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| Committee: | Planning | Agenda Item |
| Date: | 10th May 2017 | [?] |
| Title: | UTT/16/3669/OP – Outline application with all matters reserved for 35 dwellings. | |
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Summary

1. The above planning application was reported to Planning Committee on 5th April 2017. Members resolved to approve planning permission contrary to the officer's recommendation for the scheme to be refused.
2. Subsequently, the application is now reported back to the planning committee so that the S106 Planning Obligations and necessary Planning Conditions can be agreed.

Recommendations

Approve subject to securing the following S106 Legal Obligations and imposing the following conditions:

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 10th August 2017 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

- (i) Provision of 40% affordable housing**
- (ii) Provision of 5% bungalows**
- (iii) Provision of education financial contribution**
- (iv) Provision and transfer of open space**
- (v) Provision of allotments**
- (vi) Ensure adequate ongoing maintenance of SUDS system.**
- (vii) Pay the Council's reasonable costs**

(II) In the event of such a variation to the extant obligation 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 a variation of the extant obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

- (i) Provision of 40% affordable housing**
- (ii) Provision of 5% bungalows**
- (iii) Provision of education financial contribution**
- (iv) Provision and transfer of open space**
- (v) Provision of allotments**
- (vi) Ensure adequate ongoing maintenance of SUDS system.**
- (vii) Pay the Council's reasonable costs**

Conditions:

1. Approval of the details of the layout, 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 no 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 first occupation the access shall be provided, with associated clear to ground visibility splays, to be implemented as shown in the drawing 2015-105-011 rev C (received on the 30th March 2017), and retained free of any obstruction thereafter.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN1 of the Uttlesford Local Plan as Adopted (2005)

4. The existing access at shown on the site layout plan 2015-105-011 rev C (received on the 30th March 2017) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County

Council Supplementary Guidance in February 2011 and Local Policy GEN1 of the Uttlesford Local Plan as Adopted (2005)

5. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 and Local Policy GEN1 and GEN8 of the Uttlesford Local Plan as Adopted (2005)

6. No development shall take place until an Ecological Design Strategy (EDS) addressing ecological mitigation, compensation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall pull together the conclusions and recommendations of the EA (Aspect Ecology, December 2015) include shall the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. It shall include details of the legal and funding mechanism(s) by which long-term implementation will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved EDS.

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).

Justification: The proposed development site lies in a potential sensitive area and therefore it is essential that these details are submitted for approval in advance of the works being undertaken to ensure that any archaeological deposits present on the site are appropriately investigated prior to development.

7. No works shall take place until a detailed 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 scheme shall subsequently be

implemented prior to occupation. In particular the Detailed Design should provide for the following mitigation measures outlined in the Flood Risk Assessment:

- a) Control all the surface water run-off generated within the development for all events up to and including the 1 in 100 year event inclusive of climate change. Please note following the newly published climate change allowance, we expect a 40% uplift on rainfall intensity to be applied during the Detailed Design Stage.
- b) A detailed hydraulic model showing the results of all the SuDS features (swales, attenuation basin etc) cascaded together and showing their combined effect in meeting both the water quality and water quantity criteria.
- c) Run-off management within the site must prioritise the use of SuDS both as a means of water conveyance and to provide source control, water quality treatment and bio-diversity enhancement.
- d) Provide evidence of water quality treatment from the development using the risk based approach as outlined in the CIRIA SuDS manual C753.
- e) Provide a plan showing the final exceedance flow paths, these should be away from any buildings.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SUDS features over the lifetime of the development. In addition to reduce the risk of flooding from overloading the surface water pipe network and to mitigate environmental damage caused by runoff during a rainfall event in accordance with local policies GEN2 and GEN6 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework.

8. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

9. No development shall take place until an assessment of the noise environment has been carried out by a competent person, to include significant existing and potential noise sources and the impact on the proposed development, taking account of national and local policies and guidance. Based on the findings of the assessment, a noise insulation and design scheme shall be produced detailing the measures to be taken to mitigate against the effects of noise on the proposed development, including the acoustic insulation performance of the residential units.

The scheme shall aim to achieve the following design criteria:

- a) For internal noise levels, the recommendations set out in British Standard 233:2014
- b) Sound Insulation and noise reduction for buildings:
- c) Living rooms 35db LAeq 16hr
- d) Bedrooms 30 dB LAeq 8hr

- e) In view of the likelihood of frequent night time peak noise from overflying aircraft, the internal noise criteria of 45 dB LA max.
- f) The amenity areas of the dwellings shall aim to achieve 50dB LAeq 6hr

The noise assessment and mitigation scheme shall be submitted to and approved in writing by the Uttlesford Planning Authority, and the scheme as approved shall be fully implemented before the dwellings hereby permitted are occupied and shall not be altered without prior approval.

Reason: In the interests of amenity of the future residents and in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Background Papers

Planning Application Reference UTT/16/3669/OP and report to Planning Committee
5th April 2017.