoration of window frames, alterations to access to main front door, removal of internal partitions, creation of doorway from existing window on eastern elevation, pitched roof and 1st floor extension to former stable block, addition of conservation roof lights and addition of garden rooms to rear. Alterations to existing front boundary wall.  
*Approved with Conditions 18/01/2018*

- 5.2 The most relevant application is UTT/17/2952/LB, which resulted in a grant of listed building consent for various extensions and alterations to the police station and its boundary wall.

## **6. POLICIES**

- 6.1 Relevant policies for the consideration of listed building consent applications are listed below.

### **Uttlesford Local Plan (2005)**

- 6.2 ENV2 – Development affecting Listed Buildings

### **National Policies**

- 6.3 National Planning Policy Framework (NPPF) (2012)  
- paragraphs 128-134

## **7. TOWN COUNCIL COMMENTS**

7.1 No objections. Informative note states:

“...the Council expresses concerns regarding the impact of this development on the street scene of East Street. The proposed new residential properties should seek to be an integral part of the existing street scene with minimal disruption to the current view and vista of East Street.”

## **8. CONSULTATIONS**

### **Historic England**

8.1 Does not wish to comment.

## **9. REPRESENTATIONS**

9.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. One representation has been received, which raises concerns about the proposed level of parking provision.

9.2 The parking provision falls outside the scope of this application for listed building consent. However, it is considered fully in the officer's report for the associated planning application (UTT/17/3662/FUL).

## **10. APPRAISAL**

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

- A Impact on the listed building
- B Biodiversity

### **A Impact on the listed building**

10.1 S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework and Policy ENV2 of the Uttlesford Local Plan (2005) are material considerations.

10.2 The extensions and alterations to the listed building are generally the same as those approved by listed building consent UTT/17/2952/LB, with the following differences:

- The rear extensions at Plots 6 and 7 would be set lower
- The pedestrian gates for Plots 5 and 6 would be blue-painted timber, rather than metal railings
- Additional rooflights would be inserted on the west elevation of Plot 5

10.3 It is concluded that, with these changes, the scheme continues to respect the special character of the listed building.

10.4 Regard has been had to the Council's statutory duties under S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, and it is considered that there would be no adverse effect on the character and appearance of the Saffron Walden

conservation area.

**B Biodiversity**

- 10.5 S40(1) of the Natural Environment and Rural Communities Act 2006 requires local planning authorities to have regard to the purpose of conserving biodiversity when exercising its functions. Also, R9(3) of the Conservation of Habitats and Species Regulations 2017 requires Local Planning Authorities to have regard to the requirements of the Habitats Directive and Birds Directive when exercising its functions.
- 10.6 Taking into account the comments of the Council's ecological consultant on the associated planning application, it is considered that there would be no adverse effects on any protected species or valuable habitats. The recommended conditions would be applied to the planning permission should it be granted.

**11. CONCLUSION**

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

- A** The proposed works would not have an adverse effect on the special character of the listed building. It is therefore recommended that listed building consent be granted.

**RECOMMENDATION – APPROVAL WITH CONDITIONS**

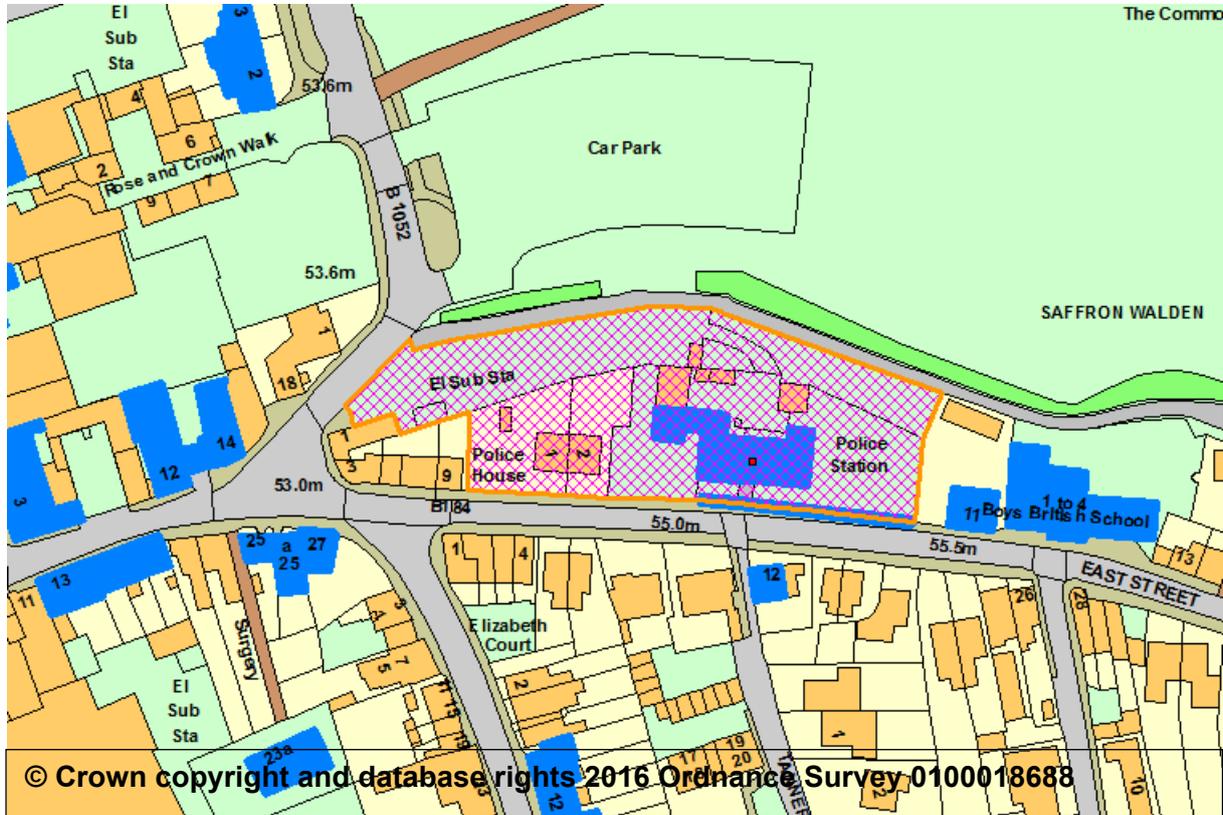
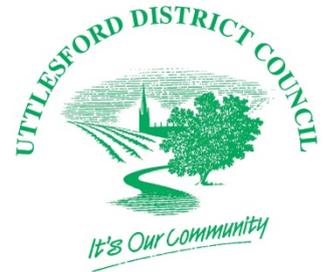
**Conditions**

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.

Application: UTT/17/3663/LB

Address: Police Station, East Street, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

## UTT/17/3078/FUL – (STANSTED )

(Referred to Committee by Cllr Sell. Reason: Due to traffic impact)

**PROPOSAL:** The proposal would involve the change of use of the site from a retail (Class A1) use to a mixed use restaurant/takeaway (Class A3/A5); and installation of extraction/ventilation equipment and new door opening. The proposed restaurant/takeaway will open between 11:00 and 23:00 7 days a week.

**LOCATION:** 22 Cambridge Road, Stansted

**APPLICANT:** Mr A Pancholi

**AGENT:** Miss Emma Morrison

**EXPIRY DATE:** 27 February 2018

**CASE OFFICER:** Emmanuel Allanah

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### 1. NOTATION

1.1 Within Development Limits, Ground Water Protection Zone 1 and Stansted Airport within 6km of Airport.

### 2. DESCRIPTION OF SITE

2.1 The application site is a two storey building with the use of the ground and first floor for retail use. It is located on the eastern side of Cambridge Road and is made up of two storey element at the front of the building, two storeys to the rear and a single storey, flat roofed element between.

2.2 At the front of the property the first floor is in residential use. This will be retained as a separate flat and is not included in the change of use application. The rear first floor element is included within the retail use and is proposed to form part of the restaurant/takeaway.

2.3 There is an access running under part of the first floor of the site which leads to the rear communal service yard and bin store and provide access to the residential flat.

2.4 The site is bounded to the immediate north by residential dwelling and a doctor's surgery is adjacent to the south of the site. To the rear is bound with an area with consent for a mixed use development including 10 no. dwellings, a retail unit and a commercial building (planning reference number UTT/16/2632/FUL).

2.5 The area is characterised by mix use namely retail (A1 and A2), food and drink and residential uses.

2.6 The application site is currently vacant and was formerly in use as a Class A1 convenience food store.

### 3. PROPOSAL

3.1 The proposal would involve the change of use of the site from a retail (Class A1)

use to a mixed use restaurant/takeaway (Class A3/A5); and installation of extraction/ventilation equipment and new door opening. The proposed restaurant/takeaway will open between 11:00 and 23:00 7 days a week. It is anticipated that the bulk of the custom to the site will be for takeaway and seating for up to 36 customers would be provided at the front of the unit for eating in.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not applicable because it is not required for such type of proposed development in accordance with EIA Regulation 2017 (As amended).

#### **5. APPLICANT'S CASE**

5.1 The proposed application is supported with the following documents namely:

- Planning, Design and Access Statement
- Noise Impact Assessment
- Vent or Extraction Statement

#### **6. RELEVANT SITE HISTORY**

- 6.1
- UTT/1656/07/FUL – For the erection of a refrigeration plant to the side elevation, installation of a new entrance door and external security shutter to the front elevation was approved on 14 November 2007.
  - UTT/1350/99/FUL – For the erection of a new plant enclosure to contain refrigeration plants was approved 1 April 2000.

#### **7. POLICIES**

##### **Uttlesford Local Plan (2005)**

Policy S1 – Development limits for the main Urban Areas

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN4 – Good neighbourliness

Policy GEN88 – Vehicle Parking Standards

Policy RS2 – Town and Local Centres

Policy SM1 – Local Centres

##### **National Policies**

National Planning Policy Framework

#### **8. PARISH COUNCIL COMMENTS**

8.1 Stansted Parish Council object to this proposed development due to the following reasons:

Risk of further increased incidents of dangerous/illegal parking as situated adjacent to a pedestrian crossing creating an increased risk to the safety of pedestrians. Patrols by the Parking Partnership are not often enough to eliminate these risks. A new housing development is being built adjacent to this premises and we have already raised concerns regarding vehicles accessing/exiting the new site without the extra traffic flow and parking that this application would create. GEN 4 - Smell,

noise and nuisance to neighbouring residents.  
We would ask that a noise and disturbance survey is carried out.

If this application is going to be approved then we would like to request the following conditions are applied:

Close by 10pm daily

CCTV is installed outside premises

A daily clean around the site is carried out to keep the area free of litter

An appropriate extracting system is installed

## **9. CONSULTATIONS**

### **Essex County Council Highways Authority**

9.1 No objection on transportation and highways terms.

### **UDC Environmental Health Officer**

9.2 The Environmental Health Officer confirmed that the premises are located in close proximity to residential accommodation, both existing and under construction, and adequate measures to prevent loss of amenity from noise and cooking odours are required.

Details have been submitted of the proposed mechanical extract ventilation system, which proposes to discharge to the outdoor air 1m above the flat roof on the rear elevation.

The nature of the cooking proposed is dry baking only, and the proposal considers that odour control, other than that provided by grease filtration, is not necessary. I would disagree, as the nature of the proposed cooking may produce odours, for example from the inclusion of garlic, herbs and meat. In view of the sensitivity of the nearby premises, and the relatively low extract outlet, activated carbon filters or other suitable means of odour removal should be incorporated into the extraction system.

An Acoustic report prepared by Philips Acoustics dated November 2017 has been submitted, which provides an assessment in accordance with BS 4142: 2014 and details of the existing background noise levels, the expected noise output of new equipment, and the attenuation proposed, including preventing transmitted vibration. The report concludes that the ventilation system and cold room condensers are capable of operating without exceeding increasing background noise levels, and as a result loss of amenity due to noise is not expected.

In view of the recommended addition of odour control measures, the details of the scheme and noise output will need to be reviewed, and conditions to control odours and noise from the new equipment are suggested below.

The proposal is for the premises to be open to the public until 23.00hrs, which is one hour later than the previous commercial use at the site. Restricting the closing time to 22.00hrs would allow time for clearing up and for customers to disperse prior to 23.00hrs, after which nearby residents would have a reasonable expectation of a reduction in noise levels.

Conditions :

1. The details of equipment required for the extraction of cooking fumes shall be submitted to and approved by the local planning authority in writing prior to installation. The details submitted should include specifications of all fans, filters and pre-filters, odour control, outlet height and location, acoustic performance, and a maintenance schedule. Thereafter the equipment shall be implemented in accordance with the approved details.
2. All plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to prevent the transmission of noise and vibration into any premises either attached to, or in the vicinity of the premises to which the application refers
3. The cooking process shall cease to be operated if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.
4. The combined rating level of all plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission, when assessed in accordance with BS:4142: 2014 shall not exceed the background noise level of 43dBA L90 15min between 07:00 – 23:00 and 39dBA L90 15min 23.00 – 07:00
5. In the event that the nature of the cooking type changes, full details of the change shall be submitted to the LPA together with details of alterations to the odour control system if requested.

## **10. REPRESENTATIONS**

- 10.1 The application was notified to eighty four surrounding occupiers and site notices displayed.

