

UTT/14/1819/FUL (Little Canfield)

(Major Application)

PROPOSAL: Demolition of former motel/restaurant, associated outbuildings and No. 2 Hamilton Road. Erection of 13 dwellings with associated access off Dunmow Road.

LOCATION: Stansted Motel and 2 Hamilton Road, Little Canfield

APPLICANT: Bushmead Homes Ltd

AGENT: Cerda Planning Ltd

EXPIRY DATE: 13 October 2014

CASE OFFICER: Ann Howells

1. NOTATION

- 1.1 Takeley Local Plan 3
- 1.2 Takeley 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, with the longest side adjacent to the main road. The site occupies an area measuring 0.43ha. The existing buildings within the eastern part of the site form the Motel/restaurant and are single storey and flat roofed and are set back from the road to allow parking for some 20 cars. The rest of the site is overgrown with a few single storey shed/greenhouse type buildings and a detached bungalow to the north western corner of the site. There are neighbouring properties to the north, west and south of the site. There is an established landscape boundary of trees and shrubs along the western boundary of trees and shrubs and the majority of the northern boundary.

3. PROPOSAL

- 3.1 The application is for full planning permission for 13 no, dwellings with a mix of 2, 3, 4 and 5 bedrooms – detached and semi-detached.

3.2

Plot	No. of Bedrooms	Garage size if applicable (approx.)	Garden Sizes (Sqm)	Parking Schedule (spaces)	1/1.5/2/2.5 storey
1	4	6.375 x 7.29m	95sqm	2 + double garage	2
2	4	3.15m x 7.2m	110sqm	2 + garage	2
3	4	3.15m x 7.2m	169sqm	2 + garage	2
4	4	3.1m x 7.3m	110sqm	2 + garage	2
5	2		55sqm	2	2
6	3		57sqm	2	2
7	3		63sqm	2	2
8	2		55sqm	2	2
9	4		98sqm	3	2
10	4	3.15m x 7.2m	77sqm	2 + garage	2
11	2		81sqm	2	2
12	5	3.15m x 7.2m	188sqm	2 + garage	2
13	4	3.2m x 7.2m	95sqm	2 + garage	2

3.3 The development includes railings onto Thornton Road/Hamilton Road/Stortford/Dunmow Road with soft landscaping behind providing an area of defensible space which is both green and attractive.

3.4 There is a single vehicular access proposed directly off Stortford Road in accordance with previously approved outline permission.

4. APPLICANT'S CASE

4.1 The development has been designed in such a way that it sensitively contributes to the existing residential neighbourhood and addresses the need for new quality housing. Furthermore it takes into account the previous planning history and planning policy to provide a high quality cohesive scheme that enhances the surrounding environment.

5. RELEVANT SITE HISTORY

5.1 UTT/13/2083/FUL - 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 – Approved with conditions 13 September 2014.

5.2 UTT/0240/12/OP - Demolition of motel/restaurant, associated outbuildings and no 2 Hamilton Road. Erection of No. 13 dwellings with associated access – Approved with conditions 03 September 2012.

5.3 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.

5.4 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.

- 5.5 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

Uttlesford District Local Plan 2005

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

6.5 Supplementary Planning Guidance

- SPD2 Accessible Homes and Playspace
- SPD4 Energy Efficiency and Renewable Energy
- Essex Design Guide
- ECC Parking Standard (Design & Good Practice) September 2009
- Uttlesford Local Parking Standards

7. PARISH COUNCIL COMMENTS

- 7.1 No objection

8. CONSULTATIONS

Environment Agency

- 8.1 The site is less than 1ha in Flood Zone 1 and surface water management is therefore a matter for the lead local flood authority. We would advise that if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

SuDs Approval Body

- 8.2 Unfortunately, at the moment we are only providing comments on sites over 1ha, where SuDs are proposed.

Thames Water

- 8.3 Waste Comments:

Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

- 8.4 Surface Water Drainage:

With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

- 8.5 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

Natural England

- 8.6 Statutory nature conservation sites – no objection

- 8.7 Protected Species – we have not assessed this application and associated documents for impacts on protected species.

