

Maria Shoemith

Delegated Officer Report Recommendation – Refuse

Application number: UTT/19/0125/FUL

Proposal: Demolition of existing warehouse and redevelopment of the site to provide a 68 bedroom care home (Use Class C2) together with associated car parking, landscaping and amenity space

Site Address: Homebase Limited, Elizabeth Close, Saffron Walden, Essex, CB10 2NL,

Parish: Saffron Walden

Ward: Saffron Walden Castle

Applicant: Mr T Hesp

Agent: Mrs Hayley Morley

Target Date: 3rd April 2019

Expiry Date: 8th May 2019

Extension of Time Date: 29th July 2019

Plans:

Plan Ref

4760 PL13	6th February 2019
4760 LP01 A	6th February 2019
4760 PL01 A	6th February 2019
4760 PL02 C	6th February 2019
4760 PL03	6th February 2019
4760 PL04	6th February 2019
4760 PL05	6th February 2019
4760 PL06	6th February 2019
4760 PL07	6th February 2019
4760 PL08	6th February 2019

4760 PL09 A	6th February 2019
4760 PL10	6th February 2019
4760 PL11	6th February 2019
4760 PL12	6th February 2019
AIR QUALITY ASSESSMENT	6th February 2019
DESIGN & ACCESS STATEMENT	6th February 2019
FLOOD RISK ASSESSMENT/SURFACE WATER DRAINAGE STRATEGY	6th February 2019
HPC CARE NEEDS ASSESSMENT	6th February 2019
NOISE IMPACT ASSESSMENT	6th February 2019
PLANNING STATEMENT	6th February 2019
STATEMENT OF COMMUNITY INVOLVEMENT	6th February 2019
SUDS CHECKLIST	6th February 2019
PHASE 1 ENVIRONMENTAL SITE ASSESSMENT	6th February 2019
TRANSPORT STATEMENT	6th February 2019

Planning Policies:

Policy	Local Plan	Local Plan Phase
NPPF3 - National Planning Policy Framework 3		
S1 - Settlement Boundaries for the Main Urban Areas	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
E2 - Safeguarding Employment Land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN5 - Light Pollution	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV12 - Groundwater protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV13 - Exposure to poor air quality	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV15 - Renewable Energy	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
SP1 - Development within Development Limit	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
SP2 - The Spatial Strategy 2011 - 2033	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
SP3 - The Scale and Distribution of Housing De	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
SP9 - Development within Development Limits	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
SP12 - Sustainable Development Principles	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
H10 - Accessible and Adaptable Homes	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
H11 - Specialist Housing	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
RET1 - Town and Local Centres	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
RET4 - Loss of Shops and Other Facilities	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
EMP3 - Non-Estate Employment Uses	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
TA1 - Accessible Development	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
TA2 - Sustainable Transport	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
TA2P2 - Provision of Electric Charging Points	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
TA3 - Vehicle Parking Standards	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
TA4 - New Transport Infrastructure or Measures	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan

INF1 - Infrastructure Delivery	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
INF2 - Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
INF3 - Health Impact Assessments	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
INF4 - High Quality Communications Infrastructure and Superfast Broadband	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
D1 - High Quality Design	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
D2 - Car Parking Design	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
D8 - Sustainable Design and Construction	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
D9 - Minimising Carbon Dioxide Emissions	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
EN7 - Protecting and Enhancing the Natural Environment	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
EN10 - Minimising Flood Risk	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
EN11 - Surface Water Flooding	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
EN15 - Air Quality	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
EN16 - Contaminated Land	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
EN17 - Noise Sensitive Development	UDC Local Plan Emerging (Reg. 19 (20))	Regulation 20 Local Plan
ECP - ECC Parking Standards (Design & Good Practice)September 2009		
EDG - Essex Design Guide		
Uttlesford Local Parking Standards		
H1 - Housing development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

Planning Applications History (if any):

Reference No.	Status	Decision Date	Proposal
UTT/14/3763/FUL	AC	09/04/2015	Application to vary condition 5 (restriction to sale of DIY goods) of planning approval UTT/1574/87 (Erection of DIY centre including mezzanine offices car parking associated works

			and alteration of an existing access) to add the following sentence: 'Notwithstanding the above, the sale and display of any A1 non-food goods by a Catalogue Showroom Retailer will be permitted from up to 185 square metres of the existing sales area.'
UTT/15/1856/AV	AC	24/08/2015	Erection of 2 no. illuminated fascia signs and 2 no. non-illuminated panel signs to replace existing signage
UTT/18/1467/FUL	AC	22/11/2018	Application to vary condition 2 from planning permission UTT/14/3763/FUL (from permitting only the sale of 'items which are required for repair and maintenance, alterations or improvement of premises...' to 'DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, indoor and outdoor lighting, domestic electrical appliances, homewares and ancillary non-food goods, not including fashionwear items or fashion footwear')
UTT/0889/82	W	16/03/1983	Erection of 67 dwellings and light industrial premises
UTT/2190/88/AV	AC	07/03/1989	Retention of ten information and directional car park signs
UTT/2275/88/AV	AC	07/03/1989	Retention of one internally illuminated building mounted main logo sign on south elevation
UTT/0669/83	WDR	07/11/1984	Erection of industrial unit with ancillary offices and DIY centre
UTT/0217/83	AC	16/08/1983	Proposed erection of 85 dwellings and light industrial premises
UTT/0465/81	AC	01/06/1981	Change of use from disused nursery to residential commercial and layout of roads and sewers to serve industrial development
UTT/0085/80	W	10/07/1980	Change of use from disused nursery to residential and industrial development
UTT/1574/87	AC	11/02/1988	Erection of DIY centre including mezzanine offices car parking associated works and alteration of an existing access
UTT/2191/88/AV	AC	07/03/1989	Retention of three flag poles
UTT/2189/88/AV	AC	07/03/1989	Retention of two static internally illuminated building mounted main logo signs.
UTT/1464/98/FUL	AC	28/01/1999	Amendment to condition 5 of UTT/1574/87 to allow provision of garden centre. Erection of 3m high fencing
UTT/0660/98/FUL	AC	21/07/1998	Alteration to roof to provide maintenance access platform
UTT/0519/89/AV	W	24/08/1989	One internally illuminated building mounted main logo sign
UTT/0605/89	AC	08/09/1989	Removal of condition 5 (sale of goods) planning application no. UTT/1574/87
UTT/1748/08/AV	R	03/02/2009	Erection of one replacement illuminated fascia sign, one replacement pole sign and one new pole sign

UTT/1023/08/FUL	AC	12/08/2008	Change of use of car parking spaces to car wash and valeting service. Installation of storage container
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Planning Appeals History (if any):

Reference No.	Status	Decision Date	Proposal
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Neighbour / Public Responses:

No. Neighbours Notified	No. Contributions Received
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Note: Neighbour comments (if any) can be viewed online at www.uttlesford.gov.uk/planning

Consultee Responses:

Consultee Name	Date Comments Received	Nature of Consultation
Parish Council	27th February 2019	Parish Letter
Ward Members	No Comments Received	Ward Member Notification
Ann Lee-Moore Environmental Health	No Comments Received	Consultation Letter
Environmental Health	26th March 2019	Consultation Letter
ECC Ecology Advice	14th February 2019	Consultation Letter
Education & Highways (ECC)	4th March 2019	Consultation Letter
Anglian Water Services Ltd	8th March 2019	Consultation Letter
Affinity Water Ltd	12th February 2019	Consultation Letter
Sustainable Drainage	8th February 2019	Consultation Letter
UDC Health/Waste	No Comments Received	Consultation Letter
West Essex Clinical Commissioning Group	No Comments Received	Consultation Letter
UK Power Networks	7th February 2019	
Cadent Gas	7th February 2019	
ECC Ecology Advice	6th March 2019	
Education & Highways (ECC)	1st May 2019	Consultation Letter
ECC Ecology Advice	5th March 2019	Reconsultations EXT/INT
Cllr John Lodge	No Comments Received	Consultation Letter

Note: Consultee comments (if any) can be viewed online at www.uttlesford.gov.uk/planning

Officer Report

UTT/19/0125/FUL(SAFFRON WALDEN)

(Major)

PROPOSAL: Demolition of existing warehouse and redevelopment of the site to provide a 68 bedroom care home (Use Class C2) together with associated car parking, landscaping and amenity space

LOCATION: Homebase Limited, Elizabeth Close, Saffron Walden

APPLICANT: Charterhouse Property Group Ltd

AGENT: Strutt and Parker

EXPIRY DATE: 8 May 2019 EoT 29 July 2019

CASE OFFICER: Maria Shoesmith

1. NOTATION

1.1 Development Limits, 500m of AQMA & Pipelines, 250m Local Wildlife Site, Minerals Safeguarding Area, Contamination, SSSI, Aerodrome

2. DESCRIPTION OF SITE

2.1 The application site is located between Ashdon Road, Elizabeth Way and Elizabeth Close.

2.2 The application site is currently occupied by Homebase. It comprises a DIY store and its car park. There is residential surrounding the application site and the Saffron Business Centre which is located to the east of the site.

2.3 The site sits within a bowl at a lower ground level from the surrounding properties, primarily to the north. Homebase is approximately two storeys in height and is set to the east of the site with minimal impact upon the amenity of the residential properties located on Elizabeth Close. To the western half of the site is open air car parking for the store. The ground levels drop from north to south.

2.4 The application site comprises an area of 0.42ha and the store has an area of 1475m². No details have been provided regarding the exiting number of staff.

3. PROPOSAL

3.1 The application is for "*Demolition of existing warehouse and redevelopment of the site to provide a 68 bedroom care home (Use Class C2) together with associated car parking, landscaping and amenity space*". The description is not considered to be wholly correct as it is a retail store with warehouse which is proposed to be demolished.