Twenty four letters of objection received from neighbouring properties; and a petition letter signed by fifty seven neighbouring properties. The summary of their reasons for objection include the following:

- The proposal would generate traffic during both peak and off peak hours;
- Noise
- Road safety
- Cooking smell
- Nuisance
- Generation of litters
- Parking problems
- Loss of residential floor space

## **11. APPRAISAL**

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

- A The principle of the development (NPPF, Local Policy S1, RS2 and SM1)
- B Impact on residential amenity (Local Policies GEN2 and GEN4)
- C Highways and Traffic impact (Local Policies GEN1 and GEN8)

### **A The principle of the development**

- 11.1 In land use terms the application site is within development limits area which is characterised by mixed uses namely retail, offices, residential buildings, Petrol Station, Public House and other commercial premises.
- 11.2 The application site ground floor is currently vacant but was formerly in use as a Class A1 convenience food store. The first floor is in residential use. This will be retained as a separate flat and it is not included in the proposed change of application. The rear first floor element is included within the retail use and is proposed to form part of the restaurant/takeaway. For the benefit of policy consideration; the proposal would involve the change of use of the site from a retail (Class A1) use to a mixed use comprising of restaurant/takeaway (Class A3/A5).
- 11.3 In policy terms the application site is located within a designated local centres for example; Cambridge Road and Lower Road area are identified as local centres. Policy SM1 states that within Cambridge Road and Lower Street change of use of the ground floor of existing shops, restaurants, public houses and hot food take-away to residential uses will not be permitted, unless both the following criteria are met:
- (a) The existing use is surplus to current and foreseen future requirements; and
  - (b) The property has been widely advertised for at least six months on terms reflecting its use.
- 11.4 In consideration with Policy SM1; the proposed change of use at ground floor would not lead to loss of shop, public houses and hot food take-away because it does not involve the use of the ground floor to residential use. Instead it is a proposal which is not in conflict with the objective of the Policy for example; which protects change of use of non-residential uses such Class A1 (retail), Class A3/A5) respectively.
- 11.5 Policy RS2 asserts that retail, commercial and community uses or mixed use development including a residential element will be permitted in the centres such as in Standsted Mountfitchet if it meets all the following criteria:
- (a) It maintains or enhances their role as retail and service centres;
  - (b) it does not harm their historic and architectural character;
  - (c) It contributes to the diversity of retail and other commercial activity;
  - (d) It does not result in significant loss of houses or flats in the centres;
  - (e) It does not prejudice the effective use of upper floors as living or business accommodation.
- 11.6 In terms of Policy RS2; the proposal would displace existing retail use which would be replaced by the combination of restaurant and hot-food take away (Class A3/A5) and this will deprive this part of the town and local centre from their role as retail centre; although it will retain its role as service centre through the introduction of restaurant and hot food take away.
- 11.7 The proposed internal and external alterations of this non listed building to meet the needs of the proposed change of use would not adversely harm the historic and architectural character of the building.
- 11.8 Given the nature of the combination of restaurant and hot food take away elements at this site would contribute to the diversity of other commercial activity as advocated in the policy criteria.
- 11.9 The retention of the existing flat at first floor demonstrated how the proposal would

not lead to loss of residential flats in this centre.

- 11.10 And the proposed combination of the proposed change of use and the retention of the existing living accommodation at first floor shows that the proposal would not prejudice the effective use of upper floors as living accommodation.
- 11.11 In conclusion; given the existing mixed use activities along this part of Cambridge Road, the principle of the proposed change of use and in consideration with Policies SM1 and RS2 can be considered acceptable subject to the evaluation of its impact on the residential amenity of the area and traffic.

## **B Impact on residential amenity**

- 11.12 Policy GEN2 objective includes development will be permitted if the scale, form, appearance, layout and materials are compatible with the surrounding buildings; and if the proposal would not harm the living condition of the adjoining occupiers.

Policy GEN4 states that development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where:

- (a) Noise or vibration generated or
- (b) Smell, dust, light, fumes, electro magnetic radiation, exposure to other pollutants; Would cause material disturbance or nuisance to occupiers of surrounding properties.

- 11.13 The application site is bounded by residential properties and other commercial premises. Part of the proposal would include the installation of ventilation and fume extraction for cooking of food, the use of the building as restaurant and hot food take away.
- 11.14 It has been noted at the rear of the site it comprises of other types of mixed use activities namely residential, doctor's surgery and retail outlets. Some of the objection raised from neighbouring properties includes cooking smell, generation of noise, litter, traffic and parking problems associated with restaurants and hot food take away outlets.
- 11.15 The proposed side elevation plan shows where a new proposed extract duct rising through the flat roof with the fire exit and goods in door underneath it. Other proposed alteration to the external part of the building include the replacement of the existing sliding entrance door with a new, inward opening glazed entrance door in the same position; and the insertion of a new timber door on the side elevation, opening into the service yard.

The existing shopfront, with the exception of the entrance door, will be retained and replaced and repainted RAL 7043 Traffic Grey and ramped access will be retained.

- 11.16 The proposed extract duct location is a concern considering the use of the first floor rear part as residential accommodation and this could disturb the occupiers in terms of cooking smell and noise from the extractor. Since part of the remaining part of the first floor will change into restaurant such use in close proximity to living accommodation would not be complimentary due to the harm to their living condition of those occupying the residential flat due to generation of noise from customers eating and walking in and out from the restaurant in addition with cooking smell. Hence, on balance the proposal at such level would be in conflict with Policies GEN2 and GEN4. Such nuisance can be minimised through the control of

the proposed open hours and such details can be condition.

- 11.17 In order to ensure that the proposed ventilation ducting scheme location would not harm the amenity of the adjoining occupiers; the proposed vent extraction scheme has been considered by the Council's Environmental Health Officer.
- 11.18 In consultation with UDC Environmental Health Officer; she requested for further information covering issues such as an acoustic report in order to assess the likely noise impact from proposed ventilation ducting; in addition with the details of the proposed opening hours has been fully considered. For example; the proposal would involve opening the restaurant to the public until 23.00hrs, which is one hour later than the previous commercial use at the site. Restricting the closing time to 22.00hrs would allow time for clearing up and for customers to disperse prior to 23.00hrs, after which nearby residents would have a reasonable expectation of a reduction in noise level.
- 11.19 In order to protect and safeguard the amenity of the neighbouring residential properties and other adjoining occupiers; details of the proposed equipment required for the extraction of cooking fumes have been requested to be conditioned; including all proposed plant and machinery that would be used to support the proposed development. This is welcome and in accordance with Policies GEN2 and GEN4.

### **C Highways and Traffic impact**

- 11.20 The application site is close to a set of traffic light and pedestrian crossing. It is also located within restrictive parking zone area along this part of Cambridge Road.
- 11.21 Policy GEN1 states that development will be permitted if it meets all the following criteria:
- (a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - (b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
  - (c) The design of the site must not compromise road safety and must take account of the needs of cyclist, 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.
- 11.22 Policy GEN8 asserts 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 Supplementary Planning Guidance "Vehicle Parking Standards", a summary extract of which is reproduced in Appendix 1 to this Plan.
- 11.23 The proposed application site did not provide any off-street car parking spaces to accommodate the customers that would be visiting or making use of the proposed mixed use development comprising of restaurant/takeaway (Class A3/A5). Such type of services are required to be supported with adequate customer designated parking area in order to protect and safeguard traffic in the area and other road users. Given that the site is also located very close to set of traffic lights and pedestrian crossing the use of the site as proposed might have an impact on traffic and other road users as customers might be attracted to park along the side road

which could also disturb traffic flow or pedestrians.

- 11.24 The applicant argued that the customers visiting the site would make use of nearby public parking which is not part of this application site. The Planning Officer's site visit revealed that the type of parking available along this part of Cambridge Road cannot be absolutely relied upon to service the use of the proposed application site as a restaurant and takeaway services. The reason been that customers are likely to be parking within restrictive parking zone area and close to nearby bus stop and such situation would affect traffic and other road users. The location is sustainable however the use of such type of services will attract customers from a wider afield as a result they would often arrive by private cars or motor cycle or by cycling. Such concerns have been raised through the letters of objection received.
- 11.25 Due to such concern and the high level of objection received the applicant decided to commission Highways and Traffic consultant to conduct a survey and studies of the impact of this proposal on traffic movement and other road users within such vicinity of the application site. The outcome and conclusion of such report would be presented to Planning Committee as an addendum to this proposed application for Planning Committee consideration. At the interim the Planning, Design and Access Statement that accompanied the proposed application has equally been considered and in conclusion it is your officer's opinion that whilst the proposal might generate traffic to the immediate vicinity, it is not likely to be worse if compared with the previous use of the application site for convenient food store.
- 11.26 Essex County Council Highways Authority has no objection to the proposal on transportation and highways terms because the proposal is considered not to be in conflict with Policy GEN1. It should be noted that such highway safety concerns were considered at appeal on the adjacent site whereby the inspector raised no concerns on these grounds.
- 11.27 In conclusion; following the recommended planning conditions in addition with the proposed opening hours it is not considered that the proposal would adversely affect traffic in the area subject to the information and findings of the highways and traffic impact studies.

## **12. CONCLUSION**

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

- A** The proposed application is acceptable because it would bring a vacant premises within a designated local centre to a beneficial use by contributing towards mixed use activities of the area and enhance the vitality and local economic development of this part of Stansted; in addition with the creation of local jobs and services.
- B** The proposal would not adversely harm the amenity of the adjoining occupiers or traffic in the area hence it is not in conflict with the relevant policies of the adopted Local Plan (2005).

## **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. The details of equipment required for the extraction of cooking fumes shall be submitted to and approved by the local planning authority in writing prior to installation. The details submitted should include specifications of all fans, filters and pre-filters, odour control, outlet height and location, acoustic performance, and a maintenance schedule. Thereafter the equipment shall be implemented in accordance with the approved details prior to occupation of the unit.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

3. All plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to prevent the transmission of noise and vibration into any premises either attached to, or in the vicinity of the premises to which the application refers.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005)

4. The cooking process shall cease to be operated if at any time the extraction equipment ceases to function.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

5. The combined rating level of all plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission, when assessed in accordance with BS:4142: 2014 shall not exceed the background noise level of 43dBA L90 15min between 07:00 - 23:00 and 39dBA L90 15min 23.00 - 07:00.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

6. In the event that the nature of the cooking type changes, full details of the change shall be submitted to and approved in writing by the Local Planning Authority together with details of alterations to the odour control system. Thereafter this shall be implemented in accordance with the approved details

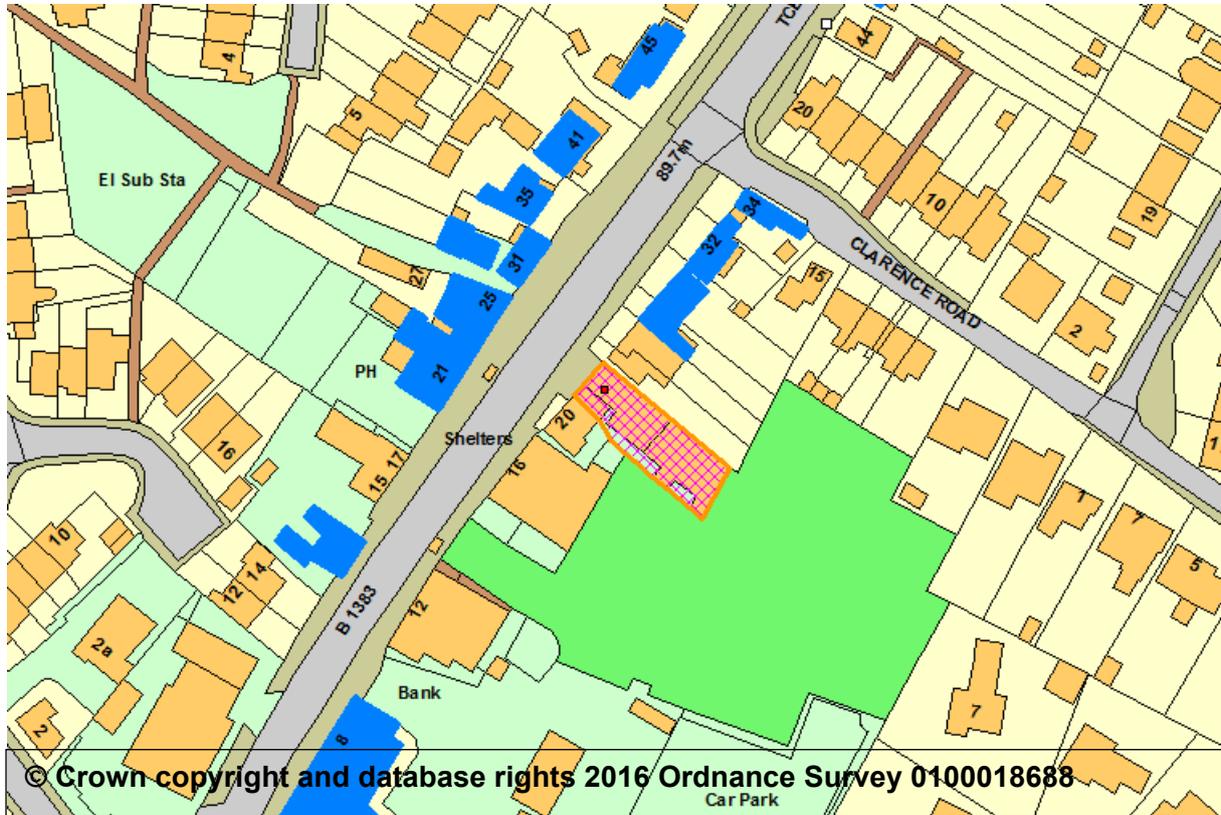
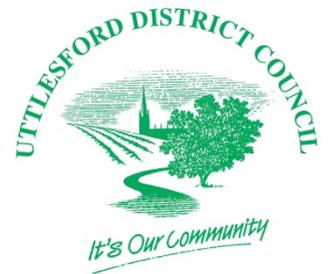
REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

7. The restaurant and takeaway services hereby permitted shall not open outside the hours of 11.00am to 22.00pm Monday to Saturday and between 11.00am to 22.00 pm on Sunday.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

Application: UTT/17/3078/FUL

Address: 22 Cambridge Road, Stansted



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

## UTT/17/2903/FUL – (TAKELEY)

(Referred to Committee by Cllr Artus. Reason: Overdevelopment of use of the site and in excess of the pitches identified in the Gypsy and Travellers Issues and Options Consultation. Applicant's reasons given for the proposal does not stand up to scrutiny)

**PROPOSAL:** Use of land for one additional pitch at existing gypsy and travellers' site

**LOCATION:** Tandans, Canfield Drive, Great Canfield Road, Takeley

**APPLICANT:** Mr & Mrs T & A Boswell

**AGENT:** Mr R Perrin

**EXPIRY DATE:** 15 December 2017 (extended until 21 February 2018)

**CASE OFFICER:** Mr C Theobald

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### 1. NOTATION

1.1 Outside Development Limits.

### 2. DESCRIPTION OF SITE

2.1 The site comprises an authorised gypsy caravan pitch which forms part of a wider authorised gypsy and travellers' site of approximately 0.86ha known collectively as Tandans consisting of a total of 5 no. gypsy/traveller pitches with newly constructed internal service road situated on the south side of Canfield Drive off Great Canfield Road just to the south of The Flitch Way. The site as a whole is currently being completed for this purpose. New chalet type mobile homes have now been sited on at least two of the four additional pitches below the application pitch the subject of the current application. An area of land at the front north-west corner of the site is grassed to be used as an enclosed paddock/play area in association with the authorised site.

2.2 The application pitch contains a chalet style mobile home used by the applicants (Boswell) comprising some 55m x 37m. A turfed and landscaped area has been laid out between the mobile home and Plot 2 beyond to the immediate south. The site is level across its width, although has a slight fall to the southern boundary. Residential properties front onto Canfield Drive either side of the site, whilst a further property lies opposite the site entrance. Canfield Drive is an unmade private road.

