

UTT/17/2336/OP – (WENDENS AMBO)

(MAJOR)

PROPOSAL: Outline application with all matters reserved except access and scale for the demolition of existing buildings and the erection of up to 11 no. two storey residential dwelling units

LOCATION: Gresham Court, Station Road, Wendens Ambo

APPLICANT: Mr J Billet

AGENT: Hibbs and Walsh Associates Ltd

EXPIRY DATE: 22 December 2017

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is situated on the west side of the approach road into Audley End Station and comprises a courtyard range of 1960's built and now vacant two storey prefabricated light industrial and office suite buildings (Gresham Court) which backs onto the main railway line with staff and visitor parking area having a site area of 0.19 ha. The building complex also includes a hairdresser in the front NE corner of the site facing onto Station Road. An attractive two storey flint and red brick building (Neville House) stands in front of the site facing onto Station Road containing office suites, although this does not form part of the application site (within applicant's ownership). An MOT service centre and garage exist to the north of the site, whilst the surface car park to the railway station exists onto the site's southern boundary. The immediate area surrounding the site has a generally mixed use feel, albeit that a couple of cottages stand directly opposite the site with further dwellings facing onto Royston Road beyond.

3. PROPOSAL

3.1 This revised outline application relates to the demolition of all of the existing commercial buildings on the site and the change of use from B1 to C3 use comprising the erection of up to 11 No. two storey residential dwelling units with associated amenity and parking with all matters reserved except access and scale.

3.2 The illustrative site layout plan submitted indicates the footprint area for the proposed "up to eleven units" and how the units could be satisfactorily accommodated on the site where these would be positioned around the northern and western edges of the site to partially enclose a communal amenity courtyard (combined dwelling footprint stated at 625sqm, total amenity area stated at 840 sqm). The nature of units is not specified, although they are likely to be some form of apartments.

- 3.3 A total of 19 No. resident parking spaces are shown for the development whereby 15 spaces would be provided at the front of the site onto the southern boundary where these would be accessed from the existing vehicular entrance point into the site from Station Road adjacent to Neville House and 4 additional spaces provided in the NE corner of the site. A separate pedestrian link would be provided into the site from Station Road on the north side of Neville House, which would have a total of 14 No. retained parking spaces in connection with the continuing B1 office/hairdressing use of that building (existing parking provision).
- 3.4 No elevational drawings have been submitted with the application to indicate the appearance of the proposed development as the application seeks to establish the principle of residential use at this commercial site in addition to consideration of access and scale whereupon layout, appearance and landscaping are reserved matters. Similarly, no details have been given of housing mix or tenure where these matters are also to be submitted at reserved matters stage. The application is accompanied by a joint Planning and Design and Access Statement, a marketing report and final addendum market report update prepared by Snow Walker dated 24 November 2015, a Phase 1 Desk Study and Preliminary Risk Assessment Report (Contaminated Land) and a Noise Impact Assessment Report.
- 3.5 The above proposed scheme was the same proposed scheme that was approved by Planning Committee with reference No. UTT/15/1665/OP; subject to the completion of Section 106 Agreement to secure affordable housing. The scheme was later refused planning permission because the applicant did not complete the aforesaid Section 106 agreement.
- 3.6 In determining this application, the planning issues that was considered in the previous proposed application has not materially changed except this time the applicant has agreed to complete the Section 106 Agreement.

4. APPLICANT'S CASE

- 4.1 The revised joint Planning and Design and Access Statement makes the case that the site represents previously developed land (commercial), that the site is situated within a sustainable location next to the railway station, that residential development of the site would make the most efficient use of the land given that Gresham Court no longer has any commercial occupiers and that future commercial interest in the site is likely to be low and that a suitably designed development scheme would enhance the character and appearance of the site and its immediate setting. The summary section of the statement as revised states as follows:

"This second revised proposal meets all the relevant national and local planning policies. It is hoped that the LPA can now support it and grant outline permission subject to conditions covering the usual detailed matters, including noise mitigation measures from the railway, ecology, decontamination/remediation and ground water reports and also a Section 106 Agreement/Unilateral Undertaking regarding Affordable Housing and possible Educational Contributions".

