



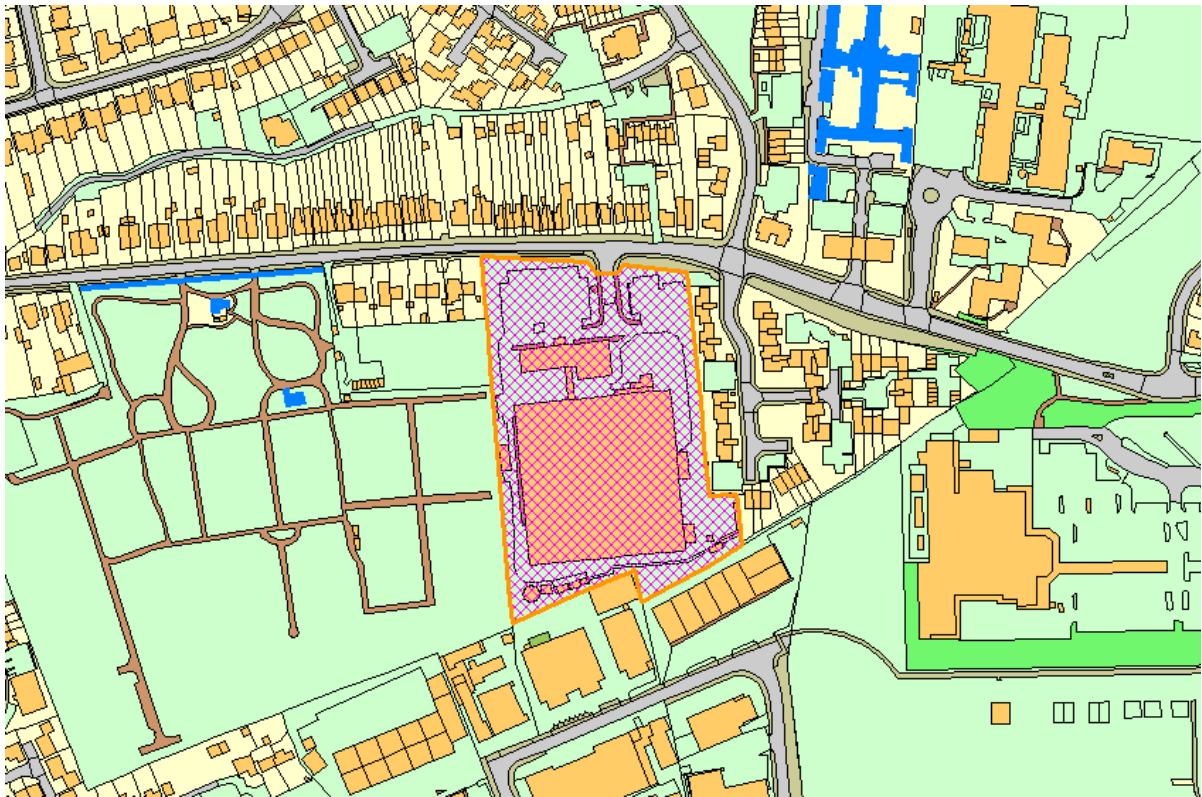
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 16 October 2024

REFERENCE NUMBER: UTT/24/1809/FUL

LOCATION: Land South Of Radwinter Road (former Printpack Site) Saffron Walden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 22 July 2024

PROPOSAL: S73 application to vary condition 2 (approved plans) of UTT/20/2007/FUL (Demolition of existing buildings and erection of a discount foodstore, a 70 bed care home and 49 no. retirement living apartments with access, car parking, landscaping and associated works.) - amended plans to include additional balconies on some of the retirement living apartments to create more private amenity space, to include solar panels on the valley of the roof to meet the new building regulations, and relocate the mobility scooter store to the parking area

APPLICANT: Churchill Living

AGENT: Mrs Rosie Roome

EXPIRY DATE: 16.10 2024

EOT EXPIRY DATE: n/a

CASE OFFICER: Mrs Rachel Beale

NOTATION: Within Development Limits. TPOs. Archaeological site. Conservation Area. Contaminated Land Historic Land use. General Aerodrome directions. With 500m of pollution control site.