### 3. PROPOSAL

3.1 This full application relates to the sub-division of an existing gypsy/travellers' pitch at Tandans towards the front of the site to be used to accommodate an additional gypsy/traveller pitch. It is stated in the application that the additional pitch would be used to accommodate the needs of one of the applicants' grand-daughters.

3.2 The site layout plan accompanying the application shows that a mobile home likely to be of the chalet type which already exists at Tandans across the site would be used for the application pitch, although this cannot be confirmed.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposed development does not fall within the descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 Development” of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Whilst the development would result in some environmental impacts, these impacts would be localised to Canfield Drive and would not be significant on the wider area.

#### **5. APPLICANT’S CASE**

- 5.1 The application is accompanied by a Design and Access Statement (Ron Perrin, October 2017 - planning agent) which sets out the planning case for an additional gypsy/traveller pitch at Tandans as follows:
- There is ample room to provide a second pitch which will accommodate a mobile home, touring caravan and parking spaces. All utilities are already available and sewerage will be connected to the existing Klargester Biodisc positioned to the rear of the existing mobile home. All existing boundary screening to the site will be retained.
  - It is stated in the draft Local Plan that the Council will identify sites for gypsies in the Site Allocations Development Plan document or through the planning application process. The proposal would accord with these criteria.
  - The background study prepared in October 2014 by Peter Brett Associates (PBA) remarked that Tandans was a site that should be safeguarded and would be suitable for further pitches. In December 2014, “Place Services2 undertook a “Sustainability Appraisal and Strategic Environmental Assessment” of the sites with potential for location in the Gypsy and Traveller Local Plan. This report confirmed that Tandans fared well. At about the same time, UDC published a “Gypsy and Traveller Issues and Options Consultation document” and included Tandans within those “*Sites with Potential*”. The grant of permission [at the site] in October 2015, and even more recently for the dayrooms, confirms the suitability of Tandans as a gypsy caravan site.
  - It follows that there is no issue of principle involved in this proposal as the use of Tandans as a gypsy caravan site has been established. As such, the guidance contained in the NPPF and the PPTS is of little additional relevance. The only issue is one of detail, i.e., is the site large enough to be sub-divided, would it add unacceptably to traffic conditions along Canfield Drive, would an additional pitch cause harm to the residential properties of nearby properties?
  - The proposed pitch would measure 27m (w) x 37m (d), demonstrably large enough for a gypsy caravan pitch and similar in size to other pitches on the site. The Good Practice Guide for Designing Gypsy and Traveller Sites does not give a recommended size, noting that pitches vary from family to family depending upon their needs. However, it does advise that pitches should be large enough to accommodate a static caravan, a touring caravan, parking spaces and an amenity building (day room). The proposed pitch can achieve this requirement comfortably.
  - The proposal will only add the traffic generated by one additional gypsy pitch over and above that already approved and will not make a material difference to highway safety. The proposed additional pitch will be no closer to any existing dwelling than existing and approved pitches. As such, residential amenity will not be harmed.
  - In summary, there is no evidence arising from the detailed considerations of the proposal that demonstrates harm and the past planning history has

acknowledged that Tandans is a suitable gypsy caravan site. It follows that the proposal accords with current planning guidance and permission should be granted.

- 5.2 In addition to the above supporting statement, the Council has received a letter dated 19 December 2017 from Ron Perrin, planning agent in response to the Parish Council's detailed representation to this application proposal and also to Officers' request for further information relating to gypsy plot amenity requirements. The letter encloses an additional site plan (Appendix 1) to show how a day room could be successfully accommodated at the site if required following the 2017 grant of permission by the Council for the siting of day rooms for Plots 1-4 Tandans. The salient text of the response is extracted as follows:

*"May I first draw your attention to paragraph 5.7 of my Planning Statement, which considered the issue of plot size and space standards. From this, and the guideline referred to, you will see that there is no express size for a gypsy pitch. I would also ask you to re-read paragraphs 5.6-5.10 which I believe should be the critical considerations in this proposal.*

*May I next draw your attention to the plan attached at Appendix 1 of my Statement, which is a copy of the approved layout for the four pitches now in different ownership to that of Mr Boswell...From this, it can readily be seen that the existing plot at Tandans is a little under twice the size of the four other plots, and has a frontage to the internal road of a little under twice the size of each of those plots.*

*The position of the existing mobile home known as Tandans is also set to one side of its plot leaving a clear area upon which to create a separate caravan plot. As can be seen from the approved layout at Appendix 1, the four other plots all show mobile homes to be centrally positioned within their frontages and with dayrooms located to the rear and to one side. In short, the approved layout of these plots does not readily allow for further sub-division.*

*It follows in my opinion that the current plot of Tandans is materially different to the other four plots in its overall size, its internal road frontage and in its current positioning of the main mobile homes. As such, the grant of permission for the present proposal would not act as a justifiable precedent to be followed on the other four plots. As such, your consideration of the issues currently before you in terms of traffic generation, impact on residential amenities and the generalisation that which constitutes "overdevelopment" should be confined solely to the proposal before you".*

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/0998/08/FUL: Long stay caravan pitch for one Gypsy family (Boswell/Fuller) at site known as Tandans approved in 2008.

UTT/0520/10/OP: Outline application for erection of 4 no. dwellings with double garages refused in 2010 (sustainability/rural harm).

UTT/0808/11/FUL: Continued use of long stay caravan pitch at Tandans for the use of one Gypsy family (Boswell/Fuller) without requirement for mobile home and touring caravan permitted to be removed from the site and land restored to its former condition when the occupants cease permanent occupation – Refused. Allowed on appeal.

UTT/1617/12/FUL: Two additional pitches at existing Gypsy site on land adjacent to Tandans (Plots 1 and 2) – Approved.

UTT/15/2526/FUL: Proposed change of use of land at existing travellers' site on land adjacent to Tandans for two additional pitches (Plots 3 and 4) – Approved.

UTT/17/0722/FUL: Use of land for one additional pitch at existing gypsy caravan site (Tandans) – Withdrawn (Mr & Mrs T & A Boswell).

UTT/17/0462/FUL: Construction of 4 Dayrooms for existing approved Travellers Site at Land adj Tandans (Plots 1, 2, 3 and 4 – Applicant: Cambrils Ltd) – Approved.

## **7. POLICIES**

### **Uttlesford Local Plan (2005)**

ULP Policy S7 – The Countryside  
ULP Policy GEN1 - Access  
ULP Policy GEN2 – Design  
ULP Policy GEN4 – Good Neighbourliness

### **Supplementary Planning Documents/Guidance**

None.

### **National Policies**

NPPF

### **Other Material Considerations**

Circular 01/2006: Gypsy and Traveller Sites.

Designing Gypsy and Traveller Sites – Good Practice Guide (DCLG, 2008).

Gypsy, Traveller and Travelling Show people Sites – Site Assessment Study (on behalf of Uttlesford District Council) (Peter Brett Associates, 2014).

Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (EPOA, 2014)

Gypsy and Traveller Issues and Options Consultation (Uttlesford District Council / Developing Uttlesford) (2014).

Uttlesford District Council Housing Strategy 2016-2021

## **8. PARISH COUNCIL COMMENTS**

- 8.1 1. The Gypsy and Traveller Issues and Options Consultation identifies this site as suitable for a total of 5 pitches and through three separate planning applications, UTT/0808/11/FUL, UTT/1617/12/FUL and UTT/15/2526/FUL permissions have now been given for all 5 pitches (a further application UTT/17/0462/FUL approved an additional 4 day rooms for the latter two applications). The Parish Council considers that a 6<sup>th</sup> pitch on this site is overdevelopment and contrary to the decisions made in the Gypsy and

## Traveller Issues and Options Consultation

2. The Parish Council continues to be of the view that applications for gypsy pitches should be considered in the same way as applications from the settled community. Uttlesford Local Plan Policy S7 states that “planning permission will only be given for development that needs to take place there, or is appropriate to a rural area”. The Design and Access Statement submitted by the applicant suggests the additional pitch is required for a family member. This same reason was given in previous applications for which planning permission was granted. However, the applicant subsequently sold four of the pitches to a third party. The Parish Council is unclear why the applicant chose to sell the sites if he had a personal need for pitches and is of the view that this application is contrary to ULP Policy S7.
3. The Parish Council continues to be concerned with access to the site. This is via a single track private lane and the Parish Council is of the view it is not suitable for any further additional traffic; there are no passing places and access is for several properties in addition to the site in this application.

## 9. CONSULTATIONS

### ECC Highways

- 9.1 From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

#### Informatives:

Canfield Drive is a private road.

The low vehicle movements associated with this proposal is unlikely to have a detrimental effect on highway safety or efficiency.

### London Stansted Airport

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

## 10. REPRESENTATIONS

- 10.1 Two representations received. Neighbour representation period expires 15 November 2017

#### Summary of representations:

- Understand that the applicant’s previous applications were to house his family. This is clearly not the case as the land has since been sold off/rented as individual pitches on the Tandans wider site. The applicant could have used one of the four additional plots for family members, but chose not to do this. What assurances can be given to residents that the Tandans plot as sub-divided will also not be sold off for commercial gain?

- This gypsy proposal should be treated on the same basis as a planning application for a dwelling. As such, this is about good planning which is being flouted by the continuous expansion of this site.
- The application for another gypsy pitch by the current owner for a family member will crowd the site further. If granted, the proposal would contradict everything that was stated in the refusal of UTT/0520/10/OP relating to your own planning rules regarding rural housing development (outline application for erection of 4 no. dwellings – countryside protection / rural harm).
- It was an understanding that the construction agent for Tandans was supposed to repair the lane from Gt Canfield Road as far as Tandans to support the increase in traffic. To date this has not happened and is beginning to fall into disrepair again.

## 11. APPRAISAL

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

- A Principle of development / design / impact on countryside (NPPF, NPPG, ULP Policies GEN2, S7);
- B Impact on residential amenity (ULP Policies GEN2 and GEN4);
- C Impact on highway safety (ULP Policy GEN1).

### **A Principle of development / Design / impact on countryside (NPPF, NPPG, ULP Policies GEN2, S7)**

- 11.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Government's planning policy document "Planning Policy for Traveller Sites" (Aug 2015) is the most recent government document relating to gypsy and traveller sites and is a material consideration in development management decisions in respect of planning applications relating to gypsies and traveller site provision.
- 11.2 Councils taking decisions on traveller sites should also have regard to the policies set out in the National Planning Policy Framework so far as is relevant. In this respect, the Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of gypsies and travellers, whilst also respecting the interests of the settled community. In this regard, the government's document "Planning Policy for Traveller Sites", whilst principally dealing with the assessment of new sites, states that "LPA's should make their own assessment of travellers' needs for the purposes of planning to reduce tensions between settled and traveller communities in plan-making and planning decisions, to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure, and for local planning authorities to have due regard to the protection of local amenity and local environment".
- 11.3 The current application proposal involves the sub-division of the original gypsy/traveller plot laid out at Tandans (Mr & Mrs T & A Boswell - applicant) for an additional gypsy/traveller pitch for one of Mr & Mrs Boswell's grand-daughters (stated). There is no indication from the application submission as to whether this grand-daughter would constitute a dependent relative, although this is not in itself a material planning consideration to the current application. It is the case, however, that the applicant had originally submitted a planning application to the Council last year for the proposed sub-division of the plot at Tandans as now proposed, although

chose to withdraw the application pending a determination on the planning application which had been submitted at the same time by Cambrils for day rooms to serve the four additional gypsy/traveller pitches at the wider site (Plots 1-4).

- 11.4 Tandans as a privately run gypsy and traveller caravan site was recognised in the Gypsy and Traveller Issues and Options Consultation document as having plot potential for additional pitches at the site subsequent to the pitch originally approved for Mr & Mrs Boswell (applicant) at the front of the site and the two additional pitches approved below it (Plots 1 and 2 – see UTT/1617/12/FUL). In terms of availability, the report stated that *“The site is an existing Gypsy and Traveller site and is being promoted for further pitches”* and gave a potential yield in terms of delivery of an additional two pitches for the period 2013-2018. Since that report, a further two pitches were approved under application UTT/15/2526/FUL and are now being provided at the site (Plots 3 and 4).
- 11.5 The 2015 approval for Plots 3 and 4 means that there is now a total of five authorised gypsy/traveller pitches at Tandans which would fulfil the potential yield identified by the Gypsy and Traveller Issues and Options Consultation document. Great Canfield Parish Council and a local resident of Canfield Drive have objected in principle to the proposed creation of a sixth pitch at the site through the subdivision of Mr & Mrs Boswell’s original frontage site pitch on the basis that the provision of the additional pitch proposed would exceed the number of pitches identified in the consultation document. As such, the argument is made that the additional plot would result in overdevelopment.
- 11.6 The applicant’s agent has responded to the third party comments relating to the principle of a sixth gypsy/traveller plot at Tandans in an email received by the Council dated 29 January 2018 where it is stated that:

*“I note that the Parish Council has objected to this application, setting out three grounds for objection.*

*As to the first, the Issues and Options Consultation, I am not aware that the various documents of this December 2014 consultation expressly states that this site should be limited to 5 pitches. It does confirm that this site is included in the list of ‘Sites with Potential’. In the matter of ‘Achievability’ it states ... ‘There appear to be no reasons why the site could not be intensified by the existing occupants. The land is available, policy and physical constraints are capable of being overcome and mitigation measures are feasible subject to the ability of the owner to finance the development. The development appears to be viable.’ In any event, to some extent, any comments made in 2014 have been overtaken by the subsequent grants of permission.*

*In my opinion, the submissions I have already made in support of the current application amply demonstrate that a sixth pitch can be created at this site in a manner that would be consistent with the character of the five existing pitches and without causing any harm whatsoever to the usual planning considerations that apply. The claim of ‘overdevelopment’ is not substantiated by any evidence whatsoever.*

*Turning to the second objection, the matter as to whom the additional pitch is required is not an issue, so long as the future occupier satisfies the definition of a gypsy. This site is not tied to any particular occupant. It is a general gypsy site, expressly confirmed as such on appeal.*

*As to the third objection, access, the Highway Authority has stated that it has no comments to make as the proposal is not contrary to the relevant transportation policies”.*

- 11.7 It should be emphasised that the Gypsy and Traveller Issues and Options Consultation document was not prescriptive in identifying a maximum number of pitches which could be accommodated at Tandans, but served instead as a research and consultation document by which to explore the potential of various sites within the district to accommodate gypsies and travellers, of which Tandans was identified as being one preferred site due to its favourable location and site characteristics. As such, it falls to be considered as the planning assessment for the current application as to whether in practical terms it would be reasonable in all of the circumstances to grant planning permission for an additional pitch at the site.
- 11.8 The original pitch at Tandans (Boswell) has a site frontage along the newly constructed spine road of approximately 57m, which is generous for a gypsy pitch, even for a rural area, and the proposed new pitch through sub-division (identified as Plot 1A) would take advantage of this existing large plot curtilage arrangement. The sub-division would result in the original pitch having a retained frontage of approximately 30m, whilst the new pitch would have a frontage of 27m. The new pitch would be large enough to accommodate a mobile home, parking spaces, a touring caravan and also a day room were this to be provided in the future in general accordance with layout and space standards set out for private gypsy and traveller sites (i.e., washing, amenity buildings, separate tourers etc). whereby these details have been shown on an additional information plan as supplied by the applicant’s agent as requested by Council Officers to demonstrate this ability.
- 11.9 The original pitch as reduced in size and the new pitch adjacent as proposed would read as a pair of plots at the top end of the site and would not physically or visually interrupt upon the four evenly spaced larger plots at the rear of the site positioned behind the frontage paddock (Plots 2-5). It is considered from this siting relationship that the proposal would not result in over-development or over-intensification of use of the site in terms of design and layout and would not be contrary to ULP Policy GEN2. Furthermore, and from this, it is considered that the introduction of the additional pitch at the site would not result in significant rural harm given the site’s localised and enclosed nature along Canfield Drive from the wider rural landscape beyond and would not be contrary to the countryside protection aims of ULP Policy S7 or the environmental provisions of the NPPF given the site’s overall gypsy and traveller status as a preferred private site for Uttlesford district.
- 11.10 It should be emphasised in light of the proposal that it is the opinion of the author of this report that the sub-division of the original pitch at Tandans as proposed should and ought to represent the final gypsy/traveller pitch to be provided at the wider Tandans site on the basis that any further sub-dividing of the plots would lead to overdevelopment and an over-intensification of the authorised use of the site which would result in material harm to the countryside, a position recognised by the applicant’s planning agent in the supporting planning statement accompanying the current application (see above).