3.2 The proposed development would be elongated covering the majority of the site with garden areas to the east, west and north of the site. There is car parking to the south of

the site providing 30 car parking spaces for the 68 bedroom care home. The proposed development is effectively three storeys.

3.3 There are a number of gables and dormer windows proposed mainly to the north and south of the site. The scheme would be built from a mixture of brick and render.

3.4 The height of the proposed building would be approximately 11.2m and 60m in length, also approximately 34m at its widest. There are a number of flat roof elements due to the size of the proposed development.

3.5 The existing Homebase store is 52m length x 30m wide x 8m high. It should be noted that Homebase is orientated differently on site whereby its longest elevation is located north to south, as opposed to the proposed development which is west to east.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment): The proposal is not a Schedule 1 development, and does not exceed the threshold criteria of Schedule 2, therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

5.1 The following documents have been submitted in support of the application;

- Air Quality Assessment
- Biodiversity Checklist
- Design & Access Statement
- Flood Risk Assessment & Surface Water
- FRA & Surface Water Drainage Strategy
- HPC Care Needs Assessment
- Noise Impact Assessment
- Planning Statement
- Statement Of Community Involvement

- Suds Supporting Information
- Phase 1 Environmental Site Assessment
- Transport Statement

5.2 The proposal will provide specialist, dementia care, residential care, respite care, and an environment that will fully meet a modern, dynamic care environment. The facilities offered will be: high quality, including en-suite bedrooms with a range of excellent quality communal and amenity spaces incorporating a café, activity rooms, cinema, hairdressers, lounges, dining areas and quiet rooms. All residents will benefit from communal amenity and comforting landscaped spaces, with all ground floor bedrooms having direct access into the garden spaces.

5.3 It is noted that there has been a number of responses from third parties in connection with the application, and the applicant reserves the right to respond to these at a later date prior to the determination of the application.

5.4 It is clear that a significant proportion of the letters received are in connection with the closure of Homebase, and you are aware that my clients are the owners of this site and Homebase are the tenants. We have also discussed that there is no policy designation for this site in the adopted or emerging Local Plan, which prevents the change of use from retail/employment. The site is not located within the town boundary, where retail uses are supported and focussed. Indeed, you have already indicated in your written pre-application that the principle of the change of use of the site to a care house (C2) is acceptable.

5.5 As set out in the Retail Study Update (May 2018) prepared by Savills on behalf of the District Council, planning permission has already been granted for a new retail park (Granite Park) on Thaxted Road, to the east of the town centre. Unit 2 on the site has been pre-let to B&M. The B&M Home Store will sell a range of goods comparable with those currently on offer in Homebase, and will also provide for an associated garden centre. The two will have a combined footprint of approximately 3,000 square metres, which is far greater than the 1,267 square metres of retail floor space currently available at the Homebase site.

5.6 It is anticipated that the B&M Home Store will open in summer 2019. The site is fully accessible by a range of transport modes, public transport and private car. There is ample parking provided on-site. It is considered that the opening of the B&M Home Store and garden centre, along with the existing Ridgeons Store on Ashdon Road, will provide the residents with access to a wide range of DIY products and accessible without having to leave Saffron Walden.

5.7 I note that the statutory consultees have now all responded to the consultation on the application, and apart from the Town Council, all of the responses have no objection to the proposal subject to the imposition of appropriately worded planning conditions.

Community Involvement

5.8 A Statement of Community Involvement was submitted as part of the application submission. This outlined that the scheme was presented to Saffron Walden Parish Council with Members together with a public exhibition. Finally, as part of a wider investigation a public consultation was held in September 2018. The details of these consultations are contained within the 'Statement of Community Involvement'.

A meeting was held with local Councillors on 26th June 2018, and a presentation was made to Saffron Walden Town Council on 11th September 2018. A letter was sent to approximately 600 local residents within the vicinity of the application site on 5th September 2018, advising them of the proposed development and inviting them to the public exhibition event. The event was also advertised within the local press for two weeks. A public exhibition event was held on 19th September 2018 in the Town Hall between 3-8pm. A total of 37 people was stated to have attended the exhibition with 16 completed questionnaires. The wider consultation process, including the engagement with local communities, is documented in the accompanying Statement of Community Involvement.

Following the consultations, a number of revisions have been made to scheme or incorporated within the planning application submission including:

- A change to the internal arrangement to ensure that there is no overlooking on the first and second floors for residents from the neighbouring Saffron Business Centre
- The provision of a Noise Impact Assessment as part of the planning application
- 5.9 • An increase in the number of parking spaces to be provided up to an overall total of 30
- The provision of an Air Quality Impact Assessment as part of the planning application
- The provision of site sections and 3D visuals to show the relationship of the building with the surrounding buildings
- Provision of secure cycle parking
- Revised site plan to include an additional area of land purchased to allow for further landscaping on the northern boundary
- The provision of a Care Needs Assessment as part of the planning application to support the provision of care facility in Saffron Walden

6. RELEVANT SITE HISTORY

6.1 The application site has a long planning history; the most relevant planning applications are listed below;

6.2 UTT/14/3763/FUL - Application to vary condition 5 (restriction to sale of DIY goods) of planning approval UTT/1574/87 (Erection of DIY centre including mezzanine offices car parking associated works and alteration of an existing access) to add the following sentence: 'Notwithstanding the above, the sale and display of any A1 non-food goods by a Catalogue Showroom Retailer will be permitted from up to 185 square metres of the existing sales area.' - Approved

6.3 UTT/15/1856/AV - Erection of 2 no. illuminated fascia signs and 2 no. non-illuminated panel signs to replace existing signage - Approved

6.4 UTT/18/1467/FUL - Application to vary condition 2 from planning permission UTT/14/3763/FUL (from permitting only the sale of 'items which are required for repair and maintenance, alterations or improvement of premises...' to 'DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, indoor and outdoor lighting, domestic electrical appliances, homewares and ancillary non-food goods, not including fashionwear items or fashion footwear') - Approved

6.5 It should be noted that the most recent application has been submitted by the Applicant in order to regularise the use and to make it more fit for purpose.

7. POLICIES

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:

7.1 (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.

National Policies

National Planning Policy Framework (NPPF) (2019)
Planning Practice Guidance (PPG)

Uttlesford Local Plan (2005)

- S1 Development Limits for the Main Urban Areas
- H1 Housing Development
- E2 Safeguarding Employment Land
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy

Essex Parking Standards (2009)
 Uttlesford Parking Standards
 Essex Design Guide

Emerging Draft Local Plan – Regulation 22

Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
Air Quality Action Plan 2017 – 2022
NPPF 2019 – Five Year Housing Land Supply update (March 2019)
The Retail Study Update 2018

Emerging Local Plan

- The Spatial Vision
- SP 1 The Presumption in Favour of Sustainable Development
- SP 2 The Spatial Strategy 2011-2033
- SP 3 The Scale and Distribution of Housing Development
- SP 9 Development Within Development Limits
- SP 12 Sustainable Development Principles
- H 10 Accessible and Adaptable Homes
- H 11 Specialist Housing
- RET 1 Town and Local Centres
- RET 4 Loss of Shops and Other Facilities
- EMP3 Non-Estate Employment Uses
- TA 1 Accessible Development
- TA 2 Sustainable Transport
- TA 2 The Provision of Electric Charging Points
- TA 3 Vehicle Parking Standards
- TA 4 New Transport Infrastructure or Measures
- INF 1 Infrastructure Delivery
- INF 2 Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches
- INF 3 Health Impact Assessments
- INF 4 High Quality Communications and Super-Fast Broadband
- D 1 High Quality Design
- D 2 Car Parking Design
- D 8 Sustainable Design and Construction
- D 9 Minimising Carbon Dioxide Emissions
- EN 7 Protecting and Enhancing the Natural Environment
- EN 10 Minimising Flood Risk
- EN 11 Surface Water Flooding
- EN 15 Air Quality
- EN 16 Contaminated Land
- EN 17 Noise Sensitive Development

8. Saffron Walden Town Council

8.1 The Town Council objects to the planning application on the following grounds:

1. Change of use.

8.2 The site is currently used for retail purposes and the application seeks to change the use of the site from A1 (shops and retail) to C2 (residential homes for people with particular requirements).

8.3 The Local Plan does not specify any particular use for the site and does not have any specific policies on change of use of non-town centre or rural retail facilities. Therefore, the National Planning Policy Framework must be referred to, in order to determine

whether the change of use of the site which is proposed represents sustainable development.

8.4 The site is currently used for comparison (i.e. non-food or other convenience goods uses). The Uttlesford Retail Study Update May 2018 makes the following conclusions on the need for comparison shopping retail space at Para 7.13: "The need for additional floorspace is already apparent with a requirement of 4,973m² net by 2016 and 5,370m² net by 2026."

8.5 The study took into account the site as being A1 use, thus the loss of A1 use on the site would serve to increase the need for additional floorspace.

8.6 Section 7 of the NPPF "Ensuring the vitality of town centres", sets out very specific policy guidance on the matter of suitable locations for retail space. The NPPF sets out a very clear policy preference for retail facilities using a sequential test - preference must be given to town centre sites, following these, edge of centre sites, and finally out of centre sites are last resort.

8.7 The Retail Study Update 2018 concludes that the town centre of Saffron Walden does not have the premises to accommodate the required additional 5,370m² of comparison retail space (and even less 5,370m² + the size of Homebase), and nor are there any suitable edge of centre sites identified, or indeed any sites within the town development limits. Any new retail development of the size identified by the Retail Study must necessarily therefore be out of town.

8.8 The application site is well within the town and thus would, according to the NPPF, take precedence over an out of town site. Because of the identified need for retail premises, if permission were to be granted, the effect would be to change a required retail site from within town to out of town, in clear opposition to the policy direction of the NPPF.

