

**UTT/18/0313/FUL – (GREAT CHESTERFORD)**

(Application to implement permission otherwise than in accordance with conditions imposed by Committee)

**PROPOSAL:** Variation of condition 2 on planning permission UTT/14/0174/FUL (Demolition of commercial buildings and erection of 42 no. dwellings) in order to incorporate general minor amendments to site plan

**LOCATION:** New World Timber Frame and Graveldene Nurseries, London Road, Great Chesterford

**APPLICANT:** Enterprise Property Group

**AGENT:** PiP Architecture

**EXPIRY DATE:** 3 May 2018

**CASE OFFICER:** Luke Mills

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**1. NOTATION**

1.1 Within Development Limits; Employment Land; Employment Land to be Safeguarded.

**2. DESCRIPTION OF SITE**

2.1 The application site is located off London Road, Great Chesterford. It has been cleared of previous development, and construction works in connection with a planning permission for a 42-dwelling development are at an advanced stage.

**3. PROPOSAL**

3.1 The application is to vary Condition 2 of planning permission UTT/14/0174/FUL, which reads:

*2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below.*

3.2 The proposed variation to the schedule of approved plans would facilitate minor amendments to the approved site layout, the most significant of which are the additional rear access paths for Plots 1, 2, 25-27 and 29-32.

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**5. APPLICANT'S CASE**

5.1 The application includes the following documents:

- Supporting statement

## **6. RELEVANT SITE HISTORY**

- 6.1 The site has an extensive planning history. However, the most relevant application is that which resulted in a full planning permission for the erection of 42 dwellings (UTT/14/0174/FUL).
- 6.2 An application for an amendment to facilitate the provision of three additional dwellings was refused in November 2017 (UTT/17/2334/FUL).

## **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 S73 of the Act requires the local planning authority, in dealing with an application to develop land without compliance with conditions previously attached, to consider only the question of the conditions subject to which planning permission should be granted.
- 7.3 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.
- 7.4 Relevant development plan policies and material considerations are listed below.

### **Uttlesford Local Plan (2005)**

- 7.5
- S3 – Other Development Limits
    - GEN1 – Access
    - GEN2 – Design
    - GEN3 – Flood Protection
    - GEN6 – Infrastructure Provision to Support Development
    - GEN7 – Nature Conservation
    - GEN8 – Vehicle Parking Standards
  - E1 – Distribution of Employment Land
  - E2 – Safeguarding of Employment Land
  - ENV2 – Development affecting Listed Buildings
  - ENV4 – Ancient Monuments and Sites of Archaeological Importance
  - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
  - ENV14 – Contaminated Land
  - H1 – Housing Development
  - H3 – New Houses within Development Limits
  - H9 – Affordable Housing
  - H10 – Housing Mix
  - Great Chesterford Local Policy 1 – Safeguarding of Existing Employment Area
  - Great Chesterford Local Policy 2 – London Road Employment Site

## **Supplementary Planning Documents/Guidance**

- 7.6 SPD – Accessible Homes and Playspace (2005)  
The Essex Design Guide (2005)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2013)

## **National Policies**

- 7.7 National Planning Policy Framework (NPPF) (2012)  
- paragraphs 14, 17, 22, 32-39, 47-49, 55, 58, 100-104, 111, 118, 120-123 & 128-135  
Planning Practice Guidance (PPG)  
- Conserving and enhancing the historic environment  
- Design  
- Flood risk and coastal change  
- Housing: optional technical standards  
- Land affected by contamination  
- Natural environment  
- Planning obligations  
- Rural housing  
House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)  
Planning Update: Written statement (HCWS488) (2015)

## **Other Material Considerations**

- 7.8 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Housing Trajectory 1 April 2017 (August 2017)

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Objection. Full response:

“The Parish Council wishes to object to this application. We would repeat our objections to previous applications for variations on this site and have continuing concerns about safety of access, insufficient parking provision in breach of design guide standards, loss of open space relative to the original application and lack of lift provision.”

## **9. CONSULTATIONS**

### **London Stansted Airport**

- 9.1 No objections.

### **Essex Police (Crime Prevention)**

- 9.2 No objections. Extract:

“We would like to see the gates and the fencing of the dwellings abutting the rear access to these properties as close boarded wooden fenced to a height of 1.8m but incorporating a top section of trellis to reduce the risk of concealment. Gates

should be capable of being locked from both sides, where shared access each relevant householder having keys.”

### **Highways England**

9.3 No objections.

### **Highway Authority (Essex County Council)**

9.4 No objections.

### **Environmental Health Officer**

9.5 No objections.

## **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. No representations have been received.

## **11. APPRAISAL**

The issues relevant to the proposed amendment are:

- A Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)
- B Transport (GEN1, GEN8, 32-39 & HCWS488)
- C Accessibility (GEN2, 58 & PPG)
- D Crime prevention (GEN2, 58 & PPG)
- E Amenity (GEN2, ENV10, 17 & 123)

### **A Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)**

11.1 The proposed design amendments are relatively minor. The most significant changes are the additional rear access paths, which are considered typical features that would be expected to form part of the development. It is therefore concluded that there would be no conflict with the above policies insofar as they relate to character, appearance and heritage.

