

UTT/19/1585/FUL (Stansted)

(Major Development)

PROPOSAL: Demolition of the existing structures including Almont House and Westwinds, and the construction a 75-bedroom care home (Use Class C2) The application also includes upgrades to the site access from High Lane, additional planting to strengthen the existing mature trees on the boundaries of the site, associated car parking and provision of site infrastructure.

LOCATION: Almont House, High Lane, Stansted

APPLICANT: Hamberley Properties FV (Stansted) Ltd

AGENT: DLBP Ltd

EXPIRY DATE: 2nd October 2020

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Within Development Limits,
Adjacent Listed Building

2. DESCRIPTION OF SITE

2.1 The site is located to the west of High Lane in Stansted and includes large detached two and half storey house positioned in the centre of the site. The site is surrounding by landscaped gardens and ancillary garage building. There is a smaller detached dwelling in the north west corner of the site (Westwinds).

2.2 The main access to the site is via the driveway from High Lane, however there is a separate access to Westwinds from Normans Way. The site levels significantly increase from the east to the west of the site

2.3 The site and its surroundings are mainly of a suburban residential area with a mix of semi-detached and detached houses and architectural styles.

3. PROPOSAL

3.1 Redevelopment of the site comprising demolition of the existing structures including Almont House and Westwinds, and the construction a 75-bedroom care home (Use Class C2) across two and a half storeys (plus part lower ground floor). The application also includes upgrades to the site entrance from High Lane, additional planting to strengthen the existing mature trees on the boundaries of the site, associated car parking and provision of site infrastructure. The proposal is explained in more detail in the following paragraphs.

3.2 The proposal seeks the demolition of Almont House, Westwinds, and ancillary development on the site including a swimming pool, outhouses, various landscape

elements, and hardstanding.

- 3.3 Following the demolition set out above, the proposal is to construct a 75 bedroom care home across two and a half storeys (plus part lower ground floor).
- 3.4 The application also includes upgrades to the site entrance from High Lane, additional planting to strengthen the existing mature trees on the boundaries of the site, associated car parking and provision of site infrastructure.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

5. APPLICANT'S CASE

- 5.1 The applicant has provided an extensive number of documents in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way. Also included with the application:

- Design and Access Statement,
- Planning Statement,
- Flood Risk Assessment,
- Arboriculture Assessment,
- Ecology Appraisals,
- Heritage Statement,
- Statement of Community Involvement,
- Transport Statement,
- Landscape Management Strategy,
- Travel Plan,
- Archaeology Assessment

- 5.2 The care home has been designed to respond to the site's constraints, the feedback received through consultation, and the principles set out in the Essex Design Guide.

- 5.3 The care home has been positioned in the centre of the site to maximise the distances to the boundaries, as well as retain as many of the existing trees as possible.

- 5.4 The care home features a stepped down roof form on the eastern elevation and a generous setback to Mont Cottage in order to maintain the heritage setting and appearance of the cottage. Generous tree planting and boundary treatments are proposed to preserve resident and neighbour amenity.

- 5.5 The 75 bedroom care home (Use Class C2) will provide a mix of care to physically

and/or mentally frail residents. The care home will be registered with the Care Quality Commission to provide a range of care services, including residential, dementia and nursing care for adults. Typically, the ground floor will be occupied by individuals with less intensive care needs. Residents with dementia would live on the first floor, and residents with more intensive nursing care needs on the second floor. Working as part of the local care pathway, Hamberley's primary focus is on meeting the individual planned and agreed care needs for adult residents.

5.6 Hamberley currently provides services to residents that are privately funded, Local Authority funded and funded by the NHS. All residents are accepted where the home can meet their particular nursing needs and where the fee rate meets the costs of providing the care for that resident and the cost of maintaining the care home.

5.7 The care home and close care apartments will generate approximately 76 full-time equivalent jobs. This include roles in nursing, administrative functions, care, and maintenance functions.

These figures do not include those jobs created during construction. Staff work in shifts across a 24 hour period, typically broken down as:

- 8am - 2pm - 31 staff, seven days per week;
- 2pm - 8pm - 29 staff, seven days per week;
- 9am - 5pm - a further five staff, five days per week (Monday to Friday); and
- 8pm - 8am - 11 staff, seven days per week.

A maximum of 36 full time equivalent staff would be working at any one time during a typical weekday (between 9am and 2pm).

6. RELEVANT SITE HISTORY

6.1 There have been a number of planning application linked to the existing dwelling however the following application relate to previous planning applications for the development of the site.

6.2 UTT/17/1991/FUL - Demolition of existing Westwinds property and erection of 5 new dwellings on Westwinds site and part of Almont House garden land. - Approved

6.3 UTT/2106/10/REN- Renewal of planning permission (UTT/2282/07/FUL) Erection of 3 no. terraced dwellings, 1 no. pair of semi-detached dwellings and 2 no. detached dwellings with associated garaging and parking. Alteration to existing vehicular/pedestrian access - Approved

6.4 UTT/2282/07/FUL- Erection of 3 no. terraced dwellings, 1 no. pair of semi-detached dwellings and 2 no. detached dwellings with associated garaging and parking. Alteration to existing vehicular/pedestrian access - Approved

7. POLICIES

7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
(a) the provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

7.4 S1 – Development Limits for the Main Urban Areas
GEN1 – Access
GEN2 – Design
GEN3- Flood protection
GEN4 – Good neighbourliness
GEN5- Light pollution
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
E3 – Access to Workplaces
ENV11 – Noise Generators
ENV13 – Exposure to Poor Air Quality
ENV14 – Contaminated Land

National Policies

7.5 National Planning Policy Framework (2019)

Supplementary Planning Documents/Guidance

7.6 Essex Parking Standards: Design and Good Practice (2009)

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council has revised its opinion on this planning application and asks the UDC planning committee to reject the application on the following grounds:

1. The size and scale of the building are out of keeping in what is a residential area (GEN 2).

Whilst the development sits well back from the road, it is in an elevated position and it will have a materially adverse impact on surrounding houses on all sides.

2. Overlooking - a number of properties will be over-looked; Mont Cottage in particular will suffer from the proximity of the car parking area and that house, along with others in Meadowcroft, part of St John's Road and part of Brewery Lane will lose privacy.

3. Highway concerns - Mont Cottage is not the only property that may be affected by noise pollution arising from the increase in traffic (environmental report statement). This would equally apply to the other properties fronting High Lane along which all traffic going to that site has to travel, whether construction vehicles or subsequently

staff and visitors.

