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**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 9 APRIL 2008**

APPL NO: **UTT/0028/08/FUL**  
PARISH: **NEWPORT**  
DEVELOPMENT: Demolition of existing buildings and erections of 14 no. dwellings, access drive and related development  
APPLICANT: David Wilson Homes  
LOCATION: Former Newport Highways Depot, Bury Water Lane  
D.C. CTTE: 19 March 2008 (see report attached)  
REMARKS: Deferred  
**RECOMMENDATION: Refusal**  
*Case Officer: Mr T Morton 01799 510654*  
Expiry Date: 11/04/2008

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## UTT/0028/08/FUL - NEWPORT

Demolition of existing buildings and erection of 14 no. dwellings, access drive and related development

Location: Former Newport Highways Depot, Bury Water Lane. GR/TL 517-343

Applicant: David Wilson Homes

Agent: Strutt & Parker

Case Officer: Mr T Morton 01799 510654

Expiry Date: 11/04/2008

Classification: MAJOR

**NOTATION:** Inside Development Limit / Adjacent to Conservation Area.

**DESCRIPTION OF SITE:** This was the Essex County Council Highways depot site, still in use at the time of the Officer's site visit in January 2008, and accommodated a number of storage, workshop and office buildings as well as outdoor storage and parking. The site is set within an old quarry and lies partially below the general ground level. It is reasonably well contained by roads that bound it and has a remnant hedge along its western and northern sides. The site is visible from the approach from the south down School Lane opposite, and when passing along Water Lane.

The surrounding area is a loose scatter of dwellings which do not make a coherent street scene, and the Newport Grammar School with its large number of buildings is the most prominent built feature in the general area.

The site is approx. 4590sq.m (0.46 ha) in extent.

**DESCRIPTION OF PROPOSAL:** Redevelopment to provide a housing estate with 14 dwellings with a single point of access to its eastern end with dwellings arranged along an L-shaped estate road.

**APPLICANT'S CASE including Design & Access statement:** The lengthy design and access statement is available in full on file. It describes the site and surroundings and the proposal. In addition there is a Flood Risk Assessment statement, an Environmental Site Investigation report, a Tree Survey report, a Transport Statement, a Sustainability Statement and a Planning Statement.

### **ON SUPPLEMENTARY LIST OF REPRESENTATIONS:**

**APPLICANT'S CASE:** I would like to respond under the following headings

#### **Highways**

We note the Highways Authority's comments regarding the layout as shown on drawing no. 626/PU01, and note that they would reconsider this decision subject to a number of matters being incorporated into the estate design. I have attached six copies of the planning reference 626/PUO.1 A which shows a very minor alteration to the access to extend the pedestrian footway together with clarification of distances as shown on the plan. This has been prepared in conjunction with the Highways Authority and as you can see it is a minor amendment to the originally submitted plan. As such we would request that the revised plan be taken forward for consideration at the Committee meeting on 19 March.

Whilst on the subject of revised plans, we also attach six copies of the revised version of our proposed street elevation drawing (reference 626-PL-02A), which shows minor amendments to plots 11 and 12 to show steps to the front door to reflect the correct relationship of the footpath to the threshold level. As you can see this is also a very minor amendment and we trust can be similarly put forward on this basis.

## Natural England

You will note from the letter dated 5 March 2008 from Natural England that they have revised their response and now raise no objection to the proposed development in respect of legally protected species, notwithstanding your view expressed in the report that no identified harm would be caused to protect species in your view.

## Parish Council Comments

I understand that Newport Parish Council have sent a further email clarifying that the Parish Council would be opposed to more houses on the site as this would have a detrimental and overbearing impact on the area, and no doubt you will refer to this in your supplementary report.

## General Representations

We note the single representation has been received and the comments raised. You may be aware that prior to the submission of the application we spoke to a number of residents in Bury Water Lane and explained the nature of the proposals. All were generally supportive of the design and layout of the scheme with the consistent line being that none would wish to see a higher number of dwellings on the site from the 14 proposed, due to concerns of increase traffic using Bury Water Lane and the design and density being out of character with the surroundings.

## Planning Considerations

I will refer to the paragraph numbers in your report for ease of reference.

### Paragraph 2

You set out that the proposed 14 dwellings equates to a density of 30 dwellings per hectare and the scheme just makes the minimum figure required by national policy of 30 to 50 per hectare. The planning statement submitted with the planning application sets out clearly our position on density in particular noting that the density of the site equates to 33 dwellings per hectare, with 13 dwellings also exceeding 30 to the hectare, and that the density of the surrounding area is 17 dwellings per hectare. This point is ignored in your report, which is surprising given the first part of paragraph 2 of the Councils' own Site Development Brief which states:

***"Notwithstanding the density calculation the development of the site needs to reflect the general low density nature of the surrounding properties and a development proposal that is significantly out of character with the surroundings may not be acceptable"***.

Again this factor is ignored in your report. Given both the above and the edge of settlement location where there are clear views of the application site from open countryside, we would strongly refute your suggestion that 14 dwellings will be considered to be underdevelopment of the site, and indeed conversely would directly accord with the policy approach set out in the Site Development Brief.

With regard to Policy H 10, you suggest that the definition of "significant proportion" equates to around 60%. Neither the policy nor supporting text defines this and clearly the mix of dwellings must take account of both the policy and other important planning factors such as the nature and character of the surroundings together with the density as outlined above. We would contend that 6 small dwellings out of a total of 14 dwellings represents a significant proportion of a relatively small scale development complying with policy **H10**

### Paragraph 3

The character of Bury Water Lane is mixed with contrasting layouts and styles of dwellings with no overriding consistent build form such as "significant frontage" as suggested by your report. It is important to create space within the development which can be seen from long views in order to not provide a harsh urban form onto Bury Water Lane, particularly given this close relationship with open countryside. With regard to your comments which suggests that the road takes up an excess amount of the site area, a deliberate design approach has been taken to serve all dwellings from the internal road in order to avoid parking and

servicing on Bury Water Lane itself, given the sometimes difficult traffic conditions that are presented in the lane, and also to avoid use of the garaging and cars which would be visible from both the conservation area and the open countryside beyond.

Paragraph 4

You suggest that the parking provision would appear to be short of the adopted parking standards, however we have checked this and we would advise that parking provision does meet adopted parking standards, with 31 spaces serving 14 dwellings.

**Recommendation**

As a consequence of the above, we consider that the refusal reasons are unjustified and do not have full regard to the proper balance of planning considerations that should be applied to a site of this nature in this location. It is not a site where a high density development would be appropriate or supported locally and does not represent a *carte blanche* opportunity which ignores the density and character of its surroundings. Taking this prevailing factor into account, the applicants have proposed a good mix of dwellings on the site and meet all other development control policies and standards of the Council. As a consequence, the application should be recommended to the Committee for approval.

