

UTT/13/1817/OP (NEWPORT)

MAJOR APPLICATION

PROPOSAL: Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc); the construction of 5 no. respite care bungalows; and 5 no. detached dwellings (open market housing separate to the care facility) fronting Bury Water Lane. Vehicular access to the site would be secured from Bury Water Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Bury Water Lane, Newport, Essex CB11 3UA.

LOCATION: Hillside and Land to the Rear Bury Water Lane, Newport

APPLICANT: Mr & Mrs A I and B I Barba and Brampton

AGENT: Pelham Structures Ltd

EXPIRY DATE: 9 October 2013

CASE OFFICER: Alison Hutchinson

1. NOTATION

1.1 Outside Development Limits. Groundwater Source Protection Zone. Draft Newport Policy 1 – Bury Water Lane/Whiteditch Lane

2. DESCRIPTION OF SITE

- 2.1 The site comprises 1.98ha and is located to the north of existing properties on Bury Water Lane. The site is the former cucumber nursery and although redundant, it still retains the glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use. The condition of the buildings is deteriorating. The remainder of the site is hard surfaced, although there is some green space towards the outer boundaries.
- 2.2 The eastern boundary of the site extends along Whiteditch Lane and the site wraps around 2no. two-storey detached houses (Nos. 3 and 4 Whiteditch Lane) that front onto the Lane. The western and northern boundaries are formed by hedgerows and is wrapped around these boundaries by open countryside and by the application for 84 dwellings submitted under UTT/13/1769/OP which is also before this Committee for consideration.
- 2.3 The southern boundary of the application site is formed by the rear boundaries of existing detached and semi-detached properties which front on to Bury Water Lane. These all sit in an elevated position relative to the road. The application site slopes down to the rear gardens of these properties.

3. PROPOSAL

3.1 The application is an outline application with all matters reserved. The proposal is for care village which the applicants have advised would comprise the following:

(a) The construction of a care home (120 beds) within several buildings. The applicants have indicated that this would be for general and more specialist care, care for residents with dementia;

(b) 40 units for occupation by residents aged over 65 years, providing for assisted independent living with varying degrees of care. It is intended that these would offer a high degree of independence for residents, but with the option to purchase services such as cleaning, meals, etc. An on-site warden would provide supervision and assistance;

(c) The construction of 5 no bungalows for respite care;

(d) Associated building and facilities for communal medical and leisure needs for the care village residents. This could include visiting doctors, district nurses, chiroprapist, and other medical services; hair care and fitness (such as gym, yoga, tai chi, etc.); café and restaurant; retail unit for residents' basic provisions; craft rooms/library; and external bowling green. The purpose of this unit is to provide a communal focus for residents, but also as a coordination point for services which enable people to live as independently as possible.

3.2 In addition to the above, the proposal also includes the development of 5 no. detached dwellings (open market housing) together with highway improvements and alterations. The highway works include the provision of a new vehicular access into the site off an improved length of Bury Water Lane, from the junction with School Lane, including a 5.5m carriageway; a raised table and improved crossing beacon near the Newport Grammar School and the provision of a pedestrian footway along the northern side of Bury Water Lane.

4. APPLICANT'S CASE

4.1 The application is the result of several years of discussions with the local authority and local stakeholders. All matters are reserved for subsequent approval, although the application is accompanied by detailed illustrative material and supporting studies which demonstrate that the site can be developed in a manner compatible with the setting.

4.2 The site is located on the edge of Newport, which is designated as a key rural settlement due to its sustainable location and the range of facilities and services it offers.

4.3 The glasshouses comprise a vacant Brownfield site, with buildings falling into disrepair and in need of replacement for the visual benefit of the locality.

4.4 In recognition of the significant demand for specialist care facilities at a national and local level, the Council has allocated the site for residential care as part of a larger allocation (Newport 1) in the Draft Local Plan 2012.

4.5 The applicants have worked closely with UDC planning and development departments to clearly define the council's views and directives associated to the UDC local plans promotion identifying a brief and estimated time scales. The applicants' intention and

strategy was to ensure that all planning matters were considered, respecting the Newport Parish Council's views and local people's perception of what may be acceptable, also identifying essential elements to be assessed for such a scheme such as highways, utility services and other elements that may impact upon the surrounding area as a whole.

- 4.6 The applicants carried out feasibility studies for both housing and Care provision for the following reasons;
1. The UDC planning and development team confirmed a need and demand for new housing with total numbers for housing yet to be identified and determined
 2. The applicants established that there was a demand and need for care provision from a number of sources;
 - Head Office Government directive
 - NHS/Local authority care facilities across the sector had decreased due to lack of Government funding and resource with many facilities becoming redundant and sold off on the open market and in many cases, for alternative uses
 - Localised studies on existing care homes in Bishops Stortford, Stansted, Saffron Walden and Cambridge (associated to the M11 corridor) confirmed that in the majority all facilities were fully occupied, understanding that waiting lists could not be measured or time scales confirmed.
- 4.7 A number of private Care home organisations across the sector were contacted to investigate the support for additional specialist care (for extra and close care as well as over 65 facilities) planned for the future. Meetings were also held with Essex County Council commissioning manager.
- 4.8 The above research confirmed that the delivery of new facilities has been slow; this was essentially due to a decline in the financial market with the Government's intervention with main stream banks (RBS, Lloyds TSB Barclays etc.) and funding availability being selective.
- 4.9 The studies carried out involved a number of private care homes including BUPA, Care Home Group, McCarthy & Stone, Sanctuary Housing, Four Seasons, Allied Health Care, First Care and many others. The NHS sector facilities were also reviewed through Help the Aged, Cross Road Care and Marie Curie UKHCA.
- 4.10 The research clearly identified that there was indeed demand for all provisions of care and that the Newport Nursery site was well located being within 0.6 mile from local amenities and shopping with good transport links through Newport rail station and local bus routes. The applicants also approached the Newport Free Grammar School to assess enabling elements regarding safety and accessibility for the school.
- 4.11 A specialist Architectural practice was engaged to establish design development proposals which essentially focused on the Nursery site but also considered the adjoining land to identify in some detail, the alternative scheme options that could be applied. Several Schemes were devised to establish viability and deliverability.
- 4.12 Care provision has now been identified as the preferred use for the Nursery Site. The site has also been identified as a suitable one by care providers through the consulted companies and their specialist agents. In all some 18 Care provider organisations have displayed interest in the Nursery. There is therefore keen interest from Care organisations and once outline consent is achieved, it is intended to introduce the preferred Care provider to formulate a detailed planning application to define and finalise the overall care provision.

- 4.13 The proposal would result in significant highway improvements to Bury Water Lane, to the benefit of road users and pedestrians, particularly users of the secondary school.
- 4.14 The Council is unable to demonstrate a five-year supply of housing land, and as such any proposals for housing should be considered in the context of the presumption in favour of sustainable development, as set out in the NPPF.
- 4.15 Whilst this proposal would meet a need for specialist housing, it would also provide for a range of employment to the benefit of the local economy.
- 4.16 There are no comparable developments serving the catchment of the northern part of the district, and there is an urgent pressure for specialist and assisted living housing to be provided. The proposal also includes a net increase of three family houses to contribute to general housing need. This site is vacant and deliverable within a short timescale.
- 4.17 Whilst the draft local plan acknowledges the need for specialist housing for older people in the site allocation, adoption of the local plan is not imminent. In the absence of a demonstrable five-year housing land supply, the need for the development is a material consideration of significant weight.

