

**UTT/14/0481/FUL - (LITTLE CANFIELD)**

(MINOR)

**PROPOSAL:** Variation of condition 5 (use of renewable/low carbon energy technologies) of planning permission UTT/1398/11/FUL (erection of 7 dwellings and associated infrastructure) to remove all reference to 10 % renewable, and variation of condition 2 (The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans) of UTT/1398/11/FUL approved 04/05/2012. To be varied to refer to revised site layout showing amended location for double garage to plot 7 and two visitor parking spaces.

**LOCATION:** Land adjacent to Warwick Road, Warwick Road, Little Canfield,

**APPLICANT:** Mr O Hookaway

**AGENT:** Go Planning Ltd

**EXPIRY DATE:** 17<sup>th</sup> April 2014

**CASE OFFICER:** Madeleine Jones

---

**1. NOTATION**

1.1 Within Development Limits/Takeley/Little Canfield Local Policy 3 – Priors Green.

**2. DESCRIPTION OF SITE**

2.1 The application site is an island site within the Prior's Green development. It is located to the north of the spine road, known as Stokes Road at this point, and to the east of Warwick Road (north), where it becomes a track serving The Nest and Gamecards Cottage. The site is 0.3 hectare in size and works have commenced in relation to the previous approved scheme. The site is relatively flat with a slight fall from the northwest corner to the southeast corner. All the trees within the site have been felled. There is a hurdle fence to the boundary with Warwick Road. The Nest lies to the north, modern residential development forming part of the Prior's Green development lie to the east and south. To the west is a further overgrown site to the south of Gamecards. Previous planning permission UTT/1398/11/FUL has been implemented. The foundations for the garages serving plot 7 have been erected in the incorrect position as indicated on plans that were superseded, rather than the revised plans that were approved in relation to UTT/1398/11/FUL

**3. PROPOSAL**

Variation of condition 5 (use of renewable/low carbon energy technologies) of planning permission UTT/1398/11/FUL (erection of 7 dwellings and associated infrastructure) to remove all reference to 10 % renewable, and variation of condition 2 (The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans) of UTT/1398/11/FUL approved

04/05/2012.To be varied to refer to revised site layout showing amended location for double garage to plot 7 and two visitor parking spaces.

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

4.1 None

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

5.1 UTT/ UTT/2125/07/OP: Outline application for 14 no 2 storey dwellings (including layout, scale and access) on land adjoining Penarth and Gamegard Cottages, Warwick Road, Little Canfield. Withdrawn.

5.2 UTT/1310/07/OP: Outline application for erection of 11 no terraced dwellings with associated garages and car parking with all matters reserved on land adjoining Penarth, Warwick Road, Little Canfield. Withdrawn.

5.3 UTT/1398/FUL: Erection of 7 dwellings and Associated Infrastructure. Conditional Approval

5.4 UTT/13/2884/FUL: Variation of condition 5 (use of renewable/low carbon energy technologies) of planning permission UTT/1398/11/FUL (erection of 7 dwellings and associated infrastructure) to remove all reference to 10% renewables. Conditional Approval subject to S106 obligation.

#### **6. POLICIES**

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

- National Planning Policy Framework

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

- Policy S3
- Policy S6
- Policy H4
- Policy GEN2
- Policy GEN1
- Policy GEN8
- Policy GEN7

##### **Supplementary Planning Documents:**

- Energy Efficiency and Renewable Energy has been adopted (October 2007)
- Essex County Council Parking standards have been adopted (January 2010)
- Accessible Homes and Playspace (November 2005)
- Takeley/Little Canfield Local Policy 3- Prior Green (The "Island" Sites)

#### **7. PARISH/TOWN COUNCIL COMMENTS**

7.1 No objections.

#### **8. CONSULTATIONS**

**ECC Highways**

- 8.1 The Highway Authority has no objections to the proposal as shown in principle on Drawing No. 2010-136-102 as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **ECC Archaeology**

- 8.2 This application previously had a full archaeological condition attached. This work has been completed with no archaeological deposits identified. Therefore, no archaeological recommendations are being made on this application.

## **9. REPRESENTATIONS**

- 9.1 No representations have been received. Expiry date 17<sup>th</sup> March 2014

## **10.0 APPRAISAL**

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

- A Whether it is acceptable to vary the condition 5 to remove all reference to 10% renewables.
- B Whether it is acceptable to vary condition 2 in respect of the amended location of the double garage to plot 7.

### **A Whether it is acceptable to vary the condition 5 to remove all reference to 10% renewables**

- 10.1 The consideration of this application is whether it is acceptable to vary the condition in order to allow all reference to 10% renewables to be removed from condition 5 relating to planning permission UTT/1398/11/FUL. Consent was granted in May 2013.

Under planning permission UTT/1398/11/FUL Condition 5 was attached to that approval which stated:

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

This has already previously been considered under UTT/13/2884/FUL by the committee in December 2013 where it was deemed acceptable to vary the condition. There are no material considerations to change this decision.

**B Whether it is acceptable to vary condition 2 in respect of the amended location of the double garage to plot 7**

10.2 Under planning permission UTT/1398/11/FUL Condition 2 was attached to that approval which stated:

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

Under UTT/13/2884/FUL revised plans were required to change the position of the garage and parking spaces relating to plot 7 (due to their position in relation to an existing bus stop). The two visitor spaces were also repositioned further south on the new road at right angles to Stokes Road. Development has commenced on site and the foundations to the garages for plot 7 have been positioned in accordance to the superseded plans Dwg No: 2010-136-002 dated 8<sup>th</sup> February 2011 REV A rather than the approved revised plans 2010 - ###-### REV A. dated 9<sup>th</sup> August 2011.