8.9 Therefore, it is not appropriate to change use of this site away from A1 use. The NPPF is silent on the matter of suitable locations for care homes. The Applicant has stated that there is a need for further care home provision; this need was not tested but was assumed to be correct. There is however no policy direction for care homes to be within town rather than out of town in either the Local Plan or the NPPF.

2. Lack of parking.

8.10 The site proposes 30 parking spaces. Essex Parking Standards require 1 space per member of staff and 1 space per 3 beds for visitors. There is no case for relaxing the parking standards because public transport in Saffron Walden is inadequate for the purpose of providing an alternative means of travel for staff working 7 days per week over 3 shifts a day, or for visitors.

3. Lack of green space

8.11 The site provides inadequate levels of green space for residents. The site lays the green space around the edge of the site, and particularly places almost all of the green space along the busy Ashdon Road frontage, which was considered to be an unsustainable location for it.

9. CONSULTATIONS

9.1 **CADENT GAS**

In proximity to Cadent and/or National Grid apparatus, which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons.

9.2 **UK POWER NETWORK**

Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

9.3 **ECC SUDS**

Dated 8th February 2019

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

- A safety factor of 2.0 must be applied within the micro drainage calculations.
- It is not clear whether or not all the runoff entering the infiltration tanks percolates through the above soil consequently receiving treatment. The treatment for the site should be explained in further detail to fully identify how the water is captured and treated before infiltrating.

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

Dated 21 February 2019

Following additional information being sent;

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

9.4 **AFFINITY WATER**

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

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

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

9.5 **ECC HIGHWAYS**

From a highway and transportation perspective the impact of the proposal is

acceptable to the Highway Authority subject to conditions.

9.6 **ECC ECOLOGICAL**

No objection subject to securing biodiversity mitigation and enhancement measures.

9.7 **ANGLIAN WATER**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The foul drainage from this development is in the catchment of Saffron Walden Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a foul water connection point. We therefore request a condition requiring on-site drainage strategy.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Recommend the following condition if the application is recommended for approval;

Condition: Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of

any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding

9.8 ENVIRONMENTAL HEALTH

Air Quality

The proposal site lies just beyond the eastern boundary of Saffron Walden Air Quality Management Area, declared due to the likelihood of exceedances of national air quality objectives for nitrogen dioxide at some junctions within the town centre. An air quality assessment prepared by SLR Consulting Ltd has been submitted to evaluate the potential changes to traffic related pollutants as a result of the proposal, also the impact of air quality on future residents, and the impact of the construction phase.

The assessment utilises the findings of the submitted Transport Statement, which predicts there will be a net reduction in vehicles accessing the local road network of 133 vehicles each day, including one less vehicle over 3.5t, as a result of the change of use. A beneficial impact on air quality has therefore been predicted. It is not clear whether account has been taken of the potential for diverted trips to Thaxted Road or beyond the town to access retail outlets of a similar nature to Homebase, however the overall conclusions of the report are accepted. Based on UDC monitoring of air quality in the locality, future residents would not be exposed to levels of pollutants approaching national objectives.

In view of the proposal to demolish the existing warehouse, it is recommended that a condition to require submission of a detailed Construction Environmental Management Plan (CEMP) prior to development, to protect nearby residents and adjacent businesses from dust and particulates. The plan must be agreed by the Council prior to works on site commencing and adhered to throughout the development phase. Otherwise an Informative is recommended to advise that the construction phase should be carried out in accordance with the UDC Code of Development Practice.

The proposal includes the provision of covered storage for 10 cycles to support non car travel of staff and visitors, and it is recommended that this is conditioned in any approval. In addition, it would be good practice to support the use of low emission vehicles by provision of a parking space with an electric vehicle charge point.

Contaminated Land

The site has the potential to be contaminated as a result of historic use, infilled land and the presence of an off-site electrical substation adjacent to the northern boundary. A Phase 1 Environmental Site Assessment has been carried out by WDE Consulting to identify potential sources, and concludes there is a low to moderate risk from contamination.

Further assessment of the sources by way of intrusive investigation and sampling is required, followed by evaluation the risk to all receptors, and remediation if found to be necessary.

The following conditions are recommended :

1. No development (with the exception of demolition works to facilitate the site investigation) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall be based on the findings of the Phase 1 Environmental Site Assessment prepared by WDE Consulting, and shall assess any contamination on

the site, whether or not it originates on the site, and must include:

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

(ii) an assessment of the potential risks to:

human health, the water environment, property (existing or proposed), service lines and pipes, adjoining land and any other receptors identified as relevant.

2. If found to be necessary as a result of condition 1, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.

3. The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report demonstrating that the remediation objectives have been achieved must be submitted to and approved by the Local Planning Authority.

4. In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3. An informative is recommended to require the assessment, evaluation of remediation and validation is be carried out in accordance with Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", available on the UDC website to ensure the process of addressing contamination meets the standards expected by the Council and the Environment Agency.

Noise

Construction Phase

Noise from demolition, earthworks, vehicle movements and machinery may cause loss of amenity to nearby noise sensitive receptors, and mitigation should be set out within a CEMP as referred to above.

Operational Phase

A survey of the prevailing noise environment has been carried out by SLR Consulting Ltd and is reported in the noise assessment. The main sources of noise to which future residents will be exposed to are traffic on Elizabeth Way and Ashdon Road, and to a lesser extent Saffron Business Centre to the rear of the proposal.

The survey has concluded that the parts of the site closest to roads are subject to up to 62.0 LAeq16hr. It is proposed that the ground floor bedrooms will have access to outdoor patios, some of which will be located in areas of the site subject to up to 60 dBA. Available guidance suggests that for gardens and patios, it is desirable for the external noise level not to exceed 50 dB LAaqT, or 55 dB LAaqT in noisier environments. Measures to protect residents from undue noise will be therefore be

necessary, for example by provision of close boarded fencing. An acceptable internal living environment can be achieved by the incorporation of double glazing to windows meeting a suitable specification of sound insulation, and where necessary mechanical extract system or trickle vents providing the same degree of acoustic attenuation to allow acceptable ventilation without the need to open windows.

No details are available of the noise to be generated by the proposal, and in order to protect future residents and nearby sensitive receptors from noise generated by fixed plant, for example for air handling, equipment should be designed and positioned to achieve a rating level of 5dB (LAeq) below the typical background level at the nearest noise sensitive location.

The following conditions with regard to noise are recommended :

1. 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 of the acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. 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:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAmax.

Common living rooms (07.00-23.00 hrs) 35 dB LAeq

Details shall be included of mitigation of noise in outdoor amenity areas to meet the guideline level of 55 dB LAeq 07.00 hrs to 23.00 hrs.

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

2. The design, installation and operation of fixed plant shall be such that, when in use, the noise rating level LArTr arising from the plant, measured at the boundary of the nearest noise sensitive premises, shall be 5dB(A) below the baseline background noise level LA90,T measured according to British Standard BS 4142:2014.

Lighting

Lighting associated with the development has the potential to cause loss of amenity to future residents and existing nearby light sensitive development. A controlling condition is therefore recommended :

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

9.9 ECC INFRASTRUCTURE

Financial contribution is south towards early years and childcare

10. REPRESENTATIONS

10.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result the following points have been raised:

- Asset to the Town
- Concerns Walden is becoming overdeveloped
 - Request for more businesses providing employment for locals.
- Loss of Retail Providing DIY and garden supplies. Town would no longer have a garden centre –not everyone drives and therefore would not have access to a Homebase
 - Loss of local employment for 25 people.
 - Loss for residents
 - Not another available store in Town like it
 - There is an existing several care homes in the area with new apartments for people needing care newly built on Radwinter road
 - Shops and facilities should be preserved to help Saffron Walden remain a thriving town.
 - Nearest equivalent is in Cambridge or Bishops Stortford – a minimum 12 mile/25 min drive or B&Q in Haverhill or to Bishops Stortford adding to traffic.
 - Additional pollution and congestion source
 - For those without access to cars, only able to travel using meagre bus service
 - More purchasing outside of Saffron Walden as shoppers would "make the journey worthwhile and shop outside of the district"
 - Residential development appears to be favoured over commercial activity in town.
 - Ridgeons is excellent but very different type of shop, cannot be accessed by bus.
 - There is extensive supermarket options in town but not for shopping that does not include food.
 - Only other similar shop is Ridgeons which is geared to provide builder's goods to builders not to ordinary residents and only open weekdays, with only a few operational hours on Saturday mornings.
 - Store has extended hours which is useful for commuters
 - Only option for those unable to order online from other retailers.
 - Additional deliveries and congestion in comparison
 - Concerns retail outlets are not being prioritised as a need
 - One of Homebase's most successful stores
 - Only store available for DIY goods and sells more than DIY materials.
 - More houses will also promote more people using businesses in town.
 - There are also new private care homes in Dunmow and a Bupa care home
 - Concerns over the town becoming bigger with new houses occupied by younger people and therefore a need for more shops such as Homebase rather than an old people's home.
 - On-site parking is ideal for customers to load the heavier and bulky DIY and gardening purchases
 - More difficult when parking and carrying from town centre shops
 - Contributing to number of trips made in the car out to another town to shop
 - Only store in the local area catering for the average, non-commercial customer
 - Add to current levels of congestion
 - Care homes are unnecessary
 - Plenty of demand for the existing commercial site and little for care homes
 - Only will increase value of site for developer and would be a detriment to the local community

