



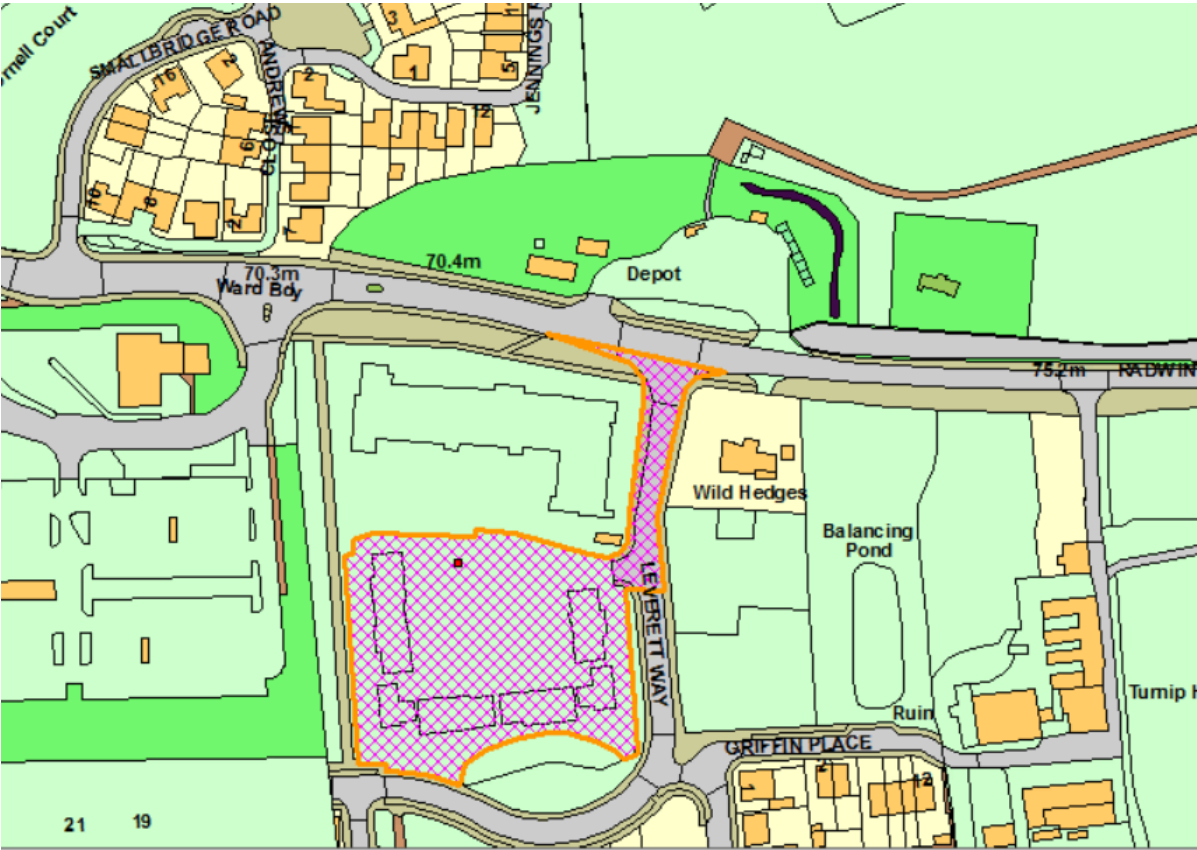
**ITEM NUMBER:** 11

**PLANNING COMMITTEE DATE:** 10 January 2023

**REFERENCE NUMBER:** UTT/23/1046/FUL

**LOCATION:** Land South Of Radwinter Road  
Radwinter Road  
Saffron Walden  
Essex  
CB10 2JP

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 10 January 2024

**PROPOSAL:** 16 no. Retirement Living Bungalows Use Class C3 Category II, and associated parking, landscaping and access (amendment to scheme approved under planning permission UTT/21/2465/DFO in order to change bungalows from Extra Care to Retirement Living)

**APPLICANT:** McCarthy Stone

**AGENT:** The Planning Bureau

**EXPIRY DATE:** 22 August 2023

**EOT EXPIRY DATE:** 11 January 2024

**CASE OFFICER:** Jonathan Pavey-Smith

**NOTATION:** Outside Development Limits (Adjacent).  
Appeal Allowed Nature of Appeal: *Outline application for the erection of up to 233 residential. All matters reserved except for means of access.*