5. RELEVANT SITE HISTORY

UTT/1696/89 – Outline application for residential development on 5 acres, associated roads and construction of new access. Refused February 1990.

UTT/0938/98/OP - Outline application for change of use from agricultural use to residential and erection of two 2-storey dwellings, site Adjacent to 3 Whiteditch Lane, Newport. Refused and Appeal dismissed in January 1999.

All other previous applications related primarily to the former horticultural use.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – Countryside
- Policy GEN1 – Access, Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

Supplementary Planning Documents:

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

6.3 Uttlesford District DRAFT Local Plan

- Newport Policy 1 – Bury Water Lane/Whiteditch Lane

7. PARISH/TOWN COUNCIL COMMENTS

7.1 The Parish Council make the following comments:

- The proposed site is outside the village development limits
- The proposed site is remote and the distance from the site to all the village amenities and facilities is unacceptable. There are no pavements or safe tarmac surfaces from the site to the centre of the village for pedestrians, the less able, those with pushchairs or wheelchairs. Provision should be made for new pavements or safe tarmac surfaces in Bury Water Lane and School Lane.
- There is already serious congestion in Wicken Road and the Wicken Road/School Lane junction. The proposed development will only exacerbate the situation. Has there been a Swept Path Analysis for the coaches and large vehicles turning into and out of this junction? The Council view this as a serious omission.
- No provision has been made for street lighting in School Lane. This is extremely important, particularly for pedestrians and has been completely overlooked.
- In view of the narrow roads the proposal is lacking any risk assessment in respect of Emergency vehicle access, especially during peak times. The Council views this as a serious omission.
- The sewerage infrastructure in the village needs urgent improvement which has been stressed to UDC and Anglian Water for a considerable time. We understand that various options are available on this site for improvement but it is imperative that this does not have any impact upon the existing overloaded system.
- The proposed development may have an impact on the Doctors' Surgery in the village.
- It is noted that ECC Highways has raised objections relating to Traffic Flows, Byway issues, Accident history and Access and Byway improvements.

7.2 However, if Uttlesford District Council decides to approve this application, The Parish Council would like the following conditions to be considered:

- a) Any care home built in Newport should have 10 -15% provision for Newport residents.
- b) The street lighting on Bury Water Lane should be upgraded and, in the Parish Council's opinion, new lighting in School Lane should be considered.
- c) Restrictions on the construction traffic, movement of soil, personnel and deliveries. This is extremely important because over 1000 children attend Newport Free Grammar School in Bury Water Lane. The school is on a split site and the children use the pedestrian crossing in Bury Water Lane throughout the day.

8. CONSULTATIONS

ECC Highways

- 8.1 Original Consultation: Objection: Insufficient information is provided within the application to demonstrate that the impact on the highway network caused by the proposal will not have unacceptable consequences in terms of highway safety, capacity and efficiency.
- 8.2 Re-consultation on additional information – No Objections subject to Conditions. The applicant's highway consultant has submitted a revised document with the relevant raw data. This shows that the likely peak hour traffic flows will be slightly higher than those associated with the horticultural use of the site and the existing 2 dwellings but the highway authority is satisfied that there will be no significant impact on the highway network in terms of highway safety and capacity. Pedestrian safety will be improved with the provision of a footway in the vicinity of the site on the northern side of Bury Water Lane which will be upgraded from byway status to carriageway status.

ECC Ecology

- 8.3 No objections subject to additional conditions.

Natural England

- 8.4 No objection.

ECC Archaeology

- 8.5 Requires a condition be imposed on any planning permission requiring archaeological trial trenching followed by Open Area Excavation.

ECC Environment

- 8.6 No objections.

Aerodrome Safeguarding

- 8.7 No objections subject to the imposition of conditions relating to SUDs and a bird Hazard Management Plan.

NATS

- 8.8 No Objections

Sport England

- 8.9 No objections

Anglian Water

- 8.10 No objections subject to conditions.

Environment Agency

- 8.11 No objections subject to conditions.

NHS Property Services Ltd

- 8.12 Holding Objection. There is a capacity deficit in the catchment surgeries and a developer contribution of £28,800 would be required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare service arising directly as a result of the development proposal.

UDC Housing Enabling Officer

- 8.13 The Council understands that the C2 class units will be delivered within the private sector and would not be affordable, due to the high level of care services included, which may prevent residents dependent on welfare benefits from accessing. However, it is the Council's policy to pursue 40% housing on all C3 schemes of 15 or more units. This will equate to 16 units which would be expected to be managed by one of our Register Provider partners.

UDC Environmental Health

- 8.14 This site is likely to be contaminated and conditions are therefore required.

UDC Access and Equalities Officer

- 8.15 The new dwellings will need to meet the requirements of the SPD on Accessible Homes and Playspace and 5% of the units must meet the Wheelchair Housing Standard. Access arrangements for mobility scooters, wheelchair users and other disabled residents must be considered as part of this application.

WARD COUNCILLOR – Councillor Jeremy Rose

- 8.16 Strongly objects to the planning application for the following reasons:
- 1 Newport has little commercial development land left, and desperately needs commercial and business development land. By using designated commercial land for housing, this reduces the opportunity to build effective commercial and business units in Newport. For this reason alone the plan should be rejected.
 - 2 No care home provider has been assigned or shown interest in the site, and with two new care homes being finalised in Saffron Walden, is there a need for any additional sites locally. This is a non-sustainable business proposition that may revert back to housing. The site should be protected as a commercial or business site, not for housing.
 - 3 The care home 'village' is not suitable, in terms of access to the village [the walk to and from the care home to the village store will take 15 minutes there and 20 minutes back].
 - 4 There are no adequate footpath and cycle routes to and from the care home site, either from the station or from the village. With visitors, deliveries, and working shift patterns of staff, the traffic increase, and so pollution in and around the school area will be harmful to the environment, residents and restrict the traffic along Wicken Road, School Lane and Whiteditch Lane, as well as bringing additional traffic congestion along Cambridge Road and Belmont Hill.

- 5 With a growing use of the school crossing at Belmont Hill, any additional heavy lorry and delivery traffic, visitor numbers and staff shift traffic will be detrimental to the health and safety of Newport Free Grammar School children travelling to and from school during all hours of the day, especially peak journey times, which are about three or four times a day.
- 6 Strain on existing utilities and infrastructure. Laundry and washing facilities at care homes use 'above and beyond' the normal amount of water and produce excessive waste into an already overloaded sewage and water system in Newport. The increase in usage is un-sustainable for the whole of Newport.
- 7 Strongly object to commercial land being used for housing. Newport and surrounding businesses need business development sites. This is an ideal area to create such a hub and not build over suitable land for business interests with residential houses.