**CONSULTATIONS:** Housing Officer. Here is the current affordable housing need for Newport from our housing register:

1 bed - 34  
2 bed - 47  
3 bed - 20  
4 bed - 7  
**Total - 108**

and the Rural Housing Trust's survey, which is just people with a local connection, shows the following need:

1 bed - 24  
2 bed - 14  
3 bed - 14  
**Total - 52**

The Rural Housing Trust has just developed 19 units in Newport, but this would still mean there are potentially 33 applicants who would have a local connection in need of affordable housing.

Essex County Council Highways: The Highway Authority recommends that permission be refused for the following reason:

The layout as shown in drawing number 626-PL-01 is unacceptable because there is inadequate provision of pedestrian facilities within the site.

The proposal would therefore be contrary to the relevant transportation policies contained within Appendix G of the L TP 2006/2011 and Local Plan Policy GEN1.

However the highway authority would reconsider this decision should the following be incorporated in the estate design:

The principal access serving the development to the east of the site should be 4.8 metres wide for the first 15 metres with 7.5 metre radius kerbs with a further requirement of an internal footway at a width of 1.8 metres for the first 15 metres after which it would be acceptable that the internal road could become a shared surface.

Natural England: Based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

Our concerns relate specifically to the likely impact upon legally protected species. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.' The presence of protected species is a material consideration in a planning application (NB PPS9 Paragraphs 15-16).

Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences. In order to assess the potential implications on protected species, any subsequent planning application should include the following information:

If protected species are suspected or present on a proposed development site then the following information should be provided by the applicant, usually in the form of an ecological survey by an appropriately qualified consultant, prior to the planning application being determined.

Anglian Water: No objection. They confirm that the foul sewage network would have capacity to accommodate this development. They have asked that no house be built within 15 metres of their nearby sewage pumping station in case it leads to complaints about smell. {NB: This is not considered to be a reasonable request}.

Council Engineer: It is recommended that conditions C.8.27A and C.29.1 (Drainage) are applied to any consent.

#### **ON SUPPLEMENTARY LIST OF REPRESENTATIONS:**

##### Environment Agency: Flood Risk

The proposed site lies in Flood Zone 2 and Flood Zone 3, the medium and high risk sites, as defined by Table D.1 of PPS 25 and illustrated by our Flood Zone maps. In accordance with PPS 25 this application should pass the Sequential Test and Exception Test and be supported by a site specific Flood Risk Assessment (FRA).

##### **Sequential Test and parts a) and b) of Exception Test**

We would advise the Local Planning Authority (LPA) that they have a responsibility to ensure that all new development is situated in sustainable locations, in line with National Planning Policy Statements (PPS) 3 and 25. PPS25 Para. 8 states that, in determining planning applications, LPAs should *"apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest risk, matching vulnerability of land use to flood risk"*.

To date, we have received no information to demonstrate that the LPA has applied the sequential test from PPS25 (Paras. 14 - 17 and Annex D) to this application. PPS25 Annex D, Para. D5 states that *"... Only where there are no reasonably available sites in Flood Zones 1 or 2 should the decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required"*. Until we are satisfied that the sequential test has been applied we will OBJECT to the proposal.

Where it can be proven that there are no available sites situated in lower risk zones, the requirements of Tables D.1 and D.2, Annex D of PPS25 must be met.

Overall we need confirmation from the LPA that development resulting in expansion in such a location is sustainable. If the LPA can demonstrate that the sequential test has been applied and, where necessary, parts a) and b) of the Exception Test (PPS25 Annex D, Para. D9) can be satisfied, we should be reconsulted in order to assess the adequacy of the Flood Risk Assessment (FRA) submitted in support of this application.

Part c) of the Exception Test - Site Specific Flood Risk Assessment (FRA)

If you can provide evidence in support of the above objection, we should be reconsulted to recommend suitable planning conditions.

##### Informatives

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 9 metres of a Main River (Wicken Water).

Any culverting or works affecting an ordinary watercourse may require the prior written approval of the Agency under the terms of the Land Drainage Act 1991. Please note that formal Consent is required irrespective of any Town and Country Planning Act approvals/permissions. Consent is not implied by these comments.

### Contaminated land

The site overlies principal aquifer highly permeable/variably permeable with soils of high/intermediate leaching potential. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. The regional and local use of groundwater in the area makes the site vulnerable to pollution.

We have reviewed the Site Investigation Report, prepared by REC Ltd, referenced 50607/report1.1 and dated October 2007. The information provided does not fully assess the risk to controlled waters. In order for us to provide full comments please send a copy of the Knight Environmental, Environmental Desk Study report ref CA0137/Rpt 1/Issue1 dated July 2006 and the Knight Environmental, Environmental Site Investigation Report ref CA0137/Rpt 2/Issue1 dated September 2006.

With regards to comments on what has been submitted we find the proposals for the removal of all Above Ground and Underground Fuel Storage Tanks acceptable. We recommend that all tanks be fully decommissioned prior to removal including all associated pipework. The base and sides of the excavations associated with these removal works should be sampled for validation purposes. Results of these validation samples should be submitted for our review.

It is unclear from the report whether the hazardous waste area is bunded, this need to be clarified. Figure 3.1 shows the outlay of the site prior to development. The scale of this drawing makes it difficult to identify the location of potential contaminant sources such as the chemical store, cement store identified on page 3 of the report we therefore also request that a clearly labelled diagram be submitted to ourselves.

Chlorinated solvents were found within the soil samples at the Hazardous Waste area however within Appendix IV there are no groundwater samples taken at WS104. We therefore find the recommendations for further investigation of groundwater quality acceptable and agree a groundwater risk assessment should be undertaken. We also would recommend that the groundwater sample suite should include TPH and chlorinated solvents alongside those already suggested: PAH and phenols.

We recommend that the thickness of the overlying boulder clay be demonstrated.

With these comments in mind we have no objection subject to the following

**CONDITIONS** being appended to any planning approval granted:

#### **CONDITION**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

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

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

**REASON**

To prevent pollution of controlled waters.

**CONDITION**

If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise 'agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

**REASON**

To ensure the protection of controlled waters.

Potential contaminant sources such as the cement store, chemical store, have not been investigated fully and we would recommend that on their demolition that validation sampling be carried out with the footprints of these buildings.

Please note these recommendations have been made on the information provided in the REC Ltd Site Investigation Report Ref REC Report 50607/report 1.1 October 2007. Further comments and recommendations will be made on receipt of the Knight Environmental reports mentioned above.

**Sustainable Development**

With new information becoming available on the impacts of climate change it is important that the proposed development is carried out in as sustainable manner as possible. With this in mind, the highest possible standards of sustainable construction and design must be incorporated. This would be in line with the objectives of Planning Policy Statement 1. Development should seek to minimise the use of resources and the production of waste by incorporating, for example, passive systems using natural light, air movement and thermal mass. High levels of energy and water efficiency must also be ensured.