REASON THIS APPLICATION IS ON THE AGENDA: S73 on a Major Application

1. **EXECUTIVE SUMMARY**

1.1 This Section 73 Application seeks to amend the wording of Condition 2 (approved plans) of the abovementioned Planning Permission, in order to make the following amendments:

- Addition of 15 full balconies, providing additional external space for future residents for apartments 11, 20, 24, 27, 29, 30, 31, 32, 36, 40, 42, 43, 44, 45 & 49.
- Addition of 4 Juliet balconies for apartments 21, 23 37 and 39.
- Addition of solar panels hidden within the valley of the roof to allow for sustainable energy generation whilst being hidden from view by being located on the internal roof slopes.

- Relocation of a mobility scooter store closer to the main entrance and also away from the main building where it was blocking the living and kitchen windows of apartment 15.

...

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located to the east of the Town of Saffron Walden and is rectangular in shape measuring 2.01ha. Ground levels in the south of the site are circa 70.2 metres above Ordnance Datum (m AOD) falling to circa 64.5m AOD at the site entrance to the north. The site is bound by landscaping and trees around the perimeter of the site. A group of lime trees at the frontage are protected by a Tree Preservation Order (TPO No.11/19). Access is provided from Radwinter Road on the northern extent of the site.
- 3.2 The site accommodated a purpose-built steel framed warehouse/ industrial building constructed in 1977 with associated offices and car parking. The site is now under construction following granting of UTT/20/2007/FUL.
- 3.3 The character of the surrounding area is a mixture of residential and commercial. The site is bound to the east by residential properties. To the south by Shire Hill Industrial Estate and to the west by Saffron Walden Cemetery. To the north of the site is Radwinter Road highway, beyond which are residential properties.
- 3.4 The site lies within development limits as defined in the development plan. To the south of the site is an archaeological area. To the immediate west is Saffron Walden Conservation Area.

4. **PROPOSAL**

- 4.1 This Section 73 Application seeks to amend the wording of Condition 2 (approved plans) of Planning Permission ref. UTT/20/2007/FUL, in order to make the amendments as listed in section 1.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/20/2007/FUL	Demolition of existing buildings and erection of a discount foodstore, a 70 bed care home and 49 no. retirement living apartments with access, car parking, landscaping and associated works	Approved 27.10.2021
UTT/23/3194/NMA	Non Material Amendment to UTT/20/2007/FUL - A new 45 degree entrance pod, amendments to the position of the fire exit door, amendments to the position of the access ladder position, additional passive EVC spaces shown, EVC cabinet, bollards, tactile paving shown, and GIA reduced from 2,178sqm to 2,172sqm (due to 45 deg entrance), Warehouse and ancillary areas adjusted	Approved 12.10.2024
UTT/24/0685/NMA	Non material amendment to UTT/20/2007/FUL- reduction in quantity of cedreal cladding. Removal of glazed curtain wall section on western elevation. Reduction of kitchen window size.	Refused 09.04.2024

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 I can confirm that the highway authority has no adverse comments to make to the variation of condition 2 (approved plans) of UTT/20/2007/FUL, however requests that all highway related conditions from UTT/20/2007/FUL are applied to the UTT/24/1809/FUL consent (should permission be granted).

8.2 Local Flood Authority

8.2.1 As the approved drainage strategy is remaining, the LLFA would have no objection to the S73 application which seeks to vary condition 2 (approved plans) of UTT/20/2007/FUL.

9. PARISH COUNCIL COMMENTS

9.1 None received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – No Objection

10.1.1 I have no objections to the amendment of condition 2. I would recommend however that conditions pertaining to Environmental protection are copied onto any future planning consent (particularly condition 21).

10.2 UDC Conservation – No Objection

10.2.1 Upon the review of submitted documents, I do not consider the proposed changes to result in harm to the setting of the Saffron Walden Conservation Area.

10.3 Place Services (Ecology) – No Objection

10.3.1 We have reviewed the above application and understand that demolition at the site has already occurred and the construction of the approved buildings is underway.
We have no further comments in relation to ecology although recommend that all ecology conditions from the original application (UTT/20/2007/FUL) are copied and secured as a condition of any consent.