4. Noise emitted from the air conditioning/heating units and generator is likely to contravene GEN4 and cause a material nuisance to residents beyond the site boundary.

5. The impact on our local GP surgeries - we support the concerns already submitted by Dr Leeman, Stansted Surgery. In addition to this, a further care home in Takeley has recently been granted outline consent; Takeley has no GP surgery so there is likely to be a knock-on effect on other surgeries in the area.

9.0 CONSULTATIONS

Conservation Officer

9.1 No objections raised

The application is outside of the designated conservation area, no objection are raised in regards impact to the conservation area. To the front of the site is the listed property of Mont Cottage. The site include a large dwelling set in a substantial curtilage. Although the proposed development is of a large scale the positioning of the care home will be set approximately 34m form the boundary of Mont Cottage. This is considered a sufficient distance and will provide an essential buffer between the care home and Mont Cottage to not result in any dominating or in intrusive impact that will be detrimental harmful to the setting of the heritage asset.

It is noted a number of planning application have been approved for the development of the site and therefore the introduction of built form has been established, this includes:

UTT/17/1991/FUL- Demolition of existing Westwinds property and erection of 5 new dwellings on Westwinds site and part of Almont House garden land.

UTT/2106/10/REN- Renewal of planning permission (UTT/2282/07/FUL) Erection of 3 no. terraced dwellings, 1 no. pair of semi-detached dwellings and 2 no. detached dwellings with associated garaging and parking. Alteration to existing vehicular/pedestrian access

UTT/2282/07/FUL- Erection of 3 no. terraced dwellings, 1 no. pair of semi-detached dwellings and 2 no. detached dwellings with associated garaging and parking. Alteration to existing vehicular/pedestrian access

The proposed plans have been amended following the pre- application discussions to address the concerns raised by the conservation officer at the time.

As such taking into consideration the revision to the proposal I consider the development will not result in any significant level of harm to the setting of the listed building and will not conflict with the aims of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV2 and the NPPF)

HERITAGE POLICY ASSESSMENT

The Planning (Listed Building and Conservation Areas) Act 1990

The proposals would preserve the architectural and/or historic interest of the listed building and therefore complies with sections 16/66 of the Act.

NPPF

The proposal would cause no harm to the significance of the heritage asset.

CONCLUSION

For the reasons given above it is felt that in heritage terms:

The application should be approved. Permission is granted with the following conditions:

1 Prior to the commencement of the works hereby permitted a schedule of the types and colour of the materials to be used in the landscaping scheme shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

REASON: In order to protect the character and setting of the listed building in accordance with Uttlesford Local Plan Policy ENV2 (adopted 2005) and the NPPF.

West Essex Clinical Commission Group

- 9.2 In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development.

West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution of £11,822 to mitigate the impact of the proposal and is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

The Highways Authority

- 9.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing

by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials clear of the highway
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody cleaning facilities and cleaning of the highway
- v routing of vehicles along appropriate routes
- vi Before and after survey of the surrounding roads and verges, with obligation to make good any damage

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Access Prior to occupation of the development, the 6m wide access and turning provision as shown in principle on submitted drawing A113039/35/18/003 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. The turning, and access with associated vehicular visibility splays shall retained free of any obstruction at all times thereafter. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with 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.

3. Pedestrian/cycle access: Prior to first occupation provision of a pedestrian cycle/access to Norman's way as shown in principle on drawing number H0203-105 B. Reason: to provide convenient access for local employees to the site and access to bus services and town facilities on foot and by cycle in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 201

4. Pedestrian Crossing: Prior to first occupation provision of a drop kerb crossing of High Lane as shown in principle on submitted drawing A113039/35/18/003. Reason: to provide convenient crossing facilities for pedestrians accessing the site in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

5. Cycle parking Prior to first occupation the cycle parking as shown in principle on drawing number 3271/101/C, with a minimum of 8 spaces. shall be provided. The approved facility shall be secure, convenient, covered and retained thereafter. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Gates: Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway 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.

7. Bus infrastructure: Prior to first occupation the provision of enhancements to the northbound bus stop on Cambridge Road (atco code 150018011011) opposite the Three Colts. Enhancements to include provision of high kerbs, bus shelter, pole, flag and timetable casing. Reason: to improve the accessibility of the of the development by bus for employees and visitors in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Workplace Travel Plan: Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Environmental Health

- 9.4 No objection subject to imposition of recommended conditions below to address noise, land contamination, odour and lighting impacts of the proposed development. The site is currently bounded by residential housing with two existing residential dwellings on site and access provided from High Lane. Stanstead Airport is located some 3.3km to the south-east of the site, with the M11 motorway some 1.5km east of the site.

The applicants have submitted Land Contamination and Noise Impact Assessments together with two external lighting plans for the proposed development of the site. These are all important environmental factors that warrant further consideration in the context of the proposed development of the site, and I would therefore make the following observations and recommendations in terms of general environmental aspects of the outline application proposal:

Overall, I have not identified any significant environmental factors that in my view would warrant a formal objection to the outline proposal. However, there are a number of localised issues that will need to be addressed and which should be conditioned to ensure they are suitably resolved for the final development scheme:

Land Contamination:

This is an existing residential site that has a history of earlier arable agricultural use. An initial Phase I Desk Top Study has been submitted for the site which has not identified any significant contamination likely to impact on the site and future occupiers in particular. However, the report has recommended further intrusive investigations of the site due to limited ground gas monitoring undertaken which

does not include conditions of falling barometric pressure. Furthermore, it is noted that Westwinds, which forms part of the application site, was not included in the Phase 1 Desk Top Study & Phase II Site Investigations. As such, I would recommend that the following condition is attached to any consent granted for this development:

Land Contamination – Investigation & Remediation

No development approved by this permission shall take place until a further Phase 2 investigation report, to cover the site currently identified as Westwinds and include further ground gas monitoring for the whole site (as recommended by the previously submitted Applied Geology Report on Preliminary Ground Investigation dated June 2019), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority.

The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

Land Contamination – Validation

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment.