"Building a Greener Future: Towards Zero Carbon Development" sets out the Government's objectives in achieving zero carbon emission developments by 2016. This will be achieved in a three step process: by 2010 the Government would like to see a 25% improvement in the carbon/energy performance set by building regulations, this will increase to 44% by 2013 and the final target is zero carbon in 2016.

The recently published Code for Sustainable Homes ties in with the above objectives. It has been developed using the EcoHomes System and improves upon this system with the plan being to eventually replace the EcoHomes/BREEAM systems with the Code for Sustainable Homes during 2007.

This scheme has greater benefits because it has minimum requirements for both water and energy efficiency for every different rating, as well as minimum requirements for materials, surface water run-off and waste. We would therefore promote the use of the newer Code for Sustainable Homes, rather than EcoHomes/BREEAM.

It may be unreasonable at this time to expect all developments to be carbon neutral so we would suggest that, as a minimum at least a 3 star rating under the Code is achieved for this development. This will assist the Local Authority in achieving their renewable energy targets under the Home Energy Conservation Act 1996, as well as contributing towards other sustainability objectives. In light of these comments we suggest the following **CONDITIONS** be appended to an approval granted:

**CONDITION**

Prior to the commencement of development, a scheme for the provision and implementation of energy and resource efficiency, during the construction and operational phases of the



development, shall be submitted to, and agreed in writing with, the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

**REASON**

To enhance the sustainability of the development through better use of energy and materials.

**CONDITION**

Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting and water resource efficiency shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

**REASON**

To enhance the sustainability of the development through efficient use of water resources.

**Advisory Comments**

The following should be considered by the applicant:

Source Protection Zone

The site is classified as being within Source Protection Zone III of the Environment Agency's groundwater protection policy. This means that any pollutants entering the groundwater below this site could contaminate the public water drinking supply. The time taken for contamination in the water to be abstracted is estimated to be more than 400 days.

Natural England: Natural England has no objection to the proposed development.

Building Surveying: No details regarding Lifetime Homes submitted brief scaling of one of the designs shows that the ground floor WC and stairs will not comply. Also note that between 10+20 units will require at least one dwelling is built to wheelchair accessible standard. More information required.

ECC School, Children Families Directorate: According to our forecasts, and information published in the latest School Organisation Plan, there should be sufficient primary places at a local school serving this development.

With regard to secondary provision, the local school for this development would be Newport Free Grammar School. The School has a net capacity of 1001 places and, at the start of the current academic year, there were 1028 pupils on roll, even without taking account of new residential developments in the area.

It is clear that secondary level action will be needed to provide additional places and that this development will add to that need.

Based on the information you have provided, I estimate that this development, if approved, will result in 3 secondary school places being required. On behalf of Essex County Council, I am thus formally requesting a developer contribution prior to commencement of £42,891 which is in line with our adopted Supplementary Planning Guidance. This figure is calculated using the April 2007 cost multipliers and will need to be index linked from this date using the PUBSEC index.

**PARISH COUNCIL COMMENTS:** Raised the following points:

1. Increased traffic
2. Confirmation required from developer that footway will be provided from the site to the pedestrian crossing near the school.

3. The development could create water problems (will affect other parts of the village particularly in the Bridge End area in terms of the effect on Wicken Water)
4. Developer should contribute to traffic calming measures, street lights and trees.
5. Each house should have system for collecting rainwater.

**REPRESENTATIONS:** This application has been advertised and one representation has been received. Period expired 13 February 2008.

Objection to increased amounts of traffic using the road, school buses are already causing a considerable problem in the road, there is a registered disabled resident in the road and the pavement needs to be extended to meet her needs.

**COMMENTS ON REPRESENTATIONS:** The comments are noted. Highway comments are reported above and discussed below.

**PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are;

- 1) principle of development (ULP Policies S3, H3);
- 2) density, dwelling size mix, social housing (ULP Policies H3, H9, H10);
- 3) design and amenity (ULP Policy GEN2 & Supplementary Planning Document, the Essex Design Guide);
- 4) traffic and Parking (ULP Policies GEN1 & GEN8);
- 5) Flood Risk (ULP Policy GEN3);
- 6) Protected Species (ULP Policy GEN7) and
- 7) Other material planning considerations.

1) The site is within the Development Limit of Newport and in principle residential development is acceptable, subject to compliance with other relevant policies of the Local Plan.

2) Policy H3 calls for infill development to, “avoid development which makes inefficient use of land”. The proposed 14 dwellings equate to a density of 30 dwellings per hectare. The general range of densities required by national policy is normally taken to be 30 to 50 per hectare, and this scheme just makes the minimum figure. However, given that this site is one which is well contained and not constrained by its surroundings; it would be feasible to develop at a higher density than proposed. The applicant has pointed to the low density nature of the surrounding residential properties; however these are set very much in edge of countryside positions, where densities would traditionally have tailed off. This site is closer to the village, and to the higher density development of the school, and development here can be designed to create a development with its own character, and a higher density would help to define such a character. The proposed 14 dwellings are considered to be an under-development of this site, and an inefficient use of the opportunity that this site provides. A figure in excess of 14 would be appropriate here. A development of 20 units for example would result in a density of 43 dwellings per hectare.

Policy H9 calls for an element of affordable housing of 40% of the total provision on appropriate allocated and windfall sites, having regard to the up to date housing needs survey and market and site conditions. The supporting text refers to such housing being sought on sites of 0.5 hectares or of 15 dwellings or more. As set out above, the Council considers this site to be capable of accommodating at least 15 dwellings, and therefore capable of making a contribution to the much needed affordable housing stock in the village.

Policy H10 calls for sites of 0.1 hectares or larger and 3 or more dwellings to include a “significant proportion” of market housing comprising small properties. The proposal includes 6 of the 14 as 2 or 3 bedroom houses, equating to 42% of the total. The Council would

consider a “substantial” proportion to be around 60%. It should be noted that the District wide housing stock contains 80% houses with 4 or more bedrooms and there is a critical shortage of small 2 or 3 bedroom properties available. It is therefore necessary to weight new house building strongly in favour of smaller units.

3) The layout can be described as a low density suburban layout with houses of predominantly detached suburban form. The frontage of the site to Bury Water Lane does not have a significant frontage of housing presented to it, with only two houses, (plots 11 and 12), facing that street. The remainder of the frontage is made up of the flank elevations of buildings, considerable gaps between buildings, and side fences. This is considered to be an unacceptable form of layout to a highway, particularly as it faces across the road toward a Conservation Area. Internally the single street has a discontinuous frontage of houses on one side only, the other side being made up of double garages with gaps between them. This is not a satisfactory way to create a sense of place or good townscape. The road takes up an excessive amount of the site area, which contributes to the inefficient use of the site resulting in a low density figure.