5. RELEVANT SITE HISTORY

- 5.1 Outline planning permission with all matters reserved except access and scale for the demolition of existing buildings at Gresham Court and the erection of 19 No. residential apartments comprising a mix of 1, 2 and 3 bedroomed units together

with private and communal amenity and undercroft parking provision refused under delegated powers in March 2015 as it was considered that the scheme would result in overdevelopment of the site, would result in inadequate levels of parking and sub-standard vehicle manoeuvrability and would result in a poor level of occupant amenity by reason of site layout (UTT/14/3510/OP).

- 5.2 A revised outline application with all matters reserved except access and scale for the demolition of existing buildings at Gresham Court and the erection of 12 No. apartments comprising a mix of one and two-bedroomed units was subsequently refused by the Council's Planning Committee at their meeting on 25 August 2015 on the grounds of overdevelopment and as the indicated scheme would result in the removal of part of the rear end of Neville House notwithstanding that the revised scheme was recommended for approval by your Officers (UTT/15/1665/OP) given the reduction in apartment numbers for the site from 19 to 12. It should be stressed that Members did not object to the principle of developing this commercial site for residential purposes for that subsequent application after considering an updated marketing report which showed that no commercial interest had been expressed in the site over the marketing period and that it was the opinion of the report author that there was no present commercial demand, especially on economic leasehold terms given the condition, layout and energy efficiency of the 1960's buildings on the site which do not render themselves to modern B1 office or light industrial re-use.
- 5.3 A post-refusal meeting was held between the applicant's agent and Council Officers in November 2015 at the request of the agent to discuss the reasons given for refusal by Members for subsequent revised application UTT/15/1665/OP which has resulted in the submission of the current further revised planning application reducing the number of residential units to be provided at the site from 12 to *"up to 11 two storey residential dwelling units"* to take account of Members' previously expressed concerns relating to overdevelopment of the site and the desire to retain the rear section of Neville House.
- 5.4 A subsequent application was reported to Planning Committee under reference UTT/15/3562/OP where Planning Committee resolved to grant planning permission subject to the securing of a section 106 Obligation. However, this Section 106 did not progress and the application was refused due to the applicant's failure to complete a Section 106 Obligation.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford District Local Plan (2005)

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy E2 – Safeguarding Employment Land
- ULP Policy H1 – Housing Development
- ULP Policy H3 – Infilling with new houses
- ULP Policy H9 – Affordable Housing
- ULP Policy H10 – Housing Mix
- ULP Policy ENV10 – Noise Sensitive Development
- ULP Policy ENV12 – Groundwater Protection
- ULP Policy ENV14 – Contaminated Land

- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN6 – Infrastructure Provision to Support Development
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards
- ECC Parking Standards – Design and Good Practice (September 2009)
- UDC Parking Standards – February 2013

7. PARISH COUNCIL COMMENTS

- 7.1 The Parish Council do not object to the principal of this application but are concerned about the following irregularities in this messy and confusing application;
- i. numbers of parking spaces detailed do not tally with what is shown in the drawings.
 - ii. a number of parking spaces have no access to them.
 - iii. it is unclear whether mains sewerage is available to the whole site.
- In addition the Parish Council would like to see a clause protecting the flint wall on the southern boundary between the site and the station car park.

8. CONSULTATIONS

Environment Agency

- 8.1 Our response and request for conditions relating to the previous applications UTT/14/3510/OP and UTT/15/1665/OP (our references AE/2014/118594 and AE/2015/119279) apply to this application. Please accept our letters of 29 December 2014, 27 January 2015, 12 June 2015 and 2 December 2015 as our response to this application.

Network Rail

- 8.2 Network Rail has no objection or further observations to make to the above planning application after reviewing the information submitted.

Anglian Water

- 8.3 Assets:

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment:

The foul drainage from this development is in the catchment of Wendens Ambo Water Recycling Centre, which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Foul Sewerage Network:

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal:

The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

We request that the agreed strategy is conditioned in the planning approval.

Trade Effluent:

Not applicable.

Affinity Water

- 8.4 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Uttlesford Bridge Pumping Station. This is a public water supply comprising a number of Chalk abstraction boreholes operated by Affinity Water Ltd.

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

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

NATS Safeguarding

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

Aerodrome Safeguarding

- 8.6 No objection.

ECC Highways

- 8.7 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to recommended highway conditions.

ECC Ecology

- 8.8 No objection.

It is highly unlikely that bats are present on the site and it is unlikely given the lighting the site receives that any proposal would have an adverse impact on local foraging/commuting bats.