**REASON THIS APPLICATION IS ON THE AGENDA:** Major application.

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## **1. EXECUTIVE SUMMARY**

- 1.1** In 2021 a Reserved Matters Planning permission was granted for the redevelopment of the site (UTT/21/2465/DFO) to provide extra care housing (use Class C2). The development comprised a total of 71 extra care retirement units arranged as a 57-unit apartment block and 16 bungalows.
- 1.2** This application is to change the use of 16 bungalows from Extra Care (C2) to Retirement Living (C3). There is no change to the appearance, scale, materials or landscaping from the previously approved development.
- 1.3** A Financial Viability Assessment (FVA) was prepared by Alder King on behalf of the Applicant to consider the financial impact of the change in planning use from C2 to C3, particularly on the affordable housing requirement. The FVA states that the level of contribution which should be made towards off site affordable housing provision is £509,687.

1.4 Uttlesford District Council appointed Altair Consultancy to review a Financial Viability Assessment. Altair Consultancy recommends that the applicant can provide a contribution in lieu of on-site affordable housing up to the value of £873,128.

1.5 After discussions between Altair Consultancy and Alder King on behalf of the applicant, a figure of **£640,000** has been agreed as the sum for the contribution in lieu of affordable housing.

## 2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 17 of this report -

A) Conditions

## 3. **SITE LOCATION AND DESCRIPTION:**

3.1 The application site is roughly a rectangular parcel of land which sits between Tesco's to the west. To the south of the site is the residential development of Portsmouth Close, which forms part of the wider Linden Homes development. The application site has main road frontage facing Radwinter Road and main access from Leverette Way.

3.2 The site is substantially completed.

## 4. **PROPOSAL**

4.1 Change of use to 16 bungalows from Extra Care (C2) to Retirement Living (C3).

4.2 The application includes the following documents:

- Application form
- Viability Report
- Site Plans

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## 6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/17/3426/OP	Outline application, with all matters reserved except for	Refused allowed at Appeal.

	access, for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access	
UTT/21/2465/DFO	Details following outline approval UTT/17/3426/OP (approved under appeal APP/C1570/W/19/3227368) for extra care housing (use class C2) together with associated infrastructure including road, drainage and access - details of appearance, landscaping, layout and scale.	Approved.

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1** Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

**7.2** No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this reserved matters application. No details have been submitted prior to the submission of this application of whether any community consultation with the public was undertaken.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

**8.1.1** No objections subject to conditions.

## **9. PARISH COUNCIL**

**9.1** No Objection

## **10. CONSULTEE RESPONSES**

**10.1** UDC Housing Enabling Officer

**10.1.1** No objections. Housing can confirm that there are no objections to the proposal for the 16 extra care class C2 use bungalows to be retirement bungalows C3 use instead. The applicant has acknowledged that proposing a change of use from C2 to C3 triggers a requirement for affordable housing provision and is to submit a viability appraisal to UDC in due course.

**10.2 UDC Environmental Health**

**10.2.1** No objections, subject to conditions.

**10.3 Place Services (Ecology)**

**10.3.1** No objections subject to a condition.

**10.4 Crime Prevention Officer**

**10.4.1** Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

**11. REPRESENTATIONS**

**11.1** A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper. No comments have been received from any neighbours.

**11.2** All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but civil matters.

**12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act 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.

### **12.3 The Development Plan**

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
- Uttlesford District Local Plan (adopted 2005)
- Felsted Neighbourhood Plan (made February 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great & Little Chesterford Neighbourhood Plan (made February 2023)

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford District Plan 2005**

- 13.2.1** S7 – The countryside Policy
- GEN1- Access Policy
- GEN2 – Design Policy
- GEN3 -Flood Protection Policy
- GEN4 - Good Neighbourliness Policy
- GEN5 –Light Pollution Policy
- GEN6 - Infrastructure Provision Policy
- GEN7 - Nature Conservation Policy
- GEN8 - Vehicle Parking Standards Policy
- H9 - Affordable Housing,
- H10 - Housing Mix Policy
- ENV1 - Design of Development within Conservation Areas Policy
- ENV2 - Development affecting Listed Buildings Policy
- ENV10 -Noise Sensitive Development, Policy
- ENV13 - Exposure to Poor Air Quality Policy
- ENV14 - Contaminated Land

### **13.3 State name of relevant Neighbourhood Plan in this title**

- 13.3.1** Saffron Walden Neighbourhood Plan (made October 2022)

#### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document – Accessible homes and playspace  
Supplementary Planning Document – Developer’s contributions  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

#### **14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of this application are:

- 14.2**
- A) Background**
  - B) Principle of development**
  - C) Review of the applicant’s viability report**
  - D) Other matters**

#### **14.3 A) Background**

**14.3.1** In 2021 a Reserved Matters Planning permission was granted for the redevelopment of the site (UTT/21/2465/DFO) to provide extra care housing (use Class C2). The development comprised a total of 71 extra care retirement units arranged as a 57-unit apartment block and 16 bungalows.

