

**UTT/12/5238/FUL - SAFFRON WALDEN**

**PROPOSAL:** Variation of Condition 7 on planning permission UTT/0498/12/FUL to read "Clear to ground visibility splays of 2.4metres x 37.7 metres to the west and 2.4 metres x 50.4 metres to the east of the access as shown on Drawing no. 205 dated January 2012 to include the removal of all scrub vegetation"

**LOCATION:** Former Gas Works Radwinter Road.

**APPLICANT:** Taylor Wimpey East London

**AGENT:** Taylor Wimpey East London

**GRID REFERENCE:** GR/TL 543-384

**EXPIRY DATE:** 04.05.2012

**CASE OFFICER:** Maria Tourvas

**APPLICATION TYPE:** Minor

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**1. NOTATION**

1.1 Within Development Limits, adj. to Saffron Walden Conservation Area, adj. to Flood Zone 3, and adj. to an AQMA, contamination and Ground Water Protection Zone

**2. DESCRIPTION OF SITE**

2.1 The site currently comprises vacant land within the old gas works site on the corner of Radwinter Road and Thaxted Road, Saffron Walden. There is a sub-station site adjacent to the western shared boundary. Along the south and eastern boundary there is a yard that is still in current use. Other surrounding properties are predominately residential in use. There are changing ground levels on site which increase from the main road (Radrwinter Road) towards the rear of the site (north to south).

2.2 Works have commenced on site relating to planning permission UTT/0498/12/FUL

**3. DESCRIPTION OF PROPOSAL**

3.1 Condition 7 currently reads Clear to ground visibility splays of 2.4 metres x 90 metres to the west and 2.4 metres x 58.6 metres to the east of the access as shown on Drawing No: RS/SL1 dated April 2009 to include the removal of all scrub vegetation. The proposed variation of the condition seeks a reduction in the proposed visibility splays which would require the removal of vegetation.

**4. APPLICANT'S CASE**

4.1 See Design and Access Statement received 9<sup>th</sup> September 2012. It states that the revised sight splays seek to achieve satisfactory junction visibility within the constraints of the site. The proposed amendment proposes no amendments to the vehicular or

pedestrian access arrangements. No other amendments are proposed relating to the scope of the scheme in terms of its design and house types.

## **5. RELEVANT HISTORY**

- 5.1 On 24 March 2009 planning permission was granted for the erection of 9 dwellings, new access and ancillary works (UTT/0123/09/FUL).
- 5.2 Further to this planning permission was granted for a variation of condition C.90B (visibility splays in accordance with manual for streets i.e. 48m x 2.4 metres) on planning approval UTT/0123/09/FUL granted 3 July 2009. This application is still extant and predominately all conditions apart from the code level 3 and 10% energy efficiency conditions have been discharged.
- 5.3 Planning applications UTT/ 0498/12/Ful related to the variation of condition C.3.1. (the development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless otherwise agreed in writing by the local planning authority) of planning permission UTT/0522/09/FUL. The proposed amendment seeks to change Plots 4 and 5 from 2 x 2 bedroom units to 2 x 3 bedroom units to match house type on Plots 6 and 7. This would create a slightly deeper units, but no deeper than the already approved first floor front projections. This would mean an increase in depth by 0.6m. The length of the proposed house types would reduce from a total of 19.2m to 17.5m.
- 5.4 The scheme changed seeks to change the approved mix of 5 x 2 bedroom units and 4 x 3 bedroom units to 3 x 2 bedroom units and 6 x 3 bedroom units. All other aspects of the scheme are proposed to remain the same as previously approved.

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework

### **6.2 East of England Plan 2006**

SS1 – Achieving Sustainable Development

### **6.3 Essex Replacement Structure Plan 2001**

No policies relevant.

### **6.4 Uttlesford District Local Plan 2005**

Policy GEN1 – Access

Policy GEN2 – Design

## **7. CONSULTATIONS**

- 7.1 Highway Authority: No objection to proposal as it is not contrary to relevant transport policy or Policy GEN1 of the local plan.

## **8. TOWN COUNCIL COMMENTS**

8.1 No comments received.

## 9. REPRESENTATIONS

9.1 The neighbouring properties have been notified of the planning application and the application has been advertised on site. To date no representations have been received. Notification period expired 26 October 2012

## 10. APPRAISAL

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

- A) Whether the proposed amendment to the variation of condition 7 and the related reduction of proposed visibility splays is acceptable and would not be detrimental pedestrian and highway safety,
- B) Other material consideration such as a material change in circumstances since the granting of planning permission;

### **A) Whether the proposed amendment to the variation of condition 7 and the related reduction of proposed visibility splays is acceptable and would not be detrimental pedestrian and highway safety;**

10.1 The site is within the Development Limit of Saffron Walden where in principle development is acceptable, subject to compliance with other policies of the Local Plan. Planning permission has already been granted for a scheme of 9 dwellings to which this application relates, therefore the principle of 9 dwellings on this site has been previously accepted. The main application sought to be varied is extant with the pre-commencement conditions discharged and work is commencing.