- Homebase are charitable to local charities including schools and hospitals
- Closure of local business does not support local community
- Currently serves Saffron Walden and neighbouring villages
- Reduction in infrastructure available for an already expanding local population
- Only DIY and garden supply centre in town and surrounding area which is continuously used and profitable
- Loss of Homebase would have a negative impact on attraction of Saffron Walden as a shopping facility
- Too many shops in town have closed already
- Impact on demographics of area
- Town has been overloaded with too many housing developments
- Reduced encouragement to shop locally
- Losing a well-used store that supports the local community
- High street is felt to be dying
- lack of parking for the new care home
- Increase of traffic and congestion
- Previous severe down-scaling at the nearby Ridgeon's outlet has resulted in Homebase being the only store of its type in Saffron Walden
- Further burdens placed on local social care and health services which are already stretched to capacity
- Homebase is profitable
- Demand for care homes can be met elsewhere
- Homebase has served the community for 20 years and needs to continue as the town and surrounding areas expand
- Excellent parking facilities and is well served by public transport
- Walking distance of all major housing developments
- Force customers to travel out of town to get items
- Lack of commercial properties already in Saffron Walden
- Requesting assurances that access to Saffron Business Centre is maintained at all times allowing clear access for HVG traffic during the redevelopment works and once the site is operating as intended.
- Seeking assurances that all utilities to the Saffron Business Centre are not disrupted during the redevelopment works, including electric, water, sewage, gas supplies and telephone/broadband services as these are essential to all the businesses operating within this area
- Property developers should not be prioritised
- Housing is being built across the town but shops and infrastructure do not keep up with it
- Closure of a financially viable unit where others have closed
- Insufficient brownfield sites in Saffron Walden for further growth
- Traffic
- Concerns that closures such as this will promote online shopping rather than support high street shops
- Saffron Walden will be left with a plethora of charity shops and knick-knack shops
- Questioning whether another care home is needed
- three storey high would be intrusive
- Outdoor area for residents to sit in is insufficient
- Fears that there has been a level of overdevelopment in this side of town, as deer and foxes are entering into residential gardens due to lack of natural habitat.
- Lack of diversity of shops – no longer a market town as there is "nothing but

coffee shops, estate agents and novelty shops.

- Concerns there is not a thought to keeping trade in town
 - Lack of open green space
 - More Commercial Properties required
 - There is a demand for DIY and general household items
 - Increased vehicle use
 - Contributes to the general decline of the shopping choices in town
 - Another business site disappearing from town
 - Loss of more business will turn town into a commuter town
 - More traffic trying to get in and out of town at peak periods and more pollution
 - Town is expanding at a high rate and needs to be provisioned
 - Health and safety concern for residents.
-
- Lacks infrastructure for any new living facilities
-
- UDC should protect successful retail locations
 - Affordable shopping destination
 - Tradesman would lose a source from which to buy their materials locally
 - Saffron Walden has become overdeveloped
 - Land has been designated for commercial use
-
- "chaotic parking and access problems in Ashdon Road"
-
- Loss of a useful amenity in town
-
- Loss of retail employment
-
- Will have an adverse impact on other businesses
 - Worry that there will be an accumulation of homes with no amenities
 - Vulnerable members of society have different needs : nursing, dementia, long-term illness
 - Ageing population
 - Would like to ask if homes will be given to the NHS for patients to have better end of life care
-
- Concerns that housing is overtaking local amenity provisions
 - Infrastructure and sustainability should be the priority
 - Reduces commercial attractiveness and viability of town whilst
 - insufficient car parking for scheme
 - Increase air and noise pollution
 - Change in demographic for the town
 - Care home staff shortages
 - Lack of integration
 - town will turn into an overcrowded and under-provisioned place
 - Negative ecological and economic effects
 - Not an ideal location scheme, maybe better located at the edge of town
 - scheme should have more greenery for residents
 - Site is already in a crowded residential area should be a mix of retail leisure and shopping facilities
-
- Dwindling footfall in Saffron Walden, would deprive the town of even more services
 - Strain on carers and nursing services

- Town is catering to an older demographic, no balance, town for the young as well as old
- Care UK feels that a facility needs to be implemented which specialises in dementia or palliative care in Saffron Walden
- Research undertaken by Healthcare Property Consultants confirms that Saffron Walden and the surrounding area is currently 75 en-suite care beds short to meet demand, this is set to rise to 100 by 2020. The delivery of a further 68 en-suite beds would be a significant addition
- 22% of the population in Uttlesford will be over 65 by 2025
- This specialist residential dementia care home meets a demand that has been identified unlike the five others nearby which provides mixed housing.
- Provide 60 full time jobs
- Affected by dust and construction noise
- Feels a care home will not be an improvement to the existing infrastructure
- Classist issue as the lower class cannot afford the items elsewhere
- Over-development and the influx of people
- Lower employment opportunities
- Economic benefit as it is a draw to the town
- An employee at Homebase for 14 years
- parking facilities for construction vehicles.
- Noise and nuisance during construction
- Concerns regarding the market town not having the network capacity to handle such growth in population numbers
- Have a knock-on effect to other businesses
- Loss of amenity
- Feels town has too many clothes shops and not enough like Homebase
- Good access for disabled people
- Care homes add pressure on GP's and other public services
- Feels the new house builds contain nothing that reflects the needs of society or a community – shops, pubs, meeting places (secular or religious), entertainment venues etc.
- Lifeline to the elderly and for those who cannot drive
- Great variety of products at fair prices
- Commercial loss to the town
- Loss of service
- Detrimental to town's economy
- Town is "dying"

11. APPRAISAL

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

- A Principle of Development**
- B Design & Amenity**
- C Transport & Air Quality**
- D Flooding**
- E Infrastructure**
- F Biodiversity**
- G Contamination**

A Principle of development

11.1 The Draft Local Plan has progressed through the examination process and carries some but limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development.

11.2 The proposed development would be on a brownfield site within development limits and therefore in accordance with Local Plan Policy and the NPPF in this respect

11.3 The NPPF sets out a presumption in favour of sustainable development. This is reflected in emerging draft Policy SP1.

11.4 The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.

Economic strand;

11.5 The NPPF identifies this as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

11.6 The existing use on site is not classified as 'employment' however it is a viable use and a busy retail store which directly employs a number of people. This is evident from the number of representations which have been received objecting to the application (approximately 828 letters). The proposed development will also similarly employ people and use external services but is also not classified as an employment use. The proposed development is stated would employ 58 full time staff. No information has been provided in terms of the current number of employees.

11.7 There are a number of care homes within and near Saffron Walden and there are alternative locations which have had the principle approved or a care home (UTT/13/3467/OP) which has not been implemented. There is also current discussions with a care provider on a vacant marketed site in Saffron Walden. A large care village was granted planning permission and is in the process of being developed in Newport (planning reference number UTT/16/0459/OP). This provides "*Outline planning application for the redevelopment of land to the rear of Bury Water Lane with some matters reserved. The detailed element to consist of engineering works to create a new means of vehicular access to the site involving the demolition of the property known as Ersanmine, Bury Water Lane; works within the front gardens of numbers 1 and 2 Hillside for visibility splay improvement; and associated upgrade works at the junction with Bury Water Lane. The outline element to consist of the development of a residential care home facility (up to 50 beds) together with an extra care development (up to 90 units comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated*

landscape works; and ancillary works and structures." The reserved matters approved "Reserved Matters (appearance, landscaping, layout and scale) pursuant to UTT/16/0459/OP for a 40 bed care home facility and 81 extra care units plus associated communal facilities; vehicular parking; internal roads and footpaths; and ancillary works and structures" under reference UTT/17/1561/DFO.

11.8 Planning permission has also been provided for "*Demolition of existing buildings and the erection of part two storey and part three storey building comprising 73 extra care apartments with associated communal facilities, hard and soft landscaping and parking spaces together with single storey sub-station to serve application and adjacent site*" (UTT/14/3182/FUL) at 119 Radwinter Road Saffron Walden. This has also been recently constructed.

11.9 Due to the above it is considered that there is no justification for the loss of a viable use as a result.

11.10 Whilst there is not specific Local Plan Policy affording protection to a retail use which is not in a town centre, Paragraph 81 of the NPPF states that "*Planning policies should: a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*"

Paragraph 92 of the framework refers to "...the social, recreational and cultural facilities and services the community needs..."

11.11

- o Criterion a, talks about this including "local shops" and other local services to enhance the sustainability of communities and residential environments;
- o Criteria c and d, talk about guarding against "...the unnecessary loss of valued facilities and services..." and "ensure that established shops, facilities and services are... retained for the benefit of the community"

11.12 However, paragraph 121 of the framework criterion a, talks about supporting proposals to "use retail and employment land for homes in areas of high housing demand, **provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework**"

11.13 It is not considered that the proposed development accords with this. The thrust of the NPPF is to support economic development however the application proposes this at the expense of an existing viable use.

