

UTT/13/2083/FUL (LITTLE CANFIELD)

(MINOR APPLICATION)

PROPOSAL: Variation of condition 2 (Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 12 months from the date of this permission) of planning application UTT/0240/12/OP to extend the time limit to be made not later than 24 months from the date of the outline permission

LOCATION: Stansted Motel and No.2 Hamilton Road, Little Canfield

APPLICANT: Dales Developments

AGENT: Mr Steven Butler

EXPIRY DATE: 24 September 2013

CASE OFFICER: Samantha Wellard

1. NOTATION

1.1 Takeley/Little Canfield Local Policy 3 Priors Green

2. DESCRIPTION OF SITE

2.1 The site is located on the edge of the village of Takeley on the northern side of the Dunmow Road. The site is rectangular in shape occupying an area of some 0.43ha. The site is derelict with existing buildings being situated in the eastern part of the site. The site is mostly overgrown and there is established soft landscaping along the west and north boundaries. There are neighbouring properties to the north, west and south of the site.

3. PROPOSAL

3.1 Outline planning permission was granted under UTT/0240/12/OP for the demolition of the existing structures on the site and the erection of 13 dwellings. Access was considered at the outline stage and all other matters reserved (layout, scale, appearance and landscaping). Condition 2 of permission UTT/0240/12/OP requires that 'Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 12 months from the date of this permission'.

3.2 This application seeks permission to vary condition 2 of UTT/0240/12/OP to extend the time limit to be made not later than 24 months from the date of the outline permission.

4. APPLICANT'S CASE

4.1 Planning Statement dated 29 July 2013. The extant outline consent forms part of the Council's 5 year trajectory because it is anticipated to be delivered in 2017/2018. If the additional 12 months is granted the development is still capable of being delivered in its entirety within the five year period. Here are no overriding constraints to the delivery of development within this timescale. If an extension is not granted the outline consent would expire and the applicant would have to reapply which may result in the scheme being discounted from the Council's 5 year land supply trajectory. The applicant has

provided a statement of intent which confirms they are fully committed to delivering the consented scheme once the boundary issue has been resolved. Information has been provided of the works that have been undertaken to date which relate to the reserved matters application including archaeological scheme, contamination assessment, ecology considerations and arboricultural plans completed.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0240/12/OP (Outline application for) Demolition of motel/restaurant, associated outbuildings and no 2 Hamilton Road. Erection of No. 13 dwellings with associated access. Approved conditionally 03 September 2012.
- 5.2 UTT/1924/08/OP (Outline application for) Demolition and replacement of existing dwelling and demolition of motel, erection of 13 No. Dwellings and alterations to vehicular access – Refused 26 February 2009 and Dismissed at Appeal 28 April 2009
- 5.3 UTT/0930/08/OP (Outline application for) Demolition of existing dwelling and motel, and erection of maximum of 14.No Dwellings with all matters reserved – Refused 24 July 2009
- 5.4 UTT/0929/08/OP (Outline application for) the demolition of existing dwelling and erection of a maximum 7 No. dwellings with all matters reserved – Refused 24 July 2012

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S2: Development limits/Policy Areas for Oakwood Park, Little Dunmow and Priors Green, Takeley/Little Canfield
- Policy GEN1: Access
- Policy GEN2: Design
- Policy GEN3: Flood Protection
- Policy GEN6: Infrastructure Provision to Support Development
- Policy GEN7: Nature Conservation
- Policy GEN9: Vehicle Parking Standards
- Policy ENV10: Noise Sensitive Development
- Policy ENV14: Contaminated Land
- Policy ENV15: Renewable Energy
- Policy H1: Housing Development
- Policy H9: Affordable Housing
- Policy 10: Housing Mix
- Policy Takeley/Little Canfield Local Policy 3 – Priors Green

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Comments awaited. Consultation period expires **3 September 2013**.

8. CONSULTATIONS

- 8.1 None

9. REPRESENTATIONS

- 9.1 The occupiers of 12 neighbouring properties notified via letter. No representations received to date. Period expires 27 August 2013.

10. APPRAISAL

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

A The impact of the extension of the time restriction on the Council's 5 year land supply

- 10.1 The applicant has put forward a statement which shows that with the extension of time for a further 12 months, the application for 13 new dwellings will still count towards the Council's housing figures. The extension of time would not make the 5 year land supply situation any worse and therefore it is considered appropriate for the condition to be varied.
- 10.2 The applicant has also provided information to show that there is full intent to fulfil the works on the site and that technical work and cost has been undertaken so far in order to submit the reserved matters application.

11. CONCLUSION

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

- A The variation of the condition to extend the time for submission of the reserved matters application will not have any adverse impact on the Council's 5 year land supply.

RECOMMENDATION – CONDITIONAL APPROVAL with Unilateral Undertaking agreeing to adhere to the terms contained within the s106 agreement attached to UTT/0240/12/OP dated September 2012

Conditions

1. Approval of the details of the layout, scale, landscaping and appearance (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 24 months from the date that outline planning permission UTT/0240/12/OP was granted (3 September 2012).

REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house 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 it would make no contribution to delivering new dwellings.

