

UTT/13/0713/FUL (Great Chesterford)

(Ward Councillor interest)

PROPOSAL: This application seeks the variation of condition 2 imposed under outline permission UTT/0742/12/OP relating to the change of use of former allotment land to residential use to provide 2 No. dwellings with provision of cart lodge for resident parking with new vehicle and pedestrian access to extend the time period for submission of reserved matters from 12 months to 36 months.

LOCATION: Land off Rose Lane, Great Chesterford.

APPLICANT: Mr R Bower.

EXPIRY DATE: 30 May 2013.

CASE OFFICER: Mr C Theobald

1.0 NOTATION

1.1 Outside Development Limits / Adjacent to Conservation Area.

2.0 DESCRIPTION OF SITE

2.1 The application site is situated at the end of Rose Lane, a single track lane with close frontage dwellings leading off the southern side of High Street and comprises a parcel of former allotment land of 0.53 ha. The site is bordered on its north-west side by the dwelling, Fairycroft, on its south-east side by a grassed amenity strip /caravan park, to the front by a public footpath extending off the end of Rose Lane and to the rear by garden land belonging to the dwelling, Geldards. The site is level and is screened by existing mature vegetation. Some interior site clearance has taken place in recent months.

3.0 PROPOSAL

3.1 This application seeks the variation of condition 2 imposed under outline permission UTT/0742/12/OP extending the time period for submission of reserved matters for this approved residential scheme from 12 months as currently conditioned to 36 months. No other condition changes are sought under the application submission. Condition 2 currently reads as follows:

2. Application for approval of all Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 12 months from the date of this permission

REASON: Permission is granted in this case because the Local Planning Authority cannot demonstrate a sufficient supply of housing building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as banking would make no contribution to delivering new dwellings.

4.0 APPLICANTS CASE.

- 4.1 "Following the death of Mrs J Bower and the need to go through probate, 12 months is not enough time to go through legal proceedings and to action planning conditions"

5.0 RELEVANT SITE HISTORY

- 5.1 An outline planning application was submitted to the Council in April 2012 for the change of use and residential development of this former parcel of allotment land for the erection of two detached dwellings with associated garaging, including cart lodge parking for residents of Rose Lane, and new access provision from Rose Lane (UTT/0742/12/OP).

- 5.2 The officer report for that application recommended approval for the residential scheme where the report conclusion stated in respect of consideration of the principle of development that:

"Whilst the site is located just outside development limits, the proposed development would provide additional housing provision where the site has been identified as being a suitable SHLAA site for future residential use and is located within a sustainable position close to village amenities. As such, the principle of change of use of this site for two dwellings is considered acceptable in principle.

- 5.3 Members resolved to approve the application in accordance with the officer recommendation at their meeting on 30 August 2012 subject to conditions.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF).

6.2 Uttlesford District Local Plan 2005

- ULP Policy S7 - The Countryside
- ULP Policy H1 – Housing Development

7.0 PARISH COUNCIL COMMENTS

- 7.1 Due to an error in the Parish Council Agenda for its meeting on the 8th May, application UTT/13/0713/FUL was not in the list of applications to be considered and therefore could not be discussed at that meeting or by the submission deadline of 10th May.

8.0 CONSULTATIONS

- 8.1 None.

9.0 REPRESENTATIONS

2 received (Object). Notification period expired 3 May 2013.

- 9.1 'Fairacre', Newmarket Road, Great Chesterford, Essex, CB10 1NS

- All applications, outside development limits where the 'lack of 5 year land supply' has been used as an approval reason should have less than the three years granted on standard applications to ensure they do actually contribute to the 'lack of 5 year land supply'. Assuming applicants are then given 3 years to start building from granting approval for the full Reserved Matters application, this would not be the case.
- I do not understand why the recently approved application for the adjacent plot (also outside development limits - UTT/12/6006/OP (Geldards, High Street), was given the same time period as a standard application – the restricted time condition must be applied consistently.
- Application UTT/12/5513/OP (Land south of Stanley Rd, Great Chesterford) recently had the time period increased from 12 to 24 months, but this was for 50 dwellings not just a few. If the Planning Department is of the mind to approve an increase, then it should only be to 24 months not 36.