Essex Highways have agreed to the minor works needed to the repositioning of the bus stop to facilitate the relocation of the garages to plot 7. The repositioning of the bus stop can be dealt with in the Countryside Properties section 38 agreement for development off Stokes Road, Priors Green Development. An email from the applicant's solicitors also confirms that this can be achieved if required by Highways.

The plans submitted show the access to the garages to plot 7 repositioned further west and the visitor parking positions further north than previously approved. In view of Essex County Councils Highways having no objections, it is considered that these variations are acceptable.

**12.0 CONCLUSION**

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

- A The variation to condition 5 has already been agreed to be acceptable under planning application UTT/13/2884/FUL and as such the proposal is acceptable.
- B Essex County Council Highways department have no objection to the revised plans and therefore it is considered to be acceptable to vary the location of the double garage to plot 7 and two visitor parking spaces..

**RECOMMENDATION – CONDITIONAL APPROVAL and S106 LEGAL OBLIGATION REQUIRING CONTRIBUTIONS IN ACCORDANCE WITH THE TAKELEY/LITTLE CANFIELD SPG**

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**

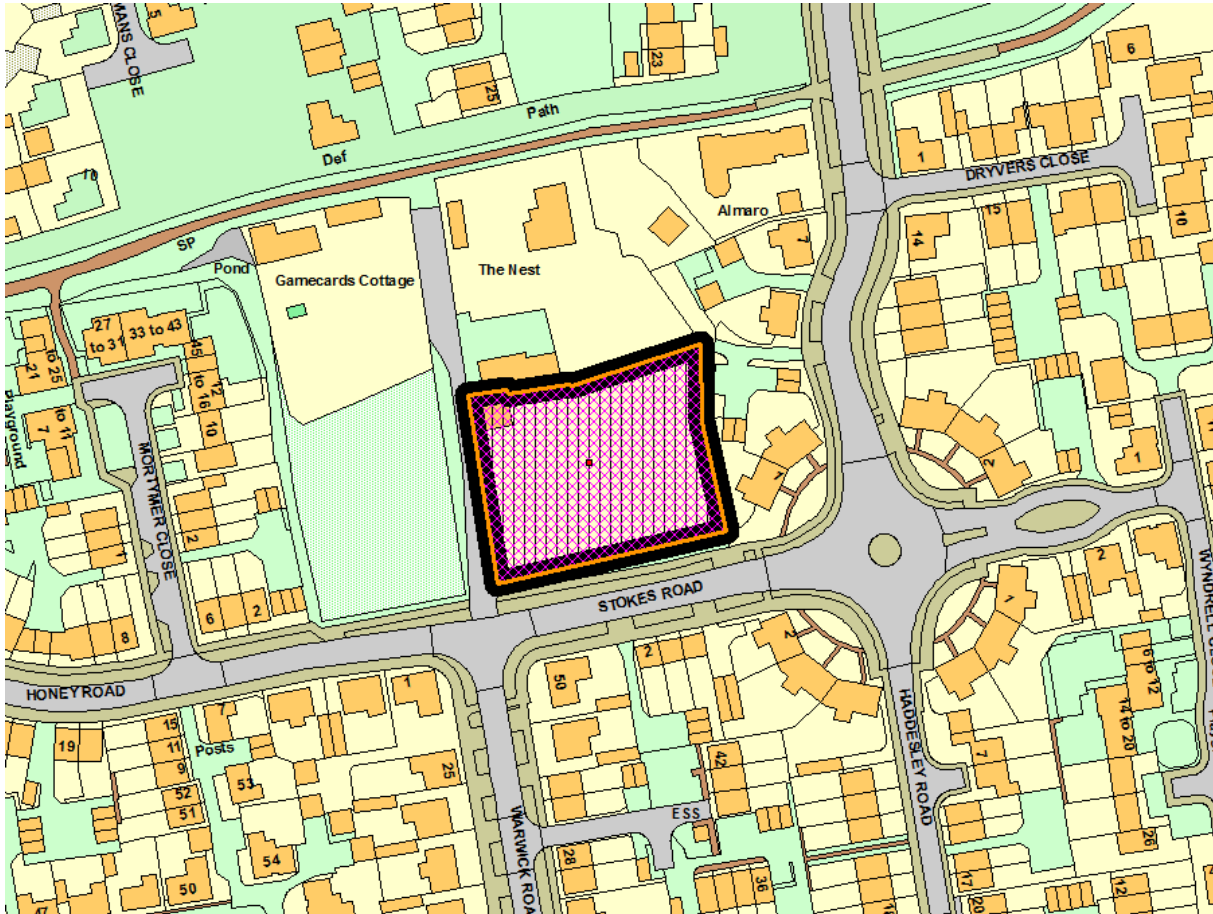
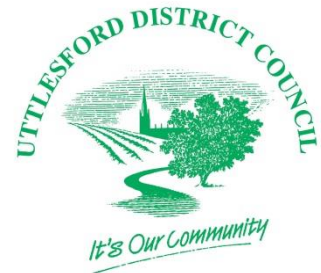
- (i) **Payment of Island Sites financial contribution**
  - (ii) **Payment of monitoring fee**
  - (iii) **Pay Councils reasonable costs**
- (II) **In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below**
- (III) **If the freehold owner shall fail to enter into such an obligation by 30<sup>th</sup> June 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**
  - (i) **Payment of Island Sites financial contribution**

Conditions/reasons

To be reported.

Application no.: UTT/14/0481/FUL

Address: Land Adjacent To Warwick Road Little Canfield



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office© Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Organisation: Uttlesford District Council  
Department: Planning  
Date: 25 April 2014

SLA Number: 100018688