ECC Highways

- 8.8 The Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No. B5806/PL/02/Rev A subject to conditions.

ECC Education

- 8.9 Request that a s106 agreement be entered into including a contribution towards additional education provision.

Affordable Housing

- 8.10 The scheme was agreed prior to the 2012 – 2015 Affordable Housing Strategy and therefore there is no requirement for affordable housing on this scheme.

Lifetime Homes/Accessibility

- 8.11 Plot 3 House type F WC does not meet Lifetime Home requirements. In addition which property will meet Wheelchair Accessible Standard?

- 8.12 Following the above comments being received the applicant submitted a revised drawing which updated the WC on the ground floor to meet Lifetime Home requirements and made the Wheelchair accessible information more pronounced.

ECC Ecology

8.13 No objections subject to informatives regarding bats and nesting birds.

9 NEIGHBOUR REPRESENTATIONS

9.1 Two neighbour responses have been received:

Object – overlooking

Strong temptation for residents and visitors to plots 1 - 3 facing Hamilton Road to park in Hamilton Road for quick access.

10 APPRAISAL

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

- A Principle of development (ULP Policy S2) and National Policy in NPPF
- B Highway matters (ULP Policy GEN1 and ECC Parking Standards including Local Adopted Parking Standards)
- C Design and Scale
- D Legal Agreements
- E Biodiversity
- F Other matters –
 - neighbouring amenity;

A Principle of development (ULP Policy S2) and the National Planning Policy Framework

- 10.1 When the extant outline permission for 13 dwellings (UTT/0240/12/OP) was granted September 2012, there was an absence of a five year housing land supply. In such circumstances paragraph 49 of the NPPF would have applied and this contains a presumption in favour of sustainable development which is assessed as objectively meeting the needs of the community unless any adverse impacts significantly and demonstrably outweigh the benefits.
- 10.2 However, notwithstanding the emerging Development Plan this Authority has recently achieved a five year land supply which together with the limited weight that continues to be given to local plan policies, where they remain compatible with the NPPF, is now a material consideration to the determination of this application.
- 10.3 As previously mentioned, the principle of residential development on this site was established by grant of an outline permission UTT/0240/12/OP, approved 3 September 2012, for the *'Demolition of motel/restaurant, associated outbuildings and no 2 Hamilton Road. Erection of No. 13 dwellings with associated access.'* The current application remains remarkably similar in terms of layout and position of the access, landscaping and physical relationship in respect of surroundings to that shown in the indicative layout provided for the approved application UTT/0240/12/OP
- 10.4 Though a five year land supply has now been established the proposal would still need to be considered in terms of paragraph 14 of the NPPF in respect of the presumption in favour of sustainable development. In this vein, paragraphs 54 and 55 of the NPPF in

turn supports the principle of sustainable residential development in rural communities where the development would serve to enhance and maintain the vitality of rural communities by the support of local services.

B Vehicular Access and parking

- 10.5 The development would include the formation of a new access onto Stortford Road. The access would have a visibility splay of 2.4metres x 90metres. A footpath will be provided along the front of the site (within the highway boundary) to enable pedestrian access into the site.
- 10.6 Essex County Highways has not raised any objection to the proposal subject to conditions relating to highway safety. Including a provision of parking restrictions on Stortford Road.
- 10.7 Concerns from a neighbouring property regarding on road parking for easy access to certain plots is noted. To ensure that this is prevented a 1.1metre ball topped metal railings is proposed although the application states that access gates will be available where required. A condition should be included if the proposal is acceptable to ensure there are no gates along Hamilton Road/Thornton Road or Stortford Road which will allow direct access onto the highway.
- 10.8 The proposed parking exceeds that required by the adopted parking Standards. All proposed garages meet the requirements of the adopted standards and the proposal provides a minimum of two spaces per dwelling with an additional four spaces allocated for visitor parking.