4) The Transport Statement concludes that the site is suitable for residential use and would generate less traffic than the depot use has done. The parking provision would appear to be short of the adopted parking standards, making it likely that on street parking would arise.

The Highway Authority has objected to the layout which lacks a suitable pedestrian footpath on the internal road. They have not objected on any other grounds and the highway network must therefore be presumed to be capable of carrying traffic from this site.

5) The Flood Risk Assessment concludes that the site is not at risk from flood as it would only be breached by a minor area of potential flooding and this can be mitigated by introduction of a footway alongside Bury Water Lane. The site can be drained by a SUDS (Sustainable Drainage System) method to Wicken Brook.

6) An objection has been lodged by Natural England on the basis of impact on Protected Species but do not say which species it thinks is at risk. We have no record of Great Crested Newt in the vicinity, and the buildings are modern sheds used for storing highway materials, a very active and noisy operation unlikely to be a suitable location for bats to be here. In the absence of definite records there is not considered to be a risk of harm to Protected Species.

7) No other issues are considered to arise.

**CONCLUSIONS:** The proposal is considered unacceptable for the reasons given above.

### **RECOMMENDATION: REFUSAL REASONS**

1. The proposed development is considered to be inefficient underdevelopment of the site, failing to make the best use of the opportunity presented, and failing to meet the aims of Policy H3 of the Uttlesford Local Plan in this respect.
2. The Council considers that the site is capable of accommodating 15 dwellings or more and therefore capable of providing affordable housing in accordance with the aims of Policy H9 of the Uttlesford Local Plan.
3. The Council considers that the site is capable of providing more 'small dwellings' of 2 or 3 bedroom in size in accordance with the aims of Policy H10 of the Uttlesford Local Plan, where the Council would be looking for a substantial proportion, around 60%, of such dwellings, but this proposal only provides 6 of 14 units as such dwellings.

4. The Council considers that the proposed layout of the site is unsatisfactory providing a poor sense of townscape or sense of place, with insufficient frontage to Bury Water Lane. The proposal is considered to fail to meet the aims of Policy GEN2 of the Uttlesford Local Plan and the aims of the Essex Design Guide which has been adopted as a Supplementary Planning Document.
5. The layout as shown in drawing number 626-PL-01 is unacceptable because there is inadequate provision of pedestrian facilities within the site and thereby fails to meet the aims of Policy GEN1 of the Uttlesford Local Plan.

*Background papers: see application file.*

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## **UTT/0085/08/OP - THAXTED**

Demolition of existing buildings and change of use from part industrial/part residential to residential to provide 14 dwellings

Location: Cowell & Cooper Weavershead Lane. GR/TL 612-311

Applicant: Mr R Chapman Associates

Agent: McGovernwynn Architects Ltd

Case Officer: Mr N Ford 01799 510629

Expiry Date: 21/04/2008

Classification: MAJOR

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** The application site relates to the premises of Cowell and Cooper, and industrial use specialising in the design and manufacture of fan guards. The site is located on a bend of Weaverhead Lane near to the junction with Margaret Street to the south which also forms the northern limit of the Conservation Area.

The site includes the large linear block of the business which is utilitarian in appearance with a concrete yard adjacent to the south. Also to the south and sharing the access to the site from Weaverhead Lane are what appears as two semi detached dwellings but subdivided into four flats with rear gardens. There is a parking area to the southern extremity of the site adjacent to 2 no. White Willow trees subject to Preservation Orders. Beyond this is a redundant former telephone exchange.

To the north of the site fronting Weaverhead Lane are a pair of semi detached bungalows, the nearest named Carlucy and beyond this running east are the rear gardens of dwellings fronting onto Weaverhead Close. Between these and the site is a footpath which is a public right of way running from Weaverhead Lane to Wedow Road. To the east is a tarmac parking court of dwellings on Wedow Road and to the south and south east the gardens of dwellings in Wedow Road and Hanchetts Orchard. To the west are a pair of utilitarian garages and an area of open space opposite Orchard Close. Opposite the entrance to the site are dwellings named Weaverhead Cottage and Ashfield House.

**DESCRIPTION OF PROPOSAL:** This is an outline planning application for the residential development of the site for 14 dwellings which would involve the demolition of the industrial building and the four flats to the south. Layout and access are asked to be considered with scale, appearance and landscaping reserved for future consideration.

One drawing is submitted with the application indicating the layout. An indicative housing mix is shown that provides for 3 no. 3 to 4 bedroom houses, 3 no. 4 to 5 bedroom houses and 8 no. two bedroom houses.

Access is from Weaverhead Lane for all 14 dwellings in cul-de-sac arrangement. Two dwellings are indicated on to the narrowest part of the site either side of the access to Weaverhead Lane. A terrace of dwellings either side of the road then leads to a type 3 turning head off which leads private drive access to 8 parking spaces next to 4 no. of the two bedroom dwellings that fill the space at the eastern end of the site where is tapers.

The density of the development would be 49 per hectare.

Each dwelling would have two parking spaces save for the two bedroom dwellings (8) which would have one space each plus four visitor spaces available. (total 12 spaces/150%).

**APPLICANT'S CASE including Design & Access statement:** See Design and Access Statement received 21 January 2008 attached at the end of report.

**RELEVANT HISTORY:** On 16 August 2007 (UTT/1157/07/OP) outline planning permission was refused. Reasons related to loss of employment site inappropriate over development of the site, inadequate parking provision, poor daylight spacing between the new dwellings and a lack of information to demonstrate that pollution would not occur to controlled water as the site may be contaminated.

Previous applications through the middle to late 1970's and late 1980's are planning permissions relating to extensions to the industrial building and latterly the retention of a portakabin as a staff rest room.

**CONSULTATIONS:** Highway Authority: No objections. Suggests conditions.

Ramblers Association: None received.

Arborist: None received.

Anglian Water Authority: Suggests informative advice for the applicant. The applicant will need to request wastewater infrastructure.

Environment Agency: No objection on contaminated land with regard to the site being located on a minor aquifer subject to conditions.

English Nature: No objection.

Essex Wildlife Trust: None received.

Environmental Health: Supports a further intrusive investigation from the submitted desktop study.

Drainage Engineer: A surface water drainage disposal condition should be included on any approval.

Building Surveying: Access road to be at least 3.70m wide in addition to footpath for fire brigade access. Lifetime Homes: In view of the number of dwellings, wheelchair accessible housing will need to be provided as per the SPD. Lifetime Homes Standards required.

ECC Archaeology: Recommends a condition for a programme of archaeological work.

**PARISH COUNCIL COMMENTS:** Majority Object. Parking, access, overdevelopment of the site and sewerage problems. Request a condition be imposed to commute a sum of money to the Parish for community use. (unspecified purpose or sum).

