

UTT/0914/12/FUL – SAFFRON WALDEN

PROPOSAL: Removal of condition C.90L of approved planning application UTT/0503/10/FUL “Prior to the occupation of the development hereby permitted the provision of a zebra crossing on Peaslands Road shall be made, at a location to be agreed between Hop Fields and the Lord Butler Leisure Centre. Details of the zebra crossing provision shall be submitted to and approved in writing by the local planning authority”.

LOCATION: Land east of former Bell Language School, Peaslands Road, Saffron Walden

APPLICANT: David Wilson Homes

AGENT: David Wilson Homes

GRID REFERENCE: TL 542-377

EXPIRY DATE: 27 June 2012

CASE OFFICER: Mrs K Denmark

APPLICATION TYPE: Minor

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 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.

3. PROPOSAL

3.1 The application seeks to remove 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.

4. APPLICANT'S CASE

4.1 Whilst the planning condition currently requires the implementation of the crossing prior to occupation, we have made every effort to progress matters to ensure that the condition was complied with. Details of the crossing were submitted to the District Council and approved on the 27th January 2011 (UTT/0079/11/DOC). Subsequently through the S278 procedure, residents were consulted on the application and further to an objection from District and Town Councillors this has stalled the implementation of the crossing. In order to resolve the matter, County Council, as highway authority have been satisfied by ourselves depositing £19,500 with them through the S278 to cover the cost of installing a crossing along Peaslands Road. Our understanding is that the County Council will now be overseeing the crossing installation, and they felt that this was the more appropriate way to deal with achieving the crossing.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0503/10/FUL: Amendments to approval UTT/0969/09/FUL for redevelopment to provide 86 no. residential dwellings, together with pocket park and associated open space, car parking, landscaping and new access arrangements. Conditional approval 6 August 2010.
- 5.2 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. Conditional approval 17 February 2010.
- 5.3 UTT/1820/10/DOC: Application to discharge conditions 3, 4, 5, 7, 8, 12, 16, 20, 21, 22, 23, 29,& 32 on UTT/0503/10/FUL. Discharged in full 7 October 2011.
- 5.4 UTT/2193/10/DOC: Application for discharge of conditions 5, 7, 9, 21, 24 and 31 of UTT/0503/10/FUL. Discharged in full 11 October 2011.
- 5.5 UTT/0079/11/DOC: Application for discharge of conditions 23, 24 and 25 of UTT/0503/10/FUL. Discharged in full 21 January 2011.
- 5.6 UTT/1394/11/DOC: Application to discharge conditions 11 (accessibility), 16 (contamination) and 31 (visual amenity) on UTT/0503/10/FUL. Discharged in full 31 May 2012.
- 5.7 UTT/0652/12/DOC: Application for discharge of condition 13 (drainage), 15 (pollution), 22 (cycle storage) and 31 (services) on application UTT/0503/10/FUL. Discharged in full 9 May 2012.

6. POLICIES

6.1 National Policies

NPPF

6.2 East of England Plan 2006

N/A

6.3 Essex Replacement Structure Plan 2001

N/A

6.4 Uttlesford District Local Plan 2005

Policy S1
Policy GEN1

7. TOWN COUNCIL COMMENTS

- 7.1 Strongly object to the removal of this condition and feel that once the location of the zebra crossing is decided work should commence as soon as possible.

8. CONSULTATIONS

- 8.1 None.

9. REPRESENTATIONS

9.1 Two representations have been received.

It is not clear to me whether this means that DW homes are going to provide a Zebra crossing or that they are not going to provide a Zebra crossing. I would certainly suggest one is in place for all the pedestrian traffic to the Lord Butler.

Object. Compelling reasons to NOT allow this condition to be removed. The number of households that have been developed in the immediate vicinity has increased. A large majority of those households are 'family' types and therefore the proportion of young children is on the increase. Anything to make the journey by foot or bicycle should surely be assisted. This stipulation concerns safety of Saffron Walden residents, surely this comes above any other consideration.

10. APPRAISAL

The issue to consider in the determination of the application is whether the removal of the condition is acceptable and if planning permission would still be granted for the development with such a variation (ULP Policies S1, GEN1).

