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## UTT/1984/10/FUL - LITTLEBURY

(An addendum has been added to the end of the report)

Demolition of warehouses and offices, and erection of 14 No. dwellings with garages, parking, landscaping and new vehicular and pedestrian access

Location: The Sidings Peggys Walk. GR/TL 514-935

Applicant: Weston Homes Plc

Agent: Weston Homes Plc

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 16/02/2011

Classification: MAJOR

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** Peggy's Walk is an area of land at the end of a cul-de-sac adjoining the London to Cambridge railway. Originally part of goods sidings this land has been used for warehousing purposes. It adjoins a residential area and is opposite a development of houses which are approx 30 years old.

A triangular shape wider to the south and narrowing to the north it covers an area of approx 0.46 hectares. The western edge runs along the railway line; the eastern edge follows the curve of the road; the southern edge rises steeply from the eastern to western edge and there is a significant depth to the bund; similarly there is a bund along the western edge which tapers down from south to north.

Dwellings to the east of the site are set lower than the application site and are set back from the road.

The site is reasonably level apart from the bund. At the northern end there is a flint wall which is to be retained.

The site is split into two sections by two existing flint cottages.

**DESCRIPTION OF PROPOSAL:** The application relates to the demolition of warehouses and office space with the erection of 14 residential dwellings and ancillary works. The density of the development would be around 30 dwellings per hectare.

The dwellings consist of:

Plot number	No. of Bedrooms	Parking spaces + Garage	Useable Garden Size
1	4	1 Yes	108sqm
2	4	1 Yes	97sqm
3	3 (wheelchair)	1 integral	115sqm
4	4	1 integral	105sqm
5	2	2 No	91sqm
6	2	2 No	95sqm
7	2	2 No	76sqm
8	3	1 Yes	84sqm
9	3	1 Yes	165sqm
10	4	1 Yes	94sqm
11	4	1 Yes	133sqm
12	3	1 Yes	145sqm
13	3	1 Yes	115sqm
14	4	1 Yes	83sqm

i.e three 2 bed, five 3 bed and six 4 bed.

Plus 4 visitor parking spaces.

Two parking spaces would be provided for 23 and 25 Peggy's Walk - existing flint cottages.

Plots 5 and 6 are linked detached; 8 and 9 are semi detached as are 12 and 13.

Seven of the proposed dwellings have direct access from Peggy's Walk whilst seven would be accessed from a road leading from Peggy's Walk.

**APPLICANT'S CASE:** A Planning Statement and Design and Access Statement have been provided with the application and can be viewed on file and concludes:  
The proposed redevelopment of the site into residential community that fulfils the needs of the Local Government and the people that reside in its locality.

**RELEVANT HISTORY:** Outline application for the erection of 15 dwellings – Conditionally approved 1997

**CONSULTATIONS:** Essex County Highways: No objection to development shown on drawing WH130/10/P/10.1 Rev A subject to conditions.

Water Authority: Suggested conditions if the Council minded to approve

Veolia Water: Within Groundwater Protection Zone and construction works and operation should be done in accordance with the relevant British Standards and Best Management Practises.

National Grid: No comment received - due 20 December 2010

Bat Group: No comment received - due 20 December 2010

Oil: No comment received 01 December 2010

Essex Wildlife Trust: No comments received - due 20 December 2010

Essex Learning Services: Request a developer contribution prior to commencement.

Environmental Services: Following further information with regard noise assessment - The assessment has shown that average noise levels within the dwellings would be acceptable with the use of a whole house ventilation system so that windows need not be opened for ventilation. (The full response can be viewed on the file).

Building Control: No comments received - reply due 20 December 2010

Lifetime Homes: Layout for Plot 3 to become the Wheelchair Accessible House is acceptable. Following receipt of revised plans - the approved Lifetime Homes drawings will need to match the Building Regulation drawings.

Landscaping: No comments received - due 20 December 2010.

**PARISH COUNCIL COMMENTS:** Original proposal - Access from Littlebury Green Road is narrow with bad sight lines and possible damage to flint wall  
Affordable housing - concern that more housing could be provided to ensure some affordable housing is provided.  
Lack of parking for existing flint cottages.

**REPRESENTATIONS:** The application has been advertised and 16 representations have been received. Period expired Monday 7 March 2011.

1. Road and access too narrow

2. Site access too narrow and will be intensified; Parking provision - parking on road creating obstruction; Access to Littlebury Green Road - Lack of visibility will increase problems; Access to B1383 from Littlebury Green Road - Increased use of junction is dangerous; Closeness to the road - houses should be set back from Peggy's Walk; Height of proposed dwellings - Overlooking of the existing neighbouring properties because site levels; Inconsistency of street scene - the existing flint cottages will be dwarfed by the proposed dwellings; Consistency of planning approach - two storey extension on house opposite was previously refused.

3. Too many houses and therefore too many cars and smaller number of houses would be more appropriate.

4. Density too intense; increased traffic will heighten perils; damage to flint walls on junction.

5. Access - Too narrow and no passing places/footpath; No parking proposed for the existing flint cottages which will create on road parking; Style of dwellings not in keeping.
6. Increased traffic and road too narrow; no footpath; pressure on local primary school.
7. Density too high; increase of traffic creating obstructions.
8. Increase of traffic and potential of damage to wall at junction
9. No parking facilities for the two existing flint cottages
10. Housing imposing; close to road; no footpath; overlooking issues; tight site access; increase in traffic causing problems
11. Dangerous and poor access to the site; Appeal decision mentions access
12. Original objection has not been addressed. Increase in traffic potential harm to pedestrians
13. Insufficient parking; Increase in traffic potential harm to pedestrians; no turning/passing points; potential for loss/reduced services because of parking issues;
14. Access problems; road not wide enough; no provision of footpath; street lighting insufficient; no parking provided for the Flint cottages; lack of school facilities; site maintenance whilst work is ongoing
15. Concerned re additional traffic and the dangerous junction.
16. Not providing affordable housing and impact of additional traffic

**COMMENTS ON REPRESENTATIONS:** Parking for the two existing flint cottages have been provided to the sides of the existing cottages. All other comments see planning considerations.