3. The development hereby permitted shall be begun no later than the expiration of 12 months from the date of approval of the last of the Reserved Matters to be approved.

REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house 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 it would make no contribution to delivering new dwellings.

4. The plans and particulars submitted in accordance with condition 1 above shall include details of both hard and soft landscape works. The landscaping details submitted for prior approval shall include:-
 - i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. soft landscaping;
 - vii. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
 - viii. proposed and existing functional services above and below ground (e.g. drainage power);
 - ix. communications cables, pipelines etc. indicating lines, manholes, supports;
 - x. retained historic landscape features and proposals for restoration, where relevant;
 - xi. details of all external lighting.

Note: Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, implementation programme.

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 If within a period of 10 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, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 6 The development hereby permitted shall be implemented in accordance with the scheme of mitigation/biodiversity enhancement submitted with permission UTT/0240/12/OP in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

- 7 No removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect roosting birds which use the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

- 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 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 plans and particulars submitted in accordance with condition 1 above shall include a design SAP or SBEM rating of the proposed development carried out by an accredited assessor, 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 ENV15 of the Uttlesford Local Plan (adopted 2005)

- 10 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. The refuse storage and collection facilities 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).

- 11 The plans and particulars submitted in accordance with condition 1 above shall include an accessibility 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).

- 12 The plans and particulars submitted in accordance with condition 1 above shall include a scheme for water efficiency within the development. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources in accordance with Policy ENV15 of the Uttlesford Local Plan (adopted 2005).

- 13 No development shall take place within the area indicated until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing 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)

- 14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters and in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 15 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).

- 16 Prior to any development occurring on site a Ecological Management and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and NPPF.

- 17 The plans and particulars submitted in accordance with condition (1) above shall demonstrate how the permitted development will achieve Secured by Design certification. The details submitted shall cover the seven attributes of the Government publication 'Safer places - The Planning System and Crime Prevention.'

REASON: To ensure a satisfactory form of design where the potential for crime or fear of crime is reduced in accordance with ULP Policy GEN2

- 18 The plans and particulars submitted in accordance with condition (1) above shall include details showing 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 prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway to avoid the formation of ice on the highway in the interest of highway safety in accordance with ULP Policy GEN1.

- 19 The Plans and particulars submitted in accordance with condition (1) above shall include details of the parking provision for cars, cycles and powered two wheelers in accordance with the requirements of the Parking Standards Design and Good Practice guide dated September 2009 unless otherwise agreed in writing by the Local Planning Authority. The parking provision shall be implemented as approved before the building to which it relates is first occupied and shall thereafter be retained.

REASON: In the interests of highway safety, traffic flow and accessibility.

- 20 The number of dwellings to be erected shall be a minimum of 13.

REASON: To ensure the efficient use of the land and because this number of dwellings was the basis for the indicative layout.

- 21 The plans and particulars submitted in accordance with condition (2) above shall include:

a) A plan showing (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter of 75 mm or greater, measured over the bark at a point 1.5m above ground level, showing which trees are to be retained and the crown spread of each retained tree and (ii) the location of hedges to be retained and details of species in each hedge:

b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels, and of the position of any proposed elevation within a distance from any retained tree (or any tree on land adjacent to the site) which is equivalent to half the height of that tree, or within 5 metres of any retained hedge;

e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;

f) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.

In this condition 'retained tree or hedge' means an existing tree or hedge which is to be retained in accordance with the plans referred to in paragraph (a) above.

REASON: The landscaping of this site is required in order to reduce the visual impact and enhance the appearance of the development hereby permitted.

22. The landscaping scheme shall consist of suitable specified for the locality with a preference for native species in accordance with reasonable requirements of the local planning authority. Details of species, sizes, planting centres, number and percentage mix shall be submitted to and be approved in writing by the local planning authority before the development may commence.

REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in the Local Plan.

23. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the approved implementation programme. Any plants which within a period of five years from their programmed implementation 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.

26. The vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5metres, shall be retained at that width for 10metres within the site and shall be provided with 7.5 metre radius and 2 x 2 metre footways.

REASON: To ensure that vehicles can enter and leave the highway in controlled manner in the interest of highway safety In accordance with ULP Policy GEN1

27. Such access to provide visibility splays with dimensions of 2.4 metres by 90 metres to the east and west, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times, Details to be submitted to and agreed with the Local Planning Authority in consultation with Highway Authority.

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 ULP Policy GEN1

28. The provision of parking restrictions on Dunmow Road to prevent vehicles being parked on the carriageway near to the houses fronting Dunmow Road, plots 4 – 9 inclusive. Details to be submitted to and agreed with the Local Planning Authority in consultation with the Highway Authority.

REASON: In the interests of Highway safety In accordance with ULP Policy GEN1

29. Any redundant access width shall be permanently closed to the satisfaction of the local planning authority, incorporating the reinstatement to full height of the highway verge/footway/cycleway/kerbing, to the satisfaction of the highway authority immediately the proposed new access is brought into use.

REASON: to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety In accordance with ULP Policy GEN1

30. Prior to commencement of the development details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: to ensure roads/footways are constructed to an appropriate standard in the interest of highways safety, efficiency and accessibility In accordance with ULP Policy GEN1.