Mr Stephen Armson-Smith (Architectural Police Adviser)

- 8.9 Noted within the Design and Access Statement in the section (re- GE2 – Design:SPG and SPD-d). It helps to reduce the potential for crime. There is mention of the removal of vacated commercial buildings achieving this result. Under this heading they would like to have seen the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience pre-application consultation is always preferable in order that security and lighting considerations for benefit of the intended residents and those neighbouring the development are met prior to a planning application.

Environmental Health Officer

8.10 **Noise**

The site is subject to noise day and night from the railway line immediately to the west of the site, which could give rise to loss of amenity.

A noise assessment prepared by KP Acoustics has been submitted which gives a night time level at the dwellings of 56 dB LAeq 4hr, measured between the hours of 23.00 and 03.00. A longer measurement was carried out, however the hours between 03.00 and 08.00 were excluded due to weather conditions. These hours may have been significant, as diesel engine goods trains are known to use the railway during the night, although graphical data provided showed a maximum night time noise at 01.30 (presumed to be a passing train) to be approximately 84dB. A daytime max level of approx. 92 dB was recorded at 15.00hrs, again assumed to be a passing train, and it is not conceivable that similar noise levels could occur during night-time hours, and lead to sleep disturbance. Daytime noise levels are assessed at 59dB LAeq 16hr, which exceeds the available guidance level for reasonable conditions in outdoor amenity areas by 4dB.

It is therefore recommended that a scheme of mitigation is provided at the detailed stage, to protect outdoor amenity areas and indoor living conditions from excessive noise. The following condition is proposed:

No development shall commence until a scheme of noise mitigation has been submitted and approved in writing by the local planning authority. Details shall be included in the scheme of the acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation shall have particular regard to rapid / purging ventilation and thermal comfort requirements, to achieve acceptable internal noise levels without the need to rely on keeping external openable windows closed.

The scheme shall be based on insulation calculations provided in British Standard 8233:2014 *Sound Insulation and Noise Reduction for Buildings*, and shall be designed to achieve the following noise targets:

Living Rooms (07.00-23.00 hrs) 35 dB LAeq

Amenity areas (07.00-23.00 hrs) 55 dB LAeq

The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior

approval.

Contamination

- 8.11 An Environmental Site Investigation prepared by Terra Consult dated February 2017 has been submitted. An earlier report identified a number of potential sources of contamination, and identified a risk to receptors including human health and the water environment. Intrusive investigation of the site followed, and no significant risk to receptors had been found. Additional information has been requested from the author of the report concerning elevated levels of lead identified in some areas, and the response is attached. The findings of the report and additional information are accepted, and this section would not require further consideration of the risk from contamination, however a condition to cover undiscovered contamination is recommended:

If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment. Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority.

UDC Housing Enabling Officer

- 8.12 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units and 20% on schemes 5-14 units.

The affordable housing provision on this site will attract the 20% policy requirement as the site is for 11 (net) units. These amounts to 2 affordable housing units which I advise should be delivered as 2x2 bed shared ownership houses. It is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

It is also the Councils' policy to require 5% of all units to be fully wheelchair accessible.

Access & Equalities Officer

- 8.13 The proposal will need to comply with the SPD on Accessible Homes and Playspace. Please note that one unit will need to be built to the Wheelchair Accessible Standard as there are more than ten dwellings. Please refer to Part M of the Building Regulations for Guidance.

9. REPRESENTATIONS

- 9.1 No representations received. Notification period expired 21 December 2015. Advertisement expired 31 December 2015. Site Notice expired 31 December 2015.

10. APPRAISAL

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

- A Principle of development (NPPF and ULP Policies S3, E2, H1, H3, GEN3, GEN6 and ENV10);
- B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);
- C Scale (ULP Policy GEN2);
- D Infrastructure provision to support the development (ULP Policies GEN6 and H9);
- E Whether the proposal would have a harmful impact upon protected species (ULP Policy GEN7);
- F Previously contaminated land / Ground water protection (ULP Policies ENV12 and ENV14);
- G Other Matters: Trees (ULP Policy ENV3).

