

UTT/0969/09/FUL - SAFFRON WALDEN

Redevelopment to provide 86 No. residential dwellings, together with pocket park & associated open space, car parking, landscaping and new access arrangements
Location: Land to the East of the Former Bell Language School Peaslands Road.
GR/TL 544-376
Applicant: The British & Foreign Schools
Agent: Mr Geoff Armstrong
Case Officer: Ms K Hollitt 01799 510495
Expiry Date: 30/10/2009
Classification: MAJOR

NOTATION: Within Development Limit.

DESCRIPTION OF SITE: Approximately half of the site is open land laid to grass and with substantial hedgerows and trees, formerly used as a playing pitch and open space to serve Bell College. On the remainder of the site there is an accommodation block, caretaker's house, demountable classroom and tennis court. The Committee visited the site at the time of the last application in 2008.

DESCRIPTION OF PROPOSAL: Redevelopment to provide 86 dwellings, a pocket park and associated open space, car parking, landscaping and new access. In more detail there would be 34 Affordable housing units (3 no 1 bed flats, 2 no 1 bed disabled access flats, 8 no 2 bed flats, 10 no 2 bed houses, 2 no 2 bed disabled access houses, 5 no 3 bed houses, 4 no 4 bed houses). There would be 52 market housing units (2 no 2 bed flats, 1 no 2 bed house, 14 no 3 bed houses, 20 no 4 bed houses, 5 no 5 bed houses. 152 parking spaces would be provided).

The form of the buildings is a mix of houses (2 and 3 storey) and flats (2, 3 and 4 stories). All vehicular access to the site would be via the recent Countryside development to the east and its roundabout on Peaslands Road.

This application follows the refusal and dismissal at appeal of a previous scheme for 88 residential units.

APPLICANT'S CASE: The Design and Access Statement is available in full on file. The application is accompanied by a huge volume of supporting documents comprising; a Planning Statement, the D&A Statement, an Arboricultural Statement in three volumes, A report on existing open space and play provision, an Ecological Appraisal, a Playing Pitch Assessment, a Transport Assessment (2 volumes), a Statement of Community Involvement, and a Flood Risk and drainage Assessment.

Some of the points raised are discussed in the appraisal in this report. The Applicants Planning Statement concludes that the proposal:

Submission follows in the wake of a previous application and appeal which have had a significant bearing on the current scheme. Indeed the proposal are almost identical to the previous submission, save those minor alterations which have been made in order to respond to the Appeal Inspector's comments and the specific advice received from officers.

The statement clearly summarises the elements of the scheme which were endorsed by the Inspector, whilst also discussing the changes which have been made in order to overcome the Inspector's concerns and therefore considered that the proposals are fully compliant with

the relevant planning policy framework and moreover are consistent with the Appeal Inspector's comments.

The proposed development would not cause harm to interests of acknowledged importance and would make a very positive contribution to the local area.

RELEVANT HISTORY: Land to the east also formerly part of the grounds of Bell College has been developed as a housing estate with the provision of a hard surfaced multi use games court and a football pitch. The Committee has recently resolved to grant planning permission for the Bell College Buildings to the west of this site.

Application UTT/0385/08/FUL - Redevelopment to provide 88 dwellings, a pocket park and associated open space, car parking, landscaping and new was access refused in June 2008 on the grounds of insufficient provision of recreational space; poor mix of social housing; weak and incoherent design; increased pressure on education provision. The appeal decision identified shortcomings with the open space provision and the potential for off-site provision; design issues with block of flats (plots 56-61); tenure mix of affordable housing was inadequate. Highway issues and education provision were not considered by the Inspector to be sufficient to warrant refusal.

CONSULTATIONS: Housing Policy Officer: The size mix of the affordable units on the scheme is generally acceptable. Discussions regarding the tenure split have taken place and it now meets the Council's 70/30 split in favour of social rented accommodation intermediate tenure. However, the size and type of units for the intermediate tenure is still being negotiated.

Environment Agency: No objections subject to conditions in relation to flood risk, pollution control, contaminated land, piling, infiltration Sustainable Urban Drainage (SUDs).

Veolia Water: 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.

Anglian Water: Foul sewer network has capacity to accommodate the proposed development.

Drainage Engineer: Drainage conditions and flood risk management condition should be applied to any consent.

Natural England: No objections.