#### **PLANNING CONSIDERATIONS:**

The main issues are:

- 1) Principle of development – (Littlebury Parish Plan; ULP Policy S3)
- 2) Design and layout – (ULP Policies GEN1; GEN2; ENV15 & H10; SPD – Accessible Homes and Playspace; SPD – Renewable Energy; Essex Design Guide and PPS1)
- 3) Impact upon amenity and locality – (ULP Policies ENV14; ENV11 & GEN4 and PPG24)
- 4) Highways (ULP Policy GEN8; PPG13 & ECC Parking Standards)
- 5) Affordable Housing (ULP Policy H9)
- 6) Other material planning considerations (Circular 6/2005; ULP Policies ENV12 & GEN3;

#### 1. Principle of development

1.1 The Littlebury Village Plan has been looked at as part of assessing the subject scheme. The proposal lies within development limits and therefore the development should be assessed against ULP Policy S3 which relates to development being permitted within the boundaries where development is compatible with the settlement's character and countryside setting.

The Littlebury Village Plan action for Housing says 'any future residential development should include starter, family and retirement homes, and be limited to brown field sites, as long as such proposals are consistent with sustainable communities and that any change of use is not detrimental to the well being of the parish and local community.'

The Parish Council does not object to the proposal but has concerns about detailed matters.

The site is a brownfield site and within development limits and therefore the principle of the development is acceptable.

## 2. Design & Layout

2.1. The proposed scale, size, siting and orientation of the proposed dwellings is considered to be in keeping with its surrounding based on a mixture of scale and design of existing residential dwellings. There would be at least 12 metres between the nearest existing dwelling to a proposed dwelling - the southern boundary - and 18metres between the properties on the eastern boundary and the existing dwellings. Therefore minimal residential and visual impact on the adjacent dwellings is likely.

2.2. Revised drawings have been submitted which show that the proposed dwellings would accord with Lifetime Homes standards. The Accessible Homes and Playspace SPG also states that the Council require at least one dwelling built to wheelchair accessible standards in new developments of between 10 and 20 units; Plot 3 has been designed to comply with this requirement. Garden sizes are adequate for the size of dwellings proposed. There are various site levels on the adjoining site and opposite site and therefore the two storey dwellings would be comparable with adjacent properties.

2.3. Due to the levels of the site when compared to the site to the south consideration has to be given to any potential overlooking issues. Plots 3 and 4 would back directly on to the side of the existing dwelling of 17 Peggy's Walk; the proposed dwellings have three windows to the rear first floor elevation which may create overlooking issues into the ground floor side elevation of the existing dwelling; however the Essex Design Guide indicates a requirement of 25metres gap between direct window to window. The proposed is approx 22metres and the window of the proposed is an en-suite opaque window – the existing is a dining room on a flank elevation. The additional two windows to the proposed first floor are to bedrooms and would be at an angle. Having given consideration to the policies the proposed opaque window is unlikely to give concern to overlooking issues to the existing residents. Homes designed to Sustainable Homes Level 3 which is the Council's standard.

2.4. The application did not include a water strategy/flood risk assessment and therefore the applicant needs to consult with Anglia Water and the Environment Agency. The water authority requests a condition to be attached requiring a drainage strategy covering the issue(s) to be agreed.

## 3. Impact on Amenity & locality

3.1. Due to the proposed nature of the scheme being residential and the number of proposed units and layout no adverse impacts in terms of noise and disturbance are considered upon the surrounding residential dwellings in accordance with Policy GEN4 - Good Neighbourliness and ENV11 - Noise Generators.

3.2. However the site is adjacent to the main London to Cambridge railway line and the revised Noise Assessment submitted with the application identifies the site as being in Noise Exposure Category C. Planning Policy Guidance 24 recommends that planning permission for residential development should not normally be granted on a category C site.

3.3. The developer has proposed high specification glazing, a barrier and the distance from the track which would reduce the noise to an acceptable level. However the developer has been unable to confirm the effectiveness of the proposed windows and therefore if the Council is minded to approve a suitably worded condition should be imposed.

## 4. Highway matters

4.1. Highways does not raise an objection to the application subject to conditions. The proposal is for seven dwellings to have direct access from Peggy's Walk with an additional seven dwellings gaining access from a single all purpose access.

Parking of two spaces for each existing flint cottage have been provided; four visitor parking spaces and minimum two spaces per dwelling including garaging. All spaces provided meet the requirements of the adopted Parking Standards September 2009.

Concern has been raised with regard the increase of vehicles accessing the site and the danger to pedestrians. Highways has not raised any concern over this issue. The site has regularly been accessed by vehicles delivering to and collecting from the commercial site and the change in the size and volume of vehicles is likely to be beneficial.

4.2. A footpath along Peggy's Walk would fall outside the redline area of the site and as a footpath has not been requested by Highways as a requirement this would not be a requirement of a permission.

## 5. Affordable housing

5.1. The explanatory text to Policy H10 states that up to '40% affordable housing will be sought on sites of 0.5hectares or of 15 dwellings or more'. The proposal is for 14 dwellings on a site of 0.46hectares.

5.2. Officers considered that there appeared to be potential to increase the number of dwellings on the site further by at least one to increase the numbers of dwellings on the site to the threshold where affordable housing is required. However, the applicant has submitted scenarios where more than 15 dwellings have been shown on the site. This shows that the garden sizes would not meet the required standards; parking issues would arise and - Scenario 1 & 2 - would introduce car dominated street scene as well as small gardens. Scenario 3 - removes the flint wall at the northern end of the site; two visitor parking spaces would be lost and the garden sizes would be undersized. On balance this scheme for 14 dwellings appears to be the right number.

5.3. The dwelling size and mix must be considered. Policy H10 of the Local Plan requires that for all developments of 0.1 hectares and above or three or more dwellings are required to include a significant proportion of market housing comprising small 2 and 3 bed homes. The proposal is for 6 x 4 bed; 5 x 3 bed and 3 x 2 bed dwellings i.e. eight two and three bed units which would comply with ULP Policy H10 - Housing Mix.

## 6 Other material considerations

6.1. Education contribution - Essex County Council have requested a developer contribution prior to commencement. It should be noted that if the application was to be refused the lack of education provision would need to be noted as a reason for refusal.