**REPRESENTATIONS:** Nine letters. Notification period expired 19 July 2007 (Advert expired 26 July 2007).

Summarised comments:

- Overdevelopment
- Concern as to how the sewers and drains would cope with development
- Inadequate parking provision
- Access is onto a hazardous junction
- The site may be contaminated
- Object to terrace nos. 11-14 as they would take light from my house and garden (7 Hanchetts orchard) and would not want to be overlooked
- Overlooking of 6 The Lees and 34 Wedow Road
- Bungalows should be built instead of large houses
- Will block view of Church and windmill from 40 Wedow Road.
- Loss of employment provided by the factory

**COMMENTS ON REPRESENTATIONS:** See planning considerations. Rights to a view are not a significant planning matter that would be a material consideration.

**PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are

- 1) **Whether the land should be safeguarded for employment and whether the proposed new dwellings would be compatible with the character of the settlement, adhere to the criteria of policy H3, has an appropriate layout, scale and design, is acceptable in terms of access and parking, meets accessible homes standards and takes proper account of contamination (ULP Policies E2, H3, H10, GEN1, GEN2, GEN8, ENV14 & SPD Accessible Homes) and**
- 2) **Whether there would be any harm to neighbouring properties by way of overlooking, overshadowing or overbearing effect (ULP Policy GEN2).**

1) The application site lies within the development area of Thaxted. Therefore, the erection of new dwellings is generally acceptable in principle.

The existing use of the land is for employment purposes. The site is not a key employment site that would be safeguarded from redevelopment or change of use. However ULP Policy E2 does state that “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 and amenities of the area”. Structure Plan Policy BIW4 also sought to safeguard employment land and required justification of exceptional circumstances such as poor location or prohibitive development costs but since the previous refusal the structure plan has expired for development control purposes.

The supporting documentation to previous application was silent regarding this issue of loss of employment land and made no justification for its loss. It is clear that the use is currently active and not abandoned with regard to ULP Policy E2. Therefore, it falls to consider whether there is a justifiable reason that employment use no longer has any genuine prospect of continuing in a viable manner in the context of the residential character of the area and amenity.

The applicant’s supporting market appraisal states that the current planning permission is subject to conditions restricting operating activity and occupation. Such restrictions relate to daytime working and limits weekend and bank holiday working. Loading and unloading to be carried out in particular areas. No more than 2 HGV’s to be parked within a particular area. A limit to 1 skip and its location. Limited use of the premises to fan guard manufacture to the occupants Cowell and Cooper only. The applicant states that they are limited in their ability to remain competitive and would like to move from their premises to a designated industrial area within the District of Uttlesford.

The appraisal opinion is that this would significantly impair alternative commercial operators having flexibility to run a commercial enterprise that would be able to respond to market demand and be competitive delivering contracts. The need for such conditions demonstrates the sensitivity of the location in terms of residential amenity and the ability of different operators to vary such conditions to suit their own requirements.

Lambert Smith Hampton records show that demand for the size of commercial floor space that the application building occupies has been limited since 2000 and that one expression of interest was looking for modern, strategically well located space. Demand shows that requirement is generally for smaller space (500-1500 sqft rather than approximately 12000

sqft provided by the subject building). Subdivision of the buildings is unviable due to parking requirements, turning areas, the aforementioned restrictions and financial unviability.

Mindful of the restrictions placed upon the building and the evidence provided by the market Appraisal it is accepted that the prospect of the buildings continuing in employment use is limited and that an alternative use is appropriate in principle.

The residential scheme provides an appropriate mix of smaller market housing in accordance with ULP Policy H10 in a layout that is to some degree dictated by the shape of the site. This being narrow at the point of access onto Weaverhead Lane, wider in the central portion and narrow again at its eastern end bounding properties off Wedow Road. This previously resulted in plots 1 and 2 at the junction of the site with Weaverhead Lane being shown gable end onto the road and this appeared at odds with the character of the area where dwellings generally front the road. These dwellings are now shown facing Weaverhead Lane which would provide active frontages and would more closely accord with the character of the area.

Furthermore, the garden of these two plots was shown to abut the footpath and would have created a more oppressive street scene with boundary walls that would create a tunnel like effect. Boundaries are now shown further away from the highway which would help to limit this effect.

In terms of parking provision, three and over bedroom dwellings are provided with two off road parking spaces, which is considered to be adequate. Two bedroom dwellings were previously indicated with just one parking space each. Consideration is given to the parking standard for two bedroom dwellings as 2 spaces but this is a maximum standard and a relaxed provision may be appropriate in certain circumstances such as town centres where public transport accessibility is good. In that instance one space was considered to be inadequate provision for such size dwellings in this location and although it was considered that the standard could be relaxed to some extent at no less than 1.5 spaces per dwelling. This revised scheme now shows that 1.5 spaces would be provided for the two bedroom dwellings which is considered reasonable and appropriate.

In terms of garden areas, these are small for the two bedroom dwellings at around 50 sqm but the Essex Design Guide advises that this may be acceptable for smaller houses and such private space can be protected from development by withdrawing rights to extended under the General Permitted Development Order. The other six plots would have gardens of around 100 sqm, which is also considered adequate.

The Environment Agency no longer objects to the proposed development on grounds of risk of pollution to controlled waters following the submission of a Risk Assessment by Murray Rix Limited who are Civil and Geotechnical Engineers. Such information was not previously submitted. The Environment Agency have withdrawn there objection and are satisfied subject to further survey conditions.

2) In terms of amenity it and similarly to the previous application it is considered that, subject to approval of scale and design through reserved matters to control for example dwelling height and window orientation, that there would not be material harm to the amenity of neighbouring properties by way of overlooking, overshadowing or overbearing effect as there is considered to be adequate distance shown on the layout from rear elevations to the boundary of neighbouring properties through garden separation.

In terms of separation between the new dwellings the layout has been altered so that at least 10 metres is provided between the front of the dwellings either side of the internal estate road in order to achieve adequate sunlight whereas this was previously 8 metres. This now



achieves a better outlook for these properties and is considered appropriate in accordance with the Essex Design Guide. This has allowed space for further planting to the front of dwellings.