11.14 The Uttlesford Retail Study Update 2018 highlights the changes in the retail market in Uttlesford since the 2016 report which has been undertaken. In terms of the comments which have been raised by the Town and Council these are considered to be strong valid points. The Applicant has stated that the loss of the DIY store is catered for by committed developments such as the B & M Store and the existing Ridgeons. The B & M store is in the process of being constructed and fitted out. The Aldi store which formed part of the same planning application in 2013 opened for trading 16th July 2015. B & M and Ridgeons whilst it does sale some similar items each covers a different area of the market and choice. Whilst it has been stated that B & M and Ridgeon's would make up for the lost floor space of the Homebase, the two stores are not considered to be directly comparable to Homebase. Homebase also forms part of the floorspace

which is accounted for in the Retail Study and has its own footfall draw to the town. The Study states that in terms of the **Surplus comparison expenditure in Town Centres 2016 - 2033** in paragraph 6.57 "*Saffron Walden experiences an overall surplus of £14.50m in 2016. This increases to a surplus of £18.88m by 2021, £33.69m in 2026, £35.96 by 2031 and £40.10 by 2033, showing a requirement of significant levels of comparison floorspace peaking at 4,973 m² net in 2026 and 5,370 m² net by 2033.*" The Town Council stated in their representations that "*The study took into account the site as being A1 use, thus the loss of A1 use on the site would serve to increase the need for additional floorspace.*"

11.15 The Town Council goes onto state "*Section 7 of the NPPF "Ensuring the vitality of town centres", sets out very specific policy guidance on the matter of suitable locations for retail space. The NPPF sets out a very clear policy preference for retail facilities using a sequential test - preference must be given to town centre sites, following these, edge of centre sites, and finally out of centre sites are last resort.*"

11.16 *The Retail Study Update 2018 concludes that the town centre of Saffron Walden does not have the premises to accommodate the required additional 5,370m² of comparison retail space (and even less 5,370m² + the size of Homebase), and nor are there any suitable edge of centre sites identified, or indeed any sites within the town development limits. Any new retail development of the size identified by the Retail Study must necessarily therefore be out of town.*

11.17 *The application site is well within the town and thus would, according to the NPPF, take precedence over an out of town site. Because of the identified need for retail premises, if permission were to be granted, the effect would be to change a required retail site from within town to out of town, in clear opposition to the policy direction of the NPPF.*

11.18 *Therefore, it is not appropriate to change use of this site away from A1 use. The NPPF is silent on the matter of suitable locations for care homes There is however no policy direction for care homes to be within town rather than out of town in either the Local Plan or the NPPF."*

11.19 These comments are agreed with in terms of the policy position. This is reflected in Draft Policy RET1.

11.20 Draft Policy RET4 for Loss of Shops and Other Facilities states "*Beyond the defined Town and Local Centres change of use (that require planning permission) of shops and other community facilities including those identified in the list of Assets of Community Value will only be permitted where the applicant can demonstrate that:*
1. There is no significant demand for the facility within the catchment area;
2. The facility is not financially viable;
3. The marketing criteria in Appendix 5 has been met; and
4. Equivalent facilities in terms of their nature and accessibility are available or would be made available nearby."

This has not been demonstrated therefore the proposed development is contrary to Draft Policy RET4.

11.21 The preamble to Draft Local Plan Policy EMP3 for Non-Estate Employment Uses states

"A significant number of employment uses in the District are not on industrial estates, which reflects the predominantly rural and dispersed nature of the District. Examples include factories or storage depots in residential areas or situated along main road frontages in towns and villages. Such uses may be relatively small or quite large and make an important contribution to the local economy so it is desirable that they be retained if at all possible. But such uses may come under considerable pressure for redevelopment and a change of use, usually to housing, which realises an enhanced land value. Whilst such pressure will be resisted in the interests of the local economy, there will be certain instances where an exception to this rule is warranted. The following policy sets out the overall approach to such uses and the circumstances in which such exceptions may be acceptable."

11.22 Draft Policy EMP3 states *"Employment sites located outside the identified employment areas but within development limits should be retained for employment use. Exceptions to this may be permitted where the applicant is able to provide demonstrable proof that the employment use is no longer viable. The non-viability of employment uses would need to be proven either by marketing or an independent assessment in accordance with the requirements set out in Appendix 5."*

11.23 Whilst the above policy refers primarily to pure employment uses, Use Class B. This policy is still considered to be relevant.

However, on similar lines the applicant has made reference to Local Plan Policy E2 which states;

11.24 *"The following key employment areas identified on the Proposals Map will be safeguarded from redevelopment or change of use to other land-uses:*
a) Existing employment areas of 1.0 hectares and over located within the main urban areas of Great Dunmow, Saffron Walden and Stansted Mountfitchet;
b) Existing employment areas of 0.5 hectares and over in the key rural settlements of Elsenham, Great Chesterford, Takeley and Thaxted;
c) The sites identified in Policy E1;
d) The site at Chesterford Park identified in Policy S5.
e) Stansted Distribution Centre at Start Hill, Great Hallingbury
f) Elsenham Industrial Estate
The development of employment land for other uses outside the key employment areas will be permitted if the employment use has been abandoned or the present use harms the character or amenities of the surrounding area."

11.25 The proposed development is considered to fail on these policies as it is evident from the representations that there is a demand for the existing use; also from representations and site inspection the use appears to be viable and the retailer does not want to leave the site. There are no equivalent facilities in terms of its nature. The application site has not been marketed, there is no submission of an independent assessment of the viability of the existing use and is not in accordance with Appendix 5 of the Draft Local Plan. Whilst it is acknowledged that the initial pre-application had not applied much weight to the above draft policy the pre-application was over a year ago and the Draft Local Plan has since been heard by the Planning Inspector and is undergoing examination, therefore more weight can be applied to the draft policies. It should be noted that the existing site is not abandoned nor is it considered to harm the character or amenities of the surrounding area.

11.26 The applicant argues that the proposed use would create employment therefore there is no harm on this basis and that there are other offers in the area that would cover the loss of the existing retail use. It should be noted that whilst employment opportunities would be created from the proposed development this is not a commercial use nor a typical employment generator and therefore the proposed development is contrary to this element of Local Plan Policy E2. It is considered that the proposed development fails the economic strand of the NPPF in so much as the loss of a viable commercial retail unit and use, and the employment and service it provides in supporting the draw to the Town Centre. There would be a loss of a retail facility which could not be necessarily placed anywhere else in Saffron Walden of that scale, placing unacceptable pressure for new comparison goods floorspace to the detriment of the vitality and viability of the town centre.

11.27 It is stated within the planning statement that the development will help meet the identified care need of 504 care homes places identified in the Care Needs Assessment and that the need for registered care raises with a particular increase in elderly and patients with dementia in Uttlesford. There is an existing shortfall. It is also stated that by people who are in need relocating to such care homes will free up market dwellings. To this extent the proposed development meets the social strain of sustainability.

11.28 In terms of the care unit providing residential accommodation which counts towards housing supply Draft Policy SP3 of the emerging Local Plan its supporting text includes within the housing requirement, growth in communal establishments (see paragraph 3.61). The plan therefore proposes to count growth in communal establishments (e.g. C2 care homes) as part of the housing requirement.

11.29 The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. Following the publication of the revised NPPF in March 2019 and the updating of the Planning Practice Guidance, the Council can demonstrate a 3.29 year housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years.

11.30 There are objections to the principle of including growth from this source within the housing requirement. Furthermore, there was discussion as to the appropriateness of the inclusion of communal establishments as part of the housing requirement at the LP hearing sessions in July. The Inspectors examining the Local Plan are yet to give their views on this (or any other) element of the Local Plan. This will impact on the weight that can be attached to this proposal in the emerging Local Plan, in line with paragraph 48 of the NPPF 2019.

11.31 Within the Planning Statement it is highlighted that "*The site is currently occupied by a DIY retail warehouse trading as Homebase. The site is occupied on a leasehold basis only, and the applicant is the freehold owner of the site. The lease extends to December 2020. The applicant is pursuing alternative uses for the site having regard to a number of market considerations, including uncertainty over the longevity of the Homebase business.*"

11.32 The Planning Statement quoted Paragraph 121 of the NPPF which states that "*local planning authorities should also take a positive approach to applications for alternative*

*uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, **provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework**" and "The National Planning Policy Guidance (NPPG) (supporting the NPPF) places significant emphasis on housing for older people. The NPPG recognises the need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing. It goes on to advise that the NPPF glossary provides a definition of older people for planning purposes, and recognises their diverse range of needs. This ranges from active people who are approaching retirement to the very frail elderly. It is acknowledged that the health and lifestyles of older people will differ greatly, as will their housing needs. Strategic policy-making authorities will need to determine in relation to their plan period the needs of people who will be approaching or reaching retirement as well as older people now (020 Reference ID: 2a-020-20180913)."*

Draft Policy H11 relating to Specialist Housing seeks the following;

"Specialist housing is defined as accommodation, which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults, and may include some elements of care and support for everyone who lives there. Proposals for specialist housing will be permitted within development limits providing that all the following criteria are met:

- 11.33
- 1. Everyday services that users would expect to access, such as shops and health services should be available on site or should be located close by and be able to be accessed by a range of transport modes;*
 - 2. Parking should be provided in line with the Council's approved standards;*
 - 3. There is an appropriate level of private amenity space to meet the needs of residents.*

Sites beyond development limits will be favourably considered if in addition to the above criteria:

- 4. The site adjoins a settlement;*
- 5. The setting of existing buildings, the natural and historic environment and the character of the area are protected;*
- 6. The development would not have an overbearing effect or cause disturbance to neighbouring properties; and*
- 7. There would be no material overlooking or overshadowing of neighbouring properties."*

- 11.34
- The Planning Statement confirms that in relation to criterion 1, the site is extremely well located to the range of services and facilities available in Saffron Walden, including shops and health care provision. These services can easily be accessed on foot, via a well-maintained network of footpaths and pavements. Due to the nature of the care facilities provided, it is not anticipated that the residents will be making any day to day trips from the care home, however these services and amenities will be important to both staff and visitors. In relation to criterion 2, the proposed development makes provision for 30 car parking spaces including 2 disabled parking bays, as well as provision for an ambulance bay and delivery bay. The parking standards for the

development are contained in the Essex County Council Parking Standards (September 2009). For a residential care home (C2) the parking standards set a maximum requirement for vehicle parking of 1 space per full time equivalent staff as well as 1 visitor space per 3 beds.

11.35 Whilst the proposed development may comply with the 3 criteria set out under draft Policy H11 the proposed development does not comply with other aspect of policy as discussed above. This is considered an issue particularly as there are alternative sites available that the proposed use could be located within Saffron Walden. The proposed development provides some weight in fulfilling the social strand of the NPPF.