Noise:

A noise impact assessment has been submitted which confirms that the site is not adversely impacted by noise from transport sources, i.e. from traffic on High Road, from the M11 and from Stanstead Airport are both to the east/south-east of the site. As such, no specific mitigation measures have been identified in relation to noise. Generally, I have no significant issues with the findings of the report in respect of the impacts from transport related sources on future occupiers of the development. However, the report has not considered the following potential operational impacts in respect of the development of the site as proposed with regards to existing neighbouring residential occupiers:

Noise from vehicles accessing and egressing the on-site car park onto High Road through the existing access. It is noted that the site will require 24/7 access for staff vehicles in particular and is also likely to include delivery vehicles and visitor vehicles. The number of vehicle movements is likely to be significantly more than for the existing residential use, and may therefore have an impact on the amenity of the nearest residential neighbour at Mont Cottage which is located adjacent to the boundary with the access drive and proposed car park area. I would therefore recommend that mitigation measures need to be put in place to protect the occupier of this dwelling from such noise impacts.

Noise from external plant installed in connection with the proposed development. It is noted that there will be two areas of external plant on the roof to the building, and

from the elevation drawings, it would appear that these will be screened from view by the ridge of the main roof, which should assist with noise attenuation also. Nevertheless, a noise limit on external plant needs to be included to ensure that appropriate plant is specified and attenuated as necessary to avoid any adverse impact on future occupiers and existing residential neighbours.

Noise from any kitchen extraction system. It is noted that the plans include a commercial kitchen and café area at lower ground floor level. Again, noise from any external kitchen extract system will need to be carefully designed and specified to avoid any adverse impacts in terms of odour and noise.

All of the above issues can be addressed through careful acoustic design and mitigation measures. Although I do not see noise as a barrier to the development of the site ultimately, in view of my observations above I would recommend that the following conditions are attached to any planning consent granted to address the noise issues identified:

Noise Attenuation

No occupation of the care home hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwellings from noise arising from vehicles using the proposed access drive and car park has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To ensure that the amenity of existing neighbouring occupiers is not adversely affected by noise from the use of the proposed access driveway and car park.

Noise – Deliveries

No deliveries to the site shall be received, except between 0800 hours and 1800 hours Monday – Saturday, and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: To protect the amenity of existing neighbouring occupiers.

Noise - Fixed Plant & Machinery

Noise resulting from the operation of fixed plant & machinery in association with the use hereby approved shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

Reason: To protect the amenity of existing neighbouring occupiers of the development.

In view of the scale of the development, the proximity to existing residential occupiers and the details set out in the Noise Impact Assessment, it is recommended that the construction works on the site be controlled through the submission of a Construction Management Plan (CMP). The CMP should include detailed measures to control off-site environmental impacts, including noise & vibration and the control of fugitive dust emissions during all phases of the construction project:

Construction Environmental Management Plan

Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local

Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts

Air Quality:

This a significant development of a greenfield site for a 75-bed care home. No air quality assessment has been undertaken, although the site is not located in an existing Air Quality Management Area. Furthermore, it is noted that a sustainable transport plan has been included with the application documents, and the plans include the provision of an electric vehicle charging point. As long as these measures are secured by suitably worded conditions, no further specific condition in terms of air quality are considered warranted in the context of this application.

Kitchen Extraction System – Odour & Noise:

The proposals include a commercial kitchen and café area at lower ground level, with a large commercial kitchen adjacent to this. Cooking operations have the potential to generate odours, especially when undertaken on a large-scale to meet the requirements of residents of the development. No information on the type of cuisine or kitchen extraction system have been included. It is essential to ensure a correctly and appropriately designed kitchen extraction system, in accordance with recognised design guidance such as DW172, is incorporated as part of the development. It is also essential to ensure that the operation of the kitchen extraction system will not lead to adverse noise impacts on residential neighbours. The following conditions are therefore recommended to address these aspects:

Kitchen Extraction & Odour Control

Prior to any hereby permitted use commencing, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

Reason: To protect the amenity of existing neighbouring occupiers from adverse odour impacts.

Prior to any hereby permitted use commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

Reason: To protect the amenity of existing neighbouring occupiers from adverse noise impacts as a result of the operation of kitchen extract plant.

Lighting:

The application includes two external lighting diagrams each showing different luminaires and lux plans, one entitled external lighting layout and the other external nighting layout. There is no clarification on the plans as to the distinction, although it is noted one has a wider range of luminaires specified. Of particular concern is that one of the plans shows luminaires proposed on 4m high columns located close to the boundary and which show spillover light into the neighbouring residential property that would exceed the levels specified post curfew (i.e. after 11pm) according to the guidance set out in the ILE guidance document on obtrusive light (assuming an E3 environmental zoning). The other shows low level bollards to the boundary which meet the specified levels for E3 post curfew.

This needs to be clarified with the applicant to ensure that there is no adverse impact from obtrusive light as a result of the proposed lighting scheme, and in particular the lighting to the car park area. Alternatively, the condition below is recommended to secure this and to ensure that any lighting scheme does not give rise to an adverse impact on the amenity of existing neighbouring occupiers. Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to any occupation of the development. Only the details thereby approved shall be implemented.

Reason: To protect the amenity of existing neighbouring occupiers of the development from adverse impact as a result of obtrusive or spillover light or glare.

Lead Local Flood Authority

- 9.5 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition 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 should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Half drain times- Storage devices should half empty within 24 wherever possible following a 1 in 30 year event.
- The appropriate level of treatment for all runoff leaving the site, in line with the

Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

We have not considered the following issues as part of this planning Summary of Flood Risk Responsibilities for your Council

application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
 - Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
 - Safety of the building;
 - Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

Anglian Water

- 9.6 No objections subject to the imposition of conditions.

Thames Water

- 9.7 No objections

ECC Ecology Consultant

- 9.8 No objection subject to securing biodiversity mitigation and enhancement measures Summary

We have reviewed the Arboricultural Impact Assessment (Middlemarch Environmental Ltd, June 2019), Dusk Emergence & Dawn Re-Entry Bat Surveys - Almont House (Middlemarch Environmental Ltd, July 2019), Nocturnal Emergence and Dawn Re-entry Bat Surveys – Westwinds (Middlemarch Environmental Ltd, August 2019), Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019), Revised Preliminary Bat Roost Assessment (Middlemarch Environmental Ltd, Rev B: August 2019), Preliminary Ground Level Bat Roost Assessment of Trees (Middlemarch Environmental Ltd, September 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) relating to the likely impacts of development on designated sites, Protected species and Priority species / habitats.