10.1 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.

10.2 Plans were submitted in respect of the condition and the condition was discharged in that the design and proposed location of the zebra crossing were appropriate. However, Essex County Council has not been able to progress the installation of the crossing further following representations to the proposed location. The objections raised as part of the Highway Department's consultation process has resulted in the developer being unable to fulfill their obligation in respect of condition C.90L and this is outside of their control. Negotiations between the developer and Essex County Council have been ongoing in an attempt to resolve the issue. Essex County Council has agreed that the most appropriate way forward is for the developer to enter into a S278 agreement which requires a sum of £19,500 to be paid to the Highway Authority to pay for the installation of the zebra crossing as and when the issues raised in the representations have been resolved.

10.3 The condition seeks to assist alternative means of movement between locations, in particular walking, in the interests of sustainability and highway safety. The objection received from the Town Council and those who have made representations are noted. However, the removal of the condition does not mean that the crossing will not be provided but places the responsibility on Essex County Council Highway Authority to resolve the issues and construct the crossing with the money provided by the developer.

11. CONCLUSION

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

The condition is required to be removed due to factors outside of the applicant's control and to regularise the situation in respect of those dwellings which are occupied. Essex County Council has negotiated with the applicant to secure the funding for the crossing which will be provided when Essex County Council has resolved the issues currently preventing its provision.

RECOMMENDATION - CONDITIONAL APPROVAL & S106 AGREEMENT

A S106 Agreement is required to transport the existing S106 Agreements 'PROVIDED THAT any provision of the Existing Planning Agreements satisfied in respect of planning permissions UTT0969/09/FUL and UTT/0503/10/FUL are satisfied in respect of the Permission'.

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 in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).
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 in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).
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 in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).
4. All hard and soft landscape works shall be carried out in accordance with the details approved under reference UTT/2193/10/DOC. 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 in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).
5. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved under reference UTT/2193/10/DOC, to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition "retained tree or shrub" means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and

particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

6. 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 in accordance with Uttlesford Local Plan Policies GEN2 and ENV15 (adopted 2005)..
7. 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 in accordance with Uttlesford Local Plan Policies GEN2 and ENV15 (adopted 2005).
8. The development hereby permitted shall incorporate all measures set out in the accessibility statement / drawing which accompanied planning application granted under reference UTT/1394/11/DOC.
REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with national and local planning policies in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005) and the SPD: Accessible Homes and Playspace.
9. All flood risk management measures identified in the approved Flood Risk Assessment, submitted with planning application granted under reference UTT/0503/10/FUL and the subsequent details approved under reference UTT/1820/10/DOC, 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 in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.
10. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details as approved under reference UTT/0652/12/DOC.
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 in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.
11. 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 in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.
12. A scheme for the provision and implementation of pollution control shall be constructed and completed in accordance with the details as approved under reference UTT/1394/11/DOC.
REASON: To ensure a satisfactory method of pollution control in accordance with Uttlesford Local Plan Policies ENV12 and ENV14 (adopted 2005).
13. 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 in accordance with Uttlesford Local Plan Policies ENV12 and ENV14 (adopted 2005).
14. 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 in accordance with Uttlesford Local Plan Policies ENV12 and ENV14 (adopted 2005).
15. 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 in accordance with Uttlesford Local Plan Policies ENV12 and ENV14 (adopted 2005).
16. 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 Uttlesford District Council Local Plan Policy GEN1 (adopted 2005).
17. 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 Uttlesford District Council Local Plan Policy GEN1 (adopted 2005).
18. Prior to the occupation of the development hereby permitted the provision of parking provision for powered two wheelers and secure and covered bicycle parking facilities shall made available in accordance with details approved under reference UTT/0652/12/DOC. 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 Uttlesford District Council Local Plan Policies GEN1, GEN2 and GEN8 (adopted 2005).
19. The existing access from Peaslands 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 Uttlesford District Council Local Plan Policy GEN1 (adopted 2005).

20. 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 Uttlesford District Council Local Plan Policy GEN1 (adopted 2005).