A Principle of development (NPPF and ULP Policies S3, E2, H1, H3, GEN3, GEN6 and ENV10)

- 10.1 ULP Policy E2 of the adopted local plan states that the development of employment land within the district for other uses outside the key employment areas will be permitted if the employment use has been abandoned or if the present use harms the character or amenities of the surrounding area, whilst the NPPF has a presumption in favour of sustainable development and encourages more effective use of land by directing new development towards previously developed sites providing such sites are not of high environmental value.
- 10.2 The commercial buildings on the site are some fifty years old and have no particular architectural merit, having a rather plain and somewhat tired 1960's appearance, particularly when compared to Neville House situated to the front which has an aesthetically pleasing appearance within the street scene as a solidly constructed brick and flint Edwardian building within this predominantly commercial setting along Station Road. The site currently is vacant with the last commercial user, a specialist public address system company, having vacated part of the floorspace of Gresham Court at the end of 2014 when its lease was not extended by the applicant. A commercial "To Let" signboard is displayed at the front of the site advertising vacant office floorspace at Gresham Court.
- 10.3 A marketing report was submitted by Snow Walker (9 April 2014) as part of a preliminary enquiry made by the applicant in 2014 for the change of use of the site from commercial to residential use and subsequently for application UTT/14/3510/OP, which set out the marketing position for the site at that time. Its findings appeared to bear out the problems identified by the applicant of not being able to attract and retain businesses at the site, particularly given the age, condition, energy efficiency and servicing of the buildings which were originally designed and built for light electric assembly as a single floorspace user. The report considered from this and from the nature of the internal floor layout of the buildings that the possibility of attracting a similar single B1 industrial user onto the site was highly unlikely.
- 10.4 The report added that the first floor office suite comprising 3,140 sq ft had remained empty since 2007, whilst the first floor office suite comprising 800 sq ft had remained empty since April 2013. The report provided a detailed analysis of the marketing which had been conducted in order to attract potential commercial users to the site and the methods by which this had been carried out with the

intention of investigating commercial interest for the premises in order to secure a tenant either in part or in whole, attempting to identify potential users and interested parties and also retaining an appropriate in-house record of marketing response. Marketing of the premises on the open market commenced in February 2013 and included advertising, marketing mailshots, prominent display at the offices of Snow Walker and also on the Snow Walker's website. It was stated that this marketing had in the main resulted in a low response with little interest being expressed, despite the best quality office suite on the premises being advertised for lease on a variable basis to attract more enquiries. As a result, the report concluded by saying that:

"Taking into account the response to our marketing during a minimum ten month period, the only conclusion that we can make in respect of the holding is that in the present climate there is no demand for a property of this size, type and style at the local level in Wendens Ambo adjacent to a railway line on a leasehold basis. The buildings cannot be classed as appropriate, attractive or suitable office accommodation in the prevailing economic market, especially at a time when demand levels remain at an all-time low for this sector of the commercial marketplace".

- 10.5 An updated marketing report dated 25 May 2015 was prepared by Snow Walker to cover the marketing period April 2014 to April 2015 for subsequent application UTT/15/1665/OP, which stated that marketing of Gresham Court had continued to be monitored since the preparation of the original report in order to assess whether there was any commercial demand for the premises. The report stated from this that no interest has been expressed whatsoever in the premises during the intervening period even given the improvement in general open market conditions with the formal end of the recession and where the report concluded that:

"However, despite increased level of demand in the open market place, this type of accommodation is deemed to be outmoded, economically unviable, unattractive and not commercially viable. Enquiries have therefore been at nil. Taking into account the above, being an additional marketing period of 6 months, we reiterate that the only conclusion we can hold is that in the present economic climate there is no demand for a property of this size, type and style in the vicinity of Wendens Ambo".

- 10.6 A further and final updated marketing report dated 24 November 2015 has been prepared by Snow Walker for the period April 2015 to the present for the current revised application. The report acknowledges the further upturn in general open market conditions since marketing first commenced for Gresham Court, although observes that this economic improvement has been more geared to the residential sector rather than to commercial (worst performing sector) where the principal demand for commercial property has been either on an investment basis or in town centre locations with vacant possession. The report adds that the site marketing has continued to fail to attract any further client interest where an attempt has been made to secure interest at a variety of levels, but predominantly targeting offices, particularly on an open-plan basis that might (say) attract networking, although also inviting interest from parties who might want to look at taking a smaller floor area. The report concludes that

"It is our opinion that these are unsightly, uneconomic and badly constructed buildings for which there is no commercial demand at the present time, especially on economic leasehold terms".