10.4 Crime Prevention Officer – No Objection

10.4.1 My concern is that given the nature of the development (i.e. retirement accommodation) offenders may look to target the residents and the accessible patios may be attractive to offenders who are willing to walk around the building via the main entrance. If consideration for an additional condition for a perimeter treatment to the patio could be given, this could mitigate against such acquisitive offending behaviour.

10.5 Anglian Water – No Objection.

10.5.1 No objection

10.6 Aerodrome Safeguarding (MAG) – No Objection

10.6.1 We have no aerodrome safeguarding objections to this change of use.

10.7 NATS Safeguarding – No Objection

10.7.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

10.8 Environment Agency – No Objection

10.8.1 Thank you for the consultation dated 19 July 2024. We have reviewed the documents as submitted and have no objection to this proposal.

11. REPRESENTATIONS

11.1 The application was notified by sending letters to adjoining occupiers, displaying site notices and placing an advertisement in the local paper.

11.2 No representations have been received.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

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

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which

affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

- 12.4.1** Uttlesford District Local Plan (adopted 2005)
Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Great Dunmow Neighbourhood Plan (made December 2016)
Thaxted Neighbourhood Plan (made February 2019)
Felsted Neighbourhood Plan (made February 2020)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

- S1 – Main Development Limits
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV10 – Noise Sensitive Developments
- ENV15 – Renewable Energy

13.3 Supplementary Planning Document or Guidance

Essex County Council Parking Standards (2009)
Supplementary Planning Document – Developer’s contributions
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)
Uttlesford Design Code 2024

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 **A) Character, Appearance, Design**
B) Access, Parking and Highway Safety
C) Residential Amenity

14.3 **A) Character, Appearance, Design**

14.3.1 The proposed balconies (both full and Juliette) are considered relatively minor in terms of the physical change they proposed, and their visual appearance would be in keeping with the character and design of the previously approved building and the wider street scene.

14.3.2 The proposed solar panels would not have a dominating impact on either the building or wider views of the building and would therefore not have a detrimental impact in terms of design. They would represent an improvement in terms of sustainable energy contribution and would be in line with the Council's climate policies.

14.3.3 The Conservation Officer has been consulted and has confirmed the proposed changes would not cause harm to the setting of the Conservation Area. There are no conflicts with the Design Code.

14.3.4 It is therefore concluded that the proposed amendments would be in accordance with Policy S1, Policy GEN2 and Policy ENV15 of the Local Plan (2005), and in accordance with the NPPF (2023).

14.4 **B) Access, Parking and Highway Safety**

14.4.1 The access and parking provision would remain as approved and the Local Highways Authority have no adverse comments to make in relation to the proposed changes.

14.4.2 The proposed amendments are therefore in accordance with Policy GEN1 and Policy GEN8 of the Local Plan (2005), and the NPPF (2023).

14.5 **C) Residential Amenity**

14.5.1 The proposed balconies would be located a sufficient distance from neighbouring residential properties to ensure there would be no detrimental impact on the residential amenity by way of overbearing, overlooking or loss of light.

14.5.2 The proposal is therefore in accordance with Policy GEN2 and GEN4 of the Local Plan (2005) and the NPPF (2023).

15. **ADDITIONAL DUTIES**

15.1 **Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

15.3 S106

- 15.3.1** In compliance with paragraph 8 of the S106 agreement of planning application UTT/20/2007/FUL, if the Council agrees in writing following an application under Section 73 of the 1990 Act to vary or release of any condition contained in the Permission or the existing deed shall be deemed to bind the varied permission and to apply in equal terms to the new permission. As such there is not a requirement to vary the existing S106 agreement.

16. CONCLUSION

- 16.1** The proposal largely retains the site as previously approved, with the only change relating to the use of units 11 and 12.
- 16.2** The proposal would not have a detrimental impact in terms of noise and pollution. The conditions on the existing permission remaining relevant and have been carried over to this application.
- 16.3** The proposed development would cause no harm in relation to highway safety and appropriate parking provision has been incorporated into the scheme that will meet the needs of future occupiers.

