

**UTT/1960/11/FUL (Stansted)**  
*(S106 Agreement recommended).*

**PROPOSAL:**           **Erection of four detached dwellings with paths, drives and garages.**

**LOCATION:**           **Phase H, Foresthall Park, Forest Hall Road, Stansted.**

**APPLICANT:**       **Persimmon Homes.**

**AGENT:**             **JCN Design**

**GRID REFERENCE:** **TL 513-241**

**EXPIRY DATE:**     **21.11.2011**

**CASE OFFICER:**    **Joe Mitson**

**APPLICATION TYPE:** **Minor**

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**1. NOTATION**

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

**2. DESCRIPTION OF SITE**

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

**3. PROPOSAL**

3.1 The proposal comprises the erection of four detached dwellings with paths, drives and garages. The dwellings would be sited in linear form fronting onto the access road to the east and would incorporate L shape dwellings to each end with two storey dwellings with dormers in the front roof slope occupying the middle plots.

**4. APPLICANT'S CASE**

4.1 Phase H is within the central part of the site that is currently being developed on the eastern side of the Foresthall Park and to the north of the new estate road, Walson Way. The land was not included within the detailed scheme for the site although the layouts of the adjoining phases always took account of future development on the site. To the west the edge of the site is defined by land set aside for the health centre which will not be affected by the proposal. The scheme enhances safety and security through use of a perimeter block, cars are kept away from the street scene and appropriate depths to rear gardens have been provided to avoid overlooking of the rear properties.

**5. RELEVANT SITE HISTORY**

5.1 History includes UTT/0443/98/OP for the erection of 315 dwellings, construction of access, public open space, play area and school site.

**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 COUNCIL COMMENTS

- 7.1 Birchanger Parish Council object as no decision on the health centre has been finalised, this application could impinge on the layout of the health centre and associated traffic, the proposal represents over development of the site and access to the health centre would be close to the junction of Walson Way which minimises the choices for the health centre layout. The houses are detached and larger than the others, due to the layout visitors are likely to park on Walson Way and walk to the houses, further exacerbating the parking issues. Already problems with parking and speeding, with influx of associated facilities with the health centre breadth must be given to the needs of the site and associated pre existing problems. The school is adjacent to the health centre site, access issues for the health centre need to be carefully considered to minimise the risk to children.

## 8. CONSULTATIONS

Highway Authority raises no objection subject to conditions, and a pro-rotta uplift in the highways contribution to be used for local highway and transportation schemes in particular the establishment of good connections between Foresthall Park and Stansted Mountfitchet and other contribution schemes set out in the existing S106 Agreements and following consultation with Stansted Mountfitchet and Birchanger Parish Councils.

Thames Water does not object.

Environment Agency does not object

Drainage Engineer does not object subject to a condition.

Building Control made no comments.

## 9. REPRESENTATIONS

- 9.1 One letter received stating that it appears premature to grant permission for the housing before the health centre situation is sorted out. If the health centre does not happen see no problem with the additional houses, however, the corner of

Walson Way is already congested so if the health centre goes in this space may be required.

## **10. APPRAISAL**

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

- A** The principle 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 and permission has been granted on the surroundings sites for residential development. The site is adjacent to the potential health centre site and would not prejudice the provision of this facility.
- 10.2 However, the site has also been earmarked as a potential location for the shop that is required to be provided under Part 5 of the s.106 agreement dated 26<sup>th</sup> February 2004. There appears to be no further land available to accommodate the shop and therefore approving dwellings on this site could prejudice the provision of the store. However, there is a get out clause in the agreement that states if the shop isn't viable when 200 open market houses have been occupied on the Taylor Wimpey/Persimmon part of the site the developer can apply for relief from that clause. The principle of residential development on this site could therefore be supported provided the s.106 agreement includes a deed of variation to prevent the houses from being built until a final decision has been made on the shop.
- 10.3 The 4 extra dwellings would add to the demands that Foresthall Park makes on nearby community facilities in Birchanger and Stansted Mountfitchet. As no community facilities are to be provided on-site, a pro-rotta increase in the community payment is justified

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

- 10.4 The proposed dwellings would be in keeping with the character and appearance of the approved dwellings on the surrounding sites. Plot 161 is a focal point on Walson Way and this is reflected in the L shape dwelling proposed with fenestration on both floors on the end elevation. The same housetype would be handed for plot 164 which also occupies a corner location. In between a pair of two storey dwellings with attic accommodation are proposed which, given the spaces between the dwellings, would result in a satisfactory street scene. Parking would be in between dwellings, under the first floor of the larger houses and also to the rear. Sufficient private amenity space would be provided to the rear.
- 10.5 The proposed dwellings would be bordered to the north by the open space, to the west by the proposed health centre and to the east and south by highways. There are dwellings to the east across the highway but the distances between them would ensure a satisfactory level of residential amenity. Although the dwellings on plots 161 and 164 would have bedroom windows in the rear wing looking towards the neighbouring garden the combination of the distances to the boundary and the siting of the garages would ensure no undue overlooking or loss of privacy.

### **C Highway Safety (GEN1 and GEN8).**

10.6 Access would be provided to the dwellings from an internal highway with parking on each site. Notwithstanding the objections and concerns relating to parking and traffic the proposal relates only to an additional four houses and the site could potentially accommodate a shop which would generate further traffic. No objection was raised by the Highway Authority subject to conditions, and a pro-rotta uplift in the highways contributions.