- 10.7 It is considered from the above comprehensive marketing exercise over an extended period of 18 months now that the applicant has satisfactorily demonstrated that the site has little prospect of being successfully re-let on any viable commercial basis either in the short or medium term. Whilst it cannot be said that the commercial use of the site has been abandoned, the low occupancy rates at Gresham Court during recent times as described and the current absence of occupiers demonstrate that the proposed change of use of the site from commercial to residential use as proposed would make more efficient and effective use of the land and would be in line with the economic aims of the NPPF in this regard. The proposal would also comply with the provisions of ULP Policy E2 where it is considered that the present buildings do not positively contribute to the visual amenities of the area given their age, condition and general appearance, unlike Neville House at the front of the site which would be retained for commercial purposes in its entirety thus both preserving the street frontage and maintaining a B1 use presence along Station Road.
- 10.8 The site is located within development limits immediately adjacent to Audley End Railway Station on the London to Cambridge line which has a good local bus service connection to Saffron Walden town centre. In terms of assessment against the three sustainability strands of the National Planning Policy Framework (social, economic and environmental), the proposal development would be located conveniently for both railway commuters and bus/cycle commuters to Saffron Walden. The site's position within the village centre would make it close to available local services and amenities, which include a shop/newsagent at the station and also a village hall, albeit that the village does not benefit from a local primary school, and it should be noted that the recently approved residential development at The Mill House located within close proximity to the site was also regarded favourably by Officers within this social and transport context. It is considered from this as with the two previous applications submitted for Gresham Court that the site has good social connectivity and that the removal of the existing office buildings and their replacement with suitably designed residential units to be further agreed would result in an environmental improvement as well as generating economic activity and would therefore satisfy the three strands of the NPPF and thus represent a presumption in favour of sustainable development.
- 10.9 The site is located within a Flood Zone 1 area (lowest risk of flooding) as shown on the Environment Agency's Flood Risk Map away from main rivers and the site is therefore not considered at risk of flooding. As such, the applicant is not required to submit a Flood Risk Assessment (FRA) as part of the application and the proposal would comply with ULP Policy GEN3.
- 10.10 The site backs onto the railway line and consideration therefore has to be given as to whether or not the scheme as a noise sensitive development would be compromised by train noise. The application is accompanied by a Noise Impact Assessment Report prepared by KP Acoustics Ltd which sets out details of the results of an environmental survey undertaken to measure prevailing background noise levels at the site and which outlines any necessary mitigation measures where this report was also submitted for previous application UTT/15/1665/OP. The survey was conducted in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' which recommends internal noise levels for good or reasonable resting conditions during daytime (07:00-23:00 hours) and night-time (23:00-07:00). The survey findings contained within the report state that:

“Measured noise levels have allowed the proposal of a robust glazing specification, which would provide internal noise levels for all residential environments of the development in the design range of BS8233. The mitigation measures described would be sufficient to protect the proposed residential properties from external noise intrusion and to achieve internal noise conditions for the residents which would be commensurate to all current Standards”.

- 10.11 The Council’s Environmental Health Officer has commented that the rear elevation of the proposed development as shown could be significantly adversely affected by noise and vibration from the railway line given its close proximity to the line and that the submitted noise assessment is unsatisfactory given the limited duration of noise monitoring which was conducted at the site during the night (only 4 hours of monitoring data collected where passing goods trains for example could be a problem unless appropriate building and glazing measures could be achieved). As stated in her consultation response above, it is recommended that a condition be placed on any planning permission granted for the development seeking a more comprehensive noise survey to be carried out at the site and that detailed calculations be presented to demonstrate that acceptable internal and external noise and vibration levels are achievable for the development. The proposal is therefore considered acceptable at this outline stage under ULP Policy ENV10 but on the proviso that this further noise information as requested be submitted for any reserved matters application when this issue can be further addressed through the design process.

B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8)

- 10.12 Access falls to be considered with this outline application. Vehicular access into the development site would be gained via the unaltered vehicular access on the south side of Neville House which currently serves Gresham Court. ECC Highways have not raised any highway objections as previously to the use of this existing vehicular access point to serve the development where sight lines are good in each direction along Station Road. Furthermore, it is considered that the volume of traffic to be generated by the development is unlikely to exceed that previously experienced when the commercial units were fully occupied. No access objections are therefore raised under ULP Policy GEN1 subject to recommended highway conditions.
- 10.13 The consultation comments received from the Council’s Access Officer regarding the need for the proposed apartments to be Lifetime Homes compliant in accordance with the new Building Regulations requirements and the need to provide a wheelchair accessible unit for the scheme given that the scheme involves more than 10 residential units are noted. However, these matters can be satisfactorily addressed at reserved matters stage. The proposal therefore complies with ULP Policy GEN1.
- 10.14 The illustrative scheme layout shows that a total of 19 No. parking spaces would be provided for the residential units where this number would include visitor parking. The parking layout differs slightly from the previously submitted outline scheme for the NE corner of the site insofar as the revised submission now shows a reconfigured parking area comprising 4 No. spaces in view of the reduction of apartments now proposed for the site. Whilst the housing mix for the development is to be considered and agreed at detailed stage where no details have been supplied with the current application, the on-site parking provision indicated would meet UDC adopted parking standards for the number of units proposed (up to