C Design and Scale

- 10.9 The site itself is surrounded by residential development. The recent Priors Green development of approx. 720 dwellings and infrastructure is to the west and north of the site, whilst towards the east the site there is a couple of substantial residential plots followed by a public house and then open countryside. The dwellings surrounding this development site are predominantly two storey residential dwellings.
- 10.10 Design of the dwellings themselves have taken into consideration the surrounding development and appear to complement the existing area. External wall finishes would consist of dwellings either being finished in cream/white render or red stock brick wall finish with slate or concrete plain tiles all serving to match and therefore integrate into the local built form.
- 10.11 Provision of rear curtilages provided would be more than sufficient to meet the Essex Design Guide (EDG) on amenity space in respect of the size of dwellings and, sufficient off street parking would be provided again in compliance with the EDG. Overall, the building design, scale and layout would be commensurate with its setting within the village streetscene and comply with the requirements of GEN2 of the Local Plan and, with appropriate conditions with Policy GEN1 with regard the prevention of parking on the existing highways and potentially blocking access.
- 10.12 With regards to Lifetime Home Standards, each dwelling has been designed to include adaptability for wheelchair accessibility – if the need arises and meet the requirement of Lifetime Homes Standard.

D Legal Agreements

10.13 As previously stated the site has an extant permission for 13 dwellings which was prior to the Affordable Housing Strategy 2012 – 2015 and therefore a contribution is not being sought. The applicants could submit an application for details following outline permission and this would not be required.

10.14 In addition the previously signed s106 Legal Agreement attached to UTT/0240/12/OP dated 3 September 2012 will be transferred to any permission by way of a Unilateral Undertaking/s106.

E Biodiversity

10.15 Policy GEN7 of the Local Plan supports the aims of Section 11 of the NPPF (Conserving and Enhancing the Natural Environment) in the avoidance of adverse impacts upon and remediating land where appropriate. Both Government guidance and local policy require, in respect of protected species, that measures to mitigate and/or compensate for the potential impacts of development must be secured.

10.16 The application is supported by a number of surveys and studies into ecology and biodiversity.

10.17 ECC Ecologists have no objection subject to informatives regarding bats and nesting birds.

F Other matters – overlooking;

10.18 A neighbour is concerned that overlooking can occur from two properties. The distances between the new build and the existing dwelling are approximately 35 – 45 metres. Plot 9 is set forward of the neighbouring dwelling whilst Plots 10 and 11 are set back. The neighbouring property has mature planting along the western boundary and at the separation between the dwellings there should not be any material overlooking.

11 CONCLUSION

A The principle has been previously accepted for this site for 13 dwellings and notwithstanding the current achievement of a five year land supply this figure is constantly under review and, as such, there is an ongoing requirement for the Council to continue to identify additional appropriate sites for housing within the district to meet its current and future housing shortfall.

B ECC Highways have raised no objection to the proposal (subject to conditions) and the concern of the neighbouring residents has been noted and a condition can be attached to any permission restricting gates or entrances through the metal railings.

C The design and scale of the surrounding area has been taken into consideration and been included in the proposal. Therefore the proposal is acceptable.

D A Unilateral Undertaking/s106 will ensure that Education contributions are secured for this development.

E Biodiversity – a simple condition can be attached to any permission to set the parameters

F Overlooking – taking into consideration the distance and angle between the proposed development and existing property it is unlikely to create any overlooking issues.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

(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 freeholder 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) secure contributions towards education**
- (ii) pay Council reasonable legal costs**
- (iii) pay monitoring 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 10 October 2014 by the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) Lack of contributions towards education**

Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans and submitted documents as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 3 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).

- 4 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).

- 5 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).

- 6 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

- 7 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.