16.4 The proposals comply with the guidance and standards as set out within the Uttlesford District Council's Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework..

17. CONDITIONS

17.1 Below is a list of conditions taken from the previous application if Members are mindful of approving this S73 amendment application in accordance with the officer's recommendation.

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

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

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

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

3. The development shall be constructed in accordance with the approved scheme for bay study showing full details of window(s) and their reveals and cills relating to each building typology within the parcel, and any commercial ground floor frontages in that parcel, as submitted and discharged under application UTT/23/1076/DOC.

REASON: To ensure a satisfactory appearance to the development and to comply with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. The development shall be constructed in accordance with the approved materials as submitted and discharged under application UTT/23/1922/DOC.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

5. Notwithstanding the submitted drawings prior to occupation or use of each parcel of the development hereby permitted, a scheme for hard and soft landscaping for that parcel shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping for that parcel shall be implemented in accordance with the approved details in the first

planting season after completion or first occupation of that parcel, whichever is the sooner and thereafter retained as such. The hard and soft landscaping scheme shall include the following:

- i. means of enclosure including details of the proposed walls and fencing
- ii. means of enclosure to patios and balconies
- iii. vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. details of the safety measures proposed
- vi. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, street lighting, etc.);
- vii. Soft landscape works including [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

REASON: To preserve the character and appearance of the area, to safeguard residential amenities and security and to ensure the development is visually attractive, in accordance with Policy GEN2 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).

6. The development shall be constructed in accordance with the approved scheme for the protection of the retained trees, as submitted and discharged under application UTT/23/0840/DOC.

REASON: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF

7. No tree shown as retained on Appendix 4 - Tree Protection Plan of the Arboricultural Impact Assessment (A.T. Coombes Associates Ltd (14 February 2021) shall be cut down, uprooted, destroyed, or damaged in any manner during the development of a parcel and thereafter within 5 years from the date of occupation of that parcel for its permitted use, other than in accordance with the details set out in paragraph 9.7 and Appendix 4 - Tree Protection Plan of the Arboricultural Impact Assessment (A.T. Coombes Associates Ltd (14 February 2021) or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in

accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

8. The development shall be constructed in accordance with the approved scheme for the storage of refuse and recycling, as submitted and discharged under application UTT/23/1076/DOC.

REASON: To provide an acceptable standard of development in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan 2005.

9. Prior to the first use/occupation of each parcel within the development hereby approved a management plan for that parcel shall be submitted to and approved in writing by the local planning authority to detail arrangements for the provision, maintenance and retention of the following on that parcel:

- i. All roads and footpaths;
- ii. All common areas; and
- iii. Lighting;

Thereafter, the development of the relevant parcel shall be implemented and retained in accordance with the management plan for that parcel.

REASON: To ensure an acceptable standard of development is provided and maintained in compliance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF

10. The development shall be constructed in accordance with the approved remediation strategy, as submitted and discharged under application UTT/24/0257/DOC and UTT/24/1154/DOC.

iv) No occupation of any part of the permitted development (except for the Lidl parcel) shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (iii) has been submitted to and approved by the local planning authority. The long-term monitoring and maintenance plan in (iii) shall be updated and be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater and to comply with policy ENV14 of the Uttlesford Local Plan (adopted 2005).

11. If, during development on a parcel, contamination not previously identified is found to be present in that parcel then no further development of that parcel (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater and to comply with policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 12.** The development shall be constructed in accordance with the approved scheme for surface water disposal, as submitted and discharged under application UTT/24/0257/DOC.

REASON: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater and to comply with policy ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater and to comply with policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 14.** The development shall be constructed in accordance with the approved Demolition and Construction Environmental Management Plan (DCEMP), as submitted and discharged under application UTT/23/1944/DOC.