eleven) at this sustainable location assuming that the mix were to comprise a range of 1 and 2 bed apartments as was indicated to be the case for the previous outline application where the mix was specified. Parking bay sizes are shown at 5.5m x 2.9m and would be ECC parking bay compliant. The scheme would therefore comply with ULP Policy GEN8 as far as can be ascertained for this outline application.

C Scale (ULP Policy GEN2)

10.15 The number of residential units proposed for this scheme has been reduced for this revised outline submission from the outline application previously refused by Members under UTT/15/1665/OP on grounds of overdevelopment and the consequential loss of part of the rear of Neville House whereby the application now seeks “up to eleven” residential units for the site rather than 12 No. stated units as previously indicated. In effect, this reduction in unit numbers apart from reducing the scale of the overall development now allows for more space to be retained at the north-east corner of the site and thereby avoiding the demolition of the top rear corner of Neville House as shown on the illustrative layout drawing. As such, it is considered that the reduced sized proposal now addresses Members’ previously highlighted concerns relating to the scale of the overall development, whilst the proposed two storey nature of the development as stated would be in keeping with the adjacent buildings within the surrounding area where details of the appearance of the residential units is a reserved matter. No objections in relation to scale are therefore raised by your Officers to the proposal under ULP Policy GEN2 in view of the changes made to the illustrative site layout by the applicant as requested.

10.16 The illustrative site layout shows that 840 sqm of central community amenity open space would be provided for the development in addition to any “private” amenity space that may be provided for each unit where this is not specified in the application. Given that the revised outline application is not accompanied by any floor plans nor provides details of bedroom numbers per unit, it is not possible to be able to assess at this outline stage whether the residential amenity provision to be provided for the development as a whole would comply with Essex Design Guide minimum amenity standards. However, it should be emphasised that this application seeks the principle of residential use at the site in addition to consideration of access and scale as already discussed whilst detailed layout considerations, including assessment of amenity provision and any relationships between private and communal amenity space for the development fall to be a reserved matter under ULP Policy GEN2 whereby the flexibility of the revised application for “up to eleven residential dwelling units” allows for the dwelling/amenity ratio to be properly calibrated for design submission stage by the applicant after further discussions with Officers.

D Infrastructure provision to support development (ULP Policies GEN6 and H9)

10.17 The Council’s updated Developer Contributions Guidance Document adopted as a “Material Consideration” by Cabinet in September 2015 states that 20% affordable housing provision will be required for proposed developments on sites of between 5-14 dwellings or sites between 0.17ha and 0.49ha or an equivalent financial contribution as advised by the Council. The proposal is for “up to eleven” residential units where this number is inevitably to be at least five units to make the scheme financially viable given that the previously refused scheme was submitted for twelve units and the preceding application before that was for 19

units and the scheme is therefore considered to be liable to a 20% affordable housing provision under the guidance document, which would mean that 2 affordable housing units would need to be included for the scheme or an equivalent financial contribution which will be subject to a S106 agreement.

- 10.18 The Council's Housing Enabling Officer has been consulted on this application who has stated that there is scope within the site layout for two shared ownership affordable units to be provided as part of the scheme and that if this option is chosen rather than financial contributions then the units should be delivered as 2x2 bed shared ownership housing units to be delivered by one of the Council's preferred Registered Providers (ULP Policy H9). Given that no detailed floor layout drawings have been submitted with this outline application, it is not possible to be able to nominate a wheelchair unit, although this can be conditioned.