**14.3.2** This application is to change the use of 16 bungalows from Extra Care (C2) to Retirement Living (C3).

**14.3.3** Class C2 definition: *‘is use as provision of residential accommodation and care to people in need of care’*

**14.3.4** Class C3 definition: *‘is use as a dwelling house by a single person or by people living together as a family’*

**14.3.5** A Financial Viability Assessment (FVA) was prepared by Alder King on behalf of the Applicant to consider the financial impact of the change in planning use from C2 to C3, particularly on the affordable housing requirement.

**14.3.6** Uttlesford District Council appointed Altair Consultancy and Advisory Services Ltd ('Altair') to review a Financial Viability Assessment (FVA) for a proposed residential development project at Land South of Radwinter Road, Saffron Walden, CB10 2JP ('the Site'). The FVA was submitted by Alder King who were instructed by The Planning Bureau Limited (TPB) who are acting as planning consultants for McCarthy Stone Retirement Lifestyles Limited ('the Applicant'). The FVA is a tool used by Applicants and local authorities to determine the level of affordable housing which



can be reasonably and viably provided by a proposed development in accordance with policy and guidance.

**14.3.7** The assessment of viability is commonly referred to as the residual approach. This approach takes the Gross Development Value (GDV) of a site and subtracts Total Scheme Costs (TSC) and the developer's risk adjusted return to establish the Residual Land Value (RLV). This RLV is compared against a Benchmark Land Value (BLV) - the value of the current land - and if the RLV is greater than the BLV then a level of affordable housing contribution is considered viable

**14.4 B) Principle of development**

**14.4.1** The principle of the development has been established under outline application UTT/17/3426/OP allowed at appeal and the reserve matters application UTT/21/2465/DFO. All pre commandment conditions have been discharged.

**14.5 C) Review of the applicant's viability report**

**14.5.1** The proposed development comprises 16 Retirement Bungalows. The Bungalows are a mixture of 1-2 bedrooms units

	AV. Size SQ(M)	No. of units.
Retirement Bungalows (1 Bed)	55.9	7
Retirement Bungalows (2 Bed)	82.5	9
<b>TOTAL</b>	<b>1,133.76</b>	<b>16</b>

**14.5.2** The revised National Planning Policy Framework (NPPF) updated July 2021, sets out the government's planning policies for England and how Viability are expected to be applied.

**14.5.3** Paragraph 58 of the policy states that "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage".

**14.5.4** The Uttlesford District Council Local Plan, January 2005, set out a range of policies for the Council including its approach to the provision of affordable housing within the borough. Policy H9: Affordable Housing confirms that affordable housing will be sought on housing development sites and states that **'The Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites,**

**having regard to the up-to-date Housing Needs Survey, market and site considerations"**

- 14.5.5** The Supplementary Planning Guidance (SPG) references profit on GDV or profit on cost, adjusted for risk depending on the nature of the scheme. Guidance is therefore clear that the proposed margin should be an adjusted return to reflect the risk associated to a proposed development. It is typically considered that a profit margin of between 15-20% profit on GDV for private sale housing is reasonable depending upon the level of risk.
- 14.5.6** Altair states *'the Applicant has adopted a 20% profit of GDV for open market housing and a 6% profit of GDV for the affordable homes.*
- 14.5.7** *However, the return expected of the developer should be reflective of the site's typology, location or type of development proposed. For instance, a large mixed-use scheme developed on a green field site will carry a much lower element of risk than a high density single phased flatted scheme on a tight town centre brown field site.*
- 14.5.8** *The green field site is less likely to have difficult or contaminated ground conditions and the multi-phasing allows a developer to gauge the market on one phase before embarking on the next which reduces the level of risk. All of these factors add to the risk of development, and these must therefore be reflected in the developer's return adopted.*
- 14.5.9** *It is therefore clear that a 'one size fits all' approach cannot be taken towards developer's return and the individual development's benefits and constraints, together with the prevailing market conditions at the time of the application, must be taken into consideration when deciding upon the appropriate profit level to be applied.*
- 14.5.10** *For this application the applicant has assumed a return of 20.0% but has provided no evidence as to how this has been derived.*
- 14.5.11** On 14th November 2023. the applicant (via their consultant Alder King) responded with additional information justifying why they consider a revised contribution of £584,129 to be financially viable.
- 14.5.12** Altair note that the prices used to derive the GOV of the scheme were based upon asking prices however not the relevance of those asking prices being for the subject site. Altair also note that the applicant also chose to use asking price data within their report rather than evidence of sold properties.
- 14.5.13** The applicant (via their consultant Alder King) submitted more evidence regarding the McCarthy Stone scheme at Great Dunmow (Stane House) and market conditions concerning retirement-living.