9. REPRESENTATIONS

9.1 74 letters of objection have been received and the objections raised are summarised below:

- The infrastructure limitations have not been addressed. Increased traffic will be generated on Bury Water Lane as well as the High St., Wicken Rd. and associated junctions. These roads are already used by school traffic and congestion will be increased.
- Considerable concerns regarding the increased traffic generation and the narrow roads and lanes that would serve the development.
- The site is located within a village with narrow roads which were not designed for large modern vehicles, commercial vehicles or large modern public transport nor the volume of modern traffic.
- Bury Water Lane is subject to a lack of residential parking facilities with residents having to park on the road resulting in traffic congestion along Bury Water Lane. School buses have to park on the pavement to allow traffic to pass and results in residents and students from Newport Free Grammar School having to walk on the road.
- Wrong location for a care home development. It is shoe-horned in with a development of c84 houses into a space that is landlocked and only really accessible via a village lane.
- No plausible explanation as to how the access and infrastructure issues will be dealt.
- The increased level of traffic and associated congestion has been severely underestimated. Care Home facilities contain car parks that are full for the vast majority of the day with staff, family and friends, deliveries, medical support and maintenance vehicles.
- Potential for future access from Whiteditch Lane would be unacceptable.
- There is a lack of public transport serving the site and therefore it will generate more traffic.
- There should be one entrance, preferably the one serving the care home, to serve both this and the adjacent proposed housing site to avoid spoiling Bury Water Lane.
- Noisy location near the M11 is not appropriate for homes for the elderly.
- Newport cannot take further development without improving sewerage and storm drains capacity.

- Anglian Water has previously confirmed that Newport Waste Water Treatment Works does not have capacity for additional development. The works smell all the time and there has been an overflow of sewerage in the river in the last year.
- Concerns regarding the disruption that the planned sewage upgrades would result in for the existing residents of Bury Water Lane. The Utilities Statement states that an upgrade would be required to a pipe which currently goes through the gardens of properties on Bury Water Lane and through Newport Free Grammar School.
- No clear explanation of how the upgrade would be carried out and what compensation would be paid for ruined gardens and driveways.
- Problems in the area with water pressure.
- Completely wrong location in a floodplain.
- The site is isolated from the rest of the main amenities in Newport and would be too far for many to walk, resulting in an increase in traffic in and around Newport or vehicles arriving to collect the elderly for appointments.
- Doctors Surgery does not have capacity as existing residents have to wait 2 weeks for appointments.
- Care home is situated on a hill away from all amenities. The site is inappropriate for the elderly and will be difficult for wheelchair users.
- Better suited to Saffron Walden where there are many purpose built homes for the elderly which would provide a flow into a care home.
- Concerns for dementia patients if they wander out of any home. They could be wandering in open fields.
- There is capacity at Reynolds Court, Gaces Acre, Newport for the elderly, which is located nearer to all those services they require.
- Question the demand for this type of provision in Newport.
- There are no adequate footpath and cycle routes to and from the care home site, either from the station or from the village.
- The site is 800m from the village shop using the most direct route.
- Residents of the proposed care village would be isolated on top of a hill with wheel chair and mobility access to the village centre impossible. The elderly must be integrated into the village community and not placed on the very edge.
- There is no provision for access by wheelchair
- Newport has little commercial development areas, and desperately needs commercial and business development land. By using designated commercial land for housing, this reduces the opportunity to build effective commercial and business units in Newport
- In 2009 the Uttlesford District Council Strategic Housing Land Availability Assessment (SHLAA) consultation of areas NEW4, 5, 6 & 7, commented that "this area would be a reasonable one for light industry and commercial development associated with improvements to Bury Water Lane, and School Lane although its impact on Wicken Road would demand some creative solutions to traffic management" also "as site is more than a mile from rail station it is not well related to it".
- A refusal by the Director of Planning for UTT/1696/89 in 1990 for a residential development in the same area concluded "The highway network is considered totally unsuitable to cater for the proposed development by reason of poor alignment, inadequate carriageway widths and lacking footways along the majority of the length of Bury Water Lane. Furthermore, vision onto Bury Water Lane, together with the Bury Water Lane/Wicken Road Junction is restricted and totally unsuitable to cater for additional traffic movements."
- Extensive roadside hedges and verges would be destroyed together with the rich wildlife habitat which needs protecting. The site has a pond which is home

to newts and invertebrates, which has not been investigated. There is also a badger sett in the vicinity.

- This new development faces a conservation area and Barn Owls, Hares, Deer, Muntjac, Pheasants, Hawks and other birds and animals that exist regularly transgress into the application site. The development would have a demonstrable impact on wildlife.
- Elevated position will multiply the effect of light pollution and impact on existing residents.
- More street lighting for the care home will urbanize the area even more.
- The development will significantly degrade the view from Wicken Road and School Lane, which is a conservation area.
- The massing and bulk of the development is out of keeping with the local cottages.
- The development is over dense in relation to the local character of the area.
- Application site is a greenfield site and will extend the village boundaries. Brownfield sites should be used first.
- A single expandable location should be sought which reflects a truly village concept for the 21st century and which takes account of the community who currently reside in the area.
- Reference to the NPPF and that Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. This should be a collective enterprise.
- The development involves the loss of agricultural land.
- The layout plan does not show all the facilities proposed
- Ill thought out scheme.

10. APPRAISAL

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

- A The principle of redevelopment of this site for residential development (ULP Policies S3, S7, GEN2 and ENV5)
- B Access to the site and highway safety (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- C Design and Visual Impact. (ULP Policy GEN2)
- D Residential Amenity (ULP Policy GEN2)
- E Infrastructure provision to support the development (ULP Policy GEN6)
- F Biodiversity (ULP Policies GEN7, GEN2 and ENV8)
- G Drainage (ULP Policies GEN3 and GEN6)
- H Other material considerations.

A The principle of redevelopment of this site for residential development (ULP Policies S3, S7, GEN2 and ENV5)

10.1 The application site was formerly in horticultural use as a cucumber nursery. The applicants have advised that the nursery closed when the business became uneconomic due to a combination of factors involving the relatively low quality glass houses, inefficient operation due to antiquated designs and difficulties in automation due to the sloping site, and the massive increase in heavy oil costs – the source of heating the glass houses. The nursery was marketed for over two years and a marketing report confirms that there has been no interest for its current or associated use. The marketing report states that the existing buildings are deemed redundant for commercial nursery operation and that the cost of upgrading services would be prohibitive. In addition, the winding country road access would be unsuitable for large

numbers of commercial vehicles and there was a general lack of business demand due to recessionary conditions.

- 10.2 Some 80% of the land area of the nursery was covered in either glass houses, ancillary buildings or hard standing and the applicants' argument that a return to agriculture would not be an option is accepted. The site does not meet the definition of previously developed land having been in agricultural use but nevertheless, the redevelopment of the site would secure the removal of the increasingly dilapidated glasshouses and bring this land back into a productive use. The site does not represent the best and most versatile agricultural land and there is therefore no conflict with Local Plan Policy ENV5.
- 10.3 The site is situated on the edge of Newport but is located outside the development limits for the village defined by Policy S3 of the Local Plan and is therefore within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.
- 10.4 Part of the application site was subject to an appeal in 1999 which was dismissed on the grounds that the site was located outside the defined development limits of Newport and comprised an area that was rural in character, notwithstanding the large green house. The Inspector considered that the redevelopment of the site for housing was contrary to the then Policy S2 which aimed at protecting the countryside.
- 10.5 Since that time, the policy context has changed and whilst the more recent Policy S7 still seeks to protect the countryside, it has to be considered against the advice of the NPPF. The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that although Policy S7 is still relevant to the consideration of this application, there remains the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 10.6 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.7 The Council has accepted that it does not have a five year supply of housing land and is currently preparing the Draft Local Plan which seeks to identify additional future development sites for the period 2013 to 2028. As a consequence, the Council does not have an up to date Local Plan under Paragraph 49 and there is therefore a presumption in favour of housing applications.
- 10.8 The 2012 Annual Monitoring Report records the average annual completion rate to be 334 dwellings, compared with the average annual completion rate required by the East of England plan of 430 dwellings. The current level of delivery on deliverable sites for the 5-year period is therefore 78% which equates to 3.9 years' worth of supply.