11.36 The environmental element of the NPPF will be discussed below.

Design & Amenity

Local Plan Policy GEN2 states that "*Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.*

- a) *It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;*
- b) *It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;*
- c) *It provides an environment, which meets the reasonable needs of all potential users.*
- 11.37 d) *It helps to reduce the potential for crime;*
- e) *It helps to minimise water and energy consumption;*
- f) *It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.*
- g) *It helps to reduce waste production and encourages recycling and reuse.*
- h) *It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.*
- i) *It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing"*

11.38 Policies GEN4 and GEN5 of the Local Plan seek to protect the amenity of neighbouring existing and future occupiers, together with the amenity of the locality and surrounding area.

11.39 The NPPF states that high quality design and a good standard of amenity for all existing and future occupants of land and buildings should be secured.

11.40 Draft Policy D1 states "*All new development in Uttlesford should contribute to the creation of high quality places through a design-led approach underpinned by good design principles and reflecting a thorough site appraisal. Development proposals should be informed by Building for Life 12 and other good practice principles, including the Essex Design Guide. All buildings, spaces and the public realm should be well-designed and display a high level of architectural quality which responds positively to local context. Development should refer to Secured by Design principles to reduce crime and encourage safer communities. Proposals for new development should seek to optimise the capacity of the site by responding appropriately to the scale, character and*

grain of the existing built form. Proposals should also demonstrate how they respond to the landscape, local and longer-views and the natural and historic environments.

Development should integrate well with existing neighbourhoods, positively contributing to the public realm and street environment, creating well connected, accessible and safe places. Development should provide for a rich movement network and choice of routes.

Development should result in healthy places which prioritise active travel and provide opportunities for and access to facilities for sport and physical activity.

All development within residential and mixed use areas, including town and local centres, should have active frontages, particularly at street level, and provide a clear distinction between areas of public and private realm. Proposals for new development should demonstrate how they respond to and enhance the amenity value of an area through consideration of matters such as overlooking, natural light, micro-climate, outlook and amenity space. Equally, proposals for new development should meet the nationally described space standards(49)and the necessary dwelling mix, privacy, daylight and sunlight for future occupiers.

New buildings should be designed with flexibility and adaptability in mind, so that they can respond to changing social, environmental, economic and technological needs. New development should be designed such that it does not prejudice future development or design of adjoining sites. Consideration should be given to smart technology solutions that support high quality design outcomes.

In residential neighbourhoods and mixed use areas, including town and local centres, the townscape impacts of any large floorplate developments will be minimised through incorporation of finer grain frontages that wrap around the larger unit. This approach also applies to large surface and multi-storey car parks as well as servicing areas in these locations."

11.41 The existing DIY store adds little to the character of the area so the site's redevelopment offers an opportunity for improvement. The proposed design approach has a traditional basis with contemporary elements, which would to some degree harmonise with the residential character of the surrounding area.

11.42 68 Bedrooms arranged over two and a half stories together with 30 parking spaces to include 1 ambulance, 1 delivery and 2 disabled bays together with associated landscaping. The existing access will be utilised as part of the new scheme. Whilst the ground levels of the application site vary and a majority of the site is sunken below ground level and the impact of essentially the three storey building would be mitigated when viewed from Ashdon Road and Elizabeth Way.

11.43 However the ground levels appear to run away from north to south. The residential properties on Elizabeth Close appear to be on a lower ground level in relation to the application site. It is evident from the site visit that the properties on Elizabeth Close were designed in consideration of the current building on site.

- 11.44 It is stated within the Planning Statement that the design of the proposed development has evolved reflecting the local vernacular and cues from the neighbouring properties using a modern choice of materials.
- 11.45 It is stated that the varied eaves and ridge heights together with the use of materials helps to break up the overall mass and bulk. Whilst it is considered that this has helped to a degree following a site inspection it is considered that the size and scale of the proposed development would be visually intrusive and overbearing at three storeys opposite the existing residential dwellings, along Elizabeth Close. This is contrary to Policy GEN2 of the Local Plan and Paragraphs 217, 130 and 131 of the NPPF and Draft Policy D1.
- 11.46 Despite the distances between the proposed development and the existing residential dwellings located on Elizabeth Close, it is considered that due to the size, scale, design of the proposed development, the ground levels and the introduction of a significant number of windows particularly to the southern elevation this would be overbearing heightening the perception of overlooking to the detriment of the residential and visual amenity of the residential occupiers of the properties on Elizabeth Close. This is contrary to Policy GEN2 of the Local Plan and Paragraphs 217, 130 and 131 of the NPPF, and Draft Policy D1.
- 11.47 It is proposed that the existing trees on site would be incorporated into a wider landscaping scheme on site. It is outlined within the planning application that there would be series of garden spaces for the residents to enjoy, including sensory garden, growing areas and communal areas. These appear to be small providing little meaningful provision both to the future residents of the scheme considering the number of beds which are proposed and also in terms of providing softening of the development. However, based on the nature of the use this is insufficient to warrant the refusal of the application. This aspect is in accordance with Policy GEN2 and GEN7 of the Local Plan.
- 11.48 It is unclear from the application what the boundary treatment would be along Ashdon Road and Elizabeth Way and the potential for overlooking into the development and gardens from the public footpath. However, this could be conditioned should planning permission be granted.
- 11.49 The Design and Access Statement highlights that a lighting scheme would need to be carefully considered, but no details have been submitted as part of the application. No objections have been raised by Environmental Health subject to conditions seeking further details should planning permission be granted.
- 11.50 It has been highlighted in the planning submission that the proposed scheme would be energy efficient in its design in terms of lighting, reducing water runoff, minimise the water consumption by providing high efficiency showers and enhancing the sound and thermal insulation use.
- 11.51 The proposed development would meet 'Secure By Design' criteria where appropriate, such as;

- The perimeter of the site must be clearly defined;
- CCTV can be used where appropriate;
- Lighting; External areas must be illuminated;
- Bin Stores; Bins must be kept in a secure store;
- A covered cycle store is provided near the main entrance;
- Landscaping; any planting must be low level and not interfere with CCTV or lighting;
- Access Control; access controls fitted within the building e.g. Fob, swipe card, keypad;
- Doors and windows must meet standards and specification of Secured by Design

11.52 The proposed building will provide new facilities to current standards. Design Criteria include Part M: 2004 of the Building Regulations and BS: 8300, plus guidance from the Centre for Accessible Environments. The totality of the proposals will provide accessible facilities for all residents, visitors and staff, including those with disabilities and this also particularly due to the nature of the proposed use of the building as a care facility. This aspect is in accordance with Policies GEN1 and GEN2 in terms of accessibility.

11.53 In terms of noise nuisance a Noise Assessment has been submitted as part of the application.

11.54 Environmental Health stated that there is likely to be disturbance during the construction works and from the details provided the anticipated noise levels appeared to be above what is considered to be acceptable. The EHO has suggested "*measures to protect residents from undue noise will be therefore be necessary, for example by provision of close boarded fencing. An acceptable internal living environment can be achieved by the incorporation of double glazing to windows meeting a suitable specification of sound insulation, and where necessary mechanical extract system or trickle vents providing the same degree of acoustic attenuation to allow acceptable ventilation without the need to open windows.* No details are available of the noise to be generated by the proposal, and in order to protect future residents and nearby sensitive receptors from noise generated by fixed plant, for example for air handling, equipment should be designed and positioned to achieve a rating level of 5dB (LAeq) below the typical background level at the nearest noise sensitive location." As a result the EHO raised no objections subject to conditions

regard this in accordance with Policies GEN2 and GEN4 of the Local Plan and Draft Policies D1 and EN17.

C Transport & Air Quality

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

- 11.55
- a) *Access to the main road network must be capable of carrying the traffic generated by the development safely.*
 - b) *The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
 - c) *The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
 - d) *It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.*
 - e) *The development encourages movement by means other than driving a car."*

- 11.56
- Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

Emerging Draft Policy TA1 states the following;

"Development and transport planning will be co-ordinated to reduce the need to travel by car, increase public transport use, cycling and walking and improve accessibility and safety in the District while accepting the rural nature of the District. The overall need to travel (especially by car) to meet the day to day service needs will be minimised. Development proposals will be located in close proximity to services and make use of sustainable forms of travel (walking, cycling and public transport) to fulfil day to day travel needs as a first requirement. To achieve this:

- 11.57
1. *The capacity of the access to the main road network and the capacity of the road network itself must be capable of accommodating the development safely and without causing severe congestion;*
 2. *Development will maintain or improve road safety and take account of the needs of all users, including mobility impaired users;*
 3. *New development should be located where it can be linked to services and facilities by a range of transport options including safe and well-designed footpaths and cycle networks, public transport and the private car;*
 4. *Development should be located where it can provide safe, attractive, direct walking and cycling routes between new developments and schools/ other community infrastructure, together with appropriate design for these new facilities that encourages and delivers sustainable travel;*
 5. *Existing rights of way, cycling and equestrian routes (designated and non-designated routes and, where there is evidence of regular public usage, informal provision) will be protected and, should diversion prove unavoidable, provide suitable, appealing replacement routes to equal or enhanced standards ensuring provision for the long-term maintenance of any of the above;*
 6. *A Transport Assessment will be required on all developments creating significant impact on the highway to assess the impact and potential mitigation required; and*
 7. *Appropriate and safe networks, as defined by the Essex Local Transport Plan, will be provided to allow for increasingly independent travel by vulnerable road users to allow*

such individuals to provide for their own travel needs."