## **B Impact on residential amenity (ULP Policies GEN2 and GEN4)**

- 11.11 The provision of an additional gypsy and traveller pitch at Tandans in the site location area as shown is unlikely to lead to any significant loss of residential amenity to the existing occupants of residential properties which front Canfield Drive either side of the site. It is accepted that the introduction of the additional pitch at the

site could give rise to some additional noise and disturbance, although it is considered that any background noise levels experienced as a result are likely to be low and dampened for this rural site location, whilst the site at present is well managed and thus far well maintained, albeit that the site is only now coming out of extended construction phase. No residential amenity objections are therefore raised under ULP Policies GEN2 and GEN4.

**C Impact on highway safety (ULP Policy GEN1).**

- 11.12 The impact of the proposal on highway safety has been assessed by ECC Highways who have commented that there is adequate existing width and visibility at the junction of Great Canfield Road and Canfield Drive and that it is satisfied that the low vehicle movements associated with this proposal would not have a detrimental effect on highway safety or the efficiency of the local highway network. Given ECC Highways' findings, it is considered that the proposal would not be contrary to ULP Policy GEN1.
- 11.13 The comments expressed by a local resident to the proposal with reference to the previous "assurances" given by the developer of Tandans that the poor standard of the private drive would be improved should the previous day rooms application be granted planning permission by the Council are noted and in this regard some initial attempts by the developer to improve the unmade road surface appear to have dwindled/failed. However, this is a civil matter and is not a material planning consideration.

**12. CONCLUSION**

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

- A** The principle of an additional gypsy/traveller pitch at this authorised private gypsy/traveller site within the countryside is considered acceptable whereby the proposed development would not lead to overdevelopment of the site and would not as a consequence result in significant rural harm (ULP Policies GEN2 and S7);
- B** The development would not have a significant detrimental impact on residential amenity (ULP Policies GEN2 and GEN4);
- C** The development would not have a detrimental impact on highway safety (ULP Policy GEN1).

**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. The additional gypsy/traveller pitch hereby approved for the site as shown numbered "Plot 1A" on Site Layout Plan TD3D shall only be used by persons who are gypsies and travellers as defined in Annex 1, paragraph 1 of "Planning Policy for Travellers Sites" dated August 2015.

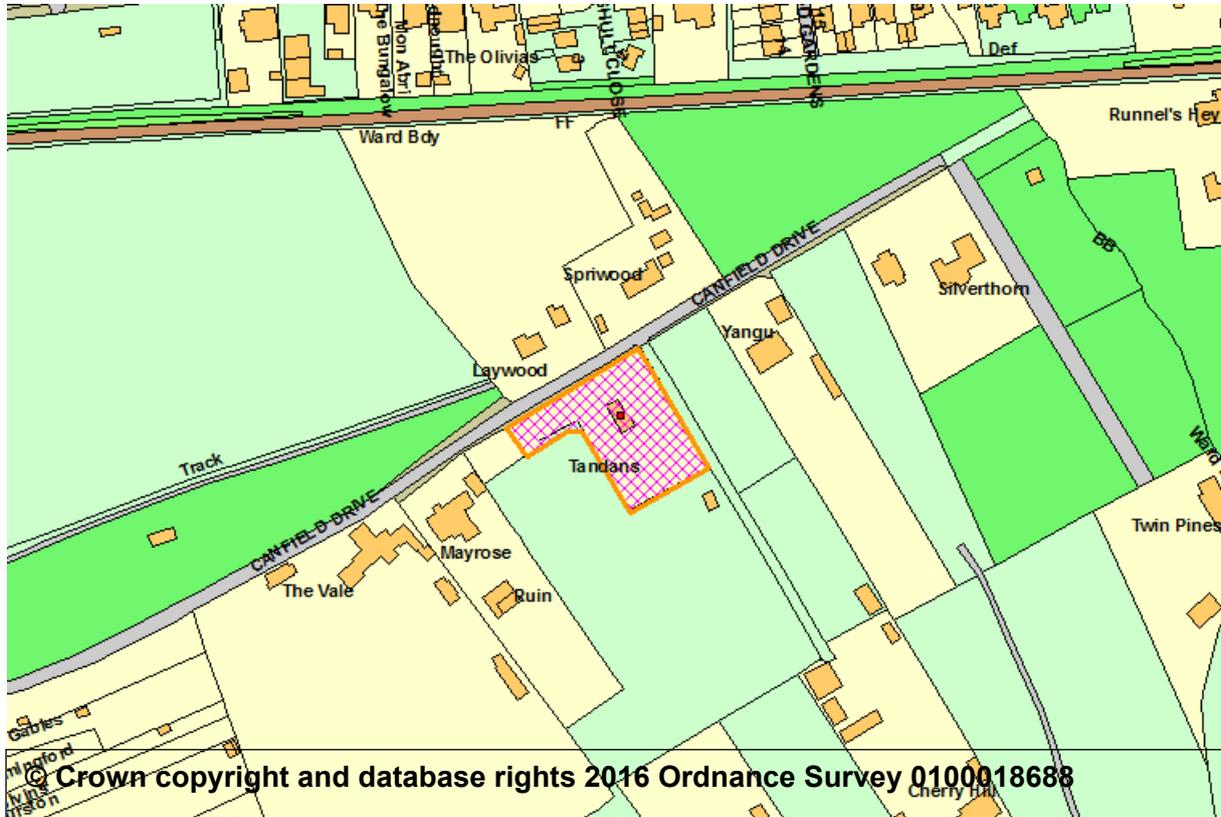
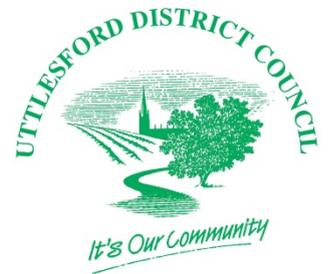
REASON: The development is acceptable in order to meet the District's current shortfall in provision for gypsy and traveller sites in accordance with "Planning Policy for Travellers Sites".

3. Foul and surface water drainage for the additional gypsy/traveller pitch hereby approved shall be fed into the existing drainage systems now approved and operating for the site for Plots 1-4 Tandans.

REASON: To ensure that adequate drainage is provided for the development in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2903/FUL

Address: Tandans, Great Canfield Road, Takeley



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

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## UTT/17/2807/FUL – (STANSTED)

(Referred to Committee by Councillor Dean, Reason: Design inappropriate for the location, loss of bungalow building)

**PROPOSAL:** Demolition of the existing bungalow and the erection of 2 No. 2 storey four bedroom dwellings with associated parking, cycle storage and private amenity space.

**LOCATION:** Brazille, 14 St Johns Crescent, Stansted

**APPLICANT:** Mr B Stewart

**AGENT:** ATP Group

**EXPIRY DATE:** 16 February 2018

**CASE OFFICER:** Chris Tyler

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### **1. NOTATION**

1.1 Within development limits

### **2. DESCRIPTION OF SITE**

2.1 The site lies to the east of St John Crescent, in the village of Stansted Mountfitchet, The site includes a detached bungalow and single garage. To the south of the property there is a similar bungalow, adjacent the site are semi-detached two storey properties and to the north of the site are larger properties. Highway access is from the existing driveway and is mainly bound by hedgerow and fencing. The rear of the site and neighbouring properties along St John Road are on a slightly raised level from the application site.

### **3. PROPOSAL**

3.1 This planning application is for the proposed demolition of the existing bungalow and garage and the erection of two detached four bedroom dwellings. The dwellings will be two storey and will include associated access and parking to the front of the site. The dwellings will have a width of 8m, eaves height of 5.2m and overall height of 8.5m. The dwellings will include external materials of brick and weatherboarding under clay tiled roof.

3.2 Amenity area will be provided to the rear of the dwellings and will be in excess of 120sqm, off street parking will be provided to the front of the site and will include 3 parking spaces per dwelling.

### **4. APPLICANT'S CASE**

4.1 N/A

### **5. RELEVANT SITE HISTORY**

5.1 There are no planning applications linked to this proposal.

## **6. POLICIES**

### 6.1 Uttlesford District Local Plan 2005

ULP Policy S1 – Settlement Boundaries for the Main Urban Areas  
ULP Policy ENV12 – Groundwater protection  
ULP Policy H1 – Housing development  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN7 – Nature Conservation  
ULP Policy GEN8 – Vehicle Parking Standards

ECC Parking Standards 2009  
UDC Parking Standards 2013

### 6.2 **National Policies**

National Planning Policy Framework (NPPF)

## **7. PARISH COMMENTS**

### 7.1 Objects to the proposal and has the following comments.

This is a private (or un-adopted) road not a public highway as the applicant believes.

The materials are out of keeping with the street scene.

Demolition of a bungalow would set an unwelcome precedent.

Housing needs: Do we need more four-bed homes? Refer to the Uttlesford Over 50's Housing

Needs Survey September 2011 which recommended suitable housing for over 60's as two-bed house, apartment or bungalow. Forest Hall Park, Walpole Farm and Elms Farm all provide family homes; Elsenham and Bishop's Stortford also provide substantial numbers of three, four and five bed homes. In Takeley, bungalows are demolished to make way for family homes. We talk about affordable housing for people starting out, what about provision for those wishing to downsize when their families move out. We need housing to meet local needs and that includes the older generation and those with mobility issues.

Does not accord with GEN2 so should be refused the size, appearance and materials to be used are out of keeping with the street scene.

Will reduce sunlight to neighbouring bungalow

Over intensification in the road

The development is proportionately different to any others in the immediate vicinity and all the front space will be taken up with parking.

## **8. CONSULTATIONS**

### **NATS Safeguarding**

### 8.1 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.

### **BAA Aerodrome Safeguarding**

8.2 No Objections

### **ECC Ecology**

8.3 No objections received, further bat surveys not required.

### **ECC Highways**

8.4 From a highway and transportation perspective the Highway Authority has no objections to make on this proposal; St John's Crescent is a private road.

## **9. REPRESENTATIONS**

9.1 12 letters of objection have been received (reply date 17/11/2016)  
Site Notice and advertised (reply date 17/11/2016)  
16 objections received, comments include:

Strong demand for bungalows,  
The development is commercial,  
Noise and disruption of the development build,  
Lack of parking,  
The road does not have a pavement,  
View line of the development will be increase,  
The plans are incorrect,  
The proposal will set a precedent,  
The area is low density,  
Proposed material out of character with the area,  
Drainage issues,  
No windows should be to the first floor side elevations,  
Loss of light,  
Loss of privacy,  
Upkeep of the road is paid by the residents, any repair work need from the development should be paid by the builders,  
Planting of trees should be limits to a specific height,  
Overdevelopment of the site.

9.2 Revised plan were submitted on the 21/12/2017, as such the 9 letters of objections have been received following the re-consultation, comments include:

The revision have not addressed previous objection reasons,  
The revision has not included the height of the dwellings,  
The street scene plan is incorrect,  
No pavement to the front of the site,  
Extra traffic,  
Close to a dangerous junction,  
Loss of privacy,  
Plans do not include measurements,  
No amenity space or parking shown on the plans,

No in keeping with the character of the area,  
There is a strong demand for bungalows.

- 9.3 A further revision of the proposal includes the reduction of size and positioning of the window serving the bedroom 2 of plot 1. The consultation expiry is 31/1/2018 and extends past the publication of this report; as such any further representations received will be included in the supplementary representation list and verbally presented to the planning committee.

## 10. COMMENTS ON REPRESENTATIONS

The following comments are not material planning considerations:  
The development is for commercial use- it is residential dwellings,  
There is a strong demand for bungalows,  
Any damage from building work should be paid for,  
The plans do not include measurements- as they are scaled drawings,  
The proposal will set a precedent.

All other planning related comments will be taken into consideration in the following report.

## 11. APPRAISAL

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

- A The principle of the development of this site (NPPF, ULP Policies S1, H1, and the NPPF);
- B Design (ULP Policies GEN2 & ENV3, SPD Accessible Homes and Playspace
- C Access to the site (ULP Policy GEN1);
- D Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards);
- E Whether the proposal would be liable to cause contamination of groundwater (ULP Policy ENV12)

### **A The principle of the development of this site (NPPF, ULP Policies S1, H1, and the NPPF);**

- 11.1 The site falls within development limits for Stansted where ULP Policy S1 accepts development if it is compatible with the settlement. This residential part of Stansted includes different design and scale of dwelling which actively contribute to the character of the site and its surrounding. To the north of the site are large detached dwellings, to the south bungalows, and adjacent semi detached two storey dwellings.