10.2 Local Plan Policy GEN1 seeks that “*development will only be permitted if it meets all of the following criteria;*  
*a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*  
*b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*  
*c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*  
*d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*  
*e) The development encourages movement by means other than driving a car.”*

10.3 It states that the revised sight splays seek to achieve satisfactory junction visibility within the constraints of the site and control of the applicant. No objections have been raised by the Highways Authority. Adequate visibility splays would still be retained to serve the development. Therefore the proposed amendments to the scheme and related amendments to condition 7 of UTT/0498/12/FUL are considered to be acceptable and in accordance with Local Plan Policy GEN1.

### **B) Other material consideration such as a material change in circumstances since the granting of planning permission;**

10.4 There are no other materials considerations since the determination of the last application that would add weight to the determination of this application.

## **11. CONCLUSIONS:**

- 11.1 The proposed variation to condition 7 of UTT/0498/12/Ful in seeking the reduction in visibility splays is considered acceptable and would not be detrimentally to pedestrian and highway safety.
- 11.2 There are no other materials considerations since the determination of the last application that would add weight to the determination of this application.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

### **CONDITIONS**

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 Schedule.

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 of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. The development hereby permitted shall be constructed entirely of the materials agreed by the Local Planning Authority in their email dated 6 December 2011.

4. All hard and soft landscape works shall be carried out in accordance with the details submitted and approved under reference UTT/0573/12/DOC. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. The vehicle access shall be not less than 4.8 metres and retained at that width for 15 metres within the site and radius kerbs of 7.5 metres should be provided at the

junction with Radwinter Road. Two x 1.8 metre wide footways to be provided around the radius with suitable crossing points at the Radwinter Road junction.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Clear to ground visibility splays of 2.4metres x 37.7 metres to the west and 2.4 metres x 50.4 metres to the east of the access as shown on Drawing no. 205 dated January 2012 to include the removal of all scrub vegetation

REASON: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.  
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9. No unbound material shall be used in the surface finish of the driveway within 6 metres 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 Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

10. The development hereby permitted shall be constructed in accordance with details that have been submitted and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

REASON: To prevent hazards caused by flowing water or ice on the highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

11. Each vehicular hardstanding shall have minimum dimensions of 2.4 metres x 4.8 metres.

REASON: In the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and ECC Car Parking Standard (September 2009).

12. The development hereby permitted shall be constructed in accordance with details that have been submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the number, location and design of powered two wheelers and bicycle parking facilities. The approved facility shall be provided before occupation and retained at all times.

REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 3.3 Accessibility (Cycling) and

Policy 7 Vehicle Parking Standards.

13. The development hereby permitted shall not commence until a 'Keep Clear ' roadmarking has been provide in the carriageway of Radwinter Road for the full width of the bellmouth junction with this development unless otherwise prevented from so doing by decision of the Essex County Council as highway authority.

REASON: To unsure the entrance to the development is not obstructed by queuing traffic in Radwinter Road, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

14. The development hereby permitted shall be constructed omitting the pedestrian path that was located behind the approved car parking spaces, as submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC.

REASON: To ensure a higher quality of development which is compatible with the character and amenity of its surroundings, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

15. The development hereby permitted shall be constructed in accordance with the contamination details submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to ground 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 Site Characterisation, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Submission of Remediation Scheme, 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 details submitted and approved relating to the Implementation of Approved Remediation Scheme.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: 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.

16. Piling or any other foundation designs using penetrative methods will 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: The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer and the requirements of Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005)

17. No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction

and demolition are in progress.

REASON: To protect the amenities of the occupiers of adjoining properties.

18. The development hereby permitted shall be constructed in accordance with details that have been submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the acoustic fencing.

REASON: In the interest of the control of noise levels to residents within the site, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

19. No form of access shall be provided to adjacent land or development in the site known as Jossaumes Yard.

REASON: To prevent excessive traffic movements on and off of the site into Radwinter Road in the interest of traffic safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

20. The development as designed, specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3'. The development shall be constructed in accordance with details that have been submitted under reference UTT/0573/12/DOC relating to the Code for Sustainable Homes design-stage assessment. Thereafter 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, also 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.

21. The development hereby permitted shall be constructed in accordance with the contamination details submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the provision of bin storage. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. 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 requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

22. The development hereby permitted shall be constructed in accordance with the contamination details submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the dwellings designed to 'Lifetime Homes'. 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.

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