

UTT/0498/12/FUL - SAFFRON WALDEN

PROPOSAL: Variation of condition C.3.1 (The development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless agreed in writing by the local planning authority) of planning application UTT/0522/09/FUL

LOCATION: Former Gas Works Radwinter Road.

APPLICANT: Taylor Wimpey East London

AGENT: Taylor Wimpey East London

GRID REFERENCE: GR/TL 543-384

EXPIRY DATE: 04.05.2012

CASE OFFICER: Maria Tourvas

APPLICATION TYPE: Minor

1. NOTATION

1.1 Within Development Limits, adj. to Saffron Walden Conservation Area, adj. to Flood Zone 3, and adj. to an AQMA, contamination and Ground Water Protection Zone

2. DESCRIPTION OF SITE

2.1 The site currently comprises vacant land within the old gas works site on the corner of Radwinter Road and Thaxted Road, Saffron Walden. There is a sub-station site adjacent to the western shared boundary. Along the south and eastern boundary there is a yard that is still in current use. Other surrounding properties are predominately residential in use. There are changing ground levels on site which increase from the main road (Radrwinter Road) towards the rear of the site (north to south).

3. DESCRIPTION OF PROPOSAL

- 3.1 The application proposes the variation of condition C.3.1. (the development hereby permitted shall be implemented in all respects strictly in accordance with the submitted plans contained in the application, unless otherwise agreed in writing by the local planning authority) of planning permission UTT/0522/09/FUL. The proposed amendment seeks to change Plots 4 and 5 from 2 x 2 bedroom units to 2 x 3 bedroom units to match house type on Plots 6 and 7. This would create slightly deeper units, but no deeper than the already approved first floor front projections. This would mean an increase in depth by 0.6m. The length of the proposed house types would reduce from a total of 19.2m to 17.5m.
- 3.2 The proposed scheme would change from a current approved mix of 5 x 2 bedroom units and 4 x 3 bedroom units to 3 x 2 bedroom units and 6 x 3 bedroom units. All other aspects of the scheme are proposed to remain the same as previously approved.

4. APPLICANT'S CASE

4.1 See Design and Access Statement received 9 March 2012.

5. RELEVANT HISTORY

- 5.1 On 24 March 2009 planning permission was granted for the erection of 9 dwellings, new access and ancillary works (UTT/0123/09/FUL).
- 5.2 Further to this planning permission was granted for a variation of condition C.90B (visibility splays in accordance with manual for streets i.e. 48m x 2.4 metres) on planning approval UTT/0123/09/FUL granted 3 July 2009. This application is still extant and predominately all conditions apart from the code level 3 and 10% energy efficiency conditions have been discharged.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 East of England Plan 2006

SS1 – Achieving Sustainable Development

6.3 Essex Replacement Structure Plan 2001

No policies relevant.

6.4 Uttlesford District Local Plan 2005

Policy GEN1 – Access
Policy GEN2 – Residential Amenity
Policy GEN4 – Residential Amenity
Policy GEN8 – Parking Standards
Policy H10 – Housing Mix
ECC Parking Standards (September 2012)

7. CONSULTATIONS

- 7.1 Highway Authority: No objection to proposal as it is not contrary to relevant transport policy or Policy GEN1 of the local plan.
- 7.2 Environmental Health: No comments.

8. /TOWN COUNCIL COMMENTS

8.1 No comments received.

9. REPRESENTATIONS

9.1 The neighbouring properties have been notified of the planning application and the application has been advertised on site. To date no representations have been received. Notification period expired 16 April 2012

10. APPRAISAL

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

- A) Whether the proposed amendment of 2 of the 9 proposed dwellings from 2 bedroom units to 3 bedroom units would be acceptable principle;
- B) Whether there would be additional impact as a result of the proposed amendments, such as design, parking provision and provision of amenity space and whether this would be acceptable;
- C) Other material consideration such as a material change in circumstances since the granting of planning permission;

A) Whether the proposed amendment of 2 of the 9 proposed dwellings from 2 bedroom units to 3 bedroom units would be acceptable principle;

10.1 The site is within the Development Limit of Saffron Walden where in principle development is acceptable, subject to compliance with other policies of the Local Plan. Planning permission has already been granted for a scheme of 9 dwellings to which this application relates, therefore the principle of 9 dwellings on this site has been previously accepted. The main application sought to be varied is extant with the majority of pre-commencement conditions discharged and therefore development could technically commence on site (UTT/0522/09/FUL).

10.2 Local Plan Policy H10 seeks that “*all development sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties*”. Whilst there would be a change of 2 of the proposed plots from 2 bedrooms to 3 bedrooms it is still considered that there would be a reasonable mix of 2 and 3 bedroom units (3 x 2 bedroom units and 6 x 3 bedroom) in accordance with Policy H10.