9.2 Karu, School Street, Great Chesterford, Essex, CB101NN

- Firstly, this should be strongly opposed by the LPA on the basis of the original objections raised previously by the Parish Council and Residents.
- Secondly, as part of the original application, the applicant claimed a lack of housing as an argument in order to seek approval and, having gained approval inclusive of condition 2 of the reserved matters, this should result in an immediate provision to address the current housing position. By allowing an extension of time this may result in the houses being provided at a time when the 'housing crisis' has been addressed.
- Should the extension be granted, this would conflict with other and larger schemes already approved within the village (i.e. Stanley Rd, which has a reserved matters period of 2 years (the two application proposals are very different). The time involved with producing detailed designs for a 60-house scheme and meeting the reserved matters imposed is considerably longer than for a 2-house scheme with no other associated works.
- Thirdly, by granting an extension this may well provide a catalyst for other applicants to review and challenge conditions associated with their approval, which will further delay meeting the housing numbers required and may well result in planning appeals which are costly to UDC and ultimately the council tax payers.

10.0 APPRAISAL

The principal issue to consider in the determination of this application is:

A Whether it would be justifiable in policy terms to vary Condition 2 of UTT/0742/12/OP as sought (NPPF, ULP Policies S7 and H1)

- 10.1 The officer report for application UTT/0742/12/OP stated that the site lies immediately outside development limits for the village on its eastern side and is currently extensively overgrown following the cessation of its use as allotments (site clearance has since taken place). The report added that the site is subject to local rural policy constraint under ULP Policy S7, which states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area.

- 10.2 The applicant put forward the argument that the site should be treated as an "exception site" in terms of rural policy in favour of presumption of approval of residential development given its good SHLAA rating and its sustainable position close to village amenities. Whilst the officer report accepted that the site fell just outside development limits, it also recognised that the site is located within a reasonably sustainable position just off the village High Street within walking distance of village amenities and other local services. The report concluded at paragraph 10.3 that;

"Therefore, and on balance, whilst it is open for Members to refuse the application under the provisions of ULP Policy S7, it is considered in the light of the current requirement for the Council to identify suitable sites within the district to fulfil its statutory obligation to provide additional market housing to meet a recognised housing shortfall that a policy exception should be made in this case in favour of granting favourable consideration to the development proposed subject to satisfying other relevant policy criteria".

- 10.3 Those other relevant policy criteria related to issues concerning the suitability of proposed access arrangements, impact on residential amenity and whether parking arrangements would be satisfactory.
- 10.4 It is clear from the officer report for UTT/0742/12/OP that there was a need for the Council to set a limited time period in which to receive a subsequent reserved matters application for the proposal were Members mindful to approve the scheme given the site's location and the requirement to bring housing development proposals forward and this was reflected within the wording of Condition 2 of the planning permission for the development limiting such submission to twelve months. However, limitations to one year reserved matters submissions are in the main generally applied by the Council to larger developer schemes where it is evident in this case that the applicant is not a large developer and where it is clear given the personal circumstances put forward by the applicant to vary condition 2 that there could be some difficulty for the applicant to be practically able to submit the reserved matters required within this shortened timeframe.
- 10.5 The comments from the Parish Council and a third party concerning the application are noted where it is the case that the adjacent outline development scheme for land to the rear of Geldards was approved this year subject to a three year submission for reserved matters, notwithstanding that the same justifications for the development in terms of housing need were put forward by the applicant and where this argument similarly carried weight in the planning merits of that proposal. Whilst Officers can sympathise to an extent with the views expressed regarding a certain lack of consistency between the dates of the reserved matters submissions relating to the two respective permissions for these adjacent sites where the planning issues were practically the same, it is additionally considered that it would be difficult to refuse the applicant's request in view of the standard three year time period imposed for submission of reserved matters for Geldards.

