

UTT/1032/11/FUL (Stansted)
(S106 Agreement recommended).

PROPOSAL: Erection of 2 detached dwellings.

LOCATION: Phase G, Foresthall Park, Forest Hall Road, Stansted.

APPLICANT: Persimmon Homes.

AGENT: JCN Design.

GRID REFERENCE: TL 514-240

EXPIRY DATE: 2.8.2011

CASE OFFICER: Joe Mitson

APPLICATION TYPE: Minor

1. NOTATION

1.1 Within Development Limits/Housing Allocation SM4/BIR1 Rochford Nurseries.

2. DESCRIPTION OF SITE

2.1 The site comprises a corner plot with highways laid out to the south and west. The wider site is a large housing development with dwellings built to the south.

3. PROPOSAL

3.1 The proposal comprises the erection of two detached dwellings together with paths, drives and garages. The dwellings would front the highway to the west with the dwelling to the south incorporating a wing along the southern elevation. A triple garage would be sited to the rear of the dwellings to provide parking for both units.

4. APPLICANT'S CASE

4.1 Phase G is surrounded by land currently being developed on the eastern side of the site and to the north of the new estate road, Walson Way. The land was formerly occupied by the water tower that served the former nurseries and was not included within the detailed scheme for the site although the layout of the surrounding phases always took into account the future development of the site. The layout builds upon the principles used within the areas that have already been developed and creates a sense of place.

5. RELEVANT SITE HISTORY

5.1 UTT/0443/98/OP - Outline planning permission for 315 dwellings, new vehicular access, public open space, play area and school granted in February 2004. The permission included an approved master plan / design brief, and was granted subject to appropriate conditions and Section 106 / 278 Agreements. The agreements included community and health facility payments (or the transfer of land for the construction of a health facility), an education contribution and a payment towards local highway improvements.

6. POLICIES

6.1 **National Policies**

PPS1 - Delivering Sustainable Development.
PPS3 – Housing.

6.2 East of England Plan 2006

H1 – Regional Housing Provision.

6.3 Essex Replacement Structure Plan 2001

No policies relevant.

6.4 Uttlesford District Local Plan 2005

Policy S1 – Development limits for the main urban areas.

Policy GEN1 - Access.

Policy GEN2 - Design.

Policy GEN8 - Vehicle parking standards.

Policy H1 – Housing development

Policy H3 – New housing within development limits.

Policy SM4/BIR1 – Housing allocation.

7. PARISH/TOWN COUNCIL COMMENTS

7.1 Stansted Parish Council did not object.

8. CONSULTATIONS

8.1 ECC Highways Authority: raised no objection subject to conditions, and a pro rata uplift in the highways contribution towards local highway improvement previously secured through the Section 106 Agreement dated 26/2/04.

8.2 Climate Change Manager: recommends a condition.

8.3 Project Officer: raised no objection subject to a condition.

9. REPRESENTATIONS

9.1 No comments received.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A** The principal of the development (ULP Policies SM4/BIR, H1, H3 & S1);
- B** Visual and residential amenity, (ULP Policy GEN2)
- C** Highway safety (ULP Policies GEN1 and GEN8).
- D** Energy efficiency and renewable energy (SPD Accessible Homes & Playspace & SPD Energy Efficiency & Renewable Energy).

A The principle of the development (ULP Policies SM4/BIR1, H1, H3);

10.1 The site is located within the housing allocation on the former Rochford Nurseries site. Permission has been granted on the surroundings sites for residential development and the area was always intended to be developed for housing. The site can accommodate two dwellings together with garaging and access and the proposal therefore complies with the above policies.

B Visual and residential amenity, (ULP Policy GEN2);

10.2 The proposed dwellings would be in keeping with the character and appearance of the approved dwellings on the surrounding sites. The dwellings approved abutting the site are of different scales to the dwellings proposed but it is considered that the dwellings would be in keeping and reflect the neighbouring development. The dwellings would maintain a presence on the street scene along the southern and western elevations with parking to the rear of the site. Sufficient private amenity space would be provided to the rear.

10.3 The proposed dwellings would be bordered by highways to the south and west with dwellings approved to the north and east. The proposed layout would protect the residential amenity of future occupants of the neighbouring dwellings.

C Highway Safety (GEN1 and GEN8).

10.4 Access would be provided to both dwellings through a shared drive between the dwellings with parking beyond. No objection is raised subject to conditions.

D Energy efficiency and renewable energy (SPD Accessible Homes & Playspace & SPD Energy Efficiency & Renewable Energy).

10.5 Supplementary Planning Guidance “Energy Efficiency & Renewable Energy” seeks to reduce energy use. The development could be subject of a condition to ensure compliance. Supplementary Planning Guidance Accessible Homes and Playspace requires new dwellings to be designed to lifetime homes standard. A condition can be imposed to ensure compliance.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

A The proposal would be acceptable in land use terms and would be satisfactory in relation to visual and residential amenity, access and parking.

RECOMMENDATION –APPROVE SUBJECT TO A S.106 AGREEMENT AND THE FOLLOWING CONDITIONS:

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless within 5 months of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

(i) Payment of pro rata increased highway contribution

(ii) Payment of pro rata community payment (towards the costs and expenses incurred or to be incurred by the Council in providing leisure and or community facilities in the District that arise out of and are reasonably related to the needs of the persons occupying dwellings within the development). [NB As the Taylor Wimpey/Persimmon obligation concerning the health facility is to transfer the land (the payment clause was not triggered), no uplifted contribution is sought].