- 10.9 However, the report on Uttlesford's Housing Trajectory and 5-Year Land Supply 2013 was referred to the LDF Working Group on 14 June 2013 indicated that the supply was lower with a 3.7 years supply of committed sites against the annual requirement of 415 dwellings based on an economic scenario where the annual growth in jobs acts as a constraint on population and household growth and that other scenarios would result in a lower housing land supply. The Council recognises therefore that it has a shortfall and that it should consider favourably applications for residential development which will make a positive contribution towards meeting housing requirements. The Council has considered and determined planning applications in this light and in accordance with Paragraph 49 of the NPPF. As a consequence, planning permission has been granted for residential development outside development limits where appropriate in accordance with the guidance set out in Paragraph 49 of the National Planning Policy Framework.
- 10.10 The application site is identified as a proposed development site in the Draft Local Plan 2012 under Newport Policy 1 – Bury Water Lane/Whiteditch Lane as an allocation for a minimum of 300 residential dwellings and providing for a mixed and balanced community. However, this number has recently been reviewed in the Uttlesford Draft Local Plan Position Statement March 2013 down to 100 dwellings and the site area has been reduced from 15.2ha to 4.5ha with the site being divided so that the current application site is excluded. The Position Statement confirms that the 2.1ha area of the Cucumber Nursery will be separately allocated for a residential elderly care village.
- 10.11 The proposal therefore reflects the modifications in the Position Statement and proposes a Care Village with part of the accommodation being for Supportive and Close care. The remainder of the village would involve the provision of 40 over 65's residential units and 5 market housing which would contribute to the Council's 5 year supply of housing. The Units for the over 65's would allow for independent living although residents would be able to access varying levels of care and assistance as required. As a consequence, the application would provide smaller dwellings for the elderly and would comply with Policy H10.
- 10.12 The applicants have submitted a Support and Viability Statement which highlights that some 18 care provider organisations have displayed interest in the Nursery Site. Also that their research showed that there is very limited provision within the district for this type of facility. The proposal would meet all three of the Council's objectives for Older Persons Housing Strategy as contained in the Housing Strategy in that it would provide accommodation that meets the needs of older people living in Uttlesford; it would provide homes for life that can be adapted to meet people's needs as they grow older and less mobile and it would provide a new development specifically aimed at meeting the housing needs of older people including extra care housing and bungalows
- 10.13 The Older Persons Housing Needs Survey identified a need for an extra care scheme with specialist support for those with dementia and one and two bedroom apartments and bungalows. The proposal would therefore help to meet this need.
- 10.14 Third party representations and the Parish Council have objected to the fact that the principle of whether development should go ahead on this and the other sites identified in the Draft Local Plan has not yet been properly established. The Draft Local Plan has not been tested through the proper procedures and the suitability of the subject site together with the adjoining application site for 84 dwellings has not been properly assessed.
- 10.15 The Draft Local Plan is at an early stage in its preparation with the consultation on proposals having taken place in June 2012. A further pre-submission consultation was

due to take place in January/February 2013 but was put back to allow further studies to be completed and considered in full. As a consequence, the sites identified have not yet been through the full consultation process and approval of sites identified in the Draft Local Plan may be regarded as being premature.

10.16 However, although the primacy of the Development Plan is set out in legislation, Government advice contained in the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development, particularly where Councils cannot show a five year supply of housing land. The application site has been assessed through the Strategic Housing Land Availability Assessment (SHLAA) and performed well. The site which comprises NEW5 in the SHLAA scored poorly on only three points; it was not brownfield, but was greenfield, it would result in the loss of high quality agricultural land and the distance to hospital but scored well in most other respects. Access was recognised as a constraint that needed to be addressed and that comprehensive development would not only remove the redundant greenhouses on the old nursery site but also provide some traffic improvements. This site was therefore considered appropriate for development along with sites NEW4-7.

10.17 As a consequence of the above and the fact that the Council is still unable to demonstrate a 5 year supply of housing and that the development would provide both small units of accommodation for the elderly as well as car facilities, it is considered that there is a presumption in favour of the development of the application site in accordance with the guidance contained in the NPPF subject to compliance with other relevant policies of the Local Plan and to any material considerations. The application would also result in the redevelopment of this redundant horticultural site. It is considered therefore that the principle of redevelopment of this site for residential development is acceptable subject to other policies of the development plan.

B Access to the site and highway safety (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)

10.18 The application is accompanied by a Transport Statement and indicative drawings to show how access can be achieved and possible highway improvements. Access is reserved for later approval and therefore all access proposals are for illustrative purposes only.

10.19 The Statement states that the site would be served via a single vehicular access taken from an improved section of Bury Water Lane. It is proposed that two dwellings, 1 and 2 Hillside, would be demolished to provide this access and the priority with Bury Water Lane reconfigured. Internally, the road and parking layout takes the form of an internal circuit route, with speed restraint devices in the form of raised platforms.

10.20 Outside the site, the applicants propose to construct a 2m wide footway on the northern side of Bury Water Lane up to the junction of School Lane and some reconfiguration of the junction with Whiteditch Lane and the radius of School Lane.

10.21 The Highway Authority raised an initial objection to the submitted Transport Statement on the basis that insufficient information had been provided to demonstrate that the impact on the highway network would not have unacceptable consequences in terms of highway safety, capacity and efficiency. A revised Statement has been provided with the additional information required. The Statement draws attention to the fact that the site has a lawful planning use as a commercial nursery and therefore, whilst vehicle flows will be of a low order, it would include heavy goods vehicles using the Whiteditch Lane access. The proposed Care Village will produce low hourly, peak hourly, and

daily (and annual) vehicle flows and will not therefore, generate a significant amount of traffic along Bury Water Lane. The Care Village will employ in the order of 49 people but these will mostly work in shifts and the commencement and end of the shifts do not coincide with the peaks on the road network. As a consequence, the impact of the Care Village on the surrounding road network will be negligible.

10.22 With regard to the over 65's accommodation, the applicants advise that the retirement flats will be provided with one car parking space per unit along with visitor spaces. A car club may be instigated to encourage residents to migrate from car ownership and hire a vehicle when needed and for the able elderly, there will be a "pedal cycle club", which may hire out (possibly electrically assisted) pedal cycles to encourage residents to cycle in the local area. The Traffic Assessment therefore maintains that traffic generation will be negligible.

10.23 The Highway Authority has been consulted on the revised Traffic Assessment and has advised that the revised document containing the relevant raw data shows that the likely peak hour traffic flows will be slightly higher than those associated with the horticultural use of the site and the existing 2 dwellings. The highway authority is satisfied that there will be no significant impact on the highway network in terms of highway safety and capacity. Pedestrian safety will be improved with the provision of a footway in the vicinity of the site on the northern side of Bury Water Lane which will be upgraded from byway status to carriageway status. Accordingly the Highway Authority has withdrawn its earlier objection and recommends that conditions be attached.