Essex County Council Schools Children and Families: Will be seeking an education contribution under section 106 of the Planning Act. There will be a need for 6.39 additional early years and childcare places, 10.3 primary school and 14.2 secondary school places and thus request a developer contribution of £449,030 index linked from April 2009. If the Council is minded to refuse the application, the lack of education provision in the area can also be an additional reason for refusal.

Highways: No objection subject to conditions.

Sport England: Object. Proposed development does not accord with any of the exceptions to Sport England's playing fields policy or Government guidance in PPG17. Proposals are contrary to Policy LC1 of the adopted Uttlesford Local Plan. Application would need to be referred to the Secretary of State if the local authority were minded to approve the application contrary to an objection from Sport England. Sport England is not supportive of the District Council's current preference for a financial contribution to be accepted without a replacement playing field project being identified unless acceptable safeguards were built into a planning permission to avoid the loss of financial contributions (See report).

Accessible Housing: Not all plots appear to meet the requirements.

Building Control: Seems OK.

Sustainability: Code for Sustainable Homes preliminary assessment is acceptable. Sustainable Energy assessment for 10% renewables is not acceptable. Conditions C.8.29 and C.8.32 required if approved.

TOWN COUNCIL COMMENTS: Object. Four storey buildings are out of character with other buildings in this locality and will be dominant and overbearing.

REPRESENTATIONS: This application has been advertised and 11 representations have been received opposing the development. Period expired 3 September 2009.

The issues raised cover:

Traffic and Access: Concerned about the extra traffic using Crabtrees. The roundabout at Peaslands Road is already a nightmare as people barely bother to slow down. There have been numerous near misses.

Already 57 new homes on the site. The proposal for 86 houses and apartments together with application from Ashwells will have a major impact on traffic levels at Peaslands Road and other local streets.

Mount Pleasant Road/Debden Road is already an accident black spot, this problem will be worsened by additional traffic.

The sports facilities on Saffron Green have still not been adopted by the Council and so they are not generating traffic. Their inception will only increase traffic.

Trees: Should all be protected. Are too close to the proposed flats and would mean insufficient light to their windows leading to pressure for removal.

Open Space: Revised plans do not address the issue of the extremely limited amount of open space. There is insufficient open space in the area.

Play area in the park seems very insubstantial and lacks imagination. Concerned how pocket park will be maintained.

Design: The flats are too high, the apartments are not sited on the lowest part of the site and would have great visual impact out of keeping with any other building facing onto Peaslands Road, a building of character is needed on the south east corner.

No comprehensive design approach together with adjacent sites

Plot 57 appears to be less than 15m from boundary. The entire south facing aspect of our bungalow consists of bedrooms on the ground floor so the overlooking impact of plot 57 for us is equivalent to plots 58-60.

Amenity: Overlooking and loss of privacy to nearby houses in Peaslands Road.

Disturbance from vehicle movements.

Other - Comparison with the refused Friends School development.

Impact on education facilities.

Need for safe pedestrian route through this and adjoining developments. Developer should be made to contribute to widening of existing pavements. Need for pavement on west side of Hop Fields.

Cumulative impact of this with other developments in the area.

No information on where the construction site office would be located. It could overlook nearby houses.

Public consultation by developer has been inadequate, residents comments in the Statement of Community Involvement are ignored in the applicants summary of the event.

COMMENTS ON REPRESENTATIONS: The material planning issues are discussed in the evaluation below. Restrictive Covenants are not material issues for the Local Planning Authority, as they are private contractual arrangements between other parties.

PLANNING CONSIDERATIONS: This application follows the refusal and dismissal at appeal of a previous scheme. The principle of development on this site has been established and the few remaining issues required to be resolved, as identified by the Inspector are:

- 1) **The design flaws to the development relating to plots 56-61 (ULP Policies S1, H3, GEN2);**
- 2) **The need to provide affordable housing (ULP Policies H9, H10);**
- 3) **The need to progress sports field provision (ULP Policy GEN6, LC1 and LDF Open Space Study) and**
- 4) **Other matters.**

1) In the previous scheme plots 56-61 were proposed to be a 3 storey block of flats in close proximity to properties in Crabtrees and Victoria Gardens. The Inspector concluded that this element of the proposals was poor design and would conflict with ULP Policy GEN2 (f) and (i) aimed at protecting the amenities of residential properties. This block is now proposed to be replaced with a terrace of 2 bedroom cottages (plots 57-60). These would be 2-storey in height and would have bathroom and bedroom windows to the rear elevation. These properties would be located 15m from the rear boundary of the site and meet the separation distances set out in the Essex Design Guide. No adverse loss of residential amenity due to overlooking would result from the proposals and the Inspector's concern have been overcome.