We are now satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

This includes due diligence regarding birds, mammals (badgers and hedgehogs), EcOW supervision for clearance of suitable reptile and amphibian habitat, the implementation of an Arboricultural Method Statement to avoid damage to scattered trees, Reasonable Avoidance Measures for trees with low bat roosting potential, and bat sensitive lighting. Therefore, it is recommended that a lighting scheme should be submitted as a condition of any consent. This should follow the Institution of Lighting Professionals Guidance Note 8 Bats and artificial lighting (September 2018) and the recommendations provided by the applicants ecologist.

In addition, the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, the LPA should seek advice from Natural England if the development is relevant to advice issued regarding the SAMMS.

We support the reasonable biodiversity enhancements, which have been outlined within the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019). This includes the installation of bird nest boxes and bat boxes, inclusion of hedgehog passes under any fence lines, tree planting, native and ornamental shrub planting, and the creation of habitats which will be of value to wildlife. This will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. This should be secured by a condition of any consent via a Biodiversity Enhancement Layout.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes due diligence regarding birds, mammals (badgers and hedgehogs), EcOW supervision for clearance of suitable reptile and amphibian habitat, the implementation of an Arboricultural Method Statement to avoid damage to scattered trees, Reasonable Avoidance Measures for trees with low bat roosting potential, and bat sensitive lighting.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: BAT METHOD STATEMENT

“A Bat Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain Reasonable Avoidance Measures and/or works to negate the risk of indirect impacts from proposed Arboricultural works to roosting bats during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

3. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

Aerodrome Safeguarding

9.9 No safeguarding objections

National Air Traffic Services (NATS)

9.10 No Objections

Essex Police

9.11 We would be interested to know what measures are planned to mitigate the risk of unauthorised entry into the building from the open grounds into residents rooms, to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

10 REPRESENTATIONS

10.1 A number of representations of objection and support have been received in regards to the proposal. The objections are summarised as follows:

- There is a number of care homes already in Stansted,
- The scale of the building will be visual intrusive,
- It is the wrong location for the development,
- Insufficient landscaping
- Loss of privacy
- Light pollution
- Insufficient parking
- Noise pollution
- Insufficient traffic evaluation
- Increase of rubbish and vermin
- Loss of light to neighbouring properties
- Insufficient highway network
- Impact to the value of neighbouring properties
- Unsustainable location
- Does not accord with the NPPF
- CCTV will impact the privacy of neighbouring properties
- Impact to biodiversity
- Insufficient outdoor space for the residents
- No details of the roof equipment
- Impact to underground services
- No details for the contractor management plans
- Substantial harm to the adjacent listed building
- Adjacent conservation area
- The development will have a financial impact to other local care homes
- If there is not improvement to the footpath to the side of the site the application should be refused

COMMENTS ON REPRESENTATIONS:

- 10.2
- The need for a further care home forms part of the planning application and is set out in part A of the report.
 - The location of the development is considered in part A of the report.
 - The report considers the design and impact to amenity of neighbouring properties.
 - A travel plan and transport report has been submitted with the application and due consideration is made in part C of the report.
 - Due consideration is made to the setting of the listed building in part B of the report.
 - Impact to biodiversity is considered in part G of the report.
 - The site does not form part of or adjacent the Conservation area.
 - The impact to the value of neighbouring properties is not a material planning consideration.

- Works to the footpath to the north of the site is not considered proportionate to the scale of development.
- CCTV would be operated under appropriate guidelines.
- Details of roof equipment/ plant machinery will be conditioned
- If approved a construction management plan should be conditioned.

11 APPRAISAL

The issues to consider in the determination of the application are (relevant policies in brackets and paragraphs within the NPPF):

A	Location of the development (S1, GEN2 and the NPPF)
B	Scale, layout, character, appearance, impact on heritage (S1, GEN2, ENV2 NPPF)
C	Transport (GEN1, GEN8 & NPPF)
D	Accessibility (GEN2, E3 & NPPF)
E	Amenity (GEN2, GEN4, GEN5, ENV11, NPPF)
F	Infrastructure (GEN6 & PPG)
G	Biodiversity (GEN7, NPPF & PPG)
H	Flood Risk and drainage (ULP Policy GEN3; NPPF)
I	Air quality (ENV13, NPPF & PPG)
J	Contamination (ENV14, NPPF & PPG)

A Location of the development (S1, GEN2 and the NPPF)

- 11.1 The application site is located within the development limits of Stansted Mountfitchet where there is a presumption in favour of appropriate development. A care home would normally be considered as appropriate development in this context subject to general development management policies being satisfied. The site is already developed albeit as residential use.
- 11.2 The NPPF considers sustainable development should be supported and sets out achieving and the key elements of sustainable development in paragraph 8 and that the planning process should proactively drive and support economic development to deliver homes, businesses and infrastructure and meet local needs.
- 11.3 The NPPF advises to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. Although the proposed care home does not fall within the residential Use Class C3 it does provide for specific residential accommodation needs under Class C2 of the Use Classes Order.
- 11.4 The application relates to a 75 room care and associated development, the applicant has advised the Council's Health and Wellbeing Strategy acknowledges Uttlesford has an ageing population with a 32% increase in over 65s between 2015 and 2025. It also refers to the recent data from Public Health England (2016) which indicates that 1,070 people living in Uttlesford aged over 65 are thought to have dementia, with this figure expected to rise to 1,920 people by 2030.

- 11.5 There is a degree of concern that there will be increased pressure on GP services and health facilities. Notwithstanding the fact that Stansted Surgery has capacity, it is also the case that residents in the home will be receiving care 24 hours a day, 7 days a week from qualified nurses
- 11.6 This often reduces the burden on local surgeries as medical needs are met in the home rather than requiring an appointment. The applicant has also agreed in principle to a contribution towards healthcare services, to be secured through a section 106 legal agreement.