11.0 CONCLUSION

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

- It is considered that the personal circumstances put forward by the applicant to extend the time period for submission of reserved matters under UTT/0742/12/OP from 12 months to 36 months (3 years) as sought are sufficiently justified and where this variation would be consistent with the grant of

planning permission and reserved matters requirements for the adjacent residential site at Geldards.

RECOMMENDATION – CONDITIONAL APPROVAL

CONDITIONS

1. Approval of the details of the layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be begun no later than the expiration of 1 year from the date of approval of the last of the Reserved Matters to be approved.
REASON: Permission is granted in this case because the Local Planning Authority cannot demonstrate a sufficient supply of housing building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as banking would make no contribution to delivering new dwellings.
4. 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 details

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)..

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a 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).

6. 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).

7. The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition "retained tree or shrub" means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity.

8. Before development commences, samples of 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. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

9. The plans and particulars submitted in accordance with condition 1 above shall include details of the location and design of the refuse bin and recycling materials storage areas and collection points to and approved in writing by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. 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 thereafter.

REASON: To meet the 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).

10. The plans and particulars submitted in accordance with condition 1 above shall include an accessibility statement/drawing. The details submitted shall set out measures to ensure that the dwellings are accessible to all sectors of the community. The dwellings shall be designed as "Lifetime Homes" and shall be adaptable for wheelchair use. 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 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005). (Policy GEN2).

11. 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 in writing by the applicant and approved by the local planning authority. The development shall be carried out in accordance with the approved programme.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

12. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

13. The parking bays for the communal cart lodge shall have minimum bay dimensions of 5.5 metres by 2.9 metres.

REASON: In order to comply with parking bay requirements as set out in "Parking Standards - Design and Good Practice" (September 2009) published by Essex County Council in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the cart lodge hereby approved shall be retained for the parking of vehicles by the residents of Rose Lane and shall not be converted to another use, including conversion to habitable accommodation or an incidental use for the dwellings hereby approved without the prior approval in writing of the local planning authority.

REASON: To ensure that resident off-street parking is provided as applied for in the interest of highway safety and to avoid the requirement for further buildings for this purpose in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped in the interests of rural amenity in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).

16. Construction works (including deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

17. Prior to the commencement of the development hereby permitted the developer shall submit details showing the provision of:
- a. adequate turning and off-loading facilities for delivery/construction vehicles within the limits of the site
 - b. an appropriate construction access
 - c. an adequate parking area clear of the highway for those employed in developing the site
 - d. wheel/chassis cleaning facilities

The aforementioned provisions shall be provided at commencement of development and maintained during the period of construction. The details shall be submitted to and agreed in writing by the Local Planning Authority and subsequently implemented as approved.

REASON: In the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local plan (adopted 2005).

18. The proposed turning and off-loading facility referred to above shall be properly laid out prior to commencement of the development hereby permitted.

REASON: In the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local plan (adopted 2005).

19. Appropriate signage directing delivery drivers to the construction site, including at the junction of High Street with Rose Lane, shall be prominently displayed and kept so displayed for the duration of the construction works.

REASON: In the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local plan (adopted 2005)..

20. If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c) Regulations 1994) is discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

21. All reasonable steps and precautions to protect pedestrians of Rose Lane, the road surface of Rose Lane and the fabric of those dwellings fronting onto Rose Lane during construction phase of the development hereby permitted shall be taken/observed in accordance with the suggested protection measures as set out in the letter from the Clarke Smith Partnership to Uttlesford District Council dated 16 July 2012 and the letter from Ridgeons to Mr R Bower dated 17 May 2012 submitted with the planning application.

REASON: In the interests of highway/pedestrian safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).