**CONCLUSION:** It is accepted that the building has no realistic prospect of attracting new occupiers due to its location the restrictions placed upon it and the availability of better and more flexible accommodation that is well located is available elsewhere. The layout of the dwellings has been altered to better suit the character of the area and parking provision is now considered appropriate. Concerns regarding contamination have been overcome to the satisfaction of the Environment Agency.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.1.1. Submission of reserved matter: 1.
2. C.1.2. Submission of reserved matter: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.5.2. Details of material.
6. C.4.1. Scheme of landscaping.
7. C.4.2. Implementation of landscaping.
8. C.16.2. Full archaeological excavation and evaluation.
9. C.8.27A Surface water disposal arrangements.
10. C.6.2. Remove permitted development rights.
11. C.6.7. Excluding the conversion of garages.
12. C.7.1. Slab levels.
13. Except in emergencies no deliveries of materials shall be made to and no construction works shall be carried out on the site during this period of construction of the development:a) before 07:30 or after 18:00 hours on weekdays (i.e. Mondays to Fridays inclusive);b) before 08:00 or after 13:00 on Saturdays;c) on any Sunday or Bank or Public Holidays.  
REASON: To safeguard the amenities of nearby residential properties.
14. C.8.29. Sustainable Construction.
15. C.8.30. Provision of bin storage.
16. C.11.6. Prior provision of parking.
17. C.28.2. Accessibility.
18. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the building or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior, all rainwater goods shall be black, eaves to all roofs shall be open with expose rafter feet rather than boxed, all windows and doors in masonry walls shall be inset at least 100mm and shall be fitted with sub-cills unless otherwise agreed in writing by the local planning authority.  
REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005 and the Essex Design Guide 2005.
19. All windows shall be balanced casements (equal size panes of glass) unless otherwise agreed in writing by the local planning authority.  
REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.
20. The development hereby permitted shall not be commenced until particulars showing the position of any external vents, balanced flue outlets from central heating boilers,

breather pipes and other gas appliances to be incorporated into the roof or walls of the dwellings have been submitted to and approved in writing by the local planning authority. Such details shall be designed so as not to be positioned on street elevations and no larger than 150mm in diameter. The development shall be carried out in accordance with the approved details and thereafter retained in that form.

REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttelsford Local Plan adopted 2005 and the Essex Design Guide 2005.

21. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

REASON: In order avoid the displacement of loose material onto the highway in the interests of highway safety.

22. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.

REASON: In order to ensure that vehicles can enter and leave the highway in a safe and controlled manner in the interests of highway safety.

23. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 4.8 metres from the nearside edge of the carriageway.

REASON: In order to enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed.

24. Prior to the commencement of the development hereby permitted the existing crossover shall be removed and the footpath resurfaced and kerb reinstated for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

25. Prior to the commencement of the development hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

REASON: In order to prevent hazards caused by flowing water or ice on the highway in the interests of highway safety.

26. The access to serve the development shall have a tabled entrance and transition as shown in drawing SK1 (attached) and shall be constructed as shown on the approved drawing prior to the commencement of the development hereby permitted.

REASON: In the interests of highway safety.

27. All vehicular hard standings shall have minimum dimension of 2.4 metres x 4.8 metres.

REASON: In the interests of highway safety and the car parking standard.

28. Prior to the commencement of the development hereby permitted details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided before occupation and retained at all times.

REASON: In order to ensure appropriate two wheeler and bicycle parking is provided in accordance with the vehicle parking standard.

29. In accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted a dwelling shall be designed to wheelchair accessible standards in accordance with the Supplementary Planning Document 'Accessible Homes and Playspace' Appendix 2. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interests of providing an environment that meets the needs of all potential users, is inclusive and sustainable.

30. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the local planning authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

31. Prior to commencement of development of any part of the permitted development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

32. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

*Background papers: see application file.*

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## **UTT/0183/08/FUL - SAFFRON WALDEN**

Erection of a 61 bedroomed Care Centre (including day care) to replace existing Nursing Home. Construction of a new vehicular access

Location: Stanley Wilson Lodge Four Acres Saffron Walden GR/TL 541-381

Applicant: Excelcare Equities Ltd

Agent: Stephen Bradbury Architects Ltd

Case Officer: Mr T Morton 01799 510654

Expiry Date: 07/05/2008

Classification: MAJOR

**NOTATION:** Inside Development Limit / adjacent to Conservation Area

**DESCRIPTION OF SITE:** The site stands on the west side of a square of buildings arranged around a central grassed area, with two-storey terraced houses on the north, east and south sides of the square. To the rear of the site are houses in South Road, with their gardens backing onto this property. The site currently has a two-storey care home upon it providing 37 bedspaces, with a grassed area to the front facing the square.

**DESCRIPTION OF PROPOSAL:** Redevelopment to provide a larger, two-storey care home of 61 bedroom capacity.

**APPLICANT'S CASE including Design & Access statement:** The statement is available in full on file and is accompanied by a Parking and Traffic Generation Report. Relevant points from these are discussed within the report.

**RELEVANT HISTORY:** UTT/1247/05/FUL – 27 bedroom enlargement of existing nursing home, of which 17 would have been within the new build elements and 10 gained by internal rearrangement of the existing building. . Approved 23 September 2005.

[NOTE; the resulting building would have provided a total of 64 bedrooms, and would have had an almost identical floorplan layout to the current proposal, and similar overall bulk and scale.]

**CONSULTATIONS:** Essex County Council Highways: There are no objections to this proposal.

Environment Agency: The Environment Agency has assessed this application as having a low environmental risk.

Due to workload prioritisation we are unable to make a full response to this application.

However, the applicant should be aware of the following:

Source Protection Zone

The site is classified as being within Source Protection Zone II of the Environment Agency's groundwater protection policy. This means that any pollutants entering the groundwater below this site could contaminate the public water drinking supply and be abstracted within 400 days.

Surface water & pollution (impermeable surfaces)

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Only clean, uncontaminated surface water should be discharged to any watercourse or surface water sewer. It is an offence to pollute surface or groundwater under the Water Resources Act 1991.

Sustainable Development

In order to minimise the use of resources and the production of waste, we suggest the development incorporates principles of sustainable construction and design.

Three Valleys Water: Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

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

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 sites 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".

Anglian Water: We are keen to support the spatial planning process across the region we serve and have made site specific comments in the attached Planning Applications Suggested Informative Statements and Conditions Report.

We are obliged under the Water Industry Act 1991 to provide water and wastewater infrastructure for domestic purposes for new housing and employment developments within our area when requested to do so. To effect this the applicant will have to make a request to us under the appropriate section of the Water Industry Act. Advice on these mechanisms is provided in the attached report.

#### ASSETS

##### Section 1 - Assets Affected

1.1 Informative statement. There are assets owned by this company 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.

"There are Anglian Water assets close to or crossing this site. Therefore the site layout should take this into account and accommodate our assets within prospectively adoptable highways or public open spaces. If this is not practicable then the assets may have to be diverted and the applicant will have to make an application under Section 185 of the Water Industry Act 1991. It should be noted that diversion works could affect when the development can commence. "

#### WATER SERVICE

##### Section 2 - Water Resource Zone

2.1 Informative statement: The site of this application lies outside the area of Anglian Water Resource zone. Therefore the views of Thames Valley Water Company should be sought in this respect.

##### Section 3 - Water Supply Network

3.1 Informative statement: The site of this application lies outside the area of service for water supply purposes by Anglian Water. Therefore the views of Thames Valley Water Company should be sought in this respect.