B) Whether there would be additional impact as a result of the proposed amendments, such as design, parking provision and provision of amenity space and whether this would be acceptable;

10.3 The details of the housing scheme have been previously agreed, by the Planning Committee, in relation to layout, scale and detailed design. The sole consideration here is of whether the amendment of two of the plots namely Plots 4 and 5 from 2 bedroom units to 3 bedroom units would be acceptable and whether this would result in unacceptable harm, and also whether there has been a material change in circumstances since the granting of planning permission.

10.4 Whilst more garden space would be required based on the increase size of the dwellings (from 50 square metres to 100 square metres) as per the Essex Design Guide. Even though the application site is constrained, it is located within close proximity of the town centre and the Common located to the north west of the application site (within approximately 50m). Nonetheless, the dwellings would still provide approximately 74 square metres of amenity space which is still considered to be sufficient and reasonable.

10.5 The proposed change in house type would result in an increase in footprint. The proposed units would be slightly deeper by 0.6m; however the overall length of the pair of semis would be reduced from 19.2m to 17.5m. Overall there would be minimal additional impact that would result from the proposed amendments in terms of residential or visual amenity. This will continue to be in accordance with Local

Plan Policy GEN2.

- 10.6 No changes are proposed in relation to the access and pedestrian access, to the lifetime home standards or wheelchair accessibility.

C) Other material consideration such as a material change in circumstances since the granting of planning permission;

- 10.7 Since the granting of planning permission there has been a change in parking standards. These were adopted September 2009, ECC Parking Standards. This has changed the parking standards from a maximum to a minimum standard. The requirement still remains at 2 spaces per dwelling (minimum). This equates to the requirement of 18 car parking spaces. The proposed scheme would remain providing 14 car parking spaces as previously approved. Whilst there is a change in parking standards from a maximum to a minimum requirement this generates a shortfall, in spite of this the actual change in house type itself does not. The new parking standards have also seen the increase in the size of car parking bays. There is an extant consent on site (UTT/0522/09/FUL) which is a material planning consideration as this the original scheme can be implemented imminently and therefore it is considered unreasonable to seek an increase in the size or number of proposed parking bays.
- 10.8 Another material change since the granting of planning permission is the adoption of National Planning Policy Framework (March 2012). Amongst other things, this seeks a presumption in favour of sustainable development unless material considerations indicate otherwise. Also development proposals that accord with the development plan without delay. It goes onto seek high quality design and good standard of amenity for all existing and future occupants of land and buildings, promoting viability of urban areas, promoting use of brownfield land. The proposed development accords with the National Planning Policy Framework

11. CONCLUSIONS:

- 11.1 There is an extant consent UTT/0522/09/FUL is capable of being implemented. This is a material consideration, which holds significant weight.
- 11.2 The proposed variation of condition to allow the change in 2 house types is considered to be acceptable. The change in house types would result in minimal additional impact. Overall this accords with the Local Plan Policy and the National Planning Policy Framework.

RECOMMENDATION – CONDITIONAL APPROVAL

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

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. The development hereby permitted shall be constructed entirely of the materials agreed by the Local Planning Authority in their email dated 6 December 2011.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. All hard and soft landscape works shall be carried out in accordance with the details submitted and approved under reference UTT/0573/12/DOC. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. The vehicle access shall be not less than 4.8 metres and retained at that width for 15 metres within the site and radius kerbs of 7.5 metres should be provided at the junction with Radwinter Road. Two x 1.8 metre wide footways to be provided around the radius with suitable crossing points at the Radwinter Road junction.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Clear to ground visibility splays of 2.4 metres x 90 metres to the west and 2.4 metres x 58.6 metres to the east of the access as shown on Drawing No: RS/SL1 dated April 2009 to include the removal of all scrub vegetation.

REASON: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

10. The development hereby permitted shall be constructed in accordance with details that have been submitted and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

REASON: To prevent hazards caused by flowing water or ice on the highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

11. Each vehicular hardstanding shall have minimum dimensions of 2.4 metres x 4.8 metres.

REASON: In the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and ECC Car Parking Standard (September 2009).

12. The development hereby permitted shall be constructed in accordance with details that have been submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the number, location and design of powered two wheelers and bicycle parking facilities. The approved facility shall be provided before occupation and retained at all times.

REASON: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Essex Local Transport Plan 2006/2011 Appendix G: Development Control Policies and Processes Policy 3.3 Accessibility (Cycling) and Policy 7 Vehicle Parking Standards.

13. The development hereby permitted shall not commence until a 'Keep Clear ' roadmarking has been provide in the carriageway of Radwinter Road for the full width of the bellmouth junction with this development unless otherwise prevented from so doing by decision of the Essex County Council as highway authority.

REASON: To unsure the entrance to the development is not obstructed by queuing traffic in Radwinter Road, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

14. The development hereby permitted shall be constructed in accordance with drawing number 11-4614-102 and 790-WD-02PO-01, that indicates the removal of the pedestrian path that was located behind the approved car parking spaces, as submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC.

REASON: To ensure a higher quality of development which is compatible with the character and amenity of its surroundings, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

15. The development hereby permitted shall be constructed in accordance with the contamination details submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to ground 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 Site Characterisation, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Submission of Remediation Scheme, 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 details submitted and approved relating to the Implementation of Approved Remediation Scheme.