REASON: To safeguard the amenities of the surrounding neighbours and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 15.** The food store shall be constructed in accordance with the approved scheme for mechanical services plant to be used in the discount foodstore, as submitted and discharged under application UTT/23/1925/DOC.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 16.** No deliveries shall be made to the discount foodstore any time on Sundays and Bank Holidays except between 1000hrs and 1600hrs. For

all delivery times there shall be no more than two deliveries by lorry and four deliveries by van to the discount foodstore in any given day.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF

17. The Foodstore shall be operated in accordance with the approved Service Management Plan, as submitted and discharged under application UTT/23/0840/DOC.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies GEN1 and GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

18. The development shall be constructed in accordance with the approved details of external lighting, as submitted and discharged under application UTT/23/1928/DOC.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN5 Uttlesford Local Plan (adopted 2005) and the NPPF .

19. **No** development above ground floor slab level of each parcel of the development hereby permitted shall take place until specification details for the building façade, glazing and ventilation elements of the relevant parcel has been submitted to the Local Planning Authority and demonstrate that they achieve the sound attenuation requirements detailed in the Acoustic Design Statement and Noise Impact Assessment prepared by MLM Consulting Engineers Limited reference 102903-MLM-ZZ-XX-RP-YA-0002 Table 13. The development of the relevant parcel shall be carried out in accordance with the approved specification details for that parcel.

ii) Where acoustically attenuated ventilation is required and there is evidence of adverse air quality impact to occupants, mechanical ventilation will be required. Where whole dwelling ventilation is provided then acoustically treated inlets and outlets should where possible be located away from the façade(s) most exposed to noise (and any local sources of air pollution). The scheme shall thereafter be retained as approved.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies GEN5 and ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

20. **No** development above ground floor slab level within any development parcel hereby permitted shall take place until full details of the acoustic barrier along the southern boundary of the site, western boundary of the site and perimeter of the west care home garden that relate to the relevant plot has been submitted for approval by the Local Planning Authority. The

development shall be carried out in accordance with the approved details and once erected the barriers shall thereafter be maintained as approved.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 21.** The design and layout of the development shall be constructed so as to protect amenity spaces (including gardens, balconies and terraces) against externally generated transportation noise sources including road so as to achieve 50dB(A) LAeq,16 hours with a maximum limit of 55dB(A) LAeq,16hour. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied and shall thereafter be retained as approved.

REASON: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policy GEN4 Uttlesford Local Plan (adopted 2005) and the NPPF.

- 22.** The development of each parcel shall be carried out in accordance with the details contained in the Ecological Impact Assessment (MLM Group, August) and Arboricultural Impact Assessment (A T Coombes, August 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, including but not limited to a pre-commencement check for badgers pursuant to condition 25, bat survey to inform a licence application if required pursuant to condition 23 and precautionary measures for reptiles (prior to commencement) and post development monitoring of biodiversity.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan 2005.

- 23.** The development shall be constructed in accordance with the approved licence, as submitted and discharged under application UTT/23/1579/DOC.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998, and Policy GEN7 of the Uttlesford Local Plan 2005.

- 24.** The development shall be constructed in accordance with the approved licence, as submitted and discharged under application UTT/23/1929/DOC.

REASON: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 199 and Policy GEN7 of the Uttlesford Local Plan 2005.

- 25.** A further supplementary pre-commencement check for badgers shall be undertaken prior to the commencement of works (including demolition and site preparation) to inform the preparation and implementation of Construction Environmental Management Plan (Biodiversity). The supplementary survey shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan 2005.

- 26** The development shall be constructed in accordance with the approved construction environmental management plan (CEMP: Biodiversity), as submitted and discharged under application UTT/23/1076/DOC.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and Policy GEN7 of the Uttlesford Local Plan 2005.

- 27.** The development shall be constructed in accordance with the approved Biodiversity Enhancement Strategy, as submitted and discharged under application UTT/23/1929/DOC.

REASON: To enhance protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan 2005.

- 28.** The development shall be constructed in accordance with the approved lighting design scheme, as submitted and discharged under application UTT/23/2757/DOC.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan 2005.

- 29.** The approved ecological mitigation measures secured through condition 22 shall be reviewed and, where necessary, amended and updated. The

review shall be informed by further ecological surveys in respect of bats and badgers in accordance with condition 22 to:

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy GEN7 of the Uttlesford Local Plan 2005.