The proposal to erect a two detached two storey dwellings would therefore be consistent with this general character, and would represent an appropriate form of development and would additionally represent a small scale site for housing within the built up area for Stansted (ULP Policies S1, H1 and the NPPF).

- 11.2 The site lies within easy walking distance of the railway station which serves local commuters to London and Cambridge. The site is also within walking distance of local services and amenities located within the centre of the village area, Lower

Street and Chapel Hill and would in view of this favourable positioning be within easy reach local amenities. The NPPF has a presumption in favour of sustainable development described as the “golden thread” running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that development proposals that accord with the development plan should be approved without delay. The proposed development would because of its location have a presumption in favour of sustainable development in accordance with the provisions of the NPPF.

**B Design (ULP Policies GEN2 & ENV3, SPD Accessible Homes and Playspace)**

- 11.3 With regards to the design and neighbouring amenity, the submitted details indicate that the proposed dwellings will be of a large scale however it is considered the scale is compatible with the neighbouring property and will not be overly domination or intrusive. As demonstrated on the submitted street scene plan, the gradient of the street levels, size and distances between the neighbouring properties to the north and south of the site ensures the scale of the development in terms of scale is in character with the with the settlement and its surroundings.

The proposed plans have been revised and includes the changing of the roof to a hipped design, this also contributes to further mitigation to reduce the over dominating and bulky appearance.

- 11.4 The dwellings include a traditional design, the external material include the introduction of brick and weatherboarding wall under a tiled roof. As stated in the representation letter from neighbouring properties the area does not include these types of materials (weatherboarding). However the street does not include any set uniformity, albeit the semi- detached properties adjacent and bungalows to the south are similar in character many of these have been extended or altered.

The introduction of the proposed external materials are not considered to result in any significant harm to the character of the area of street scene. A condition could be imposed for the submission of the proposed material prior to the commencement of the development, should planning permission be granted.

- 11.5 The development will require a significant amount of landscape work to the front and side boundary, proposed parking area and garden areas. The Councils Landscape Officer has been consulted in regards to this matter and has made no objections subject to the imposition of a planning condition for the submission of hard and soft landscaping detail prior to the commencement of the development.

- 11.6 In regards to loss of privacy, overlooking and loss of light. First floor windows to the north and south elevations of the dwelling will serve bathrooms and landing area; as such a planning condition can be imposed for the use of obscure glazing to be used.

The proposal will include first floor windows to the rear elevation, these will serve bedrooms and neighbouring properties to the rear of the site have objected to loss of privacy. The introduction of the dwellings will result in the potential for some overlooking to properties to the rear and front of the site.

The Essex Design Guide advices that an acceptable degree of privacy for dwellings includes a back to back distance of at least 25m, the back to back distance between the proposed dwelling and properties to the rear of the site would be 35m. This together with the slightly higher gradient and levels to properties at the rear will ensure there is no significant loss of privacy that will have any significant harmful

impact to the rear neighbouring properties.

The first floor front elevation will include windows for a bathroom and bedroom, the bathroom window will include obscure glazing, and however the introduction of the front first floor window will have a degree of potential overlooking to the adjacent dwellings.

The distance of between the proposed first floor front window and the adjacent properties will be 24m as shown on the proposed site plan. Furthermore, the road to the front of the site is a public highway and therefore already includes a degree of loss of privacy to the adjacent properties. Due to the distance between the sites and existing loss of privacy it is concluded that there will not be a material increase in overlooking to the adjacent neighbours to the front of the site that will have a significant harmful impact.

The neighbouring property to the north of the site (Alleyfield) includes a decked area to the side of the property, this will result in some loss of privacy from the rear first floor elevation of the plot 1. As such the window serving bedroom 2 has been revised, this include a new position and reduction in scale. Although the proposal will result in some overlooking to the decked area of Alleyfield the neighbouring property includes a large garden area that include sufficient private amenity space. As such although the proposal will result in a loss of privacy it is not of a level that will have a significant harmful impact or justifies refusal of the application.

It is considered the proposal does not conflict with the aims of ULP Policy GEN2 in regards to loss of privacy.

- 11.7 The proposed dwellings would have sufficient amenity space in accordance with Local Plan Policy GEN2 and as advised by the Essex Design Guide.

**C Access (ULP Policy GEN1)**

- 11.8 The site includes a single driveway access to the site, it is proposed to remove the existing front picket fence and create two access drives.

ECC Highways have been consulted, who have not raised any highway objections and state the highway is a private road. Whilst the concerns of some local residents relating to the impact of vehicle movements, increase traffic and the safety of pedestrians it should be noted that the road already serves many existing dwellings. A net increase of one dwelling is not of a significant increase of traffic of vehicle movements that will have any detrimental impact of sufficient grounds by which to refuse the application As such the application accords with ULP Policy GEN1.

**D Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards)**

The submitted layout details show that there would be adequate space within the site for the parking of three vehicles off road for the proposed new dwellings. This would comply with current adopted standards and ULP Policy GEN8.

**E Whether the proposal would be liable to cause contamination of groundwater (ULP Policy ENV12)**

- 11.9 Whether the proposal would be liable to cause contamination of groundwater Local

Plan Policy ENV12 seeks to resist development that would be liable to cause contamination of groundwater, particularly in Groundwater Protection Zones. Given the small-scale nature of the proposed development and reuse of previously developed land, it is considered that the contamination of groundwater is unlikely. Nonetheless, any construction would need to be in accordance with British standards.

## **F Nature Conservation (ULP Policy GEN7)**

- 11.10 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. A protected species survey has been submitted with the planning application, the case officer has verified this information and together with the advice from Essex County Council Ecologists no further protected species survey is required, furthermore no objections are raised in regards to protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

## **12. CONCLUSION**

- 12.1 In conclusion, the proposal is a sustainable form of development that would represent an acceptable scheme within the development limits and in terms with, design, layout, and amenity, access, parking arrangements and impact on protected species and biodiversity. The proposal would comply with national and relevant local plan policy and is acceptable.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

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

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

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

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policies S1 and GEN2.

JUSTIFICATION: The pre- commencement condition is required to ensure compatibility with the character of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

3. Prior to commencement of the development hereby approved, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) 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.

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: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with ULP Policies S1 and GEN2 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

4. The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

5. Prior to the commencement of the development hereby approved details of loading/unloading, storage of materials and manoeuvring of vehicles within the curtilage of the site, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

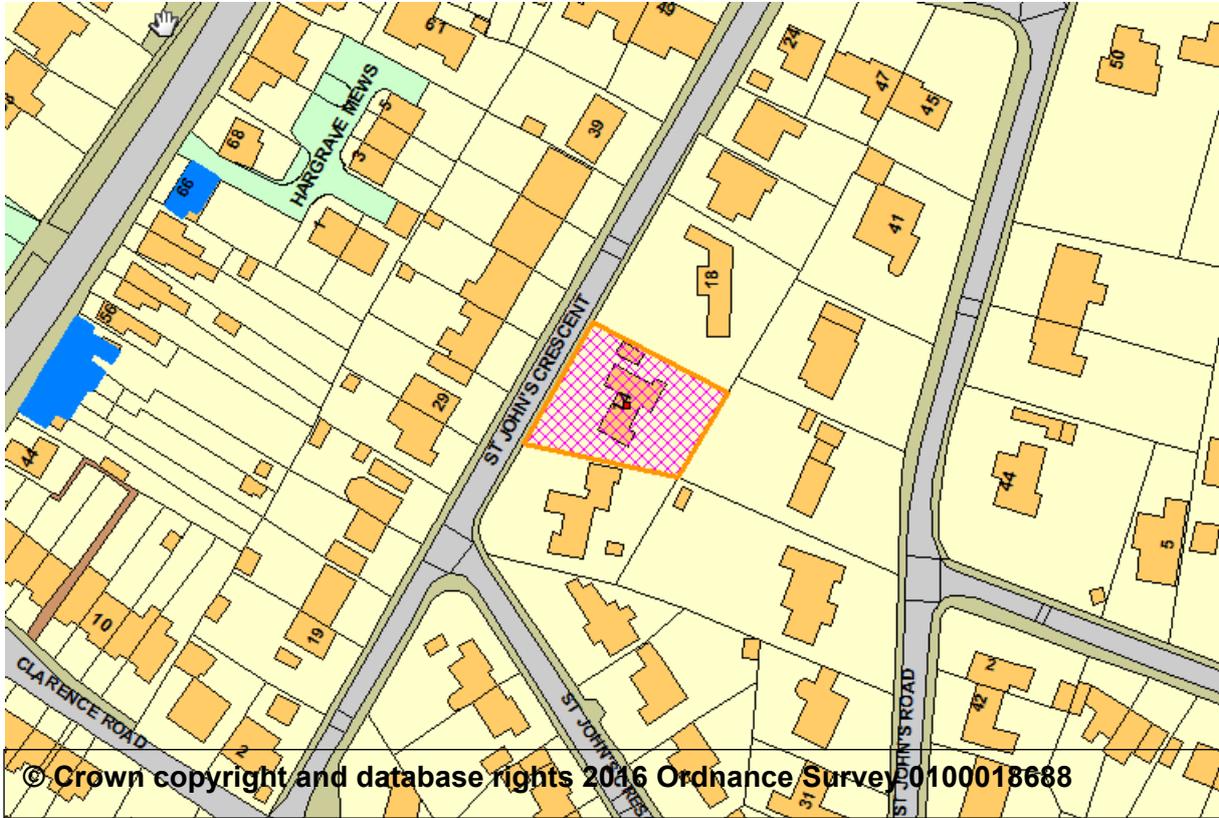
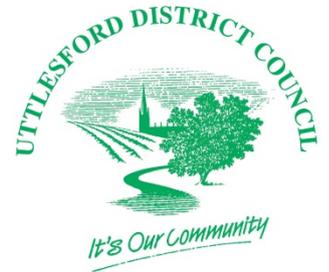
REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, in accordance with ULP Policy GEN1

6. The side windows as demonstrated on approved plan 17243\_PL04 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard. The development shall be implemented in accordance with the approved details and the obscure glazing retained thereafter in those windows unless agreed in writing by the Local Planning Authority

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policies GEN2 and H8 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2807/FUL

Address: Brazille, 14 St Johns Crescent, Stansted



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

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## UTT/17/2429/OP – (SAFFRON WALDEN)

(Council Development)

**PROPOSAL:** Outline application with all matters reserved for the construction of one two-bed bungalow for private sale with associated external works and parking.

**LOCATION:** Land adjacent to 4 Hill Top Lane, Saffron Walden

**APPLICANT:** Uttlesford District Council - Housing Association Application

**AGENT:** Mrs R White

**EXPIRY DATE:** 28 February 2018

**CASE OFFICER:** Emmanuel Allanah

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### **1. NOTATION**

1.1 Within Development Limits.

### **2. DESCRIPTION OF SITE**

2.1 The application site relate to a land adjacent to 4 Hill Top Lane, in Saffron Walden which can be accessed through a gated access at the side of 4 Hill Top Lane. As a back land development it is bounded on all sides by different scale, design and form of residential buildings mostly two storeys detached and semi-detached dwellings.

### **3. PROPOSAL**

3.1 Outline application with all matters reserved for the construction of one two-bed bungalow for private sale with associated external works and parking.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal does not require Environmental Impact Assessment (EIA) in accordance with Town and Country Planning (Environmental Impact Assessment) Regulation 2017 (as amended).

### **5. APPLICANT'S CASE**

5.1 The planning application is supported with a covering letter describing the proposed outline application, Site Plan, floor plan and elevations of the proposed development. In addition with biodiversity checklist.

### **6. RELEVANT SITE HISTORY**

6.1 None relevant.

### **7. POLICIES**

National Planning Policy Framework (NPPF)

## **Uttlesford District Council Adopted Local Plan (2005)**

- 7.1 Policy S1 – Development limits for the main Urban Areas  
Policy GEN1 – Access  
Policy GEN2 – Design  
Policy GEN4 – Good Neighbourliness  
Policy GEN8 – Vehicles Parking Standards  
Policy H3 – New Houses within Development Limits  
Policy H4 – Backland Development

### **8. CONSULTATION:**

#### **Saffron Walden Town Council**

- 8.1 Committee agreed to object to this application on the grounds of over development of the area and the detrimental impact on neighbouring properties but Committee are mindful of the lack of bungalows in Saffron Walden.

#### **ECC Highways**

- 8.2 No objection subject to condition.

### **9. REPRESENTATIONS**

- 9.1 Neighbouring occupiers have been consulted of the outline application, site notices mounted within the site area and also advertised in the local press. As a result two letters of objection have been received from neighbouring properties raising the following points:

- Challenging the details of the information in the application because they are inadequate
- Garden remaining would be uncharacteristic
- The development will be cramped
- Highway safety
- Construction traffic
- Drainage
- Parking
- Noise impact
- Overlooking

### **10. APPRAISAL**

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

- A Whether the principle of the development is acceptable within development limits area in which Policies S1 and H3 applies.
- B Whether the proposal in terms of its scale, form and design would harm the amenity of the neighbouring properties in which Policies GEN2, GEN4 and H4 applies
- C Whether the proposal would affect highway safety in which Policies GEN1 and GEN8 applies.

#### **A The principle of the development**

- 10.1 The application site can be described as a brownfield site given the history of the

site as a former rear garden to a residential property. It is located adjacent to and at the rear of 4 Top Hill Lane. The only access is through a gated access at the side of No. 4 Top Hill Lane. It is currently bounded on both sides and rear by existing wooden fence separating the proposed land from other adjoining properties and their rear gardens. The area is predominantly residential in character despite the site is located at the rear and sides of existing residential properties.

- 10.2 In land use terms the application site is located within the development limits of Saffron Walden Town settlement area which is characterised by different scale, form and layout of residential properties. Policy S1 asserts that development within existing built up areas, if compatible with the character of the settlement will be permitted. Although, this is an outline application for one two bed bungalow with other matters reserved. The applicant at this stage only provided indicative floor plan and elevations. In addition with the proposed private drive as shown in the proposed site plan drawing number UDC-751-PO1.
- 10.3 Given the location of the proposed one two-bed bungalow and the details of the indicative plan which reflect the character of the immediate built environment and which also is located within development limits; the principle of the development of such bungalow can be considered acceptable because it would not be in conflict with the objective of Policies S1 and H3 of the adopted Local Plan (2005).