11.2 It is noted that the proposed changes would have no material effect on the setting of the nearby Grade II listed building, Stanley House. In drawing this conclusion, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

### **B Transport (GEN1, GEN8, 32-39 & HCWS488)**

11.3 There would be a number of minor amendments to the parking layout, although the number and size of spaces would not be altered. Taking into account the comments of the highway authority, it is considered that there is no conflict with the above transport policies.

### **C Accessibility (GEN2, 58 & PPG)**

11.4 The proposed paths would improve accessibility to the rear gardens of the associated dwellings, in accordance with the above policies.

## **D Crime prevention (GEN2, 58 & PPG)**

- 11.5 Taking into account the comments of Essex Police, it is considered that the proposed amendments are compatible with the above policies insofar as they relate to crime prevention. A planning condition could be used to ensure that the fencing includes trellis to minimise concealment.

## **E Amenity (GEN2, ENV10, 17 & 123)**

- 11.6 The gardens of Plots 1, 2, 25, 26, 29 and 32 would be reduced in size through the additional rear access paths, as summarised in the below table:

<b>Plot</b>	<b>Beds</b>	<b>Essex Design Guide (sq m)</b>	<b>Approved garden (sq m)</b>	<b>Proposed garden (sq m)</b>
1	3	100	90	74
2	3	100	92	75
25	2	50	52	37
26	2	50	47	43
29	2	50	72	36
32	2	50	53	37

- 11.7 All six gardens would be smaller than the minimum size recommended in The Essex Design Guide, a non-adopted but useful guidance document. Nevertheless, it is considered that the gardens would provide the occupiers with a reasonable level of amenity – they would be private and of a functional shape and sufficient size to provide a useable sitting out area and accommodate most household activities. It is therefore concluded that there would be limited conflict with the above policies.

## **12. CONCLUSION**

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

- A** The proposed amendment to the approved scheme would reduce the size of six gardens through the addition of rear access paths. As there would remain a reasonable level of amenity associated with these private amenity spaces, and because the paths represent an appropriate compromise for the sake of accessibility, it is recommended that the application be approved.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **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. ASSOCIATED SCHEDULE OF PLANS AMENDED:

The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

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

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

4. The windows shown as being obscure glazed at first floor level on the south-eastern elevations of Plots 1, Plots 19, 20 and 23 shall be retained with obscure glazing at all times.

REASON: To avoid overlooking in the interests of the amenity of the neighbouring residential properties in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. Prior to occupation of the development, the provision and implementation of an upgrade of the existing central island on London Road to the south of the site, to a pedestrian refuge.

REASON: In the interest of highway safety in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

6. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the times of demolition and construction work
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

7. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the erection of the development hereby approved full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- i. proposed ground floor levels of the dwellings;
- ii. means of enclosure and boundary treatments;
- iii. hard surfacing materials;
- iv. Cycle stores
- v. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, Street Lighting, etc.);
- vi. proposed and existing functional services above and below ground (e.g. drainage, power)
- vii. communications cables, pipelines etc. (indicating lines, manholes, supports.).

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

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

REASON: To enhance the sustainability of the development through better use of water, energy and materials.

9. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

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

REASON: To enhance the sustainability of the development through efficient use of water resources.

10. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

1) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

2) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the trial

trenching work and prior to any reserved matters submission.

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

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

REASON: To ensure the adequate protection/recording of archaeological remains in accordance with Policy ENV4 of the Uttlesford adopted Plan 2005.

11. The dwellings shall be constructed so that the windows to all habitable rooms identified within the submitted Noise Impact Assessment prepared by 24 Acoustics and dated 23 January 2014, as being within Zone 1 shall achieve the sound reduction indices set out in the Assessment. A means of ventilation other than opening windows shall be provided to the bedrooms of those dwellings as set out in Noise assessment Fig 2. Ventilators in bedrooms will achieve a minimum attenuation performance of 39 dB Dne,w.

REASON: To protect the occupiers from noise from the railway in the interests of amenity in accordance with Policies GEN2, GEN4, and ENV10 of the Uttlesford Local Plan (adopted 2005).

12. A 1.8m high close boarded timber barrier comprising 18mm thick timber with 25% overlap and no holes or openings shall be erected at the site boundary with the railway.

REASON: To protect the occupiers from noise from the railway in the interests of amenity in accordance with Policies GEN2, GEN4, and ENV10 of the Uttlesford Local Plan (adopted 2005).

13. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC, WITH RESPECT TO '1. SITE CHARACTERISATION' ONLY:

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must



be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 3.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14 of the Uttlesford Local Plan (adopted 2005).

14. Prior to occupation of the development, the provision and implementation of section 1.2 (opposite Granta Close to station approach) of the Great Chesterford to Little Chesterford Cycle Route (Phase 1) 2 metre wide shared footway/cycleway.

REASON: In the interest of highway safety in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

15. **ADDITIONAL CONDITION:**

Prior to occupation of the dwellings labelled Plots 25, 26, 28, 29 and 32, details of the gates and fencing serving the associated rear access paths (possibly comprising 1.8 m high structures with lockable gates and a trellis in the top portion) must be submitted to and approved in writing by the local planning authority. The gates and fencing must be installed in accordance with the approved details prior to occupation of the dwellings.

REASON: To minimise the risk of crime from concealed and unsecured walkways, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

