



UTTLESFORD DISTRICT COUNCIL

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Dated: 11 September 2019

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/19/0125/FUL
Applicant: Mr T Hesp

Uttlesford District Council **Refuses Permission** 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 at Homebase Limited Elizabeth Close Saffron Walden Essex CB10 2NL

The refused plans/documents are listed below:

| Plan Reference/Version | Plan Type/Notes | Received |
|---|-----------------------------|------------|
| 4760 PL13 | Combined | 06/02/2019 |
| 4760 LP01 A | Location Plan | 06/02/2019 |
| 4760 PL01 A | Block Plan | 06/02/2019 |
| 4760 PL02 C | Block Plan | 06/02/2019 |
| 4760 PL03 | Floor Plan (proposed) | 06/02/2019 |
| 4760 PL04 | Floor Plan (proposed) | 06/02/2019 |
| 4760 PL05 | Floor Plan (proposed) | 06/02/2019 |
| 4760 PL06 | Roof Plans | 06/02/2019 |
| 4760 PL07 | Elevations (proposed) | 06/02/2019 |
| 4760 PL08 | Elevations (proposed) | 06/02/2019 |
| 4760 PL09 A | Other | 06/02/2019 |
| 4760 PL10 | Other | 06/02/2019 |
| 4760 PL11 | Other | 06/02/2019 |
| 4760 PL12 | Other | 06/02/2019 |
| AIR QUALITY ASSESSMENT | Other | 06/02/2019 |
| DESIGN & ACCESS STATEMENT | Design and Access Statement | 06/02/2019 |
| FLOOD RISK ASSESSMENT/SURFACE WATER DRAINAGE STRATEGY | Other | 06/02/2019 |
| HPC CARE NEEDS | Other | 06/02/2019 |

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|---------------------------------------|----------|------------|
| ASSESSMENT | | |
| NOISE IMPACT ASSESSMENT | Other | 06/02/2019 |
| PLANNING STATEMENT | Other | 06/02/2019 |
| STATEMENT OF COMMUNITY INVOLVEMENT | Other | 06/02/2019 |
| INVOLVEMENT | | |
| SUDS CHECKLIST | Drainage | 06/02/2019 |
| PHASE 1 ENVIRONMENTAL SITE ASSESSMENT | Other | 06/02/2019 |
| TRANSPORT STATEMENT | Other | 06/02/2019 |

Permission is refused for the following reasons:

- 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.

In determining this application, the Local Planning Authority had regard to the following Development Plan 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 |

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| 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 |

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|---|---|--------------------------|
| 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 | | |



Gordon Glenday
Assistant Director Planning

Notes:

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>