B Scale, layout, character, appearance, impact on heritage (S1, GEN2, ENV2 NPPF)

- 11.7 With regards to the design of the development, ULP Policy GEN2 seeks for quality design ensuring that the development is compatible with the scale, form and layout, appearance and materials of the area. The policy aims to protect the amenity value of the area it is set seeking high quality design.
- 11.8 The siting of the proposal is based on the footprints of the previously approved dwellings at the site. Both the planning applications (UTT/17/1991/FUL) and (UTT/2282/07/FUL) spread development across the site, including the introduction of buildings closer to the Grade II listed Mont Cottage. The use of mixture of external materials will also result in the visual reduction of bulk and mass . However a condition would be recommended regarding the approval of materials should planning permission be granted. The proposal has sought to locate the building in the centre of the site, to allow for space around the home to provide generous amenity space.
- 11.9 The proposed building will be inevitably larger and higher than the existing building particularly due to the two storey nature of the existing dwelling. The massing of the building will be proposed building will be reduced through the creation with a number of subordinate ridges that form attractive features, also including weather-boarded bays and box projection dormers.
- 11.10 The care home has been positioned in the centre of the site to maximise the distances to boundaries, with elevations containing habitable windows positioned further from the boundary. Constraining the proposal to the centre of the site also helps to retain as many of the existing trees as possible, which are predominantly around the periphery of the site.
- 11.11 Objections have been received in regards to the scale and height of the proposal and the introduction of a 4 storey building. The site includes a significant increase in ground levels from the east to west of the site, the care home sympathetically utilises the topography of the site. At the higher level, to the west, the building is two and half storeys in height, whilst where the ground levels fall to the east, the landscape reveals a lower ground floor. The section drawing submitted demonstrate although the height of the building is significant it will be accommodated within the site without resulting in a harmful impact to the character of the site or its surroundings.
- 11.20 There is appropriate level of communal amenity space within the site sitting for both residents and visitors. The amenity space will be mainly be to the south and east of the site which will also provide more of a buffer and relief for the adjacent neighbouring properties.

11.21 The proposal will retain a majority of the existing trees on the site, with 14 trees removed in total to accommodate the development and associated construction works. The proposed landscaping scheme utilises the topography of the site to provide a secure upper ground floor residents' garden in the east and south east portion of the site. The ground falls to the east of the site, with soft landscaping provided in this portion to enhance the building entry at the south. An additional 45 trees (comprising 27 medium sized trees, 9 multi-stem trees, and 9 small ornamental trees) are proposed to be planted on the boundaries of the site and within the garden areas created by the landscaping scheme.

11.22 New boundary treatment will be provided, this includes:

- Eastern boundary - existing hedge to be retained and supplemented with a 1.2 metre high close-boarded fence to provide a visual screen between the proposed car park and Mont Cottage.
- Northern boundary - existing brick wall element to be retained. The existing chain-link fence and excess vegetation adjacent to the public right of way (PRoW) to be removed.
- The retaining wall to be checked and made good where necessary, and new railings to be located on top of the embankment.
- Western boundary - close-boarded fence to the boundary with 52 St Johns Road to be retained, with the addition of a 1.8 metre secure palisade steel mesh fence to this
- section, and 1.8 metre high railings along the remaining length of this boundary.
- Norman's Way - low brick wall adjacent to Norman's Way to be replaced with a 1.8
- metre high railing, a pedestrian gate, and brick gate piers.
- Southern boundary - existing close-boarded fence to be retained, checked and made good where necessary.

The Council's Landscape officer has been consulted in regards to the proposal, no objections or further recommendations have been made.

11.23 In consideration of the design of the current building, although it could be considered to be aesthetically appropriate and pleasing the proposed development would provide an efficient use of the site. The proposal would not have an overly harmful impact to the character of the site or its surroundings. As such the proposal accords with ULP Policy S1, GEN2 and the NPPF.

11.24 In regards to heritage, it is noted that a Grade II listed building, known as Mont Cottage, is located to the east of Almont House. Nevertheless, it is considered that the proposal would have no material impact on the setting of the heritage asset. Taking into consideration the comments from the Council's Conservation Officer it is concluded that the proposed development would be compatible with the character and appearance of the area, in accordance with the above policies. In coming to this view, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

C Transport (GEN1, GEN8 & NPPF)

- 11.25 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local plan policy GEN1 advised development will only be permitted if it meets the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport networks.
 - c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway.
 - d) It must be designed to meet the needs of people with disabilities
 - e) The development encourages movement by other means other than driving car
- 11.26 As part of the development it is proposed to provide a new dropped kerb pedestrian crossing on High Lane to facilitate trips on foot to and from the site. It is also proposed to provide a pedestrian link from the site onto Norman's Way, which will be a gated access for staff use only. Enhancements to the northbound bus stop on Cambridge Road including enhancements to include provision of high kerbs, bus shelter, pole, flag and timetable casing will also be conditioned.
- 11.27 Taking into account the comments of the Highway Authority, it is considered that the proposal would not have an adverse effect on highway safety or efficiency. In particular, the level of parking provision has been assessed and found to be sufficient, in combination with relatively good sustainable transport options, to prevent unacceptable impacts on highway safety from on-street parking. It is therefore concluded that the proposal accords with the above transport policies.
- 11.28 A Travel Plan has been submitted with the planning application, the travel plan is to minimise the impact of travel on the environment, and can help to reduce emissions of greenhouse gases, improve local air quality, minimise health risks and reduce congestion. Encouraging staff to carry out their everyday activities in a more sustainable manner can also contribute to improvements in the local environment. A monitoring fee will be required for the Travel Plan and will be secured by a Section 106 Agreement.
- 11.29 The application site is well-located for sustainable transport, being 500m to the north of Stansted Mountfitchet train station and in close proximity to bus stops on Lower Street and Cambridge Road. The Transport Statement confirms that the available bus services can cater for peak commuting, as well as other shift times before and after the peaks, or visitor trips during the day.
- 11.30 Also submitted with the application is a Transport Statement. The Transport Statement has assessed the anticipated trip generation from the care home, and concludes that the increase in peak hour vehicle trips due to the proposed development would be negligible and would not have a material effect on the operation of the surrounding highway network. A traffic capacity assessment of the site access junction has been undertaken for a 2024 'Background plus Committed and Proposed Development' traffic flow scenario. The assessment confirms that the junction would operate with significant spare traffic capacity in both peak hours.
- 11.31 ULP Policy GEN8 requires parking provision to be in accordance with current

adopted standards. The proposal includes 34 parking spaces for the 75 bed care home. The 2009 Essex Parking Standards indicates a maximum car provision of one space per full time equivalent staff plus one visitor space per three bed, this equates to 50-53 parking space. However these are maximum parking standards and a lower provision is appropriate and suitable for the use of the site. No objections have been raised by Highways Authority in regards to parking provisions.