2) The current proposals include a mix of properties for affordable housing spread throughout the site. Discussions have been undertaken to establish the tenure split and this now meets the Council's criteria of 70/30 split in favour of social rented accommodation. Further discussions are being undertaken as to the size and type of units for the intermediate tenure. However, these details are to be included in a S106 Agreement. The principle of the social housing requirements is now satisfactory and the previous reason for refusal has been overcome.

3) The proposal involves the loss of playing fields, which is contrary to PPG17 and ULP Policy LC1. This was the subject of a reason for refusal on the previous application and upheld at appeal. The Inspector's view was that the matter had not been fully explored by the appellant. At present Sport England objects to the proposal. Notwithstanding this, in discussion with Sport England a compromise which would secure a financial contribution towards the provision of new playing fields is likely to be considered acceptable, subject to certain safeguards. Negotiations are currently being undertaken by the Council with a local landowner with regards to the potential acquisition of land for sports provision. The developers are prepared to offer a financial contribution of £162,130.75 towards the replacement playing field facilities. In addition a further lump sum contribution of £120,000 is proposed to acquire additional land. In principle Sport England accepts the proposed financial contribution towards facilities. It requires further clarification as to whether the sum of £120,000 would be sufficient for land acquisition. Further negotiations between the developers, the Council and Sport England are continuing and it is hoped that these will be resolved by the Development Control Committee meeting so that the objection can be removed. Any financial contributions towards additional playing field facilities and the acquisition of further land for sports facilities would be the subject to a S106 Agreement. Subject to the further negotiations and exchange of information between the Council and Sport England removing the current objection, the previous reasons for refusal appears to have been overcome. However, if this issue not able to be resolved satisfactorily then this reason for refusal would remain.

4) The concerns raised in representations relating to highway and access issues are noted. However, this scheme is essentially a resubmission of the previous scheme considered at appeal. The Inspector concluded that the proposals would not have an unacceptable effect on the highway network. This is supported by the response from Essex

County Council Highway's Department who raise no objections to the proposals subject to conditions.

The concerns raised in representations in relation to the four storey blocks are also noted. The Inspector concluded that this element of the proposals would not be too dominant in this location or out of character with their setting.

The parking provision for the development was also considered acceptable by the Inspector. This application was submitted in July prior to the adoption of the new parking standards by Essex County Council. This document has not yet been formally adopted by this authority and as such the imposition of these new standards would not be appropriate in this instance.

The Inspector also concluded that the open space provision within the site was sufficient to meet the needs of the development.

CONCLUSION: Subject to further negotiations being completed to resolve Sport England's objection to the current application, the proposals have now overcome the previous reasons for refusal and are acceptable subject to conditions and a S106 Agreement to secure the affordable housing; the provision of public open space, which would be transferred to the Council; financial contributions towards formal open space and sports pitches; residents travel packs; education contributions; and a highways contribution for improvement works.

RECOMMENDATION: APPROVAL WITH CONDITIONS AND A S106 AGREEMENT

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and approved.
4. C.7.1. Cross sections and levels.
5. C.4.1. Landscaping scheme to be submitted and approved.
6. C.4.2. Landscaping scheme to be submitted to be implemented.
7. C.4.6. Protection of trees.
8. C.4.9. Native species to be use.
9. C.8.29. Condition for compliance with code level 3 (five or more dwellings)
10. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area).
11. C.28.2. Accessibility - further submission.
12. C.29.1. Flood risk management measures.
13. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters
 - ii. Include a timetable for its implementation; and
 - iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref D132-02 dated June 2009 and the following mitigation measures detailed within the FRA:
- i. Limiting the surface water run-off generated from the dwellings and associated hardstanding by designing soakaways based on calculations strictly in accordance with BRE 365 as shown in appendix D and FRA paragraphs 3.22-3.29 and Drawing No. D130-03B.
 - ii. Limiting the surface water run-off generated from the associated highways by designing a storage tank and flow control system limiting flow to 3l/s into phase 1 site, paragraphs 3.9-3.11 and 3.38-3.44 FRA dated June 2009.
 - iii. A maintenance and ownership regime for the surface water system for the dwellings and roads will be implemented for the lifetime of the development as recommended in the FRA paragraphs 3.30-3.37 and David Wilson Homes letter in Appendix H.
REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
15. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to, and agreed in writing with, the local 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 ensure a satisfactory method of pollution control.
16. 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 risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i. 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
 - ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii. The site investigation results and the detailed risk assessment (ii) 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.
 - iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) 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 proposals will not cause pollution of controlled waters and that development complies with approved details in the interests of protection of Controlled Waters.
17. 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 proposals will not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.
18. 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.