- 30.** The development shall be constructed in accordance with the approved Construction Management Plan, as submitted and discharged under application UTT/23/1944/DOC.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005

- 31.** No parcel of the development hereby permitted shall be occupied or brought into use until the access road of minimum width 6.5m wide with two 2m wide footways, as shown in principle on submitted drawing Y351/PL/DR/208 rev P05 and URB RW (08) 00 03 rev A02 is provided, including widening of the footway to a minimum width of 2m on Radwinter Road, parking restriction on the access road, and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway the vehicular visibility splays shall retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 and DM15 of the Development Management Policies as adopted as County Council

Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

- 32.** Prior to the 6 month anniversary of first beneficial use of the supermarket an on street parking survey of Radwinter Road is to be undertaken between Elizabeth way and the proposed bus stop on the northside of Radwinter Road as shown on drawing number Y351/PL/DR/208 rev P05. Additionally an on-site survey of parking demand to be undertaken in the car park areas. The surveys are to be repeated on the 12 month anniversary of occupation of the whole site. The surveys are to be submitted to the highway authority within 4 weeks of being undertaken. If the outcome of the surveys demonstrates that parking is occurring on Radwinter Road as a consequence of the development or is interfering to the detriment of highway safety with access to the development then the developer shall be responsible for the all costs associated with the promotion and implementation of a Traffic Regulation Order to prohibit on street parking including (but not limited to) the associated signs and lines necessary in conjunction with the TRO. Details of the surveys to be agreed with the Highway Authority prior to occupation.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan 2005.

- 33.** The development shall be constructed in accordance with the approved cycle parking, as submitted and discharged under application UTT/23/1076/DOC.

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

- 34.** No parcel of the development hereby permitted shall be occupied or brought into use until such time as the vehicle parking area indicated on the approved plans for that parcel, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays has been provided. The vehicle parking area and associated turning area on that parcel shall be retained in this form at all times. The vehicle parking on the relevant parcel shall not be used for any purpose other than the parking of vehicles that are related to the use of the development and the parking area in the discount superstore (as shown on Overspill Parking Plan OSP1) shall be available for no charge and at all times for use of the residents and employees of and visitors to the care home and retirement living apartments on the site unless otherwise agreed with the Local Planning Authority.

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

- 35.** The development shall be constructed in accordance with the approved detailed surface water drainage scheme, as submitted and discharged under application UTT/24/0257/DOC.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment; and to comply with Policy GEN3 of the Uttlesford Local Plan 2005

- 36** The development shall be constructed in accordance with the approved maintenance plan detailing the maintenance arrangements for surface water drainage, as submitted and discharged under application UTT/24/0258/DOC.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and comply with Policy GEN3 of the Uttlesford Local Plan 2005.

- 37.** No parcel of the development hereby permitted shall be occupied or brought into use until a Scheme for Crime Prevention Measures for the development within that parcel shall be submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the relevant parcel thereafter.

REASON: In the interests of crime prevention, to comply with policy GEN2 of the Uttlesford Local Plan 2005.

- 38.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

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

- 39.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations, including installation of mezzanine floors, roofing, open yards or sub-division shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the local planning authority.

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

- 40.** No offsite parking for contractors' vehicles shall be provided during and after construction.

REASON: To protect the amenities of the neighbouring occupiers in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan 2005.

- 41.** Prior to first occupation details of the energy efficiency, water reduction and waste reduction measures referred to in the Design and Access Statement (August 2020), Planning Statement (August 2020) and the applicant's response to UDC Interim Climate Change Planning Policy (August 2021) shall be submitted to and approved in writing by the Local Planning Authority. The energy efficiency and water reduction measures shall then be installed in accordance with the approved details and retained as such thereafter.

REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with the UDC Policy GEN2 and UDC Interim Climate Change Policy document 2021.

- 42.** The development shall be constructed in line with the space standards as shown within the approved drawings and retained thereafter.

REASON: To ensure an acceptable standard of development is provided in accordance with Policy GEN2 of Uttlesford Local Plan 2005.