11.58 Draft Policy TA2 amongst other things seeks *"Sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks. Priority should be given to cycle and pedestrian movements and access to public transport....."*

11.59 Emerging Draft Policy TA4 amongst other things seeks *"...The District Council will continue to work with Essex County Council to deliver transport measures in Saffron Walden to support movement across town and more sustainable travel behaviour especially to provide opportunities for traffic to avoid the centre."* The securing of infrastructure delivery to address cumulative impacts and the needs from the development is highlighted in Draft Policy INF1.

11.60 Paragraph 109 of the NPPF states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

11.61 A Transport Statement has been submitted as part of the application.

11.62 The site is in a sustainable location close to existing residential areas, employment and local facilities. Saffron Walden is the largest town in the District and it is considered to be sustainable as there are bus routes which are located and going through Saffron Walden. There are opportunities for sustainable travel however the bus stop on Ashdon Road provides a limited service and the site is a distance from the town centre there at approximately 1.1km. The TS highlights that there are additional bus stops are located some 200-metres to the north of the site on Ashdon Road and 300-metres south of the site on Radwinter Road, which provide a varied bus service. It is also stated within the TS that *"the application site is located 4.9-kilometres north-east from the train station Audley End and is therefore within the 5 kilometres acceptable cycling distance, as well as on the route of the bus services 60 and 301 running by the application site"*. However, due to the nature of the use it is highly likely that the main mode of transport would be via private vehicle.

11.63 It is stated that the proposed development would result in a reduction in trip generation by 133 vehicle trips. The TS provided the following table in terms of existing vehicle movements which is based on other Homebase sites;

Table 5-2 - Existing Multi-modal Trips

Trips Time	Arrivals				Departures			
	Vehicles	Walk	Cycle	PT	Vehicles	Walk	Cycle	PT
07:00-08:00	1	0	0	0	0	0	0	0
08:00-09:00	3	0	0	0	2	0	0	0
09:00-10:00	7	1	0	0	6	1	0	0
10:00-11:00	10	1	0	0	9	1	0	0
11:00-12:00	12	2	0	1	14	2	0	1
12:00-13:00	13	0	0	0	14	0	0	0
13:00-14:00	15	0	0	0	13	0	0	0
14:00-15:00	11	0	1	0	12	0	1	0
15:00-16:00	14	1	0	0	12	1	0	0
16:00-17:00	9	0	0	0	8	0	0	0
17:00-18:00	8	0	0	0	8	0	0	0
18:00-19:00	3	0	0	0	4	0	0	0
19:00-20:00	3	0	0	0	5	0	0	0
Daily Trip Rates:	110	5	1	1	119	4	1	1

11.64 The proposed use is indicated to provide the following movements;

Table 5-3 - Predicted Multi-modal Trips

Detail	No. movements per week	Type of vehicle
Staff movements	See Table 5-4	Cars
Medical visitors	5	Cars
Hair dressers	2	Cars
Maintenance workers	3	Maximum of a transit van
Visitors	35	Cars
Waste (black bin & clinical)	2	Rubbish trucks
Food – large delivery	1	Large van / truck
Food – small delivery	5	Small vans
Cleaning supplies delivery	0.5	Maximum of transit van
Total Per Week	53.5	
Total Per Day (/7)	8	

Table 5-4 – Staff By Shift- Proposed Care Home

Job Role	Staff Shifts			Typical Office Staff
	Morning	Afternoon	Night	
Care Home Manager	0	0	0	1
Clinical Lead / RGN / RMNs	1	1	1	1
Care Team Leaders	4	4	3	0
Senior Carer	1	1	0	0
Care Assistants	9	9	5	0
Chef/Kitchen assistants	2	2	0	1
Housekeepers / Domestic Staff / Handyman	2	2	0	2
Laundry	1	1	0	0
Administrator / Receptionist	2	2	0	0
Shift Total	22	22	9	5

'Typically only 50% of employees drive directly to work, the remainder commute via alternative means of transport or car share'

11.65 A sensitivity test has also been applied in order to provide comfort in the impact of the proposed development upon the highway network. Nonetheless, no objection has been raised by ECC Highways. Therefore the propose development is acceptable in this respect in accordance with Local Plan Policy GEN1, and Draft Policies TA1, TA2, TA4 and paragraph 109 of the NPPF.

11.66 In terms of car parking Local Plan Policy GEN8 seeks that scheme accord with the parking standards, with regards to this development it is The Essex Parking Standards (2009). This is reflected in Draft Policy TA3.

11.67 The applicant's Planning Statement highlights that the Parking Standards are some eight years old and are in the process of review by Essex County Council. For a residential care home (C2), the parking standards set a maximum requirement for vehicle parking of 1 space per full time equivalent staff as well as 1 visitor space per 3 beds.

11.68 The parking spaces fall below parking standards. It is stated within section 5.39 of the Planning Statement that *"In addition to the specialist input from Calibro, advice has been taken from SLR who regularly provide professional services to Care UK. The operational characteristics of Care UK's homes across the country, demonstrate that the level of parking as set out in the ECC Vehicle Parking Standards is far in excess of*

what is required.

5.40 The detailed arguments and the rationale for the calculation are set out in Appendix C of the Transport Statement. It is estimated that the care home will employ approximately 58 members of staff, working across different shift patterns. Based on working patterns and detailed evidence from other sites, SLR have estimated that 23 car parking spaces will be an appropriate and robust level of car parking.

5.41 A number of factors should be noted in relation to Care UK parking provision, including:

- The residents do not have access to private cars*
- The car parks essentially operate as staff car parking with occasional use by visiting relatives*
- Typically, only 50% of employees drive to work, with the remainder commuting via alternative means of transport including car share*
- Shift changeovers generally occur over a 30-minute period*
- The car parks are in use 24-hours per day*
- Visitor parking demand peak tends to be different to staff peak activity*

5.42 Planning permission was granted by Uttlesford District Council in June 2012 for the erection of a 60-bedroom care home on High Lane, Stansted Mountfitchet (application reference UTT/0310/12/FUL). The care home, which is operated by Care UK, has a total of 25 parking spaces." This has been informed and supported within the Transport Statement. A minimum of 10 cycling bays have been provided as part of the scheme. The Standards seek 1 cycle bay per 5 staff this equates to 12 however a proportion of the staff work on a shift pattern, therefore this element is in accordance with Parking Standards.

11.69 Whilst the proposed parking does not accord with Essex Parking Standards, based on the information submitted and other examples of similar uses in the District the number of parking spaces are considered to be acceptable. However, the parking bay sizes are at an exceptional size of 2.4 x 4.8m. No justification has been provided for this in accordance with the Parking Standards. Whilst a reduced number of parking bays is generally considered acceptable and smaller sizes have been accepted in other cases there would still need to be special reasons why this should be acceptable here which has not been provided. Whilst within the submission the applicants states that 50% of the staff would typically drive to work no form of Travel Plans have been provided as part of the submission to support this nor to ensure a mechanism that this would be the case and that the lack of parking would not be a problem in the long term.

11.70 It is considered that the reduced number of parking bays combined with smaller parking bays is likely to result in on street parking to the detriment of pedestrian and highway safety. It should be noted that even though ECC have not raised an objection to the application UDC are the parking authority. The application is therefore contrary to Local Plan Policy GEN8 and Draft Policy TA3.

11.71 As Saffron Walden has a designated Air Quality Management Area which covers a large area any large scheme such as this has the potential to have an unacceptable impact upon this. An Air Quality Assessment has been undertaken as part of the application submission. This concluded the following;

- The baseline air quality at the Application Site is not predicted to exceed the NO₂ or PM₁₀ AQAL and therefore new residents are not predicted to be exposed to concentrations in excess of the Limit Values;
- With respect to the construction phase, the works are predicted to result in a low to medium risk of dust amenity impacts in the absence of mitigation but with the effective implementation of the defined best practice dust mitigation measures the effects are considered to be ‘not significant’; and
- The proposed development would result in a reduction in vehicle flows as a result of the development; as such the impact on local air quality and the Saffron Walden AQMA would be beneficial.

11.72 *This has been assessed by our Environmental Health Officer. This concluded that "The assessment utilises the findings of the submitted Transport Statement, which predicts there will be a net reduction in vehicles accessing the local road network of 133 vehicles each day, including one less vehicle over 3.5t, as a result of the change of use. A beneficial impact on air quality has therefore been predicted. It is not clear whether account has been taken of the potential for diverted trips to Thaxted Road or beyond the town to access retail outlets of a similar nature to Homebase, however the overall conclusions of the report are accepted. Based on UDC monitoring of air quality in the locality, future residents would not be exposed to levels of pollutants approaching national objectives." It has been suggested that a Construction Management Plan, cycle bays and electric vehicle charging points be conditioned should planning permission be granted. No objection has been raised in terms of air quality, therefore this part of the application is in accordance with Policies ENV13 and Draft Policy EN 15, and in accordance with Paragraph 181 of the NPPF.*

D Flooding

11.73 Local Plan Policy GEN3 seeks the protection of functional floodplains and buildings would not be permitted unless there is an exceptional need. It goes onto state "*Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.....Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance.*"

11.74 Draft Policy EN10 for minimising Flood Risk takes a stronger approach in terms of minimising flood risk in line with more up to date national policy, such as the NPPF. It states that "*All new development will need to demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management.*"

11.75 Draft Policy EN11 seeks for SuDS to be submitted that would provide optimum water

run-off rates and volumes taking into account relevant policies and legislation, without creating a risk of bird strike compromising the safety of operations of London Stansted Airport or risking archaeological assets.

11.76 Due to the scale of the proposed development a Flood Risk Assessment has been undertaken and submitted as part of the application, in accordance with Policy requirements. The application site falls within Flood Risk Zone 1 where there is low probability of flooding from tidal or fluvial sources. The assessment has been undertaken to demonstrate that the proposed development would not increase the risk of flooding outside of the application site. Due to the nature of the use it is classified as a more vulnerable land use.