E Whether the proposal would have a harmful impact upon protected species (ULP Policy GEN7)

- 10.19 The application is accompanied by a Bat Survey Report to establish whether habitat conditions at the site are favourable to roosting or commuting bats. An inspection of the buildings on the site and their surrounds by a qualified ecologist has found that bats are not present and that the sealed nature of construction of the buildings to be demolished and lack of vegetation on the site make such conditions unfavourable as a suitable natural habitat whereby it is suggested in the report of findings that surrounding light sources probably act as a bat deterrent in any event. The report recommends in the circumstances that no further bat surveys are required. The report has been seen by ECC Ecology who agree with its conclusions and who have not raised any ecology objections on this basis. No objections are therefore raised under ULP Policy GEN7.

F Previously contaminated land / Ground water protection (ULP Policies ENV12 and ENV14)

- 10.20 The site is registered as an historic contaminated land use by the Council given its previous industrial use. The Council's EHO consulted on the application has studied the submitted Phase I contamination assessment submitted for the proposal and has not identified from this any pathways by which contamination might represent a risk to human health in connection with the development. Accordingly, no health objections have been raised in this respect (ULP Policy ENV14). The Environment Agency has not objected to the proposal as with previous applications UTT/14/3510/OP and UTT/15/1665/OP subject to conditions being imposed to protect groundwaters if planning permission is granted in principle. No objections are therefore raised under ULP Policy ENV12 in this regard.

G Other Matters: Trees (ULP Policy ENV3)

- 10.21 It is stated at Section 3 of the submitted Design & Access Statement that the existing non-protected mature Yew tree situated near the entrance of the site on the southern boundary would be retained where this is shown for the illustrative site layout and this is welcomed.

11. CONCLUSION

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

- A The redevelopment of this commercial site for residential purposes is considered acceptable in principle as the applicant has satisfactorily demonstrated through an extensive marketing exercise that there is no reasonable expectation of the site being used viably for commercial purposes in the foreseeable future and as the proposal would represent a presumption in favour of sustainable development given the site's location adjacent to Audley End railway station.
- B Access arrangements for the proposed development are considered satisfactory.
- C The reduced scale of the proposed development by the reduction of dwelling units proposed following refusal of application UTT/15/1665/OP by Members for the reasons aforementioned is considered satisfactory whereby the indicative housing layout would now not necessitate the removal of part of the rear end of Neville House and would improve amenity provision for the site, whilst the proposed two storey form of the development would be compatible with the built form of the immediately surrounding area.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A LEGAL AGREEMENT

- (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless before 9 January 2018 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- (II)
 - (i) Provision of Affordable Housing or Contribution
 - (ii) Payment of contributions towards primary and secondary education provision as per the formula for calculating education contributions
 - (iii) Pay the Council's reasonable costs
 - (iv) Pay Monitoring charges
- (III) In the event of such an obligation being made, the Assistant Director of Planning shall be authorised to grant planning permission subject to the conditions set out below:
 - (i) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised at his discretions to refuse at his permission for the following reasons:
 - (ii) No provision for Affordable Housing
 - (iii) No financial contributions towards education provision

Conditions/reasons

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

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

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

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

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

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

4. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

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

- 1) A preliminary risk assessment which has identified:
all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local planning authority. The scheme shall be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

This condition needs to be imposed as contamination/ground water protection issues need to be addressed prior to any works commencing on the site arising from the approved development.

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

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

This condition needs to be imposed as contamination/ground water protection issues need to be addressed prior to any works commencing on the site arising from the approved development.

7. No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets

have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

This condition needs to be imposed as contamination/ground water protection issues need to be addressed prior to any works commencing on the site arising from the approved development.

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

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

This condition needs to be imposed as contamination/ground water protection issues need to be addressed prior to any works commencing on the site arising from the approved development.

9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment. The development shall be carried out in accordance with the approval details.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement

systems or infiltration basins in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

This condition needs to be imposed as contamination/ground water protection issues need to be addressed prior to any works commencing on the site arising from the approved development.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To protect and prevent the pollution of controlled waters particularly the Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area where the water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and ULP Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

This condition is required to be imposed as contamination/ground water protection issues need to be addressed prior to any works commencing on the site arising from the approved development.

11. No development shall commence until a more comprehensive noise and vibration impact assessment has been conducted, submitted to, and approved in writing by the Local Planning Authority. The assessment shall consider the impact of the adjacent railway line on the proposed development and shall include a noise / vibration insulation scheme. The recommendations detailing the acoustic noise insulation performance specification of the external building envelope (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units shall be provided in detail, and shall be designed to achieve the following noise targets:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LMax.
Living Rooms (07.00-23.00 hrs) 35 dB LAeq
Gardens (07.00-23.00 hrs) 55 dB LAeq

The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval.