- 11.32 The application includes a transport statement and travel plan and make due consideration to the proposed parking. The development generated vehicular traffic has been distributed using Travel to Work data. This indicates that out of the maximum 36 staff on site at time, 28 are likely to drive. This demonstrates that the proposed 34 parking spaces (including two disabled bays) would accommodate staff and visitor parking demand generated by a 75-bed care home. With regards to shift change, in practice shift staff do not generally all arrive or depart at the same time so the change over time period is staggered. This would avoid that sudden surge in parking demand at these times. It is also considered the main change over periods do not coincide with the typical parking demand which occurs in the late morning/early afternoon, particularly as the care home would be open to visitors during the whole day. This results in the visitor arrivals being spread throughout the day any voids sudden peak periods in parking demands.
- 11.33 Further information provided within the transport statement includes the Hamberleys own Design Guide based on experience of the operation of other recently constructed sites. This includes one space per 2.5 care home bedrooms, this proposal includes 1 space per 2.3 care home bedrooms. It should be noted that residents of Hamberley's elderly care homes do not own cars and therefore parking is provided to cater for staff and visitors. It is also unlikely that residents will use mobility scooters due to their age and frailty. However, the internal layout of the care home building will accommodate mobility scooter storage when required
- 11.34 A Travel Plan would be adopted by the operator with measures implemented from the first opening, this will encourage staff to walk, cycle, car share an use public transport to get to work. On the basis of this information the proposed parking provision would be satisfactory to meet the likely parking demand. This would contain all development related parking within the site and not result in overspill parking on the local roads, in accordance with local Plan policy GEN8 and ECC parking standards (2009)

D Accessibility (GEN2, E3 & NPPF)

- 11.35 Policies GEN2 and E3 seek to ensure a high level of accessibility. However, the Council has not adopted any technical standards against which the proposal can be assessed. It is therefore considered that compliance with the most up-to-date standards in the Building Regulations would ensure an appropriate level of accessibility.

E Amenity (GEN2, GEN4, GEN5, ENV11, NPPF)

- 11.36 Due consideration is made to the scale and siting of the development and its impact to the neighbouring residential properties. This includes loss of privacy, overlooking, over shadowing, overbearing, noise and disturbance.
- 11.37 In regards to loss of privacy and overlooking a number of objections have been made, therefore the following assessment is made:

As for privacy impacts, the submitted floor plans and cross sections indicate that there should be no overlooking from the care home towards neighbouring properties to the north and south, bearing in mind the separation distance. However, there is potential for southward overlooking from the southernmost terrace, and some of the bedrooms on the western side of the building would overlook the private amenity space for 52 St John's Road. The following assesses the overlooking impact of the development.

52 St Johns Road, this already has a degree of overlooking from the existing dwelling of Westwinds and the neighbouring dwellings that from St John Road as such it is not considered the degree of overlooking or loss of privacy will be of a significant level that will have any harmful impact.

50C St Johns Road, this is considered a sufficient distance from the front elevation of the dwelling to not have any significant overlooking or loss of privacy.

1-7 Meadow Croft, the north western corner of the building will include a two storey element, however the windows will be served a stair well and therefore considered with the distance and existing trees and vegetation between the proposed building and neighbouring dwellings there will not be any level of overlooking or loss of privacy that will have any significant harm.

The remainder of north elevation is set back into the site and provides significant distance between the proposed building and neighbouring dwelling to the north of the site.

Mont Cottage and 4 Mont Place are to the east of the application site, there is sufficient distance between the proposed building and the neighbouring dwelling to not result in any overlooking that will have any significant harm.

1 Brewery Lane, The Hollies and Bracken House.

There would be some overlooking from a single bedroom on the first floor level of the care home, however this would be limited due to the distance between the buildings and existing mature vegetation. That being said the use of a condition for the use of obscure glazing could be used to help mitigate this.

11.38 In regards to whether the development will have an overbearing impact or cause any overshadowing or loss of light to neighbouring properties, taking into account the submitted site sections and distances between the development and neighbouring sites, it is considered that there would be no significant harm to the living conditions of neighbours.

11.40 In regards to noise, the application includes a noise impact statement which identifies the noise created by the development. The Council's Environmental Health Officer has been consulted and does not make any objection to the proposal subject to conditions, these include:

- Submission of details of noise barriers to protect neighbouring residential properties,
- No deliveries to be made outside 0800 hours and 1800 hours (Monday – Saturday, and at no time on Sundays, Bank or Public Holidays)
- Submission of details of onsite plant and machinery,
- Submission of construction management plan,
- Submission of air extraction,

Taking into account the comments of the Environmental Health Officer and imposition of conditions it is considered that there would be no significant impacts on the amenity of neighbouring residents from noise.

11.40 ULP Policy GEN5 considers the whether the proposed external lighting scheme is necessary and that glare and spillage from the lighting is minimised. A lighting layout has been submitted with the planning application, no objection has been raised by the Council's Environmental Health Officer subject to the imposition of a condition for further details to be submitted prior to the occupation to the development.

11.41 It is therefore concluded that the proposal will not have any significant harm to the amenity of neighbouring properties and is in accordance with GEN2, GEN4, GEN5, ENV11 and the NPPF.

F Infrastructure (GEN6 & PPG)

11.42 The application has been reviewed by the West Essex Clinical Commissioning Group and advises the proposed development is likely to have an impact to the services of the local GP practices. A developer's contribution will be required to mitigate the impact of these proposal, this calculates to £11,822 of which will be secured by S106 Agreement to mitigate the impact, should planning permission be granted. It is therefore concluded that the proposal accords with Local Plan Policy GEN6.

G Biodiversity (GEN7, NPPF paragraph 175 & PPG)

11.43 Policy GEN7 and the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. A protected species survey has been submitted with the application, taking into consideration the consultation response from the Council's Ecology consultant, the development will not result in any harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

H Flood Risk and drainage (ULP Policy GEN3; NPPF)

11.44 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. The site is not in an area that is identified as at risk of flooding. However, the proposal is a 'major development' so it would be necessary to include a sustainable drainage system (SuDS) as an integral part of the design.

11.45 The application includes a Flood Risk Assessment, from the consultation response by the Lead Local Flood Authority it is considered that subject to conditions the development will include appropriate drainage and will not give rise to an increase in flooding and in accordance with ULP Policy GEN3.

I Air quality (ENV13, NPPF)

11.46 Taking into account the comments of the Environmental Health Officer, it is considered that there would be no significant reduction in air quality around the site provided that appropriate conditions be imposed should planning permission be

granted. Therefore, subject to conditions to secure details of sustainable transport and provision of electric vehicle charging points to encourage low emission transport, it is concluded that the proposal accords with the above policies.