10.24 The concerns of the Parish Council and the vast majority of the third party representations relate to the access to the site and the implications of additional traffic of both this application and the one for 84 dwellings on the adjacent land (Ref: UTT/13/1769/OP), along Bury Water Lane, School Lane and the surrounding road network. The main concerns relate to existing congestion within Bury Water Lane, School Lane and Wicken Road as a result of the Newport Free Grammar School together with the safety of students. The roads are all relatively narrow and the school buses arrive along a one way system from Wicken Road, along School Lane and into Bury Water Lane towards the School.

10.25 The concerns of the Parish Council and third parties have been noted and the application site has therefore been visited both at the start and end of the school day. It is agreed that there is considerable congestion at these times but this is largely because of the school buses that drop off students in the morning and are there for much longer in the afternoons when they park up wherever possible and wait for the end of school. On street parking takes place along Bury Water Lane throughout the day which exacerbates congestion and there is considerable difficulty for vehicles to pass the school buses, particularly in the afternoon. At the end of the day, students mill round the buses and the road is impassable at these times.

10.26 The school has also lodged an objection to this and the adjacent application and expressed concerns that the proposed development would contribute to the congestion and issues of safety for the students.

10.27 However, the Highway Authority has accepted that the road design has capacity for the development and that there is no need for additional works beyond those that are suggested with the application. It is accepted that although the roads are congested at the peak school hours, for the rest of the day, traffic using Water Bury Lane is light. The issues revolving around the school are largely due to the buses and the lack of off-street laybys/parking at the school. That situation is already present and it is not considered that the current development would make any difference to the current

problems of congestion at the start and end of the school day, nor would it be reasonable for the development to be required to resolve this existing situation as suggested by some third parties.

10.28 The Parish Council, Newport Free Grammar School and third parties have also objected to the proposal on the grounds of student safety. Because the school operates a split site either side of Bury Water Lane, students have to constantly cross the road between the two parts of the campus. The concerns relate to the existing highway conditions and the potential hazard for children from additional traffic from both this application and for the 84 dwellings.

10.29 The school children use the pedestrian crossing but appear to have no supervision or regulation when crossing during the times observed. It is clear therefore that there is potential for issues of safety and it is understood that the School is in discussions with the Highway Authority on this matter. However, the Highway Authority considers that the proposed development is acceptable and accepts the findings of the submitted Traffic Statement that there will not be any additional impacts upon pedestrian safety.

10.30 The site is one which had previously been identified for a significantly larger allocation of up to 300 dwellings in the emerging Local Plan. Newport Policy 1 sets out a requirement for a raft of highway improvements. However, the Position Statement in March 2012 considerably reduced the amount of development proposed and also split the site so that the Nursery site was identified for a Care Village for the Elderly. The Statement also removed the requirements for most of the highway works leaving the requirement for a roundabout on Cambridge Road, the widening of Bury Water Lane to provide improved access to the secondary school and provision of new car/bus park and turning facilities with access off Bury Water Lane as remaining requirements. However, the submitted Transport Statement does not show any justification for these improvements and the Highway Authority does not require them.

10.31 Additional concerns have been made regarding the cumulative effect of the current application and the proposals for the 84 dwellings on the adjacent site. The applicants have raised objections to the neighbouring application but have pointed out that the submitted proposals for the care village will generate very limited traffic which will not be subject to peak time flows, particularly in relation to the school start and finish times. The Highway Authority considers that the traffic implications of the adjacent application (UTT/13/1769/OP) are acceptable and therefore, in view of the limited traffic generated by the current application, it is considered unlikely that the combined traffic generation of the two proposals would be so significant as to be unacceptable on highway safety grounds.

10.32 The Parish Council has also raised concerns regarding the distance of the proposed development to other facilities in the village and also the difficulties in accessing these facilities, particularly for the elderly and infirm because of the lack of footpaths and the general topography of the land. It is recognised that there are limited opportunities for walking from the site along footpaths although the application proposes a length of footpath along the northern side of Bury Water Lane, similar to the proposal for the adjacent application (Ref: UTT/13/1769/OP).

10.33 However, the applicants have advised that the village would be designed to be largely self-sufficient with most of the everyday needs of residents met on the site. In addition, the applicants have indicated that there would be scope for a car club, pedal cycle club and the village's own bus which would be used to transport residents. Whilst these could provide greater access, details are limited and it is considered that a Travel Plan would assist in establishing that future residents will be able to access local facilities.

10.34 It is accepted that there are current issues of safety and congestion within the vicinity of the site which arise as a result of the operation and location of Newport Free Grammar School. However, the submitted Transport Statement states that the current proposal will not lead to additional issues of highway safety or congestion, particularly at the peak school times and there are no objections to the proposal by the Highway Authority. Further representations have been submitted including a traffic safety report submitted by the school and this has been forwarded to the Highway Authority for comments. These are awaited but preliminary discussions with officers at the Highway Authority suggest that they are satisfied that the application will not generate significant levels of additional traffic. Notwithstanding the existing problems of access and safety largely generated by the school, it is considered that the current proposal will not exacerbate those problems and the Highway Authority has raised no objection to the proposals.

10.35 The illustrative layout shows that the development would be served by some 60 parking spaces together with additional ambulance parking and dedicated on-plot parking for the 5 market dwellings. The submitted Transport Assessment confirms that the over 65's units will each have a dedicated parking space thereby leaving 20 spaces for the rest of the development. It is considered that this would be inadequate and would not meet the Council's parking standards which require a maximum of 1 space per full time equivalent staff and one visitor space per 3 beds. The current level would represent a considerably lower provision.

10.36 Although the application is in outline and additional parking could be provided, there are concerns regarding the ability of the site to accommodate additional parking in view of other concerns relating to the limited provision of open/amenity space. It is considered that the applicant will be required to demonstrate that such a low parking provision can be justified at the reserved matter stage and that a Travel Plan be submitted to demonstrate that the development would comply with Policy GEN8 of the adopted Local Plan.

C Design and Residential Amenity. (ULP Policy GEN2)

10.37 The application is in outline with all matters reserved and therefore the submitted layout is indicative to show how the site could be developed. The layout shows the access into the site from Bury Water Lane extending up to the northern boundary of the site. The 5 market houses are all positioned on the eastern side of the site, backing onto Whiteditch Lane but with vehicular access provided from within the site and not from the Lane.

10.38 The access from Bury Water Lane separates so that the western branch serves the 120 bed Supportive and Close care facility which is located along the western boundary of the site. This is formed by 5 blocks, 4 of which are arranged around a central bowling green. The Care Support block and the 5 unit respite bungalows are shown at the rear of the existing dwellings on Bury Water Lane.

10.39 The 40 over 65's apartments are positioned within a rectangular block located on the northern boundary. This is set approximately 5m within the boundary and the southern elevation looks over the central car park which serves the whole development.