**B Whether the proposal would harm the amenity of the adjoining occupiers**

- 10.4 The location of the proposed site influences the proposed scale, form and layout of the proposed bungalow because; it is located within the rear garden area of other existing residential dwellings. This is one reason why the applicant has only considered a bungalow which would be bounded on all sides by existing two storey residential buildings of different design and form. Taken into account the layout of the surrounding area is characterised by different design of two storey dwellings the design and scale of the proposed bungalow and its location would not harm neighbouring properties in terms of overlooking or overbearing or overshadowing because the proposed site is surrounded predominantly by two storey residential dwellings. In conclusion, a proposed two bedroom bungalow within such location is unlikely to lead to overlooking, overbearing or overshadow or be detrimental to the amenity of the neighbouring properties or dwellings. This would however be subject to reserved matters.
- 10.5 The issues raised by neighbouring properties has been considered in accordance with Policies GEN2 and H4; on balance the proposal would not harm the amenity of the neighbouring properties or spoil the character of the area as evaluated and assessed at the above paragraphs and subject to the implementation of the approval of other reserved matters.

**C Whether the proposal would harm traffic or other road users**

- 10.6 The proposed access is located at the side of No. 4 Hill Top Lane with a gated entrance leading to the proposed driveway. The width and location of the proposed access has been considered by Essex County Council Highway Authority and in conclusion advised they do not object to the proposed development on highways and transportation terms as it is not considered to be in conflict with Policy GEN1. The details of the proposed car parking layout is not provided at this outline stage as a result it would be condition in accordance with Policy GEN8.
- 10.7 Other issues such as the size of the proposed amenity area for example; the

proposed layout, access, landscaping, appearance, private garden and off-street car parking layout would be determined during reserved matters stage in order to ensure they comply with Council standards and the relevant policies of the adopted Local Plan (2005).

## **11. CONCLUSION**

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

- A** The proposed outline application with all matters reserved for the construction of one two bed bungalow as shown in the proposed indicative drawing Number UDC-751-PO1 is acceptable in principle subject to the recommended planning conditions and the assessment of other reserved matters.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

1. Approval of the details of layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. 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.

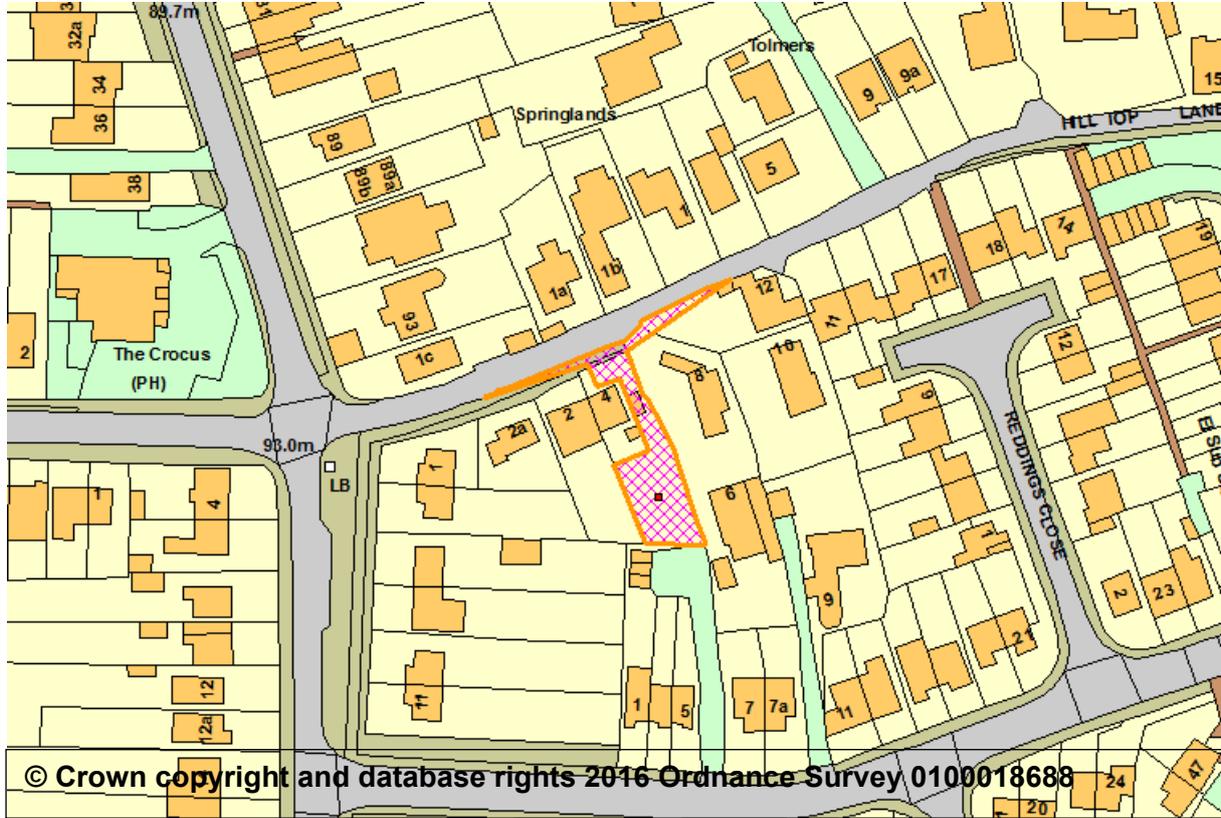
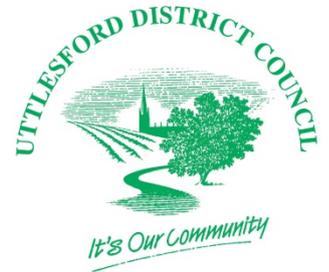
Reason: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

4. No objection subject to the recommended planning condition which states that no unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: In order to avoid displacement of loose materials onto the highway in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

Application: UTT/17/2429/OP

Address: Land adjacent to 4 Hill Top Lane, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

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## UTT/17/2822/FUL – (GREAT DUNMOW)

(MAJOR)

**PROPOSAL:** Removal of conditions C.8.29 (Code for Sustainable Homes) and C.8.32 (Renewable or low-carbon energy technologies) on planning application UTT/0406/08/FUL and variation of condition C.28.1 of planning permission UTT/0406/08/FUL seeking removal of lift relating to the erection of 34 no. affordable dwellings, car parking, cycle and bin stores, boundary treatment, landscaping and foul and surface water drainage (as an amendment to planning permission UTT/0392/05/DFO).

**LOCATION:** Sector 3 Woodlands Park, Great Dunmow

**APPLICANT:** Wickford Developments Ltd

**AGENT:** Melville Dunbar Associates

**EXPIRY DATE:** 2 January 2018

**CASE OFFICER:** Clive Theobald

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### 1. NOTATION

1.1 Within Development Limits / GD5 Urban/Settlement Expansion (Woodlands Park).

### 2. DESCRIPTION OF SITE

2.1 The application site comprises part of a large swathe of cleared open land approved for additional housing at Sector 3 Woodlands Park to the north of Elm Road, east of Briar Road and to the west of an as yet fully constructed linking estate perimeter road leading from Elm Road to Sector 4 to the north and forms the site area of a, previously approved but as yet constructed, affordable housing scheme comprising 34 no. affordable housing units with associated site works, including a three storey block of 6 x 1 bed affordable apartments.

### 3. PROPOSAL

3.1 This full application seeks firstly the removal of two planning conditions imposed on approved application UTT/0406/08/FUL relating to the code for sustainable homes (C.8.29) and renewable or low carbon technologies (C.8.32) and secondly the variation of a planning condition imposed on the same said permission relating to occupier accessibility (C.28.1).

3.2 Condition C.8.29 as imposed reads as follows:

“The development as designed, specified and built shall achieve a “Code for Sustainable Homes” rating of “Level 3”. The applicant will provide the planning authority with a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor before work commences on site. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.”

REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in the adopted SPD “Energy Efficiency and Renewable Energy” adopted October 2007.

3.3 Condition C.8.32 as imposed reads as follows:

“The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on site as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed. Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed”.

REASON: In the interests of the promotion of sustainable forms of development and construction.

3.4 Condition 28.1 as imposed reads as follows:

“The development hereby permitted shall incorporate all measures set out in the accessibility statement / drawing which accompanied the application”.

REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with national and local planning policies.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The application site has a site area of 0.69 ha. Therefore, the scheme as submitted would strictly fall under Schedule 2 Development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Section 10 Infrastructure Projects – “Urban development projects”. Whilst the development would result in some environmental impacts, these impacts would be localised and the scheme, which has originally been approved by the Council under ref UTT/0406/08/FUL would not result in significant environmental impacts.

#### **5. APPLICANT’S CASE**

- 5.1 The application is accompanied by a supporting letter from the applicant’s agent, Melville Dunbar dated 2 October 2017 which makes the planning case regarding the requested removal and discharge of the planning conditions the subject of the current application (note: the variation of condition C.28.1 (Accessibility) was added subsequent to initial receipt of the application).The letter states the following;

*“The application seeks to remove two conditions which are no longer considered relevant in terms of current planning policy and therefore relevant to construction of the development. These conditions relate to the Code for Sustainable Homes (C.8.29) and the provision of on-site renewable energy (C.8.32). The Code for Sustainable Homes has been consumed into the Building Regulations, particularly with regard to energy conservation through the fabric of the building (Part L). The building is being designed to meet current building regulations and therefore will*

*meet the enhanced standards with regard to energy conservation. As such, it is considered reasonable to remove these conditions from the planning permission and is consistent with UDC's current approach to sustainable construction"*

- 5.2 The application is also accompanied by a separate supporting letter from Estuary Housing Ltd (affordable housing provider) with reference to the requested removal of condition C.28.1 relating to Accessibility, which states the following.

*"In order to achieve best value for our residents, we attempt to ensure the costs of their homes are kept to a minimum and to eliminate any unnecessary costs to the weekly budget. From our experience, capital costs for installation of lifts and service charge levels are high in terms of maintenance and upkeep. Lifts are open to vandalism and are costly to maintain, particularly in a relatively small block of just 6 apartments. We would therefore welcome consideration to remove the lift to this particular block".*

- 5.3 A further supporting letter has since been received from Estuary Housing Ltd dated 29 January 2018 following discussions between the Council, the applicant and the housing provider relating to condition C.28.1 which sets out the capital costs involved for the provision of a lift into an affordable housing block of this kind and subsequent annual maintenance and servicing costs as well as likely service charge "add-on" costs which would accrue to tenants whereby the capital cost of a lift and associated construction is put at £57,000. The full text of Estuary Housing's letter (full costings removed for commercial sensitivity) is as follows:

*"Following recent discussions, I write to confirm Estuary's support for the above scheme and the intention of removing the lift from the 3 storey block of accommodation.*

*Estuary are fully supportive of meeting people's needs, particularly those that are not able-bodied, but this must be balanced against costs and maximising housing delivery. Budgets within Estuary and other Registered Providers remain challenging in terms of procuring and delivering new properties. With this in mind, the principal aim is to ensure that best value for money is achieved in delivering the maximum amount of affordable housing. As such, budgets for each new development are critically assessed to ensure there is no unnecessary cost in delivering new affordable housing.*

*These properties will be affordable rent and as such any on-going costs (i.e. service charges) should be minimised wherever possible. For these tenants, meeting rents is often a struggle. Therefore, adding a service charge provides another layer of costs which in reality make the properties unaffordable.*

*In this instance, and with reference to the proposed flatted block, there is not a sufficient critical mass in terms of the number of tenants to justify the capital and on-going costs. Bearing in mind the number of apartments that a lift would serve, the cost per property is substantial. Typical Affordable Rent for a 1 bed flat is approximately £133.32 per week/£577.72 per month; the provision of a lift would increase the cost per month by approximately 5% in addition to all other service charges that are due.*

*With this in mind, Estuary would support the removal of a lift in this instance. Please do not hesitate to contact me if you require any further clarification".*

- 5.4 SAP energy ratings have since been supplied to the Council by the applicant's

planning agent (received on 30 January 2017) at the request of UDC Building Control in consideration of the removal of conditions C.8.29 and C.8.32.

## **6. RELEVANT SITE HISTORY**

- 6.1 Outline planning permission was granted in 2002 under ref; UTT/0450/02/OP for the erection of 300 dwellings at Sector 3 Woodlands Park. The subsequent reserved matters submission (UTT/0392/05/DFO) included the provision of 54 no. affordable dwellings as part of the 300 dwellings total. Revised application UTT/0406/08/FUL “re-planned” part of that approved affordable housing allocation whereby of the 54 approved affordable units, 27 remained unaltered with the balance of units being replaced by 34 dwellings in a mix of house sizes, including the provision of 6 no .x 1 bed flats in a three storey building block with a lift to all floors at the rear of the site. It is this building as part of the 34 approved units which is the subject of the current application for the variation of C.28.1 of UTT/0406/08/FUL (see application description above).
- 6.2 A non-material amendment (NMA) request by the applicant (Wickfords) seeking the removal of the lift as shown on the approved drawings for UTT/0406/08/FUL) was refused by the Council on 27 November 2017 on the basis that the removal of the lift was deemed a material change to the approved plans (UTT/17/2852/NMA). The current full application for the variation of C.28.1 of UTT/0406/08/FUL (and also the removal of conditions C.8.29 and C.8.32) arises through the refusal by the Council to grant this NMA request.
- 6.3 Also relevant to the current application (with specific reference to condition C.28.1) is application UTT/17/1652/FUL for the erection of 20 x 2 bed affordable apartments, parking, amenity space and landscaping at Sector 3, Woodlands Park submitted as a revised layout scheme to approved application UTT/0392/05/DFO which related to 27 x 1 bed apartments which Members resolved to approve subject to a S106 agreement at their meeting on 20 December 2017 (Applicant: Wickford Developments Limited). That application relates to the site adjacent and in front of the affordable housing site the subject of the current application and shows on the approved drawings two opposing blocks of 3 and 4 storey 2 bed flats each served by a dedicated lift to all floors.

## **7. POLICIES**

### **Uttlesford Local Plan (2005)**

- 7.1 ULP Policy GEN2 - Design

### **Supplementary Planning Documents/Guidance**

- 7.2 SPD “Energy Efficiency and Renewable Energy” (adopted 2007).  
SPD “Accessible Homes and Playspace” adopted (2005)

### **National Policies**

- 7.3 National Planning Policy Framework

### **Other Material Considerations**

- 7.4 Great Dunmow Neighbourhood Plan.

## **8. TOWN COUNCIL COMMENTS**

8.1 No Comment.

## **9. CONSULTATIONS**

### **UDC Building Control**

9.1 (Email response dated 30 January 2018):

If the developer builds to the standards which they state they are going to in their letter of 2 October 2017 based upon the SAP ratings recently submitted to the Council then they will exceed the standards of energy efficiency required by Condition C.8.29. As such, this condition can be removed.