6.2. Bio-diversity – The nature of the site is such that there is currently very little green space; the proposal will introduce areas where bio diversity can be encouraged.

6.3. Habitat - The buildings if unused may have the potential to attract some protected wildlife and therefore if minded to approve a condition is required to ensure that the buildings are checked if not demolished within one year of any permission granted.

**CONCLUSIONS:** The proposed scheme is considered acceptable and in accordance with national and local plan policies subject to conditions.

## **RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO S106 - EDUCATION CONTRIBUTIONS**

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development.

6. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described in the Design and Access Statement submitted with the application. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.  
REASON: To ensure a satisfactory standard of development in the interests of visual
7. C.6.2. Excluding all rights of permitted development within the cartilage of a dwelling house without further permission.
8. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented buildings.
9. C.8.15. Restriction of hours of operation.
10. C.8.29. Details of sustainable construction for new residential or commercial development.
11. C.10.21. No occupation until roads constructed and surfaced.
12. C.11.9. Disabled parking provision.
13. Prior to commencement of the development hereby permitted details of siting of bat boxes shall be submitted to and approved in writing. Subsequently, the approved details shall not be changed without the prior written consent of the local planning.  
REASON: In the interest of the protection of the wildlife value of the site.
14. A further survey should be carried out if the demolition on site has not been completed by 31 October 2011. The findings and conclusions of the survey shall be submitted to the local planning authority for approval in writing within one month of the completion of the survey. The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority.  
REASON: To provide protection to legally protected or rare species
15. No development shall commence until a surface water strategy/floodrisk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.  
REASON: To prevent environmental and amenity problems arising from flooding.
16. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.  
REASON: To prevent the risk of ground water pollution.
17. Prior to commencement of the development details showing the means to prevent discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.  
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.
18. There should be no doors or other entrances onto the mews/mews court within the first 8 metres. No windows or doors should open outwards or overflow of downpipes etc. project of 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.
19. Prior to commencement of any development, the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site. Details to be submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety and efficiency.
20. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any other purpose

other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided

21. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel information and Marketing Scheme for sustainable transport approved by Essex County Council.

REASON: In the interests of promoting sustainable development and transport in accordance with policy F.32 in the Essex Road Passenger Transport Strategy 2006/11.

22. The bedroom windows and building envelope of plots 7, 8 and 14 shall be designed and constructed so as to provide a weighted sound reduction index of not less than 42dB. The windows of the remaining plots shall be designed and constructed so as to provide a weighted sound reduction index of not less than 36dB. A wall or dense close boarded fence at least 2m high shall be provided along the boundary of the railway, as close as possible to the railway. A whole house ventilation system with acoustic vents shall be installed in each unit. Details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site.

REASON: To protect the amenities of the occupiers of the development.

23. Unless otherwise agreed by the Local Planning Authority, development other than demolition of the existing structures and the breakup of the concrete slab, or that required to be carried out as part of an approved scheme remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.
  1. Site Characterisation. An intrusive site investigation and risk assessment, in addition to the assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:(i) a survey of the extent, scale and nature of contamination;(ii) an assessment of the potential risks to:- human health, - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- adjoining land, - groundwaters and surface waters, - ecological systems,- archeological sites and ancient monuments;(iii) an appraisal of remedial options, and proposal of the preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.2. Submission of Remediation SchemeA detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.4. Reporting of Unexpected Contamination. In the



event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 3.

REASON (common to all parts): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14 of the adopted Uttlesford Local Plan.

- 24. C.8.21. Control of odour and other effluvia - 4 construction sites.
- 25. C.8.32. Ground contamination.
- 26. C.28.1. Implementation of accessibility scheme.

*Background papers: see application file.*

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## **UTT/0323/11/FUL - SAFFRON WALDEN**

Erection 27 No. retirement apartments, communal facilities and car parking  
Location: Former Bell Language School South Road Saffron Walden GR/TL 542-378  
Applicant: MCarthy & Stone Retirement Limited  
Agent: The Planning Bureau Ltd  
Case Officer: *Mr Andrew Taylor 01799 510510*  
Expiry Date: 25/05/2011  
Classification: MAJOR

**NOTATION:** Within Development Limits, TPOs, outside Conservation Area.

**DESCRIPTION OF SITE:** The application site is located within the development limits of Saffron Walden. It is south of and adjacent to St Thomas More Primary School, set back from the main road behind a recently built housing scheme known as Lancaster House (UTT/0828/09/FUL), and east of former playing fields. There is currently new housing being built immediately to the south of the site.

The site was a former informal car park which was used by the school. Access is proposed from an approved road which would be shared between the subject site and the newly built frontage housing, located south of the dwellings. It comprises an area of 0.26 hectares.

There is screening surrounding the site through vegetation and a number of trees. To the north and southern boundary there are trees which are covered by Tree Preservation Orders. There is a small gap in the screening towards the southeast.

There are changes in ground levels through the site with a fall from southwest to the northwest. The application site together with Lancaster House sits at a higher ground level in comparison to St Thomas More School. The committee visited the site in Autumn 2009 at the time of previous applications.

**DESCRIPTION OF PROPOSAL:** Erection of 27 Category II type retirement apartments, communal facilities and 14 car parking spaces are proposed, 8 cycle bays and an electric scooter store. Category II sheltered housing refers to the use of warden call alarm system and the provision of a resident scheme manager.

This development of 27 retirement apartments would be erected instead of a 58 bed care home which was granted under consent UTT/0828/09/FUL. The proposed development would consist of 16no.x 1 bedroom units and 11no.x 2 bedroom units. These would be arranged over part of the lower ground level, ground, first and second floor levels.

The general design, except for some change in fenestration detail is very similar to the previously approved care home. The scheme would be sited on generally the same footprint and the overall height would be as has been previously approved at approximately 11.7m.

There would be shared communal gardens for the residents of the proposed development. Other communal facilities would be provided such as a residents lounge, laundry, and refuse store. There is also a guest suite shown to be provided on the lower ground level.