10.40 The illustrative design of the development raises concerns. Firstly, the location of the over 65's apartment has very limited amenity space around it due largely to its location so close to the northern boundary and only 7m from the Supportive bed facility. The large area of car parking to the south and the access road to the east means that the

building would have a very limited outlook and provide a poor amenity for future residents. Secondly, space within the site generally is limited and would be dominated by the large building blocks. These are envisaged to be predominantly two and a half storey and will occupy much of the site.

10.41 Although the layout shows that in principle, the development can be accommodated on the site, this appears to be at the expense of open space and there are concerns about the size of the over 65's accommodation block and whether it can accommodate the 40 apartments proposed. Furthermore, to achieve the amount of development proposed, the buildings are shown located close to the boundaries. Both this site and the adjoining land to the north and west, which comprises the remainder of the draft Newport Policy 1 allocation, are subject to applications which are in outline with matters of design, layout and appearance reserved for future approval. Care will be needed at the reserve matter stage to ensure that the developments achieve an acceptable relationship and that the current proposal provides adequate amenity space within the site for future residents. At the present time, the two illustrative layouts are incompatible and would have a significant impact upon the residential amenities of residents of the adjacent site.

10.42 Several third party representations have raised concerns regarding the change in levels within the site and the fact that there would be a steep incline for residents many of whom would be infirm and some in wheelchairs. Site levels have been provided and show that there is a change in level of some 12.25m from the access into the site off Bury Water Lane to the northern boundary. The access itself would have a change in level of 7.25m over a length of some 90m and as it is relatively narrow and extends between existing properties, there is limited space to achieve a suitable gradient for the less able residents. The applicants have not provided any information on how the change in levels will be addressed but have stated that the exterior access routes around the care home and throughout the site would be level and surfaced to aid movement throughout the development. However, it is considered that conditions would be required for details to be submitted to ensure that the development can provide suitable levels.

10.43 In terms of the amenity of existing residents, the application site is located at the rear of properties on Bury Water Lane. These, apart from Tudor House, have long back gardens and the main blocks of accommodation within the site are located well to the north and west and are unlikely to create problems of overlooking. Tudor House has a shorter rear garden and the illustrative layout shows that the 5 respite care bungalows would be situated to the rear of the property. These are shown gable end on to Tudor House and again, it is not considered that, on the basis of the current illustrative layout, there would be any unacceptable adverse impact on the residential amenity of existing residents.

10.44 The access to the site is to be achieved by demolishing two semi-detached dwellings. As a consequence, the access into the site would extend between the properties Eranmine and Greenways. Whilst it is accepted that the traffic generated by the site will be relatively low, the new access will have an impact upon the amenities of the adjoining residents but it is not considered that it would be so adverse as to justify a refusal on amenity grounds and there would be no conflict with Policy GEN2 of the Local Plan.

D Visual Impact (ULP Policy GEN2)

10.45 The application site is located on the edge of Newport within open countryside. The site slopes so that the development will be on rising ground and therefore has the

potential for visual intrusion within the landscape. This is one of the main concerns of the third party representations. However, the site currently contains a number of disused and dilapidated greenhouses together with one and two storey storage sheds/workshops which are visible from various local vantage points. It is considered that these currently detract from the landscape character and that their removal and replacement with more attractive buildings would improve the site's appearance in the wider landscape.

10.46 The applicants have stated that the height, footprint and materials of the proposed development will not be uncharacteristic of the wider area and there are buildings of a similar style and appearance in the vicinity. In addition the existing hedging to the north and west boundaries to the site, although strong and thick will be reinforced which will create an improved and greener edge to the site and will deliver a beneficial effect to the landscape character of the area.

10.47 The proposed buildings will be predominantly two and two and a half storey, and will be positioned towards the higher part of the site with lower buildings on the southern part behind the properties on Bury Water Lane. As a consequence, the development will be significantly more prominent than the current buildings. The applicants intend to retain the hedgerow around the site and this will form a buffer with the adjoining application site. Although the current application site will be more visually prominent, it will be read against the existing development on the edge of this part of Newport and also against the adjacent site which is identified for development in the emerging Local Plan and is the subject of a separate application for 84 dwellings. The retention of the hedgerows will serve to soften the development but care will be needed with the detailed design of the development to ensure that the blocks of buildings do not appear over-prominent and dominating in the landscape.

10.48 It is likely that residents along Wicken Road, School Lane, Bury Water Lane and Whiteditch Lane to the south and east of the application site will experience partial views of the proposed development. However these views will be limited due to the existing hedges and trees. The applicants propose to reinforce these to protect the amenities of the local residents. The rear gardens of the properties along Bury Water Lane where the visual impact will be greatest are to be screened with additional hedging and trees.

10.49 It is considered that the overall landscape and visual impact associated with this development would be localised and that it would be read largely with the wider landscape and views of the area, including that of the adjacent proposals. As such it is considered that, subject to care at the detailed design stage, the visual impacts will be acceptable and the application is in compliance with Policy GEN2 of the Local Plan.

E Infrastructure provision to support the development (ULP Policy GEN6)

10.50 NHS Property Services has calculated that the additional growth in population as a result of the application will generate a need for a further 0.12 GP to meet that growth together with additional floorspace. As a consequence, the NHS has advised that a contribution of £28,800 is required to create the additional floorspace. In this respect, it is considered that a developer contribution of £28,800 would fairly and reasonably address the identified healthcare impacts.

10.51 The applicants have written stating that they consulted the doctor's practice and were led to believe that there was currently no need for this extra facility. They consider that with this in mind and the provision of on-site treatment rooms in the proposed care village together with the practice that care villages generally have an arrangement with

their preferred provider of medical facilities, that it would be highly unlikely that the requested payment could be justified or substantiated.

10.52 It is considered that the request by the NHSPS is justified. Although the current proposals suggest that there would be a practice in the care facility, the application is in outline and there is no certainty at this stage that one would be provided. Furthermore, the development will accommodate a large population of elderly people who are capable and able to use the doctor's surgery in Newport. Notwithstanding their comments, the applicants have agreed to provide the sum required by NHSPS and this would be dealt with by way of a Section 106 Agreement.

F Biodiversity (ULP Policies GEN7, GEN2 and ENV8)

10.53 The applicants have submitted a Phase 1 Ecological Assessment together with detailed surveys for bats and Great Crested Newts. No evidence of Great Crested Newts or bats were found on the site.

10.54 The County Ecologist has raised objections on the lack of two surveys for bats that were identified as being necessary in the Phase 1 Report and the lack of a reptile survey.

10.55 The survey work for reptiles is still ongoing with the final visit/survey taking place in September. It is understood that no reptiles have been found to date although survey work on the adjacent application site has found common lizards. The applicants have advised that they will put in place appropriate mitigation within the site but no mitigation proposals have yet been submitted.

10.56 With regard to the additional bat surveys, the applicants have confirmed that these are not relevant to the current application as the need for the additional surveys were highlighted in a report which looked at a wider area than the application site and therefore would only be needed if a different application had been submitted.

10.57 Subject to the receipt of the reptile survey and the detail of appropriate mitigations measures should they be necessary, the application is acceptable in all other respects in biodiversity terms.

G Drainage (ULP Policies GEN3 and GEN6)

10.58 The Parish Council has raised concerns for both this and the adjoining application relating to the sewerage infrastructure in the village and that neither application contain details as to how this problem will be dealt with. In addition, many of the third party representations comment that to service this site, Anglian Water propose to cut a sewer across the gardens of the properties in Bury Water Lane and the main road which would have a detrimental impact upon existing residents.