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

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 adopted Uttlesford Local Plan.

16. Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON: The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer and the requirements of Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005)

17. No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with policies GEN2 and GEN4 of the Uttlesford Local Plan.

18. The development hereby permitted shall be constructed in accordance with details that have been submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the acoustic fencing.

REASON: In the interest of the control of noise levels to residents within the site, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

19. No form of access shall be provided to adjacent land or development in the site known as Jossaumes Yard.

REASON: To prevent excessive traffic movements on and off of the site into Radwinter Road in the interest of traffic safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

20. The development as designed, specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3'. The applicant will provide the planning authority with a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

21. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

REASON: In the interests of the promotion of sustainable forms of development and construction in accordance with Policy GEN2 and SPD Energy Efficiency and Renewable Energy Adopted October 2007.

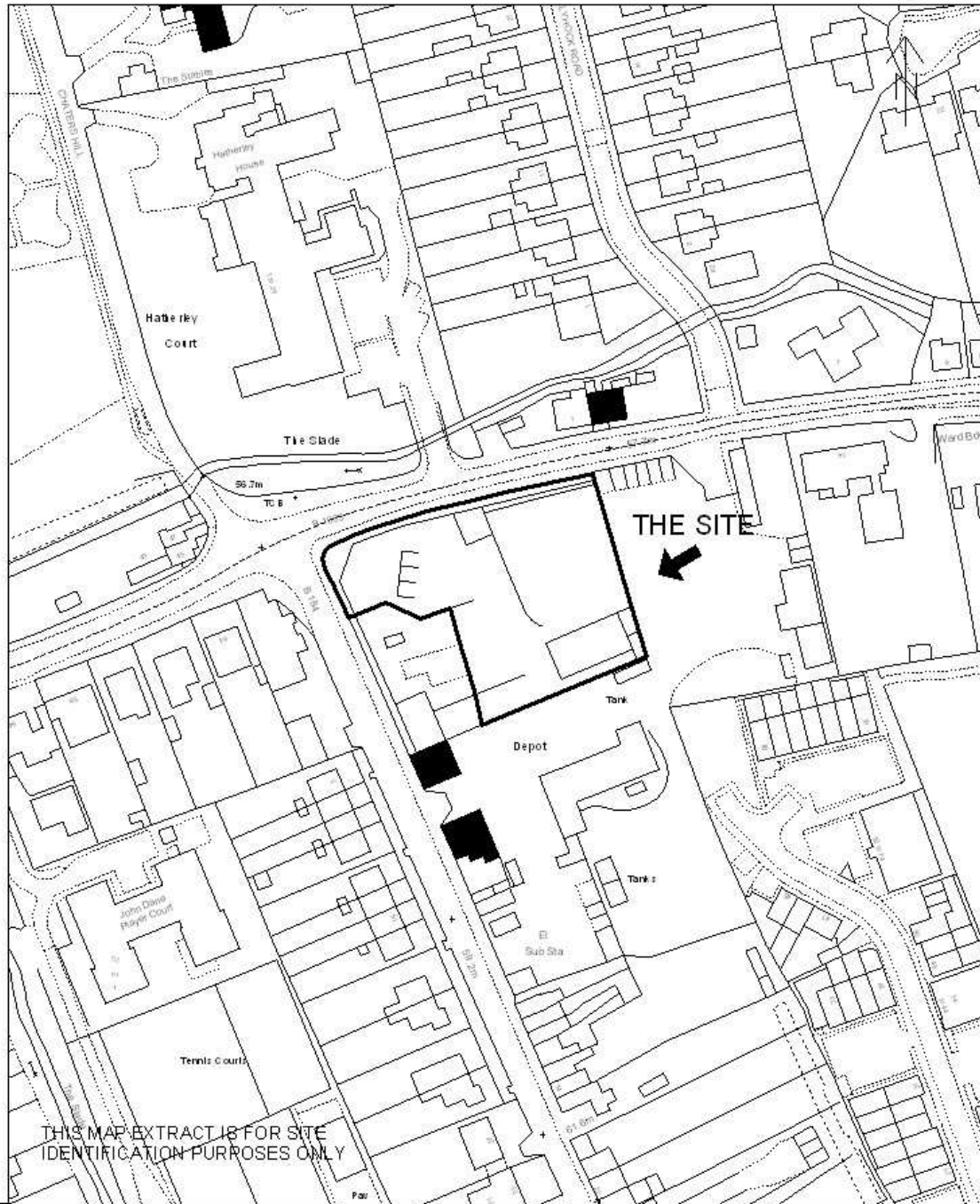
22. The development hereby permitted shall be constructed in accordance with the contamination details submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the provision of bin storage. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

23. The development hereby permitted shall be constructed in accordance with the contamination details submitted to and approved by the Local Planning Authority under reference UTT/0375/12/DOC relating to the dwellings designed to 'Lifetime Homes'. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

Background papers: see application file.



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