#### WASTE WATER SERVICE

##### Section 4 - Foul Sewerage System

4.1 Informative statement: The foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

##### Section 5 - Surface Water System

5.1 Informative statement: The development can be accommodated within the public surface water network system that has the capacity. The developer will be required to formally apply for a connection to the foul sewer under Section 106 of the Water Industry Act 1991 to determine the point of connection and the maximum rate of discharge.

Section 6 - Wastewater Treatment

6.1 Informative statement. • The foul drainage from this development will be treated at Saffron Walden Sewage Treatment Works that at present has available capacity for these flows.

Section 7 - Trade Effluent

7.1 Not applicable.

**TOWN COUNCIL COMMENTS:** Consultation period expired 7 March 2008

No representations received.

**REPRESENTATIONS:** This application has been advertised and 5 representations have been received. Period expired 4 March 2008.

Letters have come from as far afield as Birchanger and Clavering. One has heard that the home is to be closed [NB This is not correct]. Another has a friend who is a resident and hopes the application will be refused. These are understandable but not relevant to the application.

Residents request to be advised of the start date. [NB this will not be made known to the Local Planning Authority and so cannot be passed on]. Residents request a meeting with the developer to discuss practical and safety concerns [NB It is not for the Local Planning Authority to arrange this as it will be for the benefit of specific individuals, whereas the concerns of the Local Planning Authority is to act in the public interest. – if residents have personal concerns they should make their own approach to the developer.

Material planning issues that have been raised are;

Boundaries –three respondents state that the boundaries of the site shown on plan are not accurate and trespass onto other properties.

Rubbish and vermin – The current proviso is alleged to be inadequate and a source of vermin (rats)

Location and scale of the building – concern is expressed that the building should not be any closer to boundaries or any higher than it currently is.

Construction Noise – concern is raised about accidental damage to other property, hedges and trees, dust and noise during demolition.

**COMMENTS ON REPRESENTATIONS:** Boundaries – it is the responsibility of the applicant to show these correctly. The Local Planning Authority has no information to confirm or deny where property boundaries lie. If plans include land not in the ownership of the applicant this does not invalidate the application, but does not give the right to carryout development on land that the applicant does not own.

Rubbish and vermin – the Local Planning Authority can impose a condition to secure provision of appropriate provision.

Lack of parking – The concern is that provision will be inadequate. This is discussed in the following section.

Noise and Privacy Issues (Location and scale of the building) – see Planning Consideration section 3 below.

Construction Noise - As this is covered by other legislation, (Control of Pollution Act) the Local Planning Authority cannot impose conditions on noise dust etc. during construction.

Damage to other property remains the responsibility of the landowner. Timing of construction can be addressed by condition.

## **PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are

- 1) Principle of development (ULP Policy S1.);**
- 2) Design considerations (ULP Policy GEN2);**
- 3) Amenity Considerations (ULP Policy GEN2);**
- 4) Access and Parking (ULP Policy GEN1, GEN8);**
- 5) Other material planning considerations and**
- 6) Other non-material planning issues.**

1) The site is Inside Development Limits where in principle development is acceptable subject to the requirements of other policies of the Uttlesford Local Plan and planning standards. The Local Plan contains no specific policy relating to provision of care homes.

2) The existing building is in a suburban design style apparently dating from the 1960s. Whilst this is innocuous it does not relate well to the older more characterful properties in South Road, or to the Conservation Area. The proposed building is of a more historic style using brick and ashlar stone on quoins and at the entrance, with projecting hipped and gabled sections to break up the shape of the building and add points of definition and visual interest. The entrance is defined by a classical portico. This would be a more suitable building for this location in terms of appearance.

3) The proposed, building stands in a similar position to that now existing, and in a similar position and of a similar size to the building as approved with extensions in 2005. There are already first floor windows in the rear elevation looking towards the rear of the houses in South Road, so the degree of overlooking between the two ranges of buildings remains effectively unaltered. The replacement building comes further forward on the east side, onto the existing grassed front lawn, and will stand virtually in alignment with the end of the row of houses/flats with number 42 & 43 being closest. Although they do have first and ground floor windows in their flank wall, there would still be sufficient space between the two opposed buildings to allow sufficient daylight to reach those windows. Again the principle of building here was accepted with the approved extensions in 2005 which would have occupied the same area. Overall the new building will tend to complete the form of the square rather than detract from it.

4) By its nature the building has to meet high standards of accessibility.

Parking standards call for 1 space per resident staff and 1 space per three bed spaces/dwelling units. There are no proposals for resident staff.

The Parking and Traffic Generation Report looks at three homes operated by the applicant elsewhere to establish likely need. A 35 bed home has 11 spaces, a 41 bed home has 16 spaces and a 49 bed home has 12 spaces. The report identifies a maximum trip rate per room of 2.27 per day, mainly associated with staff movements. Whilst this is interesting it does not equate to a number of parking bays, and it must be noted that two of the homes are in Cambridge where public transport provision is very good.

Currently there are 19 spaces plus 2 disabled spaces. The proposal shows 18 marked parking bays, plus some unallocated hardsurfaced area that could accommodate another 4 or 5 cars, whereas the 61 bedspaces would equate to 20 spaces parking provision. The applicant confirms that at any one time a maximum of 20 staff would be on duty. It is considered that adequate space for vehicles is provided.

5) No other issues are considered to arise.

6) Members, and the public, have asked how the care service will continue to be provided if and when the site is redeveloped. This is not a material consideration for the planning authority and can not influence the decision of the Local Planning Authority.

The applicant provides the following statement.

1. The proposed new-build is one option for Stanley Wilson Lodge which it is intended to discuss should planning permission be granted. The project is one option for consideration as a means of increasing quality care facilities for elderly people requiring residential or day care provision within the county.

The plans are for consideration are for approval for a development intended to improve the quality of care provision for elders requiring residential or day care.

There have been changes in the expectations of older people and families about the type of accommodation which is considered acceptable, since the present premises were designed. Care homes for the 21 century are required to reflect current legislative requirements as well as acknowledging the necessity to make available a better standard of accommodation, than was previously considered acceptable.

The plans show for example that each bedroom will contain en suite facilities and the size of the bedrooms will meet required care standards.

The benefits to the community would be the provision of care facilities that will enable elders to remain living locally, in a purpose designed care home which would contain far better quality provision than provided within the limitations of the existing accommodation. A new Day centre facility will contribute to the ability of elders to be supported within the community. Health and safety considerations play a part when considering vehicular access to the care home and day centre.

## 2. Potential relocation of residents

You may know from similar projects in the county, for example Sherrell House in Chigwell, that social services and families are involved in consultations and decisions as to the temporary relocation of residents should a home closure for redevelopment occur, however at this time, it is essential to appreciate these are very early days and not until the outcome of the application is known can all options on service development be considered.