**APPLICANT'S CASE:** Various reports have been submitted in support of the application, in the form of AQA statement, Design and Access Statement, Drainage details, Flood Risk Assessment, Contamination Assessment, Archaeological, Utilities Statement, Community Involvement Statement, Sustainability Checklist, Ecological Survey Phases I, Traffic Impact Report, Waste

Management Plan and Tree Survey. Since the recently refused application UTT/1981/10 and additional Viability Assessment has been submitted.

**RELEVANT HISTORY:** There were numerous previous applications relating to the site the most relevant are listed below;

UTT/0969/09/FUL - Redevelopment to provide 86 No. residential dwellings, together with pocket park & associated open space, car parking, landscaping and new access arrangements – Granted February 2010

UTT/0828/09/FUL - Conversion and redevelopment to provide 62 No. new dwellings, 58 No. bed care home and retention of children's nursery, including landscaping and associated infrastructure – Granted December 2009

UTT/0503/10/FUL - Amendments to approval UTT/0969/09/FUL for Redevelopment to provide 86 No. residential dwellings, together with pocket park & associated open space, car parking, landscaping and new access arrangements – Granted August 2010

UTT/1981/10/FUL – Erection of 27 retirement apartments, communal facilities and car parking – Refused March 2011 for the following reasons:

1) *The total number and dimensions of the parking spaces proposed fail to meet the requirements of the Parking Standards 'Design and Good Practice' September 2009 adopted by the Environment Committee in January 2010. This failure would lead to cars having to park in neighbouring roads causing traffic congestion and harming road safety. In addition, the small size of the spaces. Especially given the type of occupants of the proposed building, would cause difficulties for the residents to get into and out of cars. The proposal therefore fails to comply with these standards and saved Local Plan Policy GEN8.*

2) *The proposal fails to provide any affordable housing. The application contains insufficient justification for this lack of provision and no alternative means of provision, including off site contributions, have been considered. It therefore fails to comply with saved Local Plan Policy H9 and Planning Policy Statement 3: Housing.*

An appeal was lodged against a similar scheme for 46 retirement apartments, plus guest suite and a managers flat in 1993 on Station Road, Saffron Walden (UTT/0119/93/FUL) following a condition relating to the imposition of providing 48 car parking spaces on site, whilst the plans only indicated 30 spaces on site. The site was acknowledge for its proximity to the town centre. In allowing that appeal the Inspector referred to the need for flexibility. Reference was drawn to Audley Court where there are 46 flats and 34 spaces, whereby only 16 cars are parked there regularly. This is a material consideration in the understanding and handing of this application.

**CONSULTATIONS:** ECC Archaeology: No reply (Required programme of investigation for last application).

Planning Policy: As this is a duplicate I have repeated my previous comments: The site is within the Town Development Limits where subject to general policies in the Uttlesford Local Plan being met e.g. in relation to access, design etc residential development, in principle is appropriate. The only policy issue would be affordable housing. Under Policy H9 a scheme for 27 market homes would normally be expected to provide 40% affordable housing. There is nothing in the Local Plan which would exclude this particular type of market housing (age restricted) from this requirement.

If the applicants are not able to meet this requirement they should provide evidence to support their position and we should only approve the scheme if this evidence is found to be sound.

Environmental Health: No objection - Contamination has been found on this site and the Environment Agency should be consulted regarding protection of groundwater.

A phase II contamination report has been submitted, but no Phase 1 Desk Study nor appraisal of remediation options. Conditions are suggested if approval is recommended. Protection Act 1990 in relation to the intended use of the land after remediation.

The transport assessment has indicated that the proposed sheltered housing would generate up to 54 vehicle movements per day. A proportion of these are likely to pass through the Debden Road/ Mount Pleasant Road junction. We are currently monitoring nitrogen dioxide levels at this junction to assess whether it should form part of a new or extended AQMA. However the projected traffic flows are lower than those of the care home use which has previously been approved, and the impact on air quality would be negligible. There is no objection on air quality grounds.

Building Control: B5 access considered satisfactory, however Dry Risers will probably be required at each floor level within the building.

Climate Change: Please apply conditions C.8.29 – condition for compliance with Code for Sustainable Homes Level 3 and C.8.32 – to incorporate on site renewable technology to provide 10% of the annual energy needs.

Access Officer:

Comment 22/03/11

I understand that this is a duplicate application and therefore have copied my comments regarding this site below:

Comment of 22/02/11

Further to my e-mail dated 2 November 2010, I can now confirm that we have sufficient information to identify the wheelchair accessible plots on the ground floor as we discussed yesterday.

- parking - this issue now seems to be resolved as there is optional access.
- there is still insufficient information about compliance with Lifetime Homes on reinforcements to walls, ceilings etc to take the weights of hoists etc. this could be provided prior to commencement.

Our main concern is to ensure that this type of housing meets the need of its users and that they can 'enjoy' that dwelling whatever their changing health needs.

Comment of 02/11/10

- The access to the principal entrance to the building appears suitable and graded into a slight incline over the distance.
- The mixture of parking and pedestrian route does cause concern, particularly with scooter users and residents reversing. This is an observation.
- There are 27 dwellings on this site, what are the numbers for scooter storage likely to be in view of the reduced number of parking bays?
- There is reference to Lifetime Homes in the Design and Access Statement but little detail. Will there be suitable reinforcement to walls, ceilings etc to take adaptations such as handrails and hoists?
- This application refers to 'retirement apartments' yet I note that there has not been any inclusion of 'Wheelchair Housing' on this site. If an apartment has been designated to meet the SPG would you please advise which one and if so how the Developer intends to meet the requirements as set out in Appendix 2 of the SPG. As you are aware, in new housing developments of between 10 and 20 units, the Council requires that at least one dwelling is built to wheelchair accessible standards and over 20 units at least 5% should be built to this standard. We have seen several sites of late both private and public so we must ensure that we apply the same criteria to this site.

Anglia Water Authority: Developer would need to apply to water authority under the appropriate section of the Water Industry Act.

Veolia: Site is within a Ground Water Protection Zone corresponding to Debden Road pumping station. Construction works should be done in accordance with British Standards and Best Management Practices. Construction work could exacerbate any existing pollution, if pollution is found during construction work then appropriate monitoring and remediation methods will need to be undertaken. Reference should be made to CIRIA Publication C5332 "Control of water pollution from construction - guidance for consultants and contractors."