11.77 The FRA highlighted that there were no material flood risks to the site that were identified. SuDs infiltration techniques are stated would be used however this would need to ensure that no ground water pollution would result from this. It is stated within the report that should infiltration not be possible then surface water would be disposed via private drainage connection

11.78 Both ECC SUDs and Anglia Water have been consulted of the planning application. ECC SUDS have issued a holding objection subject to the following;

- A safety factor of 2.0 must be applied within the micro drainage calculations.
- It is not clear whether or not all the runoff entering the infiltration tanks percolates through the above soil consequently receiving treatment. The treatment for the site should be explained in further detail to fully identify how the water is captured and treated before infiltrating.

11.79 Additional information was submitted and ECC SUDs had removed their objection subject to conditions.

Anglia Water have also raised concerns stating that the "*Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a foul water connection point. We therefore request a condition requiring on-site drainage strategy.*

11.80 *The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an*

effective surface water drainage strategy is prepared and implemented." A condition has been recommended if planning permission were to be granted.

- 11.81 As a result of the above the development is in accordance with Policy GEN3 and draft Policies EN10 and EN11, also Paragraph 163 and 165 of the NPPF.

E Infrastructure

- 11.82 Local Plan Policy GEN6 states that "*Development will not be permitted unless it makes provision at the appropriate time for the community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of the developments necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority.*"

- 11.83 Whilst a Travel Plan is considered should be submitted as part of the application this has not been requested by ECC Highways.

- 11.84 ECC Education have sought a financial contribution towards early years and childcare. Due to the nature of the proposed use and number of staff this is considered to be unacceptable as such contributions are already sought from residential developments and to seek a contribution for such commercial activities would be double counting.

- 11.85 Based on the above, the nature of the use and statutory representations which have been received no mitigating infrastructure is required, in accordance with Policy GEN6 of the adopted Local Plan.

F Biodiversity

- 11.86 Local Plan Policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. This is in line with draft Policy EN7.

- 11.87 Based on the nature of the site and that the existing landscaping would be incorporated and enhanced no ecological survey was required apart from the submission of a Biodiversity Checklist. ECC Ecology have been consulted of the application and have raised no objection subject to securing biodiversity mitigation and enhancement measures. The application accords with adopted Policy GEN7 and Draft Policy EN7, together with Paragraph 175 of the NPPF.

G Contamination

- 11.88 Draft Policy EN12 and EN14 seek the prevention of water contamination. Draft Policy EN16 seeks for Risk Assessments to be undertaken and submitted as part of applications and then should planning permission be granted the sites remediated to reduce the potential of the risk of pollution of controlled waters including ground water. This is also reflected in Policy ENV14 of the adopted Local Plan.

- 11.89 Section 15 of the NPPF seeks the protection and enhancement of the natural and local

environment. It seeks the prevention of pollution of the water environment and the remediation and mitigation of contaminated land

11.90 Phase 1 Contamination reports have been undertaken as part of the application and have been submitted as part of the application. This highlighted that the area of concern was limited to underneath the existing structure and that there was a low to moderate risk to human health.

11.91 Affinity Water have highlighted within their response that the site lies within a defined groundwater protection zone and that any works would need to be undertaken to British Standards and Best Management Practices.

11.92 EHO have been consulted regarding this element and have stated the following "*The site has the potential to be contaminated as a result of historic use, infilled land and the presence of an off-site electrical substation adjacent to the northern boundary. A Phase 1 Environmental Site Assessment has been carried out by WDE Consulting to identify potential sources, and concludes there is a low to moderate risk from contamination.*

Further assessment of the sources by way of intrusive investigation and sampling is required, followed by evaluation the risk to all receptors, and remediation if found to be necessary." No objection was raised subject to conditions, therefore the application accords with the above policies in this respect.

Conclusion

12. Conclusion

Economy

12.1 The proposed development is considered to fail on these policies as there is a demand for the existing use; also appears to be viable and the retailer does not want to leave the site. There are no equivalent facilities in terms of its nature as suggested. The application site has not been marketed, there is no submission of an independent assessment of the viability of the existing use and is not in accordance with Appendix 5 of the Draft Local Plan. It should be noted that the existing site is not abandoned nor is it considered to harm the character or amenities of the surrounding area. There would be a loss of a retail facility which could not be necessarily placed anywhere else in Saffron Walden of that scale, placing unacceptable pressure for new comparison goods floorspace to the detriment of the vitality and viability of the town centre. There is no justification for the loss of the existing commercial use. This is contrary to Uttlesford Retail Study Update 2018, Local Plan Policy E2, Draft Policies SP1, RET1, RET4, EMP3, also the NPPF.

12.2 Design & Amenity

The existing DIY store adds little to the character of the area so the site's redevelopment offers an opportunity for improvement. The proposed design approach has a traditional basis with contemporary elements, which would to some degree harmonise with the residential character of the surrounding area.

The size and scale of the proposed development would be making the development visually intrusive and overbearing at three storeys opposite the existing residential

dwellings, along Elizabeth Close. This is considered to be exacerbated due to the ground levels. This is contrary to Policy GEN2 of the Local Plan and Paragraphs 217, 130 and 131 of the NPPF and Draft Policy D1 and H11.

- 12.3 Despite the distances between the proposed development and the existing residential dwellings located on Elizabeth Close, it is considered that due to the size, scale, design of the proposed development, the ground levels and the introduction of a significant number of windows particularly to the southern elevation this would be overbearing heightening the perception of overlooking to the detriment of the residential and visual amenity of the residential occupiers of the properties on Elizabeth Close. This is contrary to Policy GEN2 of the Local Plan and Paragraphs 217, 130 and 131 of the NPPF, and Draft Policy D1 and H11.

Transport & Air Quality

- 12.4 The proposed development would result in a reduction in trip generation by 133 vehicle trips which would in turn have benefits upon the air quality in the town. No objection has been raised by ECC Highways. Therefore the proposed development is acceptable in this respect in accordance with Local Plan Policy GEN1, and Draft Policies TA1, TA2, TA4 and paragraph 109 of the NPPF. It has been suggested that a Construction Management Plan, cycle bays and electric vehicle charging points be conditioned should planning permission be granted. No objection has been raised in terms of air quality, therefore this part of the application is in accordance with Policies ENV13 and Draft Policy EN 15, and in accordance with Paragraph 181 of the NPPF.

Parking

- 12.5 Based on the information submitted and other example of similar uses a reduced level of parking is considered to be acceptable. However the parking bay sizes are below standard at an exceptional size and no justification has been provided for this. It is considered that the reduced number of parking bays combined with smaller parking bays is likely to result in on street parking to the detriment of pedestrian and highway safety. It should be noted that even though ECC have not raised an objection to the application UDC are the parking authority. The application is therefore contrary to Local Plan Policy GEN8 and Draft Policy TA3 and H11.

Flooding

- 12.6 In terms of flood risk the development is in accordance with Policy GEN3 and draft Policies EN10 and EN11, also Paragraph 163 and 165 of the NPPF. No objections have been raised by ECC SuDs and Anglia Water subject to conditions.

Infrastructure

- 12.7 Based on the above, the nature of the use and statutory representations which have been received no mitigating infrastructure is required, in accordance with Policy GEN6 of the adopted Local Plan.

Biodiversity

- 12.8 ECC Ecology have been consulted of the application and have raised no objection subject to securing biodiversity mitigation and enhancement measures. The application accords with adopted Policy GEN7 and Draft Policy EN7, together with Paragraph 175 of the NPPF.

Contamination

- 12.9 In terms of contamination no objection was raised subject to conditions, therefore the application accords with draft policies EN12, EN14 and EN16 and Adopted Policy ENV14, and Section 15 of the NPPF.

Recommendation - REFUSE

Reasons for Refusal

- 1 The proposed development would result in the unjustifiable loss of a commercial retail use which could not be necessarily placed anywhere else in Saffron Walden of that scale, placing unacceptable pressure for new comparison goods floorspace. This, together with the loss of footfall to the town centre associated with linked trips would be to the detriment of the vitality and viability of the town centre. There is no justification for the loss of the existing commercial use. The application site has not been marketed, there is no submission of an independent assessment of the viability of the existing use and is not in accordance with Appendix 5 of the Draft Local Plan. The existing site is not abandoned nor is it considered to harm the character or amenities of the surrounding area. Therefore, the proposed development is contrary to Uttlesford Retail Study Update 2018, Local Plan Policy E2, Draft Policies SP1, RET1, RET4, EMP3, also the NPPF.
- 2 The proposed development would by reason of its size, scale, design and siting would be visually intrusive and overbearing at three storeys opposite the existing residential dwellings, along Elizabeth Close exacerbated due to the ground levels. This is to the detriment of the residential and visual amenities of the residential occupiers of the properties on Elizabeth Close. This is contrary to Policy GEN2 of the Local Plan and Paragraphs 217, 130 and 131 of the NPPF and Draft Policy D1 and H11.
- 3 The proposed development would by reason of its size, scale, design and siting with the introduction of a significant number of windows particularly to the southern elevation would be overbearing heightening the perception of overlooking to the detriment of the residential amenities of the residential occupiers of the properties on Elizabeth Close. This is contrary to Policy GEN2 of the Local Plan and Paragraphs 217, 130 and 131 of the NPPF, and Draft Policy D1 and H11.
- 4 Whilst a reduced number of parking spaces is acceptable, this in combination with substandard parking bays where no justification has been provided is likely to result in on street parking to the detriment of pedestrian and highway safety. Therefore the proposed development is contrary to Local Plan Policy GEN8 and Draft Policy TA3 and H11.

Informative(s):-

- 1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

As this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

As this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

As this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

Authorising Officer and date:

Nigel Brown
11.9.19