### The process

Procedures will include a review of the personal needs of each resident; risk assessments and full consultation with residents and relatives regarding alternative accommodation. Transfers would be undertaken in a systematic planned way to ensure residents are supported during and after transfer by people they know and trust. Allocated teams of social workers would maintain contact and review placements over the six-weeks following transfer.

### Experience and resources to undertake temporary relocations

A dedicated team of professionals would be allocated to the project with representatives from ILA to support residents' views. The closure plan is agreed with all parties prior to commencement of the project so that clear lines of responsibility and accountability are in place.

### Continuity of location

The care home company, Saffron Healthcare Ltd, will be supported by a senior advisory management team (Castlebar Healthcare Ltd) which with the development company have successfully undertaken a number of care home company closures over recent years, and



relocated residents on return, to new build care home accommodation, on the sites of previous care homes.

Most recently in Chigwell, Essex Sherrell House was closed for redevelopment and it is envisaged residents will return to the new build care home within a 12-18 month period, from commencement date of project.

**CONCLUSIONS:** The proposal is considered satisfactory.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. C.8.29. Details of sustainable construction for new residential or commercial development.
5. C.11.7. Prior implementation of residential parking.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. Surface water from roads and impermeable vehicle parking areas shall be discharge via trapped gullies. Only clean, uncontaminated surface water should be discharged to any watercourse or surface water sewer.  
REASON: It is an offence to pollute surface or groundwater under the Water Resources Act 1991.
9. C.8.30. Provision of bin storage.
10. C.13.9. Hours of construction.

*Background papers: see application file.*

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## **UTT/0202/08/FUL - STANSTED**

*(Called in by Councillor Salmon: Reason: Site is controversial)*

Two storey rear extension  
Location: 48 Bentfield Road. GR/TL 508-253  
Applicant: Mr & Mrs Rands  
Agent: Mr & Mrs Rands  
Case Officer: Mr T Morton 01799 510654  
Expiry Date: 07/04/2008  
Classification: OTHER

**NOTATION:** Inside Development Limit.

**DESCRIPTION OF SITE:** This is a two storey semi detached house of untypical form with each half being unequal; the application house occupies about two-thirds of the entire structure. Both halves of the 'pair', have single storey rear extensions. It is sited on the east side of the road, and to the rear are houses in Bentfield Gardens with their rear windows facing this property. A garage is placed separate from the house on its southern side.

**DESCRIPTION OF PROPOSAL:** Two storey rear extension.

**APPLICANT'S CASE including Design & Access statement:** The statement is available in full on file. It describes the site and surroundings and the proposal.

**RELEVANT HISTORY:** UTT/1670/07/FUL - Erection of a double storey rear extension to provide habitable rooms. Refused

**CONSULTATIONS:** Thames Water: No objection to the sewerage aspects. Water supply is provided by Three Valleys Water.

Environment Agency: The Environment Agency has assessed this application as having a low environmental risk. Due to workload prioritisation we are unable to make a full response to this application. However, the applicant should be aware of the following:

Source Protection Zones

The site is classified as being within Source Protection Zone 1 of the Environment Agency's groundwater protection policy. This means that any pollutants entering the groundwater below this site could contaminate the public water drinking supply and be abstracted within 50 days.

Only clean, uncontaminated surface water should be discharged to any watercourse or surface water sewer. It is an offence to pollute surface or groundwater under the Water Resources Act 1991.

Soakaways

Subject to the approval of the Local Authority (Building Control) a percolation test should be undertaken to ensure that soakaways will work adequately in adverse conditions. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals should be submitted

**PARISH COUNCIL COMMENTS:** Consultation period expired 12 March 2008  
No representations received.

**REPRESENTATIONS:** one. Notification period expired 3 March 2008.

The owner of the attached house has objected.  
The majority of the grounds that he raised in his objection to the previous application remain.

The points raised are;

The extension would be a bulky and incongruous addition not compatible with the main building.

The extension will take a significant amount of light from the first floor bedroom window in his house, and from the skylight to the bathroom in the ground floor extension

the extension will take light from his garden

the extension will create a tunnel effect between 48 and 52 with 50 trapped between

the extension is out of proportion with the land available.

The pitched roof to the breakfast room of 48 will leave rainwater with nowhere to run off to.

**COMMENTS ON REPRESENTATIONS:** The design and amenity aspects of the proposal are discussed below. The extension has to comply with the policy and SPD and this compares the extension to the existing building, not to the size of the plot. There is no planning requirement for natural daylight to a bathroom skylight window. There is no planning requirement to protect daylight to a garden. The proposed extension complies with the 45 degree daylight line to the first floor bedroom window of the attached neighbouring house. The comment about a tunnel effect is not understood, the extension will comply with the 45 degree code on the one side of 50 and the existing house at 52 is not a part of this proposal and is set back away from number 50.

Rainwater from the roof is not a material planning consideration and is a technical matter to be resolved by negotiation between the two adjacent landowners. Technical construction matters would be looked at in the context of the Building Regulations application.

#### **PLANNING CONSIDERATIONS including Design & Access statement:**

The main issues are;

- 1) **Principle of Extension and Design (ULP Policy H8, GEN2 & [SPD](#) Home extensions);**
- 2) **Amenity (ULP Policy GEN2 & [SPD](#) Home extensions) and**
- 3) **Other material planning considerations.**

1) Extensions to dwellings are acceptable in principle under Policy H8 providing their scale design and materials respect those of the original building, there is no material overlooking or overshadowing of nearby properties and they would not have an overbearing impact upon neighbouring properties. Policy GEN 2 sets out a range of criteria to be considered including compatibility with surrounding buildings; minimising energy and water usage, and having no material adverse impact upon privacy loss of daylight to other residential property. Further design advice is offered in the adopted SPD.

The previous submission was considered on balance to be too large and with negative impacts upon neighbour's amenity. The amended proposed extension is reduced in scale at first floor level to comply with the 45 degree daylighting line to the first floor rear bedroom window on the attached house. It is now considered to be subordinate to the existing building as suggested by the SPD.

2) The proposed rear extension now meets the guidance that protects a 45 degree daylighting angle to the centrepoint of the nearest window on the attached house; the rear first floor bedroom window on No. 50. There is also a rooflight in the rear extension of No. 50 however it has now been confirmed that this lights a bathroom only, a non-habitable room, and daylight to such windows is not protected by planning practice.

The rear east facing window would oppose a rear window in 51 Bentfield Garden at a distance of 25 metres, which would meet the standard used in new housing developments that sets a 25 metre separation.

The proposed extension therefore has no material amenity implications for neighbours.

3) No other issues are considered to arise.

**CONCLUSIONS:** The proposal is considered acceptable

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. C.8.28. Energy efficiency measures for dwelling house.

*Background papers: see application file.*

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