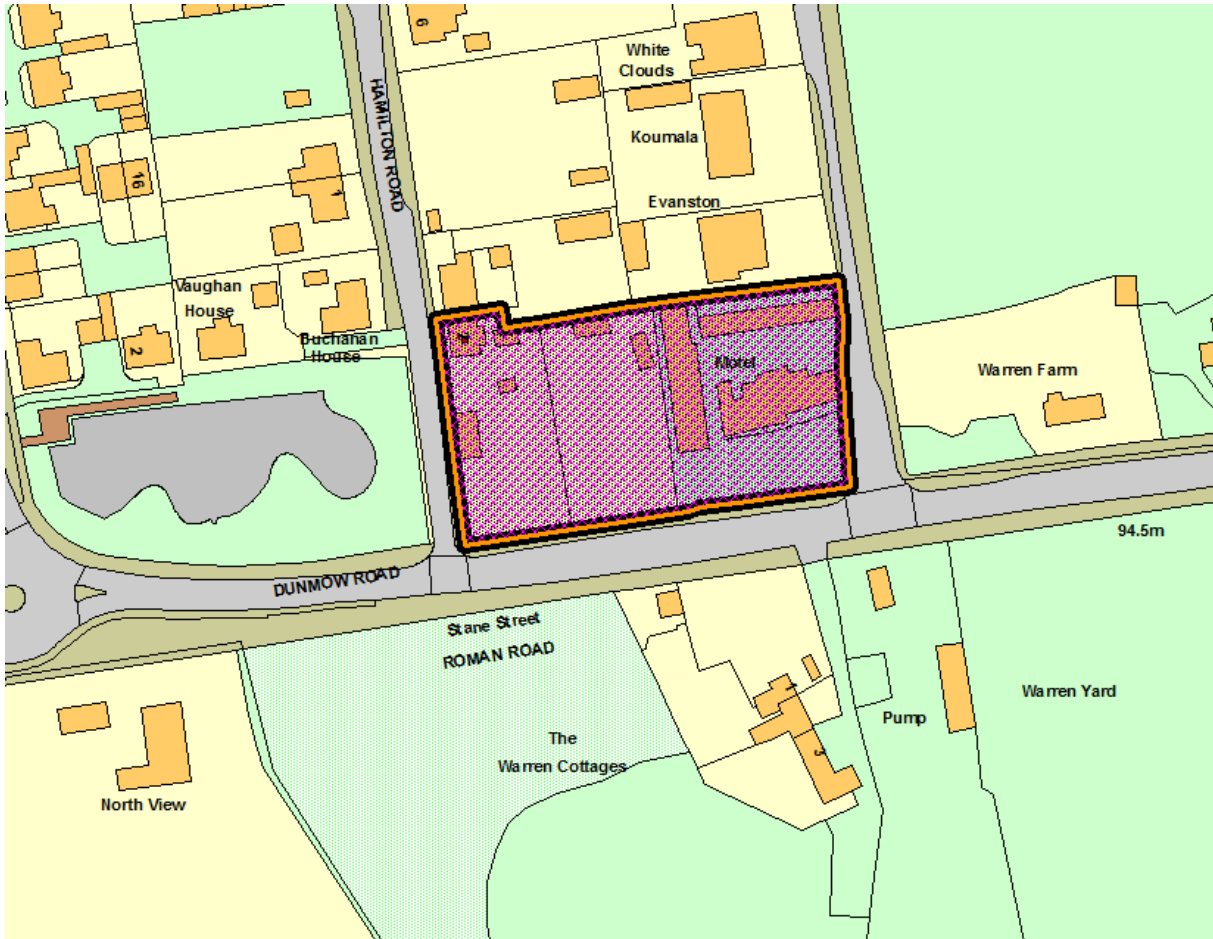
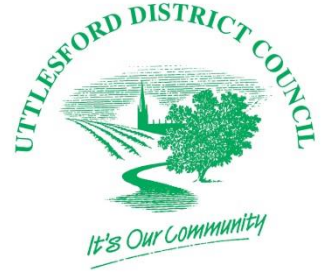
REASON: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access In accordance with ULP Policy GEN1.

- 8 The metal railings to the front of Plots 1, 2 and 3 fronting Hamilton Road; Plots 10 and 11 fronting Thornton Road and Plots 4, 5, 6, 7, 8 and 9 fronting Stortford Road shall not have access gates which give direct access on to the aforementioned Roads. This is to prevent vehicles being parked on the carriageway near to the houses and potentially creating a safety hazard.

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

Application no.: UTT/14/1819/FUL

Address: Stansted Motel And 2 Hamilton Road
Little Canfield
Dunmow



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Organisation: Uttlesford District Council

Department: Planning

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