Architectural Liaison Officer (ALO): No objection in principle. To achieve Secure by Design (SBD) certification they would need to apply for a full application and consult directly with the Architectural Liaison Officer for that area. No consultation has occurred. As the ALO for Essex a condition is required to achieve SBD in order to address the possible weaknesses in physical or management procedures.

Drainage Engineer: The proposal is to use the drainage arrangements for the previous application which were acceptable.

Environment Agency: Same comments as previously: No objection subject to conditions relating to contamination, surface water, ground water pollution. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Surface water drainage is outside the remit of the EA due to the size of the site however offer advice.

Highways Authority: The Highway Authority considered the previous application (UTT/1981/10) and requested further information from the applicant prior to making their recommendation. This duplicate application appears to provide additional parking (15 spaces compared to 12) but these are still substandard in terms of dimensions.

It is acknowledged that the site falls well below the required parking provision as set out in the Essex Planning Officers Association "Parking Standards Design and Good Practice 2009". The applicant has provided information which demonstrates that in their particular developments, provision of one space per dwelling is not required and sites around the country successfully operate with less than half the spaces the Essex Parking Standards would require, largely due to their sustainable location. It is acknowledged that when people choose to live in a property similar to the proposal, they buy into a way of life that often does not require a car.

Natural England: Previous comments apply and they welcome the submission of a Habitat Survey.

**SAFFRON WALDEN TOWN COUNCIL COMMENTS:** No reply.

**REPRESENTATIONS:** 77 neighbours/interested parties were consulted of the application. This application has been advertised on site and in the local press. To date following the consultation process 13 representations have been received raising the following points;

- No need for more retirement flats.
- Not suitable site for retirement flats due to location
- Insufficient parking spaces
- There is a demand for the extant use as dementia care

**COMMENTS ON REPRESENTATIONS:** Please refer to main report.

**PLANNING CONSIDERATIONS:** Since the recent refusal there have been two changes to the proposal. Firstly the addition of two more car parking spaces on the site and secondly a new Viability Assessment has been submitted. The key assessment is therefore whether these changes are sufficient to overcome the previous refusal.

This report will only assess these two issues, the other issues being considered by the report for UTT/1981/10/FUL which is attached as Appendix 1 to this report.

**The main issues are;**

- 1) Affordable Housing (ULP Policy H9);**
- 2) Highways (ULP Policies GEN8, and GEN1, also Parking Standards 2009, PPG13 - Transport)**

**1) Affordable Housing:**

Policy H9 relating to affordable housing seeks a provision of 40% of the total provision of housing on appropriate allocated sites having regard to up to date Housing Needs Survey, market and site considerations. Policy H9 is clear in its requirement that sites providing for 15 or more dwellings should provide for 40% affordable housing. Whilst I accept the arguments of the appellant regarding why on-site provision should not occur (difficulties in management of shared blocks and provision of services), the council has in the past accepted off-site contributions in such circumstances and would do so again on this site.

There is a need for retirement accommodation within the District. However this need does not override the importance of the provision of affordable housing and there is no overriding material reason why this development should be permitted without an affordable housing provision. There is no doubt that there is a continuing need for affordable housing within the district. The Housing Needs survey highlights the problems within Uttlesford of high housing costs for the entire population, including those who have retired. The Strategic Housing Market Assessment 2008 also highlights a high need for affordable housing in the District.

The applicant has indicated that the scheme would not be viable if it made an off-site contribution (or on-site provision) towards affordable housing. Officer's dispute this based on advice from the Homes and Communities Agency. The Homes and Communities Agency in its role as affordable housing enablers on behalf of the Government has provided feedback to the Council on the viability appraisal submitted by the developer. Having considered the viability appraisal of the site in detail it is considered that there is scope for some contribution towards off-site affordable housing provision. This could be secured by way of a Unilateral Undertaking/Planning Obligation. Officers consider that a sum towards future off-site affordable housing should be provided. This could be spilt into more than one payment to be paid as the development progresses to allow the sale and occupation of some properties to generate funding rather than to require all the contribution to be paid up front.

As no Unilateral Undertaking has been submitted and the applicant has indicated that it is not willing to enter into a S106 agreement the application should be refused on this ground.

**2) Highways:**

The access into the site is taken from South Road was approved under the last application for the care home.

The scheme now proposes 14 car parking spaces (two more than the refused application) including 2 disabled spaces (one more than the refused application). A Cycle shelter and mobility shelter have also been shown as part of the scheme. While the provision is below that required by the parking standards the applicant has submitted robust evidence regarding other sites and the nature and characteristics of the proposed use. From its experience car ownership and use is low and it has provided comparisons with the approved 58 bed care home. The care home provided 18 car parking spaces (8 of which were tandem parking). The care home would have had at least 16 full time equivalent staff during the day. The proposed apartments would generate 1 full time equivalent post, generating a reduced intensity use, reducing the level of peak hour vehicle movement.

Taking into account the applicant's wide experience of building, and more importantly, managing such developments and in view of the above, the nature of the development, its location,

supporting information, the appeal decision on Station Road then the proposed provision is judged to be acceptable subject to conditions.

**CONCLUSION:** The scheme fails to provide any affordable housing on site or any off-site contribution. While in all other aspects the scheme is acceptable for this reason the application is considered to be contrary to policy and is recommended for a refusal.

**RECOMMENDATION: REFUSAL**

- 1) The proposal fails to provide any affordable housing. The application contains insufficient justification for this lack of provision and no alternative means of provision, including off site contributions, have been proposed. It therefore fails to comply with saved Local Plan Policy H9 and Planning Policy Statement 3: Housing.

