

Committee: Planning

Agenda Item

Date: 29 April 2015

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Title: Land North of Stansted Road, Elsenham -
LPA ref UTT/14/3279/DFO

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Item for decision

**Assistant Director Planning and Building
Control**

Summary

1. Members will recall that this application was reported to Planning Committee on 11 March 2015, members resolved to refuse planning permission. The matter was reported back to Planning Committee on 8 April 2015, to clarify the decision. Members deferred the matter so a transcript of the debate at the 11 March 2015 could be produced and considered.
2. The Report to Planning Committees of 11 March 2015 and 8 April 2015 are appended as Appendices A and B. The transcript of the Committee is appended as Appendix C.
3. The purpose of this report is:
 - a. Clarify/confirm the reason(s) for refusal
 - b. To consider submissions by the developer in response to the emerging refusal reason

Recommendations

4. It is recommended that the reasons for refusal be confirmed and noted as:
 - A. The proposed development would result in a poor design and location of the vehicular access point from Stansted Road being in close proximity to a neighbouring residential property at Hillcroft, and therefore creating a harmful impact through noise and disturbance to residential amenity. This would be contrary to policies GEN1 and GEN2 of the Uttlesford Local Plan 2005.**
 - B. The proposed development would result in a poor layout of design through the use of garage courts for some of the parking provision. This would be contrary to policy GEN2 of the Uttlesford Local Plan 2005.**
5. It is further recommended that members consider the application in light of the resubmitted plans attempting to address the above refusal reasons, and that the application be **APPROVED** subject to conditions recommended on the report to Planning Committee dated 11 March 2015 (Appended as Appendix A)

Financial Implications

6. None. There are no costs associated with the recommendation.

Background Papers

Planning Application Reference UTT/14/3279/DFO

Reports to Planning Committee 11 February 2015, 11 March 2015 and 8 April 2015.

Impact

- 7.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Elsenham
Workforce/Workplace	None

Situation

8. The matter was considered at Planning Committee on 11 March 2015. The officer's report to this Committee is appended as Appendix A. At this Committee members resolved to refuse planning permission for reasons of GEN1 and GEN2 of the Uttlesford Local Plan 2005.
9. The precise reason and wording of the refusal was left unclear and the purposes of this report are to clarify and confirm the agreed refusal reason(s) Following the deferral of the matter from Planning Committee on 8 April 2015 members requested that a transcript of the meeting of 11 March 2015 be prepared, this is appended as Appendix C.
10. The transcript has been reviewed and following the debate, resolution and subsequent input from officers at the meeting of 11 March 2015; it is considered that potential refusal reasons could be worded as set out in paragraph 4 above.

Response from Applicant

11. In response to the resolution from Planning Committee on 11 March 2015, the applicant has responded to what is now considered Refusal Reason 1 of 2. In an attempt to address this emerging reason for refusal, they have submitted

revised plans. It should be noted that the Local Planning Authority is not obliged to consider revised submission following a resolution by Planning Committee. However, considering that the submission addresses a reason for refusal officers considered it prudent to consider the submissions and report these to Planning Committee.

12. The applicant has provided an amended plan which proposes the relocation of the access 2.2 metres to the east of the previously siting. From discussions with the Local Highway Authority in order to retain adequate visibility splays (53.62 metre to the east and 90 metres to the west). If the access was moved any further to the east it is considered that this would likely compromise the level of visibility achieved. Elsenham Parish Council, the occupier of Hillcroft and the Local Highway Authority have all been reconsulted on this proposed repositioning of the access.
13. In response to concerns raised by members regarding the lack of clarity as to whether the proposed layout could accommodate sufficiently the Council's Refuse Vehicles, a tracking plan has been provided which adequately demonstrates compliance.

Consideration of Suggested Refusal Reason 2

14. Prior to the resolution to refuse for reasons of poor layout; matters related to car parking, garden sizes and the use of garage courts were raised around design issues. It was stated at the meeting, and reiterated here that the planning application fully complies with the Uttlesford Car Parking Standards with respect of numbers (including visitors car parking) and the size of spaces. All plots fully comply with the garden sizes within the Essex Design Guide. Members were advised at the meeting of 11 March 2015 that to pursue a refusal on the basis would be unreasonable and untenable.
15. It is accepted that historically, Planning Committee have been resistant to the use of Garage Courts. It must be highlighted that there is no policy basis for such a stance. Conversely, the Essex Design Guide advocates the use of garage courts. It is considered that any refusal based solely on this issue would be very difficult to sustain on appeal.

Conclusions

16. The applicant has responded to the emerging Refusal Reason 1 of this application, by repositioning the access as far from the property Hillcroft as is possible without compromising vehicle visibility. Officers consider that the applicant has suitably addressed Refusal Reason 1.
17. Officers consider that notwithstanding the decision on Refusal Reason 1, Refusal Reason 2 could not be sustained on appeal.