Renewables condition C.8.29 was relevant to impose at the time of the original 2008 grant of planning permission for the development when it was necessary to promote new technologies. However, renewable technology has since evolved whereby development schemes now regularly imbed such technologies into the build process and it is now not relevant to impose the condition as previously where new energy standards can be met without the need for such “ad-on” renewables to be incorporated “retrospectively” by condition. As such, this condition can also be removed.

### **UDC Housing Enabling Officer**

9.2 This application is for the removal of the condition requiring a lift in a block of flats that are 3 storeys high. The removal of a lift is contrary to the Council’s Supplementary Planning Document “Accessible Homes and Playspace” (Nov 2005).

This policy is in place to ensure equal access to housing on upper floors of flatted developments. The policy ensures access for residents who have poor health or mobility. The removal of the lift may act as a disincentive for residents seeking housing which could incur a loss of rent for the housing association.

9.3 (Revised UDC Housing Enabling Officer comments dated 18 January 2018 with follow up email):

“It is the view of Housing after re-considering this housing developer request that the Council’s policy on lifts for flatted schemes refers principally to the provision of 2 bed flats where there are more likely to be children in the home. Having discussed this, we would like to suggest that the council’s position is made clearer and that lifts in schemes over 2 storeys only refer to 2 bed flats. If you agree with this interpretation, I will discuss it further with Planning in response to the proposed 6 x 1 bed flatted scheme at Woodlands park whereby the developer is seeking to have the requirement of the lift removed by condition.

9.4 I think the original SPD intentions come from a pragmatic consideration for parents and carers with children as well as an understanding that life changing accidents do happen and cause people to lose their mobility. The fact that the policy does not state bedroom sizes can be seen as a double edged sword, but is also a focus on the mobility issues of residents, especially those who are older. However, the policy was written 12 years ago before the Council was aware of extra care for older people, so in one respect the need for lifts in flats is slightly (and I use that term lightly) reduced because of (for example) Reynolds Court, Cornell Court and the

extra care provision in Dunmow that are in the pipeline.

If the Council required homes that were larger and better designed given the number of 1 & 2 bed flats or maisonettes and bungalows that have been delivered over the past couple of years, the mobility needs of residents could be met. However, that is above Housing's remit at this time I suspect.

## 10. REPRESENTATIONS

10.1 None. Neighbour notification period expires 27 October 2017.

## 11. APPRAISAL

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

- A Whether the removal of Conditions C.8.29 and C.8.32 of approved application UTT/0406/08/FUL would be acceptable in terms of design (energy efficiency / renewable energy) (ULP Policy GEN2 & SPD "Energy Efficiency and Renewable Energy" (adopted 2007).
- B Whether the variation of Condition C.28.1 seeking the removal of the lift as previously shown for approved application UTT/0406/08/FUL would be acceptable in terms of access and design (ULP Policy GEN2 and SPD "Accessible Homes and Playspace" adopted (2005).
- A Whether the removal of Conditions C.8.29 and C.8.32 of approved application UTT/0406/08/FUL would be acceptable in terms of design (energy efficiency / renewable energy) (ULP Policy GEN2 & SPD "Energy Efficiency and Renewable Energy" (adopted 2007).**
- 11.1 The request by the applicant to remove the Sustainable Homes condition and Renewable or Low-Carbon Energy Technologies condition from planning permission UTT/0406/08/FUL have been considered by UDC Building Control who have advised that these two conditions can be removed for the reasons stated in their internal consultation response dated 30 January 2018 given the advancements which have been made in energy efficiency and renewables in the building industry since 2008 as reflected in the updated Building Regulations. As such, the removal of these conditions is recommended by this report.
- B Whether the variation of Condition 28.1 seeking the removal of the lift as previously shown for approved application UTT/0406/08/FUL would be acceptable in terms of access and design (ULP Policy GEN2 and SPD "Accessible Homes and Playspace" adopted (2005).**
- 11.2 The Council's SPD "Accessible Homes and Playspace" was adopted by the Council in 2005 and is intended as a supplementary planning document to inform ULP Policy GEN2 of the adopted local plan whereby GEN2 c) states that development will not be permitted unless "*It provides an environment which meets the reasonable needs of all potential users*". In this respect, the SPD was originally intended by its guidance and usage to link with Lifetime Homes introduced around the same time, which included reference to all new housing, including blocks of flats, and also to wheelchair accessible housing and also accessible play space. Since adoption, Lifetimes Homes have been replaced by the accessible housing requirements of the new Building Regulations standards, most notably the "Optional requirement M4 (2): Category 2 – Accessible and adaptable dwellings".

11.3 The SPD in its introduction states that *“It is not just the disabled who encounter problems in getting around. Many people may experience mobility problems at some point in their life, e.g. as a result of injury, age, pregnancy, coping with prams or heavy shopping. Although accessibility requirements are covered by Building Regulations, the Government requirements to develop inclusive and sustainable communities, meaning the needs of people with disabilities and mobility problems is a planning concern”*. With regard to flatted developments in particular, the SPD states that;

**“A significant amount of new housing being provided within the District is in the form of flats. This is expected to continue with the pressure to deliver high density development. The provision of lifts in such developments would improve accessibility and increasing housing choice for a number of groups, including those with disabilities. Lifts must be provided in all new developments of flats above 2 storeys.**

11.4 It should be emphasised that the adopted SPD does not make specific reference to bedroom numbers per flat; i.e. it does not discern between 1 and 2 bedroom flats and would appear in this regard to have been intentionally left non-prescriptive to allow for all potential occupant circumstances which may arise (i.e., whether for single persons or small families, disabled (including wheelchairs), elderly or those persons with life-changing events either prior to moving into a flat or subsequent to moving into one etc). As such, the SPD should be viewed as being particularly relevant to the most vulnerable in society where most frequently it is used in the context of affordable housing schemes.

11.5 Condition C.28.1 of UTT/0406/08/FUL requires that this approved affordable housing development at Sector 3 Woodlands Park involving the erection of 34 dwellings, including the 6 no. x 1 bed unit housing block unit for the development be designed and constructed to accessible homes standards in general conformity with the aforementioned SPD, albeit that Appendix 1 relating to Lifetime Homes Standards now has to be read in conjunction with the new accessibility standards as previously mentioned. The applicant seeks to vary the wording of this previously imposed condition by removing reference to the lift shown on the approved drawings for that approved development for the commercial reasons as stated in both the applicant’s planning supporting letter and the likely housing provider’s letter as referred to above; namely on the grounds of cost viability of having to provide a lift for just a small number of 1 bed flat units. It should be emphasised that the other accessibility requirements of the approved affordable scheme for UTT/0406/08/FUL would still be met by the applicant, including for the ground floor of the block of flats concerned whereby the applicant has offered to install automatic external and internal doors as suggested by the Council’s Housing Enabling Officer by way of some compensation for the removal of the lift.

11.6 To expand on the applicant’s case, it is stated that to continue to keep the lift as shown for the scheme for what would be just 6 no. x 1 bed units would be cost prohibitive as set out in Estuary Housing’s detailed costings letter to the Council dated 29 January 2018 whereby the Council has requested the housing provider to quantify and fully justify the non-financial viability argument originally put forward whereby it will be noted from their letter that the installation of the lift as currently required is almost certainly to give rise to higher service charge costs to the tenants of the building to their weekly/monthly financial outgoings detriment. In an email dated 3 November 2017, it is stated by the applicant that the original Design & Access Statement states the approved block was to provide accommodation for 3 no wheelchair users, two of which “undoubtedly would be located on the ground floor and a third on the first floor meaning in reality that lift provision would be for the

benefit of one user". The email adds that Estuary Housing would require these flats to be re-classified as general needs and do not wish to burden their tenants with unnecessary maintenance and service charge costs and add that disabled provision could still be met across the 34 housing units for the approved development as a whole.

- 11.7 To advance the applicant's case further, the applicant has stated that the insistence by the Council for the lift to be kept in place is likely to jeopardise the ability for Estuary Housing to build out the approved development with the likely scenario that the housing provider would "walk away from the scheme" with the result that the Council would very likely end up with low cost market housing for the site which could be done under the terms of the original S106 agreement which would not be subject to a lift requirement. A current "long-stop" contractual agreement to be signed between the applicant and Estuary Housing regarding the transfer of land at Sector 3 Woodlands Park is currently on hold dependent on the Council's decision in this matter for the current application. In a separate letter from the applicant's solicitors, Holmes and Hills, it is stated that "One advantage of an early transfer for Estuary is that the 34 units of affordable housing will undoubtedly be constructed and completed earlier than the 200<sup>th</sup> Open Market dwelling within Sector 3 and so affordable housing will be provided earlier than strictly required under the S106. However, such an outcome appears to be wholly reliant on the application being allowed insofar as the removal of the lift is concerned.
- 11.8 Members will recall resolving to refuse a housing scheme at planning committee on 22 November 2017 relating to the New World Timber and nursery site at London Road, Great Chesterford in respect of the variation of condition 2 of UTT/17/2334/FUL to amend drawings to all plots and increase the total units from 42 to 45 to include the conversion of the roofspace of the building at second storey level to 3 no.1 bedroomed flats. This decision was made contrary to an officer recommendation for approval for the scheme on the grounds that the three third storey apartments would not be served by a lift access and would not therefore be compliant with the Council's adopted SPD "Accessible Homes & Playspace. The officer report for this issue for the report stated that "As the proposed flats would be located inside an approved building with no lift, application of the updated [building regulation] standards to the new dwellings would effectively mean retrospectively applying them to the approved building. It is considered that this would be inappropriate".
- 11.9 Whilst this refused application was not submitted on the same basis as the application now before Members for their consideration, it does clearly indicate Members' current attitude towards the Council's adopted SPD and the way in which it is considered it should be properly interpreted for all planning applications relating to accessibility, including lift provision. Of course, Members may still wish to continue to pursue this general Council policy approach to the SPD and consider that the potential/reality of an affordable housing provider of not being able to build an accessible housing scheme on quantified and justified financial grounds with cost implications to its tenants should a lift be required to be provided should not overtly influence their thinking and decision making on accessibility grounds.
- 11.10 The applicant has requested on this occasion that the Council takes a pragmatic and holistic approach to this application proposal for the reasons as set out in this committee report. Bearing in mind the change in housing policy stance by the Council's Housing Department to how the SPD should be reasonably interpreted 12 years on from its initial adoption where this stance is reflected in their revised consultation response to the current application proposal, it is considered that the

commercial argument put forward by the applicant for the variance of C.28.1 of UTT/0406/08/FUL to remove the lift carries significant weight in the planning balance when weighing up the two opposing arguments. It is therefore recommended by this report that the variation request be agreed.

## **12. CONCLUSION**

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

- A** Condition C.8.29 (Code for Sustainable Homes) and C.8.32 (Renewable or low-carbon energy technologies) imposed on application UTT0406/08/FUL can be removed as the applicant has satisfied the Council that the approved development would be built to updated Building Regulations and that it would no longer be reasonable to impose a renewables condition on residential developments today given that they are often incorporated into the build process.
- B** It is considered that strong commercial justification has been put forward by the applicant seeking the variance of Condition C.28.1 of UTT/0406/08/FUL to allow the three storey affordable housing block approved as part of the affordable housing scheme for this residential site to be constructed without a lift with the existing condition re-worded accordingly to reflect the remainder of the development to be built to accessible standards in accordance with ULP Policy GEN2 and the SPD "Accessible Homes and Playspace..

### **RECOMMENDATION – Approval subject to conditions and Section 106 Agreement**

- (I) The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 31 March 2018 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 an agreement to secure the following:**
  - (i) Provision of affordable housing (by way of linkage to the original S106 Agreement dated 10 June 2003).**
- (II) In the event of such an agreement 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 agreement, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:**
  - (i) Provision of affordable housing (by way of linkage to the original S106 Agreement dated 10 June 2003).**

### **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. C.17.1: (Size 3 turning head). This condition has previously been discharged in full as confirmed by Uttlesford District Council in accordance with submitted drawing Drwg. No.1987/E/1 revised to show a Type 3 Turning Head.
3. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level prior to the commencement of the erection of any residential development intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated carriageway and footway between the dwellings and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. Until such time as the final surfacing is completed, footway base courses shall be provided and maintained in good repair in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of each dwelling.

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

4. The first six metres of any private access way as measured from the proposed highway boundary shall be treated with a bound surface dressing as approved in writing by the local planning authority and thereafter retained in that form.

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. C.10.7. (Visibility site splays) This condition has previously been discharged in full as confirmed by Uttlesford District Council in accordance with submitted drawing Drwg. No.1987/E/1 amended to show 1.5m x 1.5m pedestrian sight splays.
6. The development hereby permitted shall incorporate all measures set out in the accessibility statement/drawing which accompanied the application except for those amended by drawings 498-P502 A Rev A Sept 2017 and 498 -P503 A Rev A Sept 2017 which removes the lift provision for access to the proposed dwellings at first and second floor level for plots 459-462.

REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).and the Council's adopted SPD "Accessible Homes and Playspace".

7. No dwelling shall be occupied until the car parking spaces, garage forecourts and hardstandings to which it relates as shown on layout no. 498-P500 dated January 2008 hereby approved have been hard surfaced, laid out and made available for use. Thereafter, these areas shall remain available for the parking of domestic vehicles in connection with the normal residential use of the dwellings to which they relate and shall not be built over or similarly developed, notwithstanding Permitted Development Rights of extensions contained in the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification).