*Background papers: see application file.*

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## **UTT/0459/11/DFO - TAKELEY (STANSTED AIRPORT)**

Details following outline application UTT/0557/09/OP (landscaping) for erection of a 300 bed 4 storey hotel with ancillary car parking and landscaping. Outline application with details of access, appearance, layout and scale

Location: South Gate Hotel Site Thremhall Avenue. GR/TL 547-220

Applicant: Mr T Jurdon

Agent: Consarc Design Group Ltd

Case Officer: Mrs A Howells 01799 510468

Expiry Date: 29/04/2011

Classification: MAJOR

**NOTATION:** Within development limits - S4; Part within AIR 6 - Strategic Landscape Area and part within AIR3 - Development in the Southern Ancillary Area

**DESCRIPTION OF SITE:** The South Gate site is located to the south of Bassingbourn Roundabout, immediately southwest of the mid stay car park. Thremhall Avenue lies to the northwest, with the A120 to the south. To the east, feeding off Bassingbourn roundabout is a local distributor roundabout which serves the mid stay car park and the South Gate site, as well as providing a link into the airport road system from the A120 for motorists coming from and going east.

The South Gate site is roughly triangular in shape, measuring approx. 470, along the A120 boundary and 200m in depth from the same boundary towards Bassingbourn Roundabout. The total site area is 5.6 hectares (13.65 acres). However this proposal is for only part of the whole site (approx 1.16 hectares) and comprises an area to the south of the site adjacent to the A120.

**DESCRIPTION OF PROPOSAL:** The application contains the outstanding reserved matter - landscape details following outline permission UTT/0557/09/OP - the erection of a 300 bed 4 storey hotel with ancillary car parking - access, appearance, layout and scale have already been addressed within the outline application.

**APPLICANT'S CASE:** The application is for Details Following Outline and therefore a Design and Access Statement is not required.

**RELEVANT HISTORY:** Outline planning permission granted subject to conditions in 1985 by the Secretaries of State for the Environment and for Transport for the expansion of Stansted Airport to about 15 million passengers per annum (mppa) The permission included a new passenger terminal, cargo handling and general aviation facilities, hotel accommodation, taxiways (including infrastructure for aircraft maintenance and other tenants' developments) and related road access. A condition of the outline permission required that the reserved matters be submitted within 20 years i.e. by 5/06/05)

Further conditions of the outline planning permission required, inter alia, that the location of hotels within the site be agreed via general layout plans for 8 & 5mppa phases (approved 9/4/86) and that the height of any hotels within the terminal area not exceed 3 storeys in height except with the written agreement of the local planning authority.

Reserved matters submissions relating to Phase 1 airport expansion to 8mppa were made and approved during the late 1980's and early 1990's. Phase 2 expansion from 8 to about 15mppa was approved in 1999. The reserved matters for the access road, petrol filling station and hotel (Express by Holiday Inn on the South Gate site were approved in 2003.

Reserved matters applications for development of the remainder of the South Gate site could also have been made by 5/6/05, but that deadline has now lapsed. The 'Express by Holiday Inn' was opened in 2005 with 183 bedrooms; it has subsequently been extended to a total of 256 bedrooms.



Outline planning permission for airport expansion from about 15mppa to 25mppa was granted in May 2003 subject to conditions and a Section 106 Agreement. In the Environmental Statement that accompanied that application, the development of the South Gate site (including any proposed restaurant on land to the east of the petrol filling station) was taken as being part of the cumulative impact at about 15mppa against which further expansion to 25mppa was assessed.

In 2006, planning permission was refused for the removal of one condition and the variation of another to allow the expansion of Stansted Airport (Generation 1) to about 35mppa (BAA's estimation) in 2014. In the Environmental Statement that accompanied that application, hotels on the South Gate West and East were assumed to be brought forward to support 35mppa in 2014, with construction taking place in 2008-2010 and 2011-13 respectively. Subsequently the refusal was overturned at appeal and the increase in numbers etc was allowed.

2008 – Outline application for 300 bedroom hotel – withdrawn by applicant

2009 – Outline application for 300 bedroom hotel – conditionally approved. All matters were provided in the application except landscaping which has led to this submission.

**CONSULTATIONS:** Landscape Officer - The proposed soft landscaping details as set out in submitted drwg no 01B are satisfactory. It should be noted that condition C4.5, attached to the outline permission UTT/0557/09/OP, requires sections of existing the ancient hedge to be retained unless its removal has been agreed by the planning authority. The submitted scheme proposes the removal of a much more recent hedge on the eastern boundary and its replacement with planting of a broad native mixture hedge run consisting of field maple, hazel, dogwood, box, alder, hornbeam, and birch. This species mixture is shown to continue in a new screen hedge run along the southern boundary of the site fronting the A120. A hornbeam hedge is proposed along the length of the northern boundary. At the western end of the site a woodland mixture of field maple, alder, birch, hazel, and grey willow is specified. In addition to the structural landscaping of the site boundaries, hornbeam hedging and tree planting of birch and hornbeam are proposed to subdivide the main car parking areas.

The selection of species has been made in compliance with the requirements with the advice note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design'.

The management and maintenance for soft landscaping as described in the submitted document Landscape/Maintenance is considered satisfactory.

**PARISH COUNCIL COMMENTS:** Takeley Parish Council – Strongly object to the removal of ancient hedge on the southern boundary. The ancient hedge should be retained and enhanced with standard hedge type trees in front of it. The existing hedge does not interfere with construction so why disturb it?

Stansted Parish Council - Reply due 8 April 2011

**REPRESENTATIONS:** None. Notification period expired 1 April 2011.

**COMMENTS ON REPRESENTATIONS:** These are addressed in planning considerations

**PLANNING CONSIDERATIONS:** The main issues are whether the

- 1) Proposal fulfils the Strategic Landscape Area Policy (ULP Policy AIR6);
- 2) Other landscape elements of importance for nature conservation (ULP Policies ENV8 & GEN7)
- 3) Other material planning considerations.

1. Structural landscaping

1.1 The principle of a hotel on the site has been accepted by approval of UTT/0557/09/OP which included details of the access, appearance, layout and scale with the only remaining detail of landscaping.

ULP Policy AIR6 *'development will not be permitted within those areas identified as strategic landscape areas on the Inset Map'*

The structural landscaping area is a belt running along the southern boundary of the site - along the A120.

The proposal has taken into account the policy and proposes planting along this boundary thereby meeting the requirement of the policy.

2. Landscape element of importance to nature conservation.

2.1 Takeley parish council has expressed concern that the Ancient hedgerow is to be removed. Parts of it are - and were approved to be removed as part of the outline permission in order to provide the access and parking facilities. However this submission does not propose to remove any more of it. The rest of it would remain in common with the outline permission a new/replacement hedge is proposed along the common boundary with the petrol station. The specification of this hedge is acceptable.