(iii) Pay Councils reasonable costs

(II) In the event of such an agreement being made, the Divisional Head of Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an agreement, the Divisional Head of Planning and Building Control shall be authorised to refuse permission for the following reasons:

- (i) Payment of pro rata increased highway contribution
- (ii) Payment of pro rata community payment

Conditions:

1 Time limit for commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2 To be implemented in accordance with approved plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice, 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

3 Details of materials

The development hereby permitted shall be carried out strictly in accordance with the materials specified in the application. Subsequently, the external surfaces 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

4 Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:- a) means of enclosure; b) existing trees, hedges or other soft features to be retained; c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix; d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

5 Implementation of landscaping

All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with

the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

6 Details of materials to be submitted agreed and implemented

Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces 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

7 Condition for compliance with code level 3 (less than five dwellings)

The development as designed, specified and built shall achieve the equivalent of a 'Code for Sustainable Homes' rating of 'Level 3', namely the dwelling emissions rate (DER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L1A SAP methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SAP rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. The applicant will provide a SAP rating of the as-built development and details of water saving and other environmental features incorporated once the development within four weeks following its completion.

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

8 Implementation of accessibility scheme

The development hereby permitted shall incorporate all measures set out in the accessibility statement / drawing which accompanied the application.

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

9 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: 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; include a timetable for its implementation; and 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.

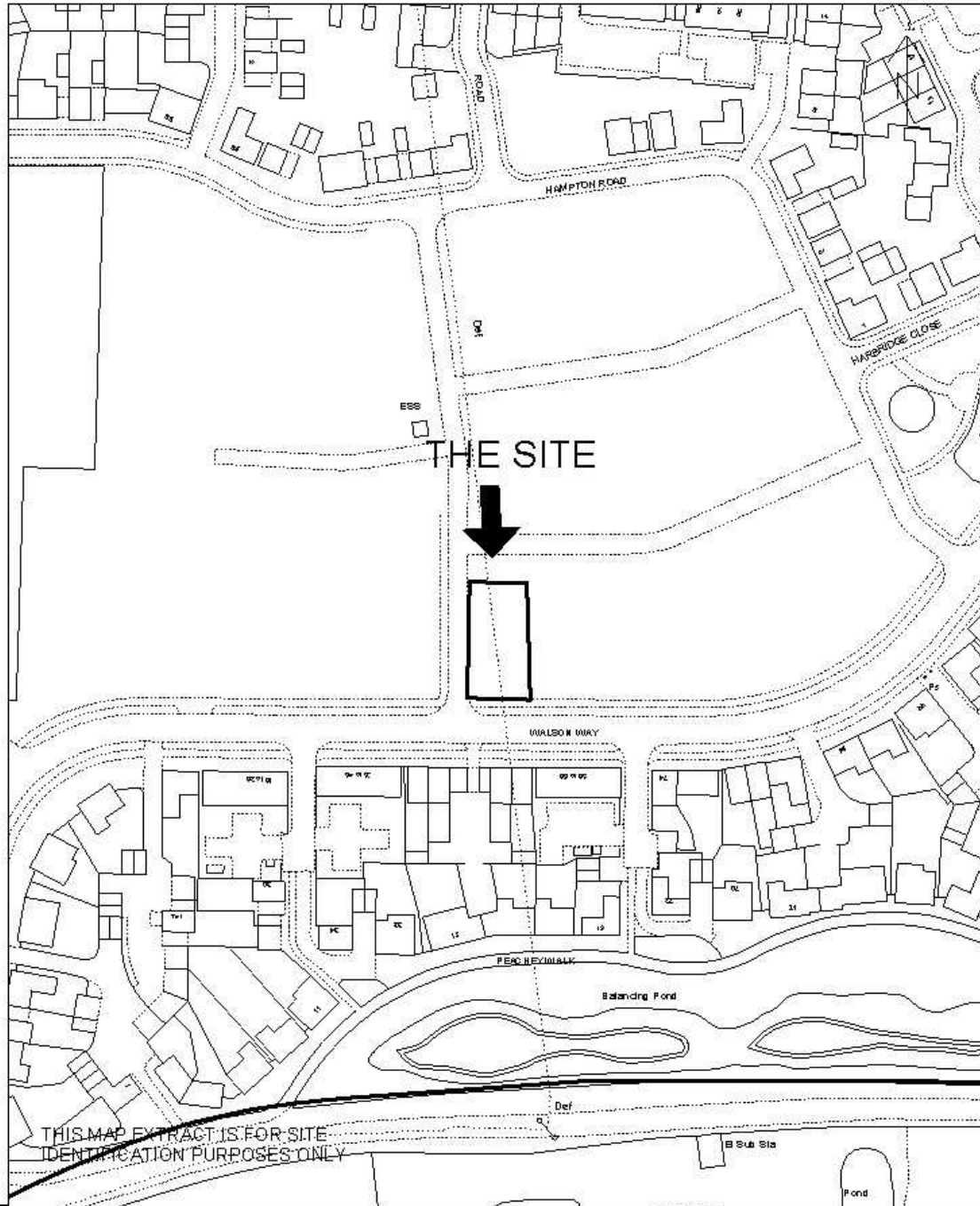
REASON: To control the risk of flooding to the development and adjoining land.

- 10 Prior to commencement of development details showing the means to prevent the 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 interests of highway safety.

- 11 Before occupation the provision and implementation of Transport Packs for sustainable transport, as approved by Essex County Council shall be carried out. Details to be submitted to and agreed in writing by the Local Planning Authority and implemented as approved.

REASON: In the interests of accessibility and to promote the use of public transport, walking and cycling.



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