J Contamination (ENV14, NPPF)

- 11.47 Taking into account the comments of the Environmental Health Officer, it is considered that the submitted contamination reports demonstrate that the development could proceed without adverse effects with respect to contaminated land. Therefore, subject to the use of appropriate conditions, it is concluded that the proposal accords with the above policies insofar as they relate to contamination.

12 CONCLUSION

- A The propose scheme would provide the mix of housing sought under paragraphs 60 and 61 of the NPPF to meet the needs of an older generation and people care requirements. The proposed use of the site would make more effected use of the large plot and although not part of a key employment site will provide significant economic growth. The proposal will meet the Council's Health and Wellbeing Strategy and the development accords with ULP Policies S7, GEN2 and the NPPF.
- B The layout, scale, appearance and landscaping of the development is considered appropriate taking into account the constraints of the site. The size of amenity areas and parking provisions are acceptable. The development accords with ULP Policies S1, GEN2, GEN8 and the NPPF.
- C The proposal will not give rise to any harmful, impact to the adjacent listed building and is considered in accordance with ULP Policy ENV2 and the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- D The layout, scale and siting of the proposal is not considered to have any harmful impact to the residential amenity of neighbouring properties in terms of loss of privacy, overlooking, overbearing, light pollution, noise and disturbance. The development is in accordance with ULP Policies (GEN2, GEN4, GEN5, ENV11, NPPF)
- E The proposal would not be harmful to protect/priority species subject to conditions and in accordance with ULP Policy GEN7.
- F The proposal will not give rise to flooding subject to conditions and in accordance with ULP policy GEN3
- G The applicant has been consulted on all 'pre-commencement' conditions, in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

RECOMMENDATION – APPROVAL WITH CONDITIONS SUBJECT TO A S106 LEGAL OPBLIGATION.

The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under S106 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 Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:

- I. Payment of contributions £11,822 towards healthcare provision
- II. Arrangements for the provision of a drop kerb crossing of High Lane as shown in principle on submitted drawing A113039/35/18/003
- III. Arrangement for the provision of enhancements to the northbound bus stop on Cambridge Road (atco code 150018011011) opposite the Three Colts.
- IV. Travel Plan and associated monitoring fee of £6000.
- V. Pay the Council's reasonable legal costs
- VI. Pay the Council's monitoring fee

(II) In the event of such an obligation being made, the Assistant Director Planning 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 obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) Non-payment of contributions towards healthcare.
- (ii) No provision for highway provisions.
- (iii) No provision of Travel Plan

CONDITIONS:

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

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

- 2 Prior to commencement of works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:
 - Walls
 - Roof
 - Windows
 - Doors

The development must be carried out in accordance with the approved details shall not be changed without prior written approval from the Local Planning Authority.

REASON: In the interest of protecting the architectural and historical significant setting of the adjacent listed building and to ensure compatibility with the surrounding area, in accordance with ULP Policies ENV2 and GEN2 and The National Planning Policy Framework.

- 3 No demolition shall take place until a Demolition Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Demolition Management Plan shall be adhered to throughout the demolition period.

The Plan shall provide for:

1. Parking of vehicles of site operatives and visitors
2. Loading of materials and demolition waste clear of the highway

- 3.Storage of plant and waste materials associated with the demolition works,
- 4.Any means, such as a restriction on the size of construction vehicles and machinery accessing the site, required to ensure that no damage occurs to adjacent streets throughout the demolition works
- 5.Routing of vehicles along appropriate routes
- 6.Measures to ensure that pedestrian access past the site on the public footpaths is safe and not obstructed during demolition works
7. Details of the mitigation measures for dust and emissions as well as methodology for monitoring during the demolition.
8. Procedures for controlling sediment runoff, dust, vibration and the removal of soil, debris and demolition and construction materials from public roads or surround neighbouring sites.
9. Proposed hours of work on the demolition site.
- 10.Wheel and underbody cleaning facilities and cleaning of the highway during the demolition
- 11.Details of consultation and complaint management with local businesses and neighbours

REASON:

To ensure the demolition does not have harmful impacts to the highway safety from parking of vehicles associated with the demolition in the adjoining streets. Ensuring that loose materials and spoil are not brought out onto the highway, and the control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 4 The construction of the development hereby approved shall not be shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading and unloading of plant and materials;
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) Storage of plant and materials used in constructing the development;
- m)Wheel and underbody washing facilities
- n) Routing of vehicles along appropriate routes

REASON: To ensure that on-street parking of the vehicles associated with the construction of the development in the adjoining streets does not occur. Ensuring that loose materials and spoil are not brought out onto the highway in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 5 Prior to occupation of the development, the 6m wide access and turning provision as shown in principle on submitted drawing A113039/35/18/003 (Appendix E transport statement- WYG Transport Planning June 2019) shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. The turning, and access with associated vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with 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 in accordance with ULP Policy GEN1.

- 6 Prior to first occupation provision of a pedestrian cycle/access to Norman's Way as shown in principle on drawing number H0203-105 C.

REASON: To provide convenient access for local employees to the site and access to bus services and town facilities on foot and by cycle in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 7 Prior to first occupation provision of a drop kerb crossing of High Lane as shown in principle on submitted drawing A113039/35/18/003 (Appendix E transport statement)

REASON: To provide convenient crossing facilities for pedestrians accessing the site in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP Policy GEN1.

- 8 Prior to first occupation the cycle parking as shown in principle on drawing number 3271/101/E, with a minimum of 8 spaces to be provided. The approved facility shall be secure, convenient, covered and retained thereafter.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1.

- 9 No development approved by this permission shall take place until a further Phase 2 investigation report, to cover the site currently identified as Westwinds and include further ground gas monitoring for the whole site (as recommended by the previously submitted Applied Geology Report on Preliminary Ground Investigation dated June 2019), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation

strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

REASON: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework and in accordance with ULP Policy ENV14.

- 10 Prior to the occupation of the care home a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

- 11 No occupation of the care home hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwellings of Mont Cottage and 4 Mont Place from noise arising from vehicles using the proposed access drive and car park has been submitted to and approved in writing by the local planning authority. The care home shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To ensure that the amenity of existing neighbouring occupiers is not adversely affected by noise from the use of the proposed access driveway and car park and in accordance with ULP Policies ENV11 and GEN4.