**14.5.14** Following this information a figure of £640,000 has been agreed as the sum for the contribution in lieu of affordable housing.

**14.6 D) Other matters**

**14.6.1** There are no other changes to the appearance, scale, materials or landscaping from the previous approved development UTT/21/2465/DFO

**15. ADDITIONAL DUTIES**

**15.1 Public Sector Equalities Duties**

**15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

**15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

**15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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.

**16. CONCLUSION**

**16.1** Uttlesford DC requires affordable housing to be required on all sites of 10 units or more, that 40% affordable housing is provided on site subject to a viability appraisal.

**16.2** The Applicant has supplied a viability assessment for the site at Radwinter Road, which concludes that the site can viably provide a contribution in lieu of on-site affordable housing of £509,697.

**16.3** Altair's review demonstrates that the applicant can provide a contribution in lieu of on-site affordable housing up to the value of £873,128.

**16.4** After discussions between Altair Consultancy and Alder King on behalf of the applicant, a figure of £640,000 has been agreed as the sum for the contribution in lieu of affordable housing.

**17. CONDITIONS**

**1** The Construction Management Plan shall be in accordance with approved in details submitted and approved under UTT/21/3764/DOC.

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 DM1 of the Highway Authority's Development Management Policies February 2011 and in accordance with ULP Policy GEN1.

**2** The proposed bungalows shall not be occupied until such time as the vehicle parking area indicated on the submitted drawing LSE-2686-02-AC-001 Rev C and LSE -2686-03-AC-210 Rev D, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area, including the number of unallocated spaces, and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided 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 and GEN8.

**3** The cycle and buggy parking facilities as shown on the approved plans LSE-2672-03-AC-211 D and LSE-2672-03-AC-220 C shall to be provided prior to the first occupation of the bungalows and retained at all times thereafter.

REASON: To ensure appropriate bicycle parking is provided 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.

- 4** The Biodiversity Enhancement Strategy shall be in accordance with approved in details submitted and approved under UTT/22/0987/DOC.
- REASON: To enhance protected and Priority species & habitats 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.
- 5** The remediation scheme shall be in accordance with approved in details submitted and approved under UTT/22/3764/DOC.
- REASON: To ensure that no future contamination investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV14
- 6** Prior to the occupation of the of the development hereby approved the effectiveness of any remediation scheme shall be demonstrated to the Local Planning Authority by means of a validation report submitted to the Council and approved in writing (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.
- REASON: To ensure that no future contamination investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with ULP Policy ENV14.
- 7** The development hereby approved shall be in accordance with noise assessment submitted (Cass Allen RP01-20226) and shall achieve internal noise levels recommended in British Standard 8233:2014 and BS4142:2014. Sound Insulation and noise reduction for buildings.
- REASON: To protect the amenity of the resident of the development from noise impact and in accordance with ULP Policies ENV11 and GEN4.
- 8** External finishes shall be in accordance with approved in details submitted and approved under UTT/22/0987/DOC. 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: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
- 9** The proposed electric vehicle charging points including a single charging point for each of the bungalows and charging points for 20% of the unallocated parking spaces shall be provided, fully wired and connected, ready to use before first occupation of the development. The provision of ducting for future installation shall also be included.

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 the adopted Interim Climate Change Policy 2021 and the NPPF.

- 10** Solar panels to shall be in accordance with approved in details submitted and approved under UTT/22/0987/DOC.

REASON: These measures are required to identify suitable areas for renewable and low carbon energy sources and supporting infrastructure in accordance with the NPPF and the adopted Interim Climate Change Policy 2021.

- 11** The landscaping shall be carried out strictly in accordance with the details shown on drawing no. MCS22845-21 and tree protection plan 1444-KC-XX-YTREE-TPP01 REVB otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 12** Travel Information Pack shall be in accordance with details submitted and approved under UTT/22/1044/DOC.

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 and in accordance with ULP Policy GEN1.