REASON: To ensure that an acceptable level of residential amenity can be enjoyed by the occupants of the proposed dwellings in accordance with ULP Policies GEN2 and ENV10 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

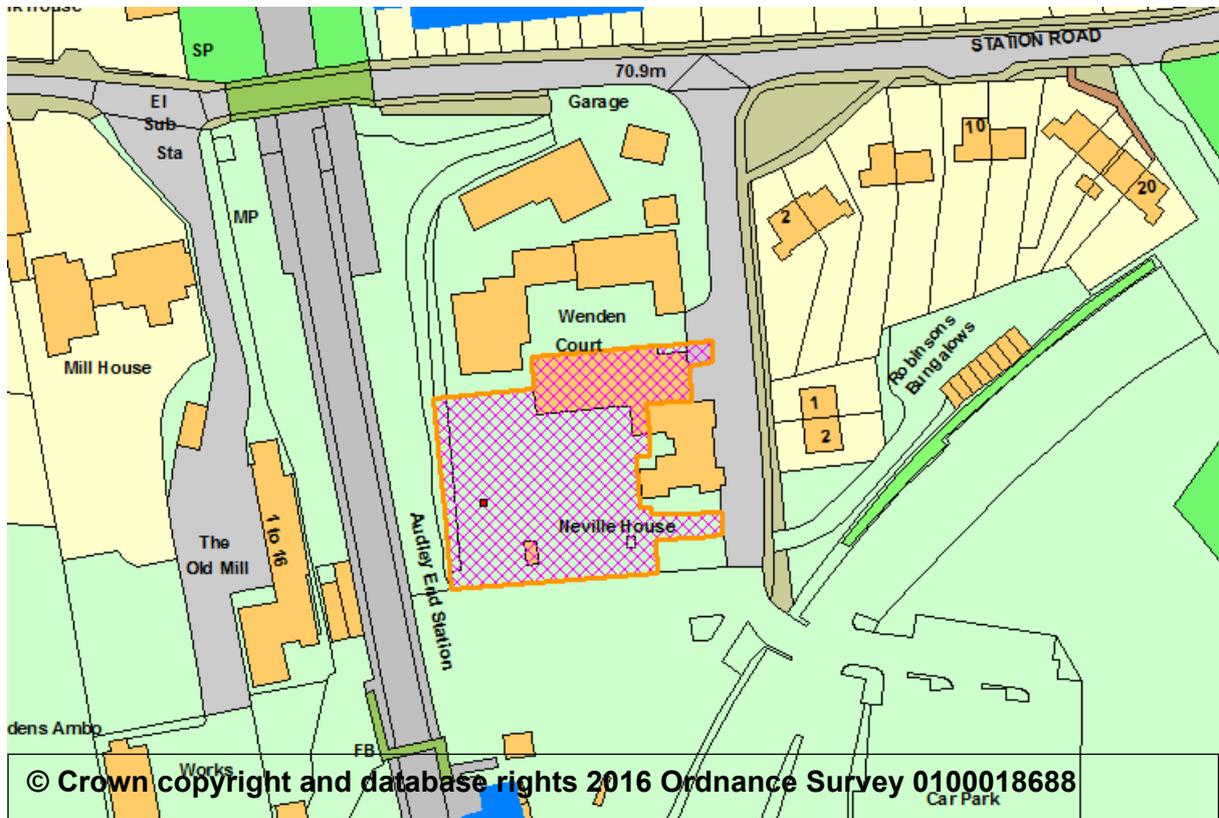
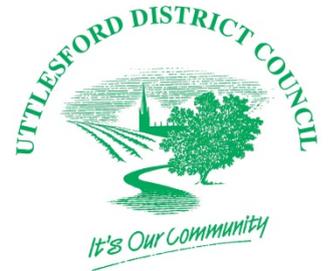
It is essential that noise parameters for the development are agreed by the local planning authority prior to commencement of development in the interests of amenity protection.

12. Dwelling layout drawings to be submitted for any subsequent reserved matters application for the development hereby permitted in principle shall indicate a wheelchair nominated unit.

REASON: To comply with the Council's approved Housing Strategy in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and Supplementary Planning Guidance.

Application: UTT/17/2336/OP

Address: Gresham Court, Station Road, Wendens Ambo



Organisation: Uttlesford District Council

Department: Planning

Date: 8 December 2017