

**UTT/12/6172/REN – LITTLE CANFIELD**

**PROPOSAL:** Renewal of planning application UTT/1264/09/OP for the erection of 4 no. dwellings and cartlodges with some matters reserved

**LOCATION:** Former Canfield Service Station, New Cambridge House, Dunmow Road, Little Canfield

**APPLICANT:** DJR Cars

**AGENT:** Mrs S Bell

**GRID REFERENCE:** TL 573- 211

**EXPIRY DATE:** 14 February 2013

**CASE OFFICER:** Miss S Wellard

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**1. NOTATION**

1.1 Outside Development Limits.

**2. DESCRIPTION OF SITE**

2.1 The site is located on the southern side of the B1256 (the former A120) to the east of Takeley. The site is currently vacant with areas of hardstanding and secure fencing on the boundaries. Previously the site accommodated a former service station which comprised a reception building with canopy and a three bay workshop and car sales. Residential properties abut the eastern and western boundaries of the site and the Flitch Way is routed along the southern (rear) boundary. On this side of the road the residential development is of a low density giving the area a sense of spaciousness attributed to the rural area.

**3. PROPOSAL**

3.1 The proposal involves the redevelopment of the site for residential purposes. It is intended to construct 4 detached two-storey dwellings with three cart lodges to the rear of the dwellings. Whilst the application is for outline planning permission the access, site layout and scale of the development are to be considered now. The appearance of the buildings and the landscaping are to be reserved matters determined at a later date.

3.2 The proposed development would utilise the two existing access points on the site. The western access point would serve Plots 3 and 4 with the eastern access point serving Plots 1 and 2. Each dwelling would have two car parking spaces.

3.3 Two house types are proposed, which would be similar in style however 'Type A' on Plots 3 and 4 would be slightly larger with an area of 116.92 square metres compared to 'Type B' which would have an area of 97.08 square metres.

#### **4. APPLICANT'S CASE**

- 4.1 The Design and Access Statement is available in full on file. It describes the site and surroundings and the proposal. In essence the statement argues that the development is acceptable as stated in paragraph 5.09 as follows:

*"Therefore in conclusion in regard to the (above) two interlinked issues of the principle of residential development and the impact on the countryside, it is considered that the proposal represents an efficient use of the land, taking into account the particular characteristics of this rural area and is at a level that is acceptable bearing in mind government's statements and local planning policies."*

#### **5. RELEVANT SITE HISTORY**

- 5.1 UTT/1264/09/OP: Outline application for the erection of 4 no. dwellings and cartlodges with some matters reserved. Conditional approval 12 February 2010.
- 5.2 UTT/1608/05/OP: Outline application for residential development with all matters reserved. Conditional approval 20 December 2005 (subject to a condition limiting the development to a maximum of 3 dwellings).
- 5.3 UTT/0095/06/FUL: Removal of condition C90B (No more than three dwellings shall be accommodated within the site). Refused 16 March 2006. Allowed on appeal.
- 5.4 UTT/1035/07/OP: Outline application for erection of 11 dwellings. Refused 11 September 2007.

#### **6. POLICIES**

##### **6.1 National Policies**

NPPF

##### **6.2 Uttlesford District Local Plan 2005**

Policy S7  
Policy GEN2  
Policy GEN4  
Policy GEN1  
Policy GEN8

#### **7. TOWN COUNCIL COMMENTS**

- 7.1 Takeley Parish Council: In principle support development of site but does not support current proposed layout and access. Would recommend a single central access. Would advocate a softer more in-keeping approach to site layout and landscaping avoiding the proposed ribbon development effect.

#### **8. CONSULTATIONS**

Thames Water

- 8.1 With regard to sewerage infrastructure – no objections.

ECC Archaeology

8.2 Trial trenching followed by open area excavation condition required.

ECC Highways

8.3 Nothing further to add to our previous comments in respect of UTT/1264/09/OP.

## **9. REPRESENTATIONS**

9.1 No representations have been received. Notification period expired 23 January 2013.

## **10. APPRAISAL**

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

A Whether there have been any material changes to planning policy since planning permission was previously granted. Previously the following issues were considered:

a) Whether the proposed development is appropriate to the rural area and the likely effect it would have on the character/visual amenities of the locality (ULP Policy S7)

b) Whether the site can satisfactorily accommodate an appropriate form of development that will cause no undue harm to neighbouring residential amenity (ULP Policies GEN2 and GEN4)

c) Whether the proposed development has appropriate access and parking arrangement and will not cause undue harm to highway safety (ULP Policies GEN1 and GEN8); and

d) other material planning considerations.

