

UTT/12/5198/OP (Newport)

Major

PROPOSAL: Outline proposal for the demolition of existing nursery buildings and former packing shed and erection of up to 23 dwellings with new vehicular access and estate road involving the demolition of an existing frontage bungalow.

LOCATION: Carnation Nurseries, Cambridge Road, Newport.

APPLICANT: Mr & Mrs M Tiejido

AGENT: Wilbraham Associates

EXPIRY DATE: 17 December 2012.

CASE OFFICER: Mr C Theobald

APPLICATION TYPE: MAJOR DWELLINGS

1.0 REPORT SUMMARY

- 1.1 This report updates Members on this outline proposal following the resolution by Members at their meeting on 12 December 2012 to approve this brownfield residential scheme in respect of 17 dwellings subject to a S106 Agreement and seeks a further resolution from Members to grant planning permission for up to 23 dwellings to reflect the original terms of the planning application as originally submitted for the reasons as explained below. A copy of the previous committee report for the proposal is appended for Members' information.
- 1.2 The application form accompanying the original planning application stated that the proposal was for the "Demolition of buildings, residential development and estate road", with all details being reserved apart from access, whilst the submitted details indicated that the proposal would be for a total of up to 23 dwellings. During consideration of the application it was considered by Officers that the indicative site layout showing how 23 dwellings could be accommodated on the site had the potential to compromise amenity standards for occupants of the proposed dwellings and the applicant was requested to reduce the number of dwellings on the site so as to increase these standards and a revised drawing was subsequently submitted showing the site layout reduced to 17 dwellings and this reduction in housing numbers was accordingly amended on the application description. At their subsequent meeting on 12 December 2012, Members considered the officer report (see attached), although the report still carried the description "*Outline proposal for the demolition of existing nursery buildings and former packing shed and erection of 23 dwellings with new vehicular access and estate road involving the demolition of an existing frontage bungalow*". However, Members resolved to approve the scheme with 17 dwellings based upon the revised layout drawing.
- 1.3 Subsequent to the meeting and during the resultant S106 legal process, it was noted by the applicant's agent that it appeared that the application had not been determined in accordance with the original outline application details as submitted, but on a modified description for a lesser amount of dwellings where the revised drawing was intended as

an alternative layout for illustration purposes only to satisfy the requests of the LPA where this had not been formally agreed and where it was stated that this reduction in housing numbers would compromise the commercial viability of the scheme. A subsequent meeting took place between the applicant's agents and Officers when it was agreed that the application proposal as presented to Members on 12 December 2012 should have carried the description "residential development for up to 23 dwellings" rather than for 17 dwellings as shown on the revised drawing which Members considered at their meeting. Officers accept in hindsight that the original description for "up to 23 dwellings" should not have been changed on the application and that the revised drawing showing a reduction to 17 dwellings should have been treated as a layout variant on how a lesser density scheme would have compared to 23 dwellings, but where both layouts were submitted for illustrative purposes only and not prescriptive and where only the principle of development and access fell to be considered with the application given its outline nature.

- 1.4 Given the fact that there was a latter reliance on the 17 dwellings layout by the Parish Council and other third parties based upon the late submission of the revised drawing, it was considered by Officers in the interests of transparency and clarity that there should be a re-notification and re-consultation process to enable further comments to be received on the scheme as originally submitted by the applicant for 23 dwellings and then for the application proposal to be reported back to Members at a subsequent meeting where a further resolution would be required from them in respect of the original number.
- 1.5 It should be noted that a further illustrative drawing has been submitted by the applicant since Members' previous resolution showing how 23 dwellings could be accommodated on the site by way of inclusion of generally smaller dwellings on the site, but by the same means of site access as previously shown (Dwg. 960-NE-01 Rev A dated 22 Aril 2013 refers). For Members' information, the housing layout would comprise the following:
 - 11 x 2 bed semi-detached houses
 - 11 x 3 bed semi-detached houses
 - 1 x 4 bed roomed detached house23 Total.
- 1.6 It should be re-emphasised that this further revised schematic layout is for illustrative purposes only, although it is the opinion of Officers that this scheme represents a layout improvement on the two previous illustrative site layouts submitted.

2.0 SUMMARY OF FURTHER NOTIFICATION / CONSULTATION PROCESS

- 2.1 The Council has received two further consultation responses and one further third party representation following the re-consultation/re-notification process as follows:

ECC Highways:
- 2.2 "I refer to your email dated 29 April 2013 with additional information for the above planning application and wish to advise that the highways authority has nothing further to add to its previous comments dated 17 October 2012".

ECC Education:
- 2.3 "Our comments have not changed since our letter of 25 October 2012".
- 2.4 It should be noted that the Parish Council have not made any further comments following their initial response to the proposal after being re-consulted (see original report).

Third Party representation (details not supplied)

- 2.5 The infrastructure in this area is already at capacity with regular flooding and road congestion. Another 23 houses on this site would impact on quality of life for existing residents. The new dwellings would not be viable in this position. There is no possibility of creating an exit or entrance safely. Approval would be reckless and negligent planning.

3.0 ASSESSMENT

- 3.1 It is considered that the additional revised layout and the additional representation letter received does not raise any additional issues in terms of consideration of the change of use of this redundant nursery site to residential where site access would remain the same and where ECC Highways have made no further comments. Therefore, for the reasons given in the original report to Members (attached), it is considered that the change of use of this site from redundant nursery use to residential use *for up to 23 dwellings* is acceptable in principle at this location where design and layout are matters which would be dealt with at reserved matters stage.

4.0 RECOMMENDATION - AMENDED RESOLUTION FOR APPROVAL

- 4.1 In the light of the procedural reason as explained above as to why this application is being reported back to Members, namely to reflect the terms of the original application submission, Members are requested to issue a new resolution to grant planning permission to the scheme for the following description as originally applied for, namely,

"Demolition of existing buildings, residential development for up to 23 dwellings and estate road"

Subject to the same list of conditions as set out in the original report with the same S106 agreement terms, but subject to the following additional condition:

15. No more than 23 dwellings shall be erected on the site.

REASON: To avoid overdevelopment of the site and to protect the residential amenities of adjoining residents in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).