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

10.7 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 could be imposed to ensure compliance.

**11. CONCLUSION**

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

A The principle of housing on the site is acceptable subject to a s.106 agreement ensuring the dwellings are not built in the event of the shop being required. The scheme is acceptable in terms of visual and residential amenity and would be served by satisfactory parking and access.

**RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 AGREEMENT**

(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) Pro-rata uplift in the highways contribution
- (ii) Pro-rata uplift in the community payment
- (iii) Safeguarding of the land in the event that a shop is required
- (iv) Pay Council's reasonable costs

(II) In the event of such an agreement being made, the Assistant Director 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 Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:

- (i) No uplifted highways contribution
- (ii) No uplifted community payment
- (iii) No safeguarding of the land in the event that a shop is required

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

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

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

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

- 3 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 and to comply with policy GEN2 of the Uttlesford Local Plan 2005.

- 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 and to comply with policy GEN2 of the Uttlesford Local Plan 2005.

- 5 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 and to comply with policy GEN2 of the Uttlesford Local Plan 2005.

- 6 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 and to comply with policy GEN2 of the Uttlesford Local Plan 2005.

- 7 Before the development hereby permitted commences, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

- 8 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 and to comply with policy GEN3 of the Uttlesford Local Plan 2005.

- 9 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.

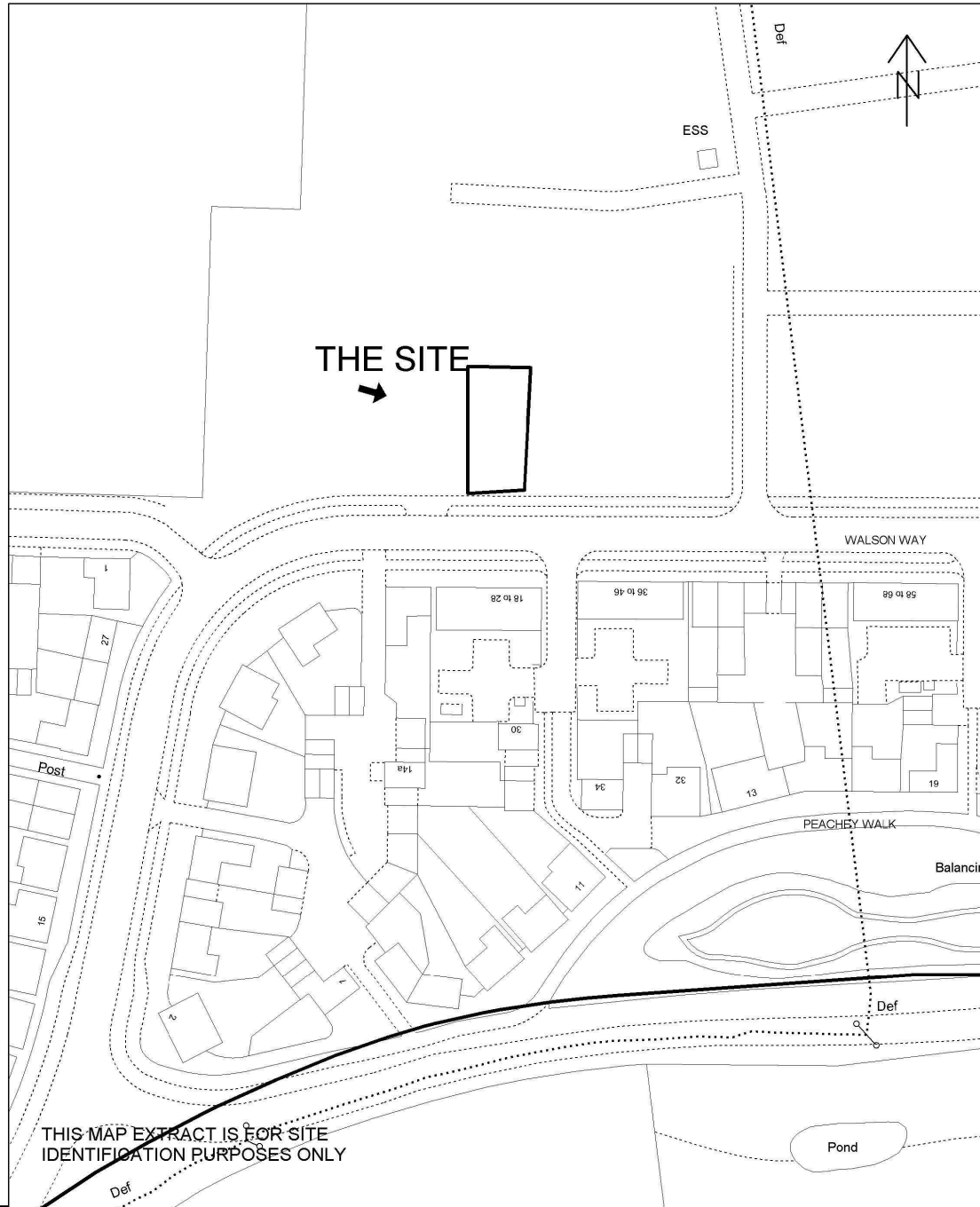
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety.

- 10 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 and to comply with policy GEN1 of the Uttlesford Local Plan 2005.

- 11 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 the protection of controlled waters and to comply with Policy GEN3 of the Uttlesford Local Plan 2005.



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