10.59 Anglian Water have been consulted and confirmed that with respect to wastewater, the foul drainage from this development is in the catchment of Newport STW that at present has available capacity for these flows. In terms of Foul Sewerage, Anglian Water have advised that it has been working with the applicants as the proposed development will lead to an unacceptable risk of flooding downstream and mitigation will be required. The drainage strategy for the site should cover the procurement of the improvement works and Anglian Water therefore requests a condition requiring the drainage strategy to be submitted.

10.60 With regard to the concerns of residents to the potential cutting of a sewer in their back gardens, this is not a proposal. Anglian Water's Pre-planning Addendum Report set out the works required for the betterment of the existing system. Although this involves the upgrade of the sewer that runs through the gardens, the actual upgrade is to a 51metre length of the pipe which is located within the highway at Bury Water Lane and not within the gardens. As a consequence, the proposals do not involve upgrading the sewer where it crosses gardens and there will therefore be no disruption to residents.

10.61 The Environment Agency has advised that it has read Anglian Water's Pre-Planning Assessment Report ('the PPA Report') for this proposed development and has noted that it states the receiving sewage treatment works at Newport have the capacity to treat the additional flows expected to arise. The PPA Report goes on to state that the sewer network will need upgrading. Overall the EA has no objection to the impact of the development proposal on the foul water drainage position.

10.62 Notwithstanding the capacity constraints identified at the Newport Sewage Treatment Works in the Uttlesford District Water Cycle Study Stage 2: Detailed Strategy ('the Uttlesford WCS'), it needs to be borne in mind that this strategy was based on the findings of high level, rather than detailed assessment work. Since completion of the Uttlesford WCS better data have become available, and coupled with the benefit of more detailed development specific study work, this has enabled Anglian Water to identify mitigation and conclude that there is sufficient capacity within the existing headroom at the Newport Sewage Treatment Works. Consequently, it is considered that the development proposal, along with the development proposal which is the subject of planning application UTT /13/1618/0P (should be UTT/13/1769/OP) at the adjacent site, would not pose a significant risk.

10.63 The Environment Agency has also confirmed that the submitted Flood Risk Assessment is acceptable for the scale and nature of the proposed development. The FRA includes an outline surface water drainage strategy that is, in principle, acceptable as this demonstrates that there would be no increase in surface water runoff from the site compared with the existing Greenfield runoff rate up to the 100 year storm event inclusive of climate change. However, no infiltration testing has been undertaken to determine whether the use of soakaways is feasible and a condition is required to ensure these tests are carried out.

10.64 In addition to the above, the Environment Agency has confirmed that the development site lies in a Groundwater Source Protection Zone 3 and overlies a major aquifer. The EA notes the risks to the site identified by the applicants and recommend that conditions be appended to any planning permission granted. Without these conditions, the proposed development on this site would pose an unacceptable risk to the environment and the EA would object to the application.

H Other material considerations

10.65 The housing and enabling officer has advised that affordable housing should be provided on the site. However, it is not normal policy of the Council to require affordable housing on sites that provide care facilities or sheltered accommodation as proposed in this instance. The development will provide small independent units for the elderly and therefore will address an existing need in the District. It is not considered therefore that affordable housing should be sought on this site in this instance.

11. CONCLUSION

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

11.1 Although the application site is located outside the current development limits of Newport, it has been identified for development in the emerging Local Plan. It is considered that, in view of the Council's current lack of a 5 year housing land supply and the contribution that this application would provide to that supply as well as for housing for older persons, the site should be brought forward in advance of the adoption of the current draft Local Plan. The submitted information demonstrates that the traffic generated by the development will be limited and that it will not exacerbate existing problems of congestion created by the operation and location of the Newport Free Grammar School. Furthermore, the Highway Authority has no objections to the application. Whilst it is noted that the Parish Council, the school and residents have expressed concerns relating to safety at the Newport Free Grammar School and issues of congestion at the school peak times, these are issues that already exist at present. The applicants' Highway Statement and the Highway Authority do not consider that there will be additional issues arising as a result of this development and therefore do not require additional measures to be put in place.

11.2 The application is acceptable in all other respects and issues of the contribution for health facilities can be dealt with by S106 which is being drafted. The application is considered to be acceptable in all other respects and accords with the policies of the Development Plan and the NPPF.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 9th October 2013 of being invited to do so the freehold owner enters into a binding obligation 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) Community payment for health care services**
 - (ii) Provision of off-site highway works**
 - (iii) Pay monitoring costs**
 - (iv) Pay Councils 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) Lack of community payment for health care services**
 - (ii) Lack of provision of off-site highway works****

Conditions

1. Approval of the details of the layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

3. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

4. Each apartment of the 'over 65's' residential apartments hereby permitted shall be occupied only by:
 - i. persons of state pensionable age;
 - ii. persons living as part of a single household with such a person or persons;
 - iii. persons who were living as part of a single household with such a person or persons who have since died.

REASON: In the interests of the special circumstances surrounding the approval, highway safety, parking provision and educational contributions for school places in accordance with Policies GEN1, GEN2, and GEN8 of the Uttlesford Local Plan (adopted 2005) and ECC Parking Standards (adopted 2009).

5. No development shall take place until a Biodiversity Mitigation & Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted and in accordance with the general principles outlined in the Ecological Assessment (dated January 2013) and, without prejudice to the foregoing, shall include:
 - (a) Aims and objectives of mitigation;
 - (b) Extent and location of proposed works;
 - (c) A description and evaluation of the features to be managed;
 - (d) Sources of habitat materials;
 - (e) Timing of the works;
 - (f) Selection of specific techniques and practices for preparing the site and creating/establishing vegetation including specific planting schemes detailing the native species that will be used;

- (g) Details of the location, height, design and luminance of all fixed lighting for both construction and occupation phases of the development to minimise impacts on foraging bats;
 - (h) Detailed descriptions of biodiversity enhancement measures that will be taken within the development and outside of the development footprint;
 - (i) Prescriptions for management actions, both short and long-term;
 - (j) Provisions for the long-term management of the area demonstrating the feasibility of delivery of biodiversity enhancement and long-term management, including details of funding for the management.
- The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

6. No development shall take place until a Reptile Protection Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include how mitigation measures for legally protected reptiles will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include a Method Statement. The development shall thereafter be carried out in accordance with the approved Reptile Protection Plan in all respects.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

7. No development shall commence until a foul water strategy 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 foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

8. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm event inclusive of climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding both on and off site in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

9. Prior to each phase of development approved by this planning permission no development, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) 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.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) 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.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 written consent of the local planning authority. The scheme shall be implemented as approved

REASON: To ensure the protection of water resources in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

10. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure the protection of water resources in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the protection of water resources in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

12. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

REASON: To enhance the sustainability of the development through better use of water, energy and materials in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

13. Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

REASON: To enhance the sustainability of the development through efficient use of water resources in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

14. No construction traffic (including deliveries) shall use Bury Water Lane between the hours of 0800 to 0900 and between 1500 and 1530 Mondays to Fridays.