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

19. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: To prevent the pollution of controlled waters.

20. Prior to the commencement of development hereby permitted details of the provision of suitable temporary access arrangements, including visibility splays, to the application site in connection with the land forming/construction operations. Details shall include wheel washing facilities, any necessary traffic management, turning and off loading facilities for delivery/construction vehicles within the limits of the site together with adequate parking area for those employed in developing the site.

REASON: In the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 - Access.

21. Prior to the commencement of the development hereby permitted a before and after condition survey of the estate road shall be undertaken by the developer/contractor with the Highway Authority present, to ensure any damage occurring to the existing road as a result of construction traffic be made good. Details shall be submitted to and approved in writing by the local planning authority.

REASON: To avoid permanent damage to the highway in the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 - Access.

22. Prior to the commencement of the development hereby permitted the details of the number, location and design of powered two wheelers and secure and covered bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided prior to occupation and retained at all times.

REASON: To ensure appropriate two wheeler and bicycle parking is provided in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 - Access.

23. No dwelling shall be occupied until the existing access has been permanently closed, the existing crossover removed and the footway and verge resurfaced and full height kerbs reinstated for use. Details of these measures shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 - Access.

24. No dwelling shall be occupied until a zebra crossing on Peaslands Road has been provided, at an agreed location between Hop Fields and the Lord Butler Leisure Centre. Details of the zebra crossing provision shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of sustainability, accessibility and highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and

refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 - Access.

25. No dwelling shall be occupied prior to the provision of a 2m wide footway, (3m wide where possible), along the frontage of the site on Peaslands Road. Details of the footway shall be submitted to and approved in writing by the local planning authority.
REASON: In the interests of sustainability, accessibility and highway safety in accordance with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07 and Uttlesford District Council Local Plan Policy GEN1 - Access.
26. Each vehicular access shall be provided on both sides with a 1.5m x 1.5m pedestrian visibility splay as measured from the highway boundary. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access to ensure that the proposals conform to the saved policy T4 of the Essex and Southend on Sea Replacement Structure Plan and the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.
27. No unbound material shall be used in the surface finish of the driveways within 6m of the highway boundary of the site.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure that the proposals conform to the saved policy T4 of the Essex and Southend on Sea Replacement Structure Plan and the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.
28. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within 12 months (or 3 months in the case of a shared surface road or a mews) from the occupation of such dwelling.
REASON: In there interests of highway safety to ensure that the proposals conform to the saved policy T4 of the Essex and Southend on Sea Replacement Structure Plan and the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.
29. Special junction details required for mews courts. For the first 8m, as measured from the back of the footway, the mews court shall be restricted in width to 4.8m (except for the 1.5m x 1.5m sight splays) and contained by buildings or walls of a minimum height of 1.8m. The 1.5m x 1.5m vehicle/pedestrian splays shall be provided on both sides of the access and shall be adopted as part of the highway.
REASON: To ensure roads/footways are constructed to an acceptable standard. In the interests of highway safety to ensure that the proposals conform to the saved policy T4 of the Essex and Southend on Sea Replacement Structure Plan and the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.

30. There shall be no doors or other entrances onto the mews/mews courts within the first 8m. No windows or doors shall open outwards or overflow or down pipes etc project over the net adoptable area of the court or over other areas where the public have unrestrained access.

REASON: To ensure roads/footways are constructed to an acceptable standard. In the interests of highway safety to ensure that the proposals conform to the saved policy T4 of the Essex and Southend on Sea Replacement Structure Plan and the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.

31. 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.

Background papers: see application file.