3. Other material considerations

3.1 No other matters have been raised.

**CONCLUSIONS:** The details submitted in relation to the landscaping are considered satisfactory and the application is recommended for conditional approval.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.4.2. Implementation of landscaping.

*Background papers: see application file.*

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## **UTT/0580/11/FUL - SAFFRON WALDEN**

Variation of condition C.90 L of UTT/0503/10/FUL to read as follows: Prior to the occupation of the 30th dwelling of the development hereby permitted the provision of a zebra crossing on Peaslands Road shall be made at the location shown on the drawing C451/C1 between Hop Fields and the Lord Butler Leisure Centre, and shall be constructed in accordance with drawing numbered C451/C1 unless otherwise agreed in writing by the Local Planning Authority.

Location: Land East of former Bell Language School Peaslands Road. GR/TL 543-378

Applicant: David Wilson Homes

Agent: David Wilson Homes

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 18/05/2011

Classification: MINOR

**NOTATION:** Within Development Limits.

**DESCRIPTION OF SITE:** The application site relates to the area of land forming part of the former Bell Language College which is currently being developed by David Wilson Homes. The land adjoins the residential development at Hopfields and Crabtrees and is located on the northern side of Peaslands Road. The development is now well advanced with a large number of properties appearing to be nearing completion.

**DESCRIPTION OF PROPOSAL:** The application seeks to vary the wording of condition C.90L imposed on the previous consent granted under reference UTT/0503/10/FUL. This required the provision of a zebra crossing on Peaslands Road, at a location to be agreed between Hop Fields and the Lord Butler Leisure Centre, prior to the occupation of any of the dwellings. The variation being sought is to provide the zebra crossing prior to the occupation of the 30th dwelling.

**APPLICANT'S CASE including Design & Access statement:** None.

**RELEVANT HISTORY:** The previous consents were subject to a S106 Agreement and if consent is granted to the variation of this condition a revised S106 Agreement will be required.

**CONSULTATIONS:** Essex County Council Highways: No objections to the revision to the condition.

**TOWN COUNCIL COMMENTS:** To be reported. Town Council comments due 29 April 2011.

**REPRESENTATIONS:** 17 Neighbour notification letters have been sent and 1 representation letter has been received. Notification period expired 22 April 2011.

Surely the person who looked at the site doesn't realise they have a small road that leads up to the local for people to park the cars as well as the lorries. There is also a pillar box to the left hand side which everybody has to use. We also have to come out on the road to turn right. Better location would be near new houses or Winstanley Road.

**COMMENTS ON REPRESENTATIONS:** See report below.

**PLANNING CONSIDERATIONS:** The main consideration is whether the variation of the condition is acceptable and if planning permission would still be granted for the development with such a variation (ULP Policies S1, GEN1).

Planning permission has been granted for the development of part of the former Bell Language College for residential purposes and the development is now well advanced. A condition was imposed on the original consent at the request of Essex County Council Highway's Department for the provision of a new zebra crossing at a location to be agreed between Hop Fields and the Lord Butler Leisure Centre. This was required to assist with pedestrian access and in the interests of highway safety. The crossing was to be provided prior to the first occupation of the residential development.

Plans have been submitted and approved by Essex County Council showing the location of the proposed zebra crossing. This would be located outside 56 Peaslands Road and between the entrance to Bromfield and the access to the garages located to the rear of Bromfield/Peaslands Road. Anti-skid surfacing is shown to be provided approximately 38m in each direction from the zebra crossing. Additional signage highlighting the presence of the zebra crossing would also be provided. Whilst the location of the proposed zebra crossing has been agreed in principle by Essex County Council the public consultation process cannot be completed in time to enable the provision of the crossing prior to the potential first residential occupation of the new development.

The condition is not fundamental to the original planning permission and planning permission would not have been withheld had the condition not been imposed. The condition seeks to assist alternative means of movement between locations, in particular walking, in the interests of sustainability and highway safety. The variation of the condition is requested to reflect delay resulting from the legal process involved in the provision of the zebra crossing. Essex County Council supports the variation sought and officers therefore raise no objections to the variation. There is an on going discussion about the appropriate location of the crossing which is reflected in the representations section of this report. This may result in further slippage in the timing of the provision of the crossing. To avoid the need for a further application officers' recommend that condition C.90L also be amended to allow officers to agree a further delay should this prove to be necessary.

**CONCLUSIONS:** No objections are raised to the variation of the wording of the condition. It is recommended that the wording as applied for is imposed but the committee may wish to consider whether it would be appropriate to allow a degree of flexibility due to the potential delays in the legal process required to be undertaken to allow the zebra crossing to be provided. The S106 Agreement would tie this permission into the previous one to retain the package of measures negotiated under that permission.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS AND S106 AGREEMENT**

#### **Heads of terms:**

- **Financial contribution to education**
- **Provision of affordable housing**
- **Financial contribution towards sports facilities**
- **Provision and transfer of public open space**
- **Provision of residents' Travel Pack**
- **Highways contribution**

1. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans approved under reference UTT/0503/10/FUL, unless agreed in writing by the local planning authority. REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.
2. The development shall be implemented in accordance with the schedule of approved materials as granted under reference UTT/2284/10/DOC. Subsequently, the approved

materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

3. The development shall be carried out in accordance with the approved level details as approved under reference UTT/2193/10/DOC.

REASON: In order to minimise the visual impact of the development in the street scene.

4. C.4.1. Scheme of landscaping to be submitted and agreed.

5. C.4.2. Implementation of landscaping.

6. C.4.6. Retention and protection of trees and shrubs for the duration of development.

7. C.4.9. Use of native species.

8. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, carried out by an accredited assessor.

REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

9. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

REASON: In the interests of the promotion of sustainable forms of development and construction.

10. The development hereby permitted shall incorporate all measures set out in the accessibility statement / drawing which accompanied planning application granted under reference UTT/0503/10/FUL.

REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with national and local planning policies.