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

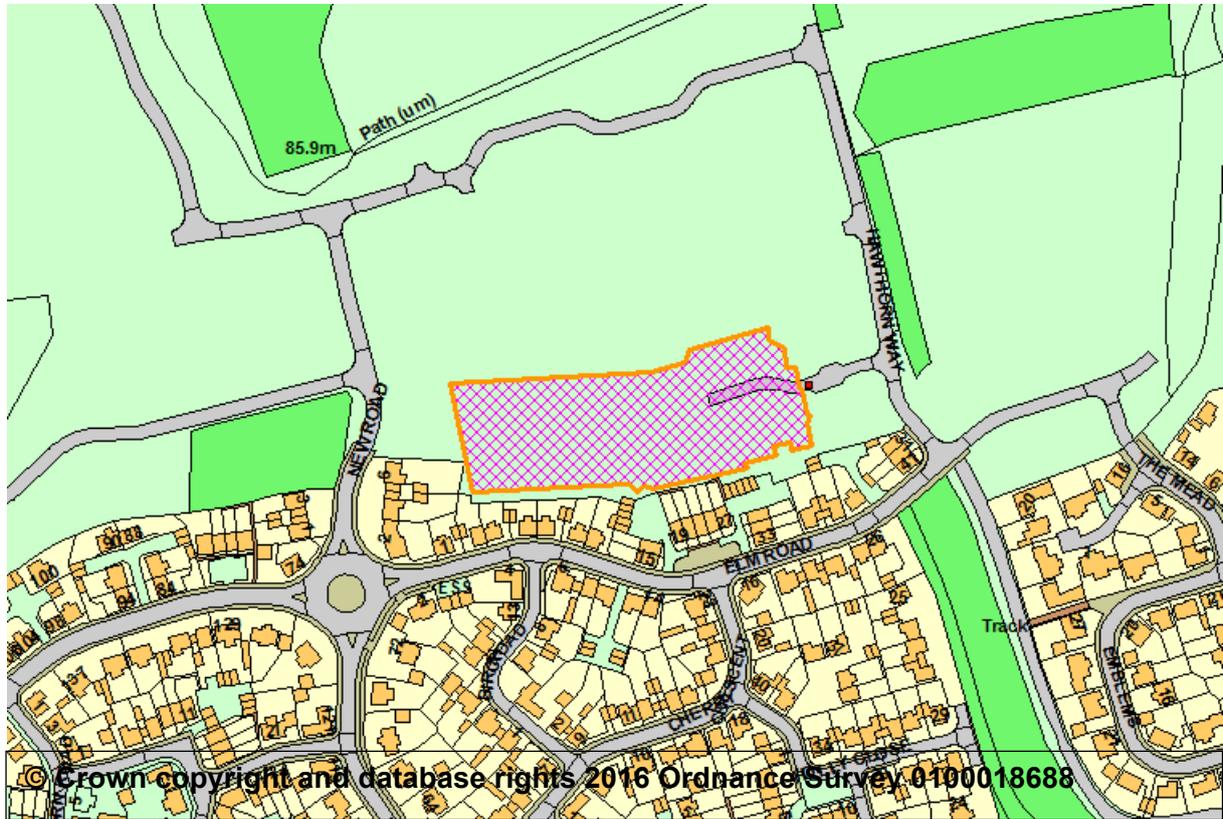
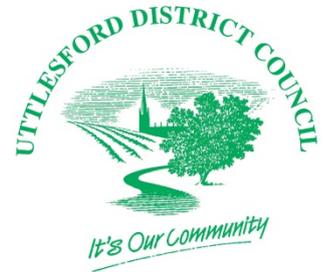
8. C.90B (Measures to improve occupants' and visitors' safety and security in accordance with Secured by Design). This condition has been discharged in full as confirmed by Uttlesford District Council in accordance with submitted annotated 1:200 scale layout plan demonstrating compliance with Secured by design as confirmed by Essex Police dated 22.04.2010.
9. C.4.1. (Details of hard and soft landscape measures). This condition has been discharged in full as confirmed by Uttlesford District Council in accordance with the submitted landscaping details set out on drawing Drwg. No. 498. P400. L2.
10. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

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

11. C.8.30 (Details of location and design of refuse bin and recycling materials storage areas and collection points). This condition has been discharged in full as confirmed by Uttlesford District Council in accordance with submitted drawing Drwg. No. 1987/E/1 and letter accompanying the application form – Note: Providing the road is to an adoptable standard for 26 tonne lorries and the bins are put on the curb side, the condition is satisfied.

Application: UTT/17/2822/FUL

Address: Sector 3 Woodlands Park, Great Dunmow



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

## UTT/17/3111/FUL – (LITTLE CHESTERFORD)

(UDC has an interest in the land)

**PROPOSAL:** Extensions, alterations and refurbishment to the existing building with car and cycle parking, landscaping and associated works. Construction of reservoir.

**LOCATION:** Building 60, Chesterford Park, Little Chesterford

**APPLICANT:** Chesterford Park Ltd Partnership

**AGENT:** RPS CgMs

**EXPIRY DATE:** 16 February 2018

**CASE OFFICER:** Luke Mills

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### **1. NOTATION**

1.1 Chesterford Park.

### **2. DESCRIPTION OF SITE**

2.1 The site includes a research and development facility at the western edge of Chesterford Research Park and a separate portion of land adjacent the roundabout that provides access from Walden Road (B184).

### **3. PROPOSAL**

3.1 The proposed development includes the remodelling of the existing building, involving various extensions and alterations but resulting in a building of approximately the same height and footprint. The surrounding car park would be reorganised and enlarged from 39 spaces to 111. Two bin stores would be provided within the car park, and land between the main building and the pond would be regraded. A new underground reservoir would be formed adjacent the research park's entrance off Walden Road.

### **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, Design & Access Statement
- Preliminary Ecological Appraisal
- Biodiversity Validation Checklist
- Lighting specification document
- Flood Risk Assessment

## 6. RELEVANT SITE HISTORY

- 6.1 There is no recent, relevant planning history for the site. The following historic applications are noted:

UTT/0046/90 Proposed scientific services building for laboratories/ offices  
*Approved with Conditions 16/03/1990*

UTT/0577/00/FUL Variation of condition C.6.1.2. on planning permission  
UTT/0046/90 to allow unrestricted use within Use Class B1(b) (Research and Development)

UTT/0091/01/FUL Realignment of B184, provision of roundabout and widening of access road  
*Approved with Conditions 01/08/2002*

UTT/0078/07/FUL Erection of canopy to main entrance, changes to fenestration and provision of 20 No new parking spaces  
*Approved with Conditions 20/03/2007*

UTT/2089/07/FUL Erection of a packaged generator, relocation of fuel tank and extension to existing access road  
*Withdrawn 10/12/2007*

UTT/0291/08/FUL Extension to existing energy centre to house emergency generator and 8000 litre fuel tank with paved area extension for access  
*Approved with Conditions 28/05/2008*

## 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 S5 – Chesterford Park Boundary  
S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards

E2 – Safeguarding Employment Land  
E3 – Access to Workplaces  
Chesterford Park Local Policy 1 (CPLP1)

### **Supplementary Planning Documents/Guidance**

7.5 Parking Standards: Design and Good Practice (2009)

### **National Policies**

7.6 National Planning Policy Framework (NPPF) (2012)  
- paragraphs 14, 17, 32-39, 58, 100-104 & 118  
Planning Practice Guidance (PPG)  
- Design  
- Flood risk and coastal change  
- Natural environment  
House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)  
Planning Update: Written statement (HCWS488) (2015)

### **Other Material Considerations**

7.7 Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)

## **8. PARISH COUNCIL COMMENTS**

8.1 Objection. Concerns include:

- Over-provision of parking spaces, in conflict with sustainable transport objectives
- Adverse effect on road safety as a result of increased traffic through Little Chesterford
- Loss of privacy for neighbours from CCTV associated with the reservoir
- Lack of need for the reservoir
- Potential impact on trees and hedges
- Uttlesford District Council should not be the decision maker due to its interest in the land

8.2 The Parish Council supports the increased floor space for laboratory use, and the increased provision of cycle parking spaces.

## **9. CONSULTATIONS**

### **Highway Authority (Essex County Council)**

9.1 No objections, subject to the use of a condition to secure the implementation of a travel plan.

### **Environment Agency**

9.2 Does not wish to comment.

### **Environmental Health Officer**

9.3 No objections. Extract:

“With regard to the proposed new reservoir, the Design and Access Statement refers to an “existing Infinity (sic) Water connection”. Chesterford Park’s water supply is currently derived from two private boreholes on the site. Matters relating to the provision of a safe water supply will be considered by Environmental Health under the Private Water Supplies Regulations 2016.

The proposed lighting scheme is acceptable from a nuisance point of view.”

#### **Ecological Consultant (Place Services)**

9.4 No objections, subject to conditions.

#### **London Stansted Airport**

9.5 No objections.

#### **Lead Local Flood Authority (Essex County Council)**

9.6 No objections. Extract:

“...due to the scale of the development, we do not deem the flood risk to be significant and so we will not be commenting on this application.”

### **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter. No representations have been received.

### **11. APPRAISAL**

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

- A Character and appearance (S5, S7, 17, 58 & PPG)
- B Transport (GEN1, GEN8, 32-39 & HCWS488)
- C Accessibility (GEN2, E3, 58 & PPG)
- D Amenity (GEN2 & 17)
- E Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- F Biodiversity (GEN7, 118 & PPG)

#### **A Character and appearance (S5, S7, CPLP1, 17, 58 & PPG)**

11.1 The main physical changes would arise from the remodelled appearance of the main building, the enlarged area of hard surfacing and the regraded land between the building and the pond. It is considered that the overall appearance would be of a commercial development that is compatible with other buildings on the research park, surrounded by generous landscaping. There would be no significant visual effect as a result of the underground reservoir, while the adjacent 4 m high CCTV pole is considered unobtrusive. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character and appearance.

#### **B Transport (GEN1, GEN8, CPLP1, 32-39 & HCWS488)**

11.2 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety or highway capacity as a result of

the proposed development. As for the proposed parking arrangement, it is acknowledged that there would be a significant increase in the number of spaces. Nevertheless, the provision remains in accordance with the Council's standards, which recommend that a research and development building with 3735 sq m of floor space be provided with no more than 125 parking spaces in order to encourage the use of sustainable transport modes. Taking into account the Park-wide travel plan which seeks to minimise the number of car journeys, it is considered that there is no need to provide additional parking spaces.

- 11.3 It is noted that the highway authority has recommended a condition to secure the implementation of a new travel plan, which would involve payment of a monitoring fee of £5000 to the County Council. However, it is considered that the existing Park-wide travel plan is sufficient in this instance, taking into account the limited increase in floor space and the proposal's compliance with the maximum parking standards.

**C Accessibility (GEN2, E3, 58 & PPG)**

- 11.4 Policies GEN2 and E3 seeks to ensure a high level of accessibility. However, the Council has not adopted any technical standards against which the proposal can be assessed. It is therefore considered that compliance with the most up-to-date standards in the Building Regulations would ensure an appropriate level of accessibility.

**D Amenity (GEN2 & 17)**

- 11.5 The proposed CCTV installation adjacent the underground reservoir has the potential to cause a loss of privacy for nearby residents to the west. To ensure accordance with the above policies, it is considered appropriate to use a condition to prevent a loss of privacy.

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

- 11.6 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, taking into account the comments of the lead local flood authority, it is considered that the scale of the development does not necessitate the use of sustainable drainage.

**F Biodiversity (GEN7, 118 & PPG)**

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

**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 occupation of the building, a biodiversity enhancement strategy must be submitted to and approved in writing by the local planning authority. The strategy should include bat/bird boxes and enhancements for the reservoir area, and must be implemented prior to occupation of the building.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

3. Prior to erection of the CCTV installation shown on Drawing No. L0487L03 Rev D, details of its appearance and zone of camera coverage must be submitted to and approved in writing by the local planning authority. The installation must be erected in accordance with the approved details.

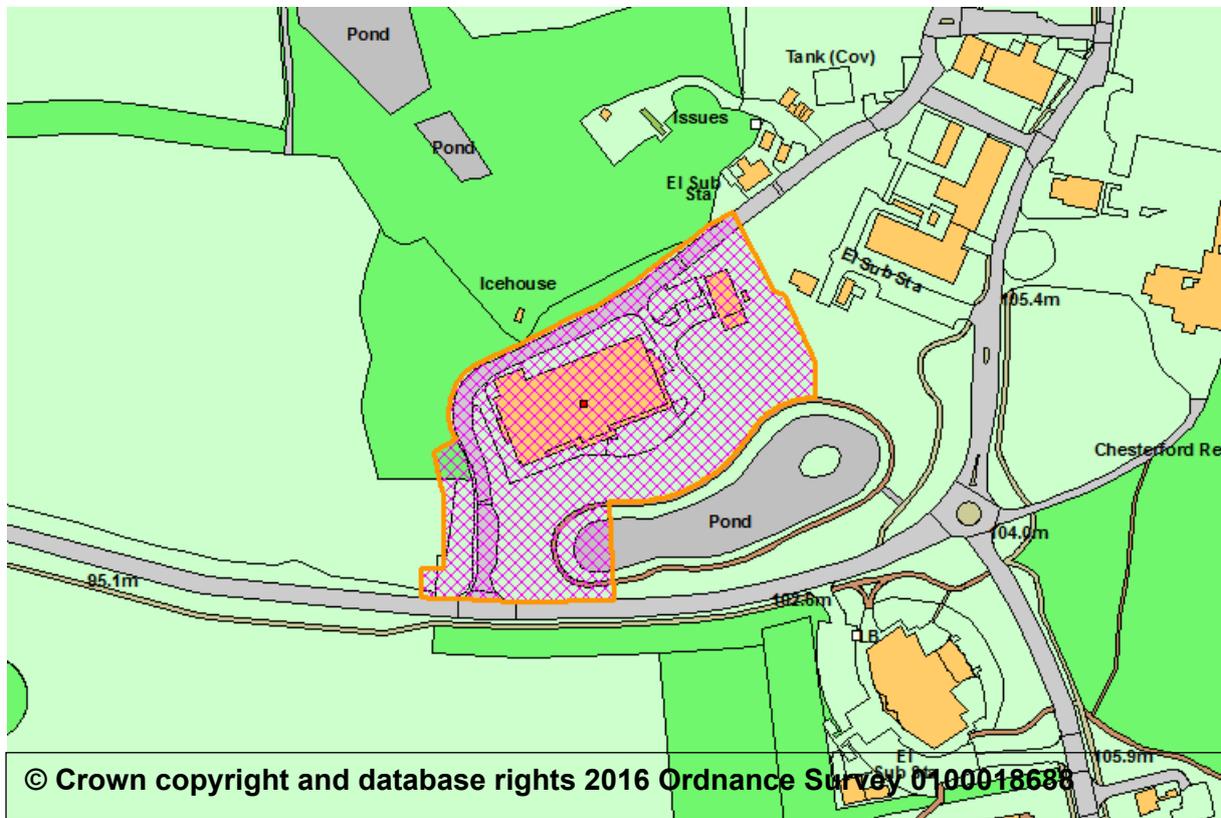
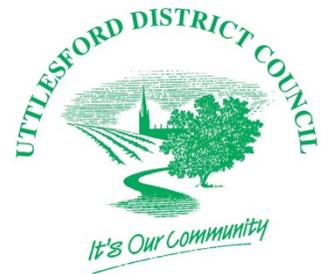
REASON: To protect the privacy of nearby residents, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

4. The development must be carried out in accordance with the ecological measures and/or works recommended in the submitted Preliminary Ecological Appraisal (MLM Consulting Engineers Ltd, October 2017).

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application: UTT/17/3111/FUL

Address: Building 60, Chesterford Park, Little Chesterford



Organisation: Uttlesford District Council  
Department: Planning  
Date: 1 February 2018

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