REASON: In the interests of the amenity of the area and the safety of pupils at Newport Free Grammar School in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

15. Demolition or construction works (including deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 8.30 hours to 14.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

16. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a). the parking of vehicles of site operatives and visitors
- (b). loading and unloading of plant and materials
- (c). storage of plant and materials used in constructing the development
- (d). the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (e). wheel washing facilities
- (f). measures to control the emission of dust and dirt during construction
- (g). a scheme for recycling/disposing of waste resulting from construction works.
- (h) the routing of all construction traffic.

REASON: In the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

17. 1) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has previously been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the local planning authority following the completion of this work.

2) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been previously approved by the local planning authority in consultation with its historic environment advisors.

3) The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

18. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan for the 40 'over 65's' residential apartments including the initial commitments and amended and supplemented under the provisions of a yearly report. The Residential Travel Plan shall include a commitment to provide a Travel Plan coordinator within the residential sales office to give advice to the new residents of the development.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and Policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

19. Prior to commencement of any works on site including demolition, the provision of an access into the site and works to upgrade byways 1 and 2 to carriageway status as shown on Drawing No. HTTC/KAB/7 to include but not limited to:
- (a). minimum 5.5 metre carriageway width with a minimum 1.8 metre wide footway to the northern side to tie in with the existing footway at the northern edge of Bury Water Lane to the east
 - (b) visibility splays shall be retained free of any obstruction in perpetuity
- Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development. The approved scheme of works shall then be implemented in its entirety prior to commencement of any works on site.

REASON: In the interests of highway safety and providing 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).

20. Prior to occupation of the development, the provision of a bound surface footpath from Bury Water Lane to the footbridge over Wicken Water with appropriate dropped kerb crossings on both sides of Bury Water Lane. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.

REASON: In the interests of highway safety, efficiency and accessibility in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).

21. No removal of trees/hedgerows/scrub shall be carried out on site between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Uttlesford Planning Authority which confirms that no species would be adversely affected by the removal of trees/hedgerows/scrub.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies.

22. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies.

23. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies.

24. No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted, as outlined in the [previous ecological report, dated 11 January 2013] and shall, without prejudice to the foregoing, include:

- (i) Aims and objectives of mitigation and enhancement;
- (ii) Extent and location of proposed works;
- (iii) A description and evaluation of the features to be managed;
- (iv) Sources of habitat materials;
- (v) Timing of the works;
- (vi) The personnel responsible for the work;
- (vii) Disposal of wastes arising from the works;
- (viii) Selection of specific techniques and practices for preparing the site and/or creating/establishing vegetation;
- (ix) Appropriate management options for achieving aims and objectives;
- (x) Prescriptions for management actions;
- (xi) Ecological trends and constraints on site that may influence mitigation and enhancement measures;
- (xii) Personnel responsible for implementation of the Plan;

(xiii) The Plan shall include demonstration of the feasibility of the implementation of biodiversity mitigation plan for the period specified in the Plan;

(xiv) Monitoring and remedial / contingencies measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full. Monitoring shall review agreed targets at five year intervals and allow for remedial action to be agreed with the Uttlesford Planning Authority.

The development hereby permitted shall be implemented in accordance with the approved plan.

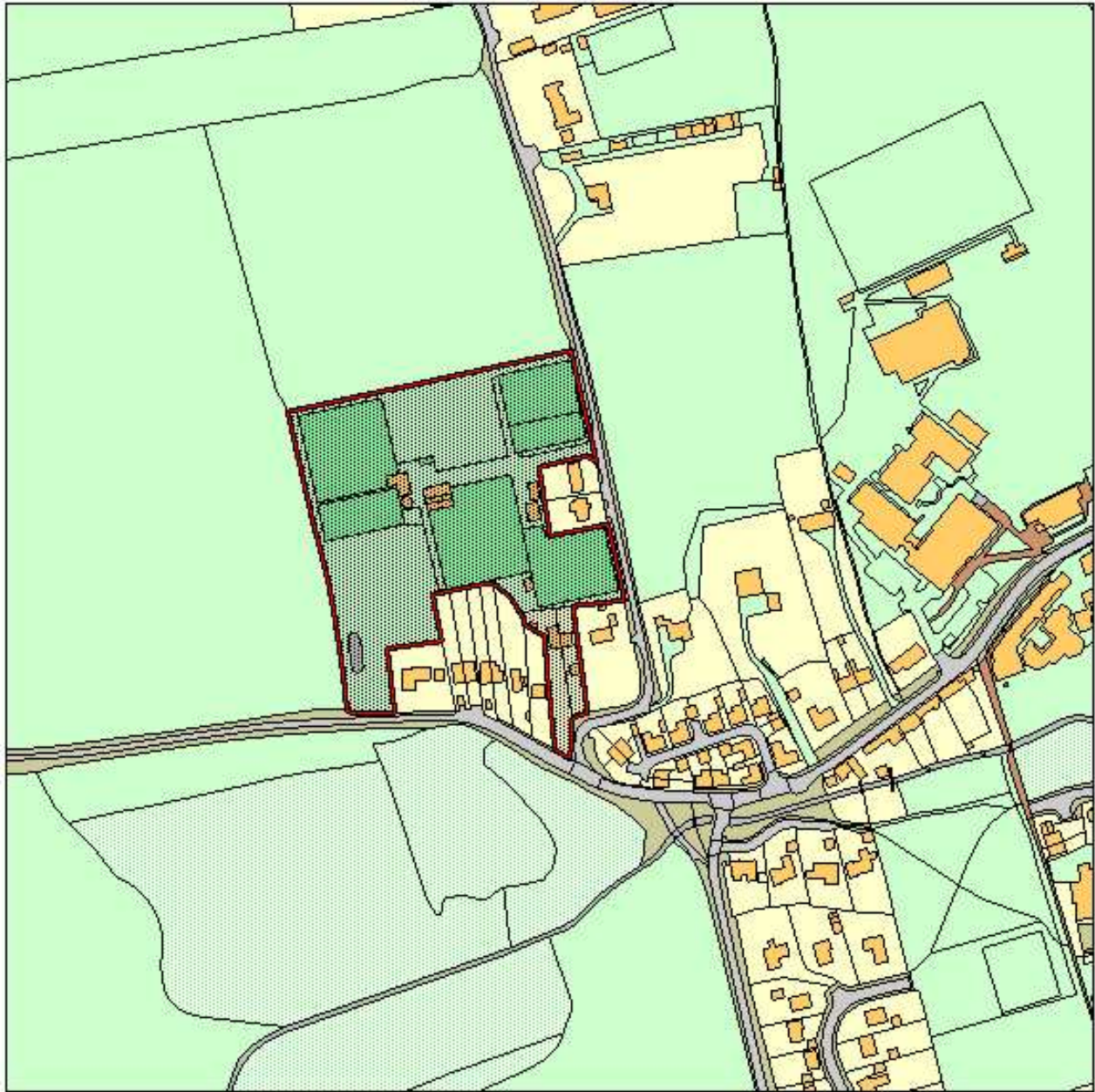
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies.

Informative

Should any legally protected species or evidence of legally protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologists contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

UTT/13/1817/OP

Hillside and Land to r/o Bury Water Lane Newport



Scale: 1:3000

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Organisation	Uttlesford District Council
Department	Planning and Building Control
Comments	
Date	16 September 2013
SLA Number	Not Set