- 12 No deliveries to the site shall be received except emergency deliveries outside of the hour of 0800 hours and 1800 hours Monday – Saturday, and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

REASON: To protect the amenity of existing neighbouring occupiers and in accordance with ULP Policies ENV11 and GEN4.

- 13 Prior to any hereby permitted use commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To protect the amenity of existing neighbouring occupiers from adverse noise impacts as a result of the operation of kitchen extract plant in accordance with ULP Policies ENV11 and GEN4.

- 14 Prior to the occupation of the development hereby permitted a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating

level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To protect the amenity of existing neighbouring occupiers from adverse noise impacts as a result of the operation of kitchen extract plant in accordance with ULP Policies ENV11 and GEN4.

- 15 Prior to the occupation of the development hereby approved a lighting design scheme shall be submitted to and approved in writing by the local planning authority.

The lighting scheme shall consider biodiversity and the amenity to neighbouring properties.

The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect the amenity of existing neighbouring occupiers of the development from adverse impact as a result of obtrusive or spillover light or glare. To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policies GEN4 and GEN7.

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes due diligence regarding birds, mammals (badgers and hedgehogs), EcOW supervision for clearance of suitable reptile and amphibian habitat, the implementation of an Arboricultural Method Statement to avoid damage to scattered trees, Reasonable Avoidance Measures for trees with low bat roosting potential, and bat sensitive lighting.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 17 Prior to the commencement of the development hereby approved at bat method statement shall be submitted to and approved in writing by the local planning authority. This will contain Reasonable Avoidance Measures and/or works to negate the risk of indirect impacts from proposed Arboricultural works to roosting bats

during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7

- 18 Prior to slab level of the development hereby approved a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Revised Preliminary Ecological Appraisal (Middlemarch Environmental Ltd, Rev B: August 2019) and Ecological Impact Assessment (Middlemarch Environmental Ltd, September 2019) shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 19 No works except demolition 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 should include but not be limited to:

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Infiltration testing and ground water monitoring should be undertaken in all of the proposed soakaway locations.

Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.

Final modelling and calculations for all areas of the drainage system.

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site and in accordance with the aim of ULP Policy GEN3 and the NPPF.

- 20 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with ULP Policy GEN3 and the NPPF.

- 21 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk, in accordance with ULP policy GEN3.

- 22 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

REASON: To ensure the development protects the public water supply accordance with ENV12.

- 23 Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

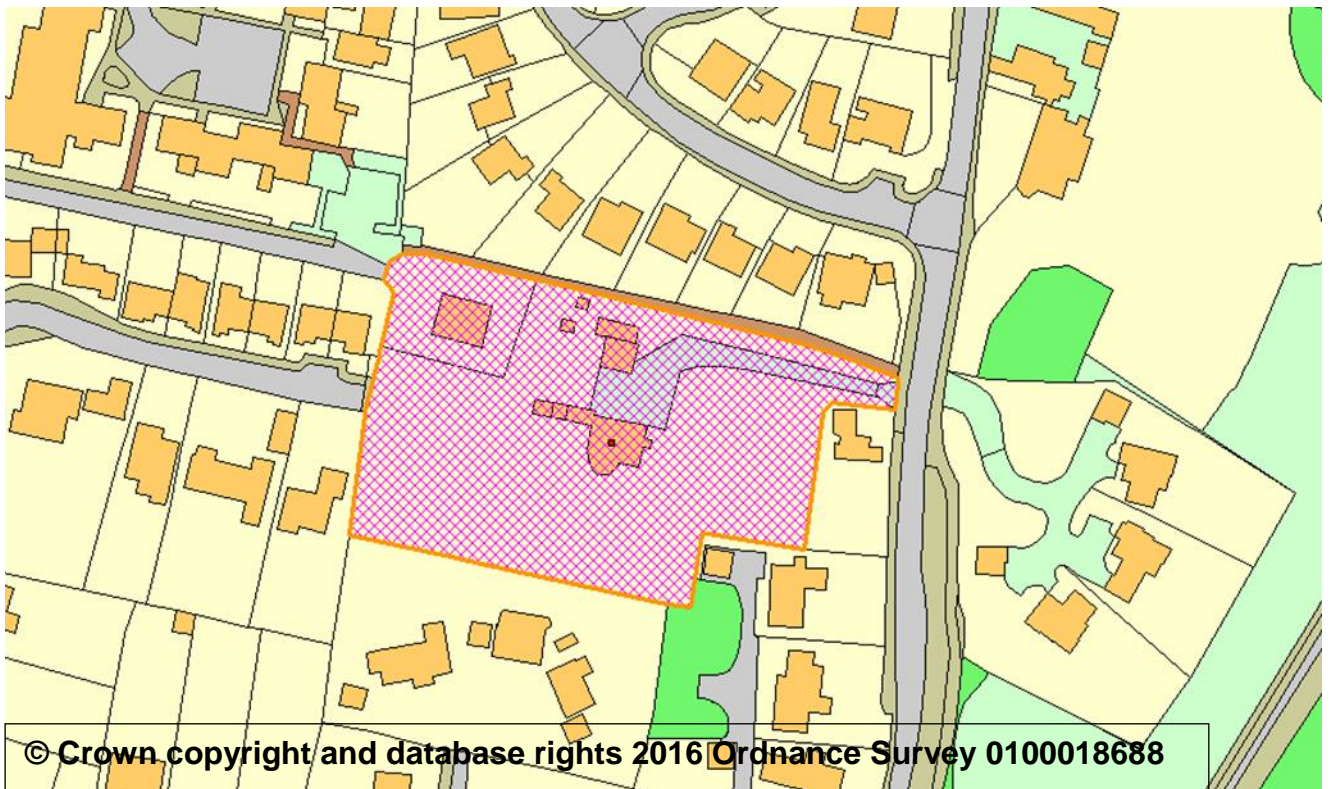
REASON To ensure the development protects the public water supply accordance with ENV12.

- 24 Surface water should not be disposed of via direct infiltration into the ground via a soakaway. This is due the potential presence of contaminated land and the risk for contaminants to remobilise and cause groundwater pollution. This is also due to the likelihood of surface water from the car park area to carry on oil and hydrocarbons.

REASON To ensure the development protects the public water supply accordance with ENV12.

- 25 A minimum of a single electric vehicle charging point shall be installed at the site. This shall be provided, fully wired and connected, ready to use before first occupation of the development.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP ENV13 and paragraph 105 of the NPPF



Organisation: Uttlesford District Council

Department: Planning

Date: 21 September 2020