11. All flood risk management measures identified in the approved Flood Risk Assessment, submitted with planning application granted under reference UTT/0503/10/FUL, shall be incorporated into the development prior to the occupation or first use of the development hereby permitted.

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.

12. C.90A 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.

13. C.90B 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, submitted with planning application approved under reference UTT/0503/10/FUL, 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.

14. C.90C 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.

15. C.90D 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.

16. C.90E 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.

17. C.90F 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.
18. C.90G 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.
19. C.90H The development hereby permitted shall be carried out in accordance with the details of the provision of suitable temporary access arrangements, including visibility splays, to the application site in connection with the land forming/construction operations, 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 as approved under reference UTT/1820/10/DOC.  
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.
20. C.90I On completion of the development hereby permitted an 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.
21. C.90J 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.
22. C.90K The existing access from Peasland Road to the site shall be used for construction vehicles and vehicles associated with the Marketing Suite only for the duration of development. Prior to the use of the access in connection with the Marketing Suite, the access shall be amended, as shown in principle in drawing no. H2206/Compound Rev.A, as approved under planning application granted under reference UTT/0503/10/FUL. Gates shall be installed and shall be closed at all times the construction of the site is not in operation and/or the Marketing Suite is not open in order to prevent uncontrolled access to/from the site by the general public. Once development is complete the access shall be permanently closed, the existing crossover removed and the footway and verge resurfaced and full height kerbs reinstated for use, in accordance with the details approved under reference UTT/0079/11/DOC.

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.

23. C.90L Prior to the occupation of the 30th dwelling or other trigger previously agreed in writing by the local planning authority of the development hereby permitted the provision of a zebra crossing on Peaslands Road shall be made at the location shown on drawing no C451/C1 between Hop Fields and the Lord Butler Leisure Centre, and constructed in accordance with drawing no C451/C1 unless otherwise agreed 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.

24. C.90M Prior to occupation of the development, an improved footway along the frontage of Peaslands Road shall be provided in accordance with a detailed scheme as approved under reference UTT/0079/11/DOC.

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. C.90N 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.

26. C.90O 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.

27. C.90P 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.

28. C.90Q There are 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. The development shall be carried out in accordance with the details approved under reference UTT/1820/10/DOC. 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.
29. C.90R 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.
30. C.90S All electrical and telephone services to the development shall be run underground. 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, all windows and doors in masonry walls shall be inset at least 75mm 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.
31. The development hereby permitted shall be carried out in accordance with the details of the location and design of the refuse bin and recycling materials storage areas and collection points as approved under reference UTT/1820/10/DOC. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter. REASON: To meet the district council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

*Background papers: see application file.*

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**UTT/0510/11/FUL - SAFFRON WALDEN**

*(The applicant is related to a Council Employee)*

First floor rear extension  
Location: Tabbycat 85 Thaxted Road. GR/TL 545-380  
Applicant: Mr J Millership  
Agent: Mr A F Weaver  
Case Officer: Mr Jon Durbin 01799 510556  
Expiry Date: 09/05/2011  
Classification: OTHER

**NOTATION:** Within settlement limit.

**DESCRIPTION OF SITE:** The application site comprises a mid terraced (one of four) two storey dwelling situated on the west side of Thaxted Road. There are existing single storey additions to the rear elevation of the dwelling. The adjoining property to the south has an existing two storey rear extension.

**DESCRIPTION OF PROPOSAL:** The application seeks planning permission to construct a first floor extension above part of the existing flat roofed addition at the rear of the dwelling to accommodate a new bedroom. The first floor addition would measure 3.5 m in depth by 3.6 m in width with a pitched roof. Materials are proposed to match the original dwelling.

**APPLICANTS CASE including Design & Access statement:** None.

**RELEVANT HISTORY:** 87 Thaxted Road – Planning permission was granted 2002 for the erection of part two-storey part single store rear extension - UTT/0691/02/FUL.

**CONSULTATIONS:** None.

**TOWN COUNCIL COMMENTS:** None received. (Due 15 April 2011).

**REPRESENTATIONS:** None. Period for representation expired 8<sup>th</sup> April 2011

**COMMENTS ON REPRESENTATIONS:** N/A

**PLANNING CONSIDERATIONS including Design & Access statement:** The main issues are

- 1) design (ULP policies: H8, GEN2 and Supplementary Planning Document 'Home Extensions')
- 2) neighbour's amenity (ULP policies: H8 and GEN2)

1. Design

1.1. With regard to the design and appearance of this extension, and impact upon the existing dwelling, both the local plan policy and the Supplementary Planning Document "Home Extensions" indicate that extensions should respect the appearance of the existing dwelling. Extensions should also have regard to the street scene that exists.

1.2. The extension would be a relatively large addition to the rear of this terraced dwelling, however, it would be subservient in terms of height and scale and would be of an acceptable design and appearance which has proper regard to the character and appearance of the original dwelling. The extension would be sited to the rear of the dwelling and would therefore have no significant impact within the street scene.

2. Neighbours' amenity

2.1. With respect to impact on existing residential amenity in relation to 87 Thaxted Road, this property has two storey and single storey extensions to the rear. The proposed extension would project further than this neighbours two storey extension but by only 0.7 m, and it would not intrude into a 45 degree line drawn in both horizontal and vertical planes and would therefore not cause material overshadowing with respect to the rear facing windows of this property.

2.2. With respect to impact on existing residential amenity in relation to 83 Thaxted Road, the extension would be sited in close proximity to the common boundary. However, with the exception of one very small ground floor window sited in close proximity to and below the boundary fencing, the ground and first floor rear facing windows of this property are sited approximately 2-3 m from the boundary. This ground floor window is already overshadowed to a degree by an existing lean-to rear extension to the rear of 81 Thaxted Road, by the existing single storey extension to the rear of the application dwelling and by existing boundary treatment. Whilst there may be some impact with respect to overshadowing in relation to the first floor window, this serves secondary living accommodation and it is not considered that this impact would be material.

**CONCLUSION:** It is considered that the design and appearance of the proposed extension is acceptable and that it would not cause material harm to existing residential amenity.

**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.5.3. Matching materials.
- 4. C.8.28 Cost Effective Energy Efficiency Measures.

*Background papers: see application file.*

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