21. 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 in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005)

22. 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 in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

23. 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 in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

24. 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 in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

25. 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.

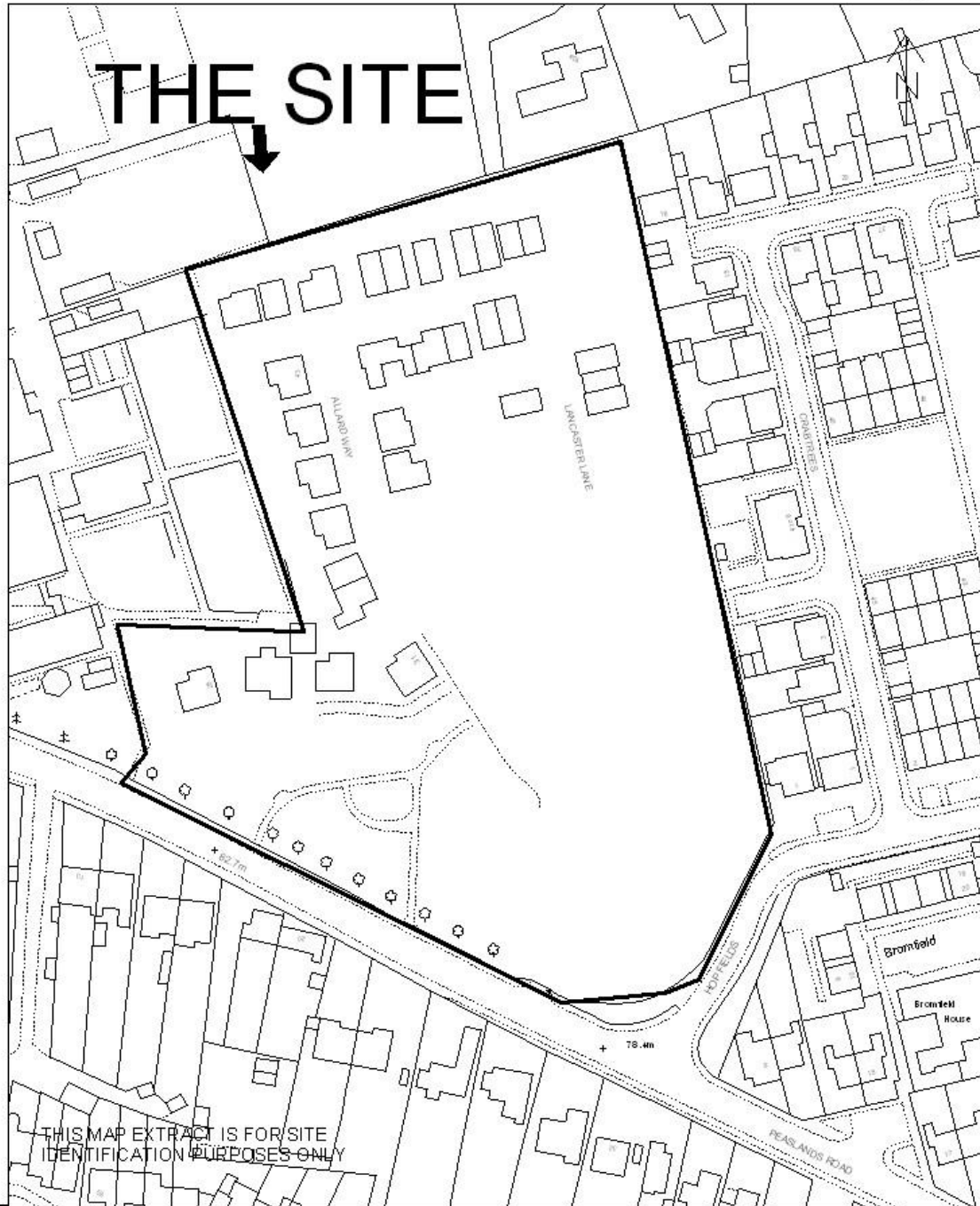
REASON: To ensure roads/footways are constructed to an acceptable standard. In the interests of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

26. 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 approved under reference UTT/0652/12/DOC 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.

27. 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 in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).



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