10.1 This proposal seeks to renew an extant outline planning consent for the erection of 4 dwellings and cartlodes, with some matters reserved. The principle of the development has been established and is acceptable and must now be considered in respect of any significant changes to planning policy since the previous consent was granted.

10.2 Since the previous consent was granted the raft of national planning policy guidance and statements applicable at the time have been superseded by the National Planning Policy Framework. With regards to this proposal, the NPPF does not introduce a significant policy shift from that previously considered. On this basis it is appropriate to renew the planning permission.

10.3 The previous consent was subject to 19 conditions. Condition 9 (C.8.35) related to the development needing to meet the requirements of Code Level 3. However, since the previous consent was granted the requirements under Building Regulations have significantly increased and as such this condition is no longer appropriate or relevant and will be removed.

## **11. CONCLUSION**

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

A Whilst there has been a significant change in planning policy with the publication of the NPPF since the previous application was approved, this is not sufficient to warrant a different decision to that previously made. As such it is recommended that the planning permission be renewed subject to the removal of the condition relating to Code Level 3.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

1. Approval of the details of the appearance and landscaping (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.  
REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
2. Plans and particulars of the reserved matters referred to in condition 1 above relating to the appearance and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.  
REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
REASON: In order to comply with Section 92 of the Town and Country Planning Act (as amended).
4. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).
5. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently these works shall be carried out as approved. The landscaping details to be submitted shall include:-
  - a) proposed finished levels [earthworks to be carried out]
  - b) means of enclosure
  - c) car parking layout
  - d) vehicle and pedestrian access and circulation areas
  - e) hard surfacing other hard landscape features and materials
  - f) existing trees hedges or other soft features to be retained
  - g) planting plans including specifications of species sizes planting centres number and percentage mix
  - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - j) location of service runs
  - k) management and maintenance detailsREASON: 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 Uttlesford Local Plan Policy GEN2 (adopted 2005).
6. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings the completion of the development or in agreed phases whichever is the sooner and any plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

7. No construction work shall be carried out on nor machinery operated on nor materials be delivered to the site at any time on Sundays or Public Holidays or before 8.00am or after 6.00pm on Monday to Friday or before 8.30am or after 2.00pm on Saturdays. All building or construction material shall be stored within the site and no materials deposited on the public highway.

REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Uttlesford Local Plan Policy GEN4 (adopted 2005).

8. 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 5 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
- archeological sites and ancient monuments;

(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 (referred to in PPS23 as a validation 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.

### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years and the provision of reports on the same must be prepared both of which are subject to the approval in writing of the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

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

REASON (common to all parts): 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.

9. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary shall be provided on both sides of the vehicular accesses. There shall be no obstruction above a height of 66mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

REASON: To provide adequate inter-visibility between the pedestrians and 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 Uttlesford Local Plan Policy GEN1 (adopted 2005).

10. The width of the accesses at their junction with the highway boundary shall not be less than 4.1 metres and retained at that width for 6 metres within the site.  
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).
11. Prior to occupation of the development any redundant access width shall be removed the footpath resurfaced and kerb reinstated for use as approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).
12. The first six metres of any private access way as measured from the proposed highway boundary shall be treated with a bound surface dressing as approved in writing by the local planning authority and thereafter retained in that form.  
REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).
13. Arrangements shall be submitted to and be approved in writing by the local planning authority before development commences whereby surface water runoff from the accessway is intercepted within the site thereby avoiding water entering the highway. The agreed details shall be constructed as approved before occupation of the development hereby approved and maintained in the same condition thereafter.  
REASON: In the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).
14. No part of the development hereby approved shall be occupied until a vehicular turning space has been provided within the curtilage of the site the details of which shall be submitted to and be approved in writing by the local planning authority before the commencement of the development. The turning space shall permit the entry and exit to and from the site of a domestic motor vehicle in forward gear and shall be retained thereafter.  
REASON: In order to ensure adequate highway safety, in accordance with Uttlesford Local Plan Policy GEN4 (adopted 2005).
15. The turning space in front of plot 1 as shown on drawing no. 6509/1 shall be moved further back into the site away from the access to avoid conflict with users of the access.  
REASON: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).
16. The vehicular hardstandings shall have minimum dimensions of 2.9 metres x 5.5 metres.  
REASON: In accordance with the ECC/EPOA Parking Standards Design and Good Practice document dated September 2009 and Uttlesford Local Plan Policy GEN8 (adopted 2005).
17. Before development commences (including demolition) wheel cleaning apparatus must be provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

18. 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 Uttlesford Local Plan Policy GEN4 (adopted 2005).

19. No development or preliminary groundworks, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON: To enable the inspection of the site by qualified persons for the investigation and recording of archaeological remains, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005).