

Committee:	Planning	Agenda Item
Date:	8 April 2015	5
Title:	RE: Land North of Stansted Road, Elsenham - LPA ref UTT/14/3279/DFO	
Author:	Nigel Brown Development Manager	Item for decision

Summary

1. Members will recall that this application was reported to Planning Committee on 11 March 2015. Members resolved to refuse planning permission.
2. The purpose of this report is:
 - a. Clarify/Confirm the resolution from the Planning Committee
 - b. Clarify/Confirm the reason(s) for refusal
 - c. To consider submissions by the developer in response to the emerging refusal reason

Recommendations

1. It is recommended that the reason for refusal be confirmed and noted as:

The proposed development, particular that of the main vehicle access point leading onto Stansted Road, would as a result of its poor design and siting, not take into account the necessary mitigation measures to minimise the environmental impact such as noise and disturbance, dust and fumes towards the occupiers of the property known as Hillcroft. The proposal would therefore result in detrimental harm to the amenities of the adjoining occupiers contrary to local policy GEN2 of the Uttlesford District Adopted Local Plan

2. It is further recommended that members consider the application in light of the resubmitted plans attempting to address the above refusal reason, 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

3. 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.

Impact

4.

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

Situation

5. 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 & GEN2 of the Uttlesford Local Plan 2005.
6. The precise reason and wording of the refusal was left unclear from Planning Committee and the purposes of this report are to clarify and confirm the agreed refusal reason.
7. The recollection of officers from the meeting was the thrust for the resolution to refuse was based mainly and possibly solely upon the proposed proximity of the proposed access road to the property, Hill Croft, Stansted Road Elsenham. On this basis the wording of the refusal reason is suggested to be:

The proposed development, particular that of the main vehicle access point leading onto Stansted Road, would as a result of its poor design and siting, not taken into account the necessary mitigation measures to minimise the environmental impact such as noise and disturbance, dust and fumes towards the occupiers of the property known as Hillcroft. The proposal would therefore result in detrimental harm to the amenities of

the adjoining occupiers contrary to local policy GEN2 of the Uttlesford District Adopted Local Plan

8. Members will note that the suggested refusal reason only includes reference to GEN2, and not GEN1 that was part of the resolution to refuse planning permission. It should be emphasised that the GEN1 is a totally technical policy and it would be very difficult to sustain a refusal on GEN1, where the Local Highway Authority raises no objection. To do so could seriously leave the Council open to an award of costs at any subsequent appeal.

Response from Applicant

9. In response to the resolution from Planning Committee on 11 March 2015, the applicant has responded to what it considers the sole reason for refusal. In an attempt to address the emerging reason for refusal, they have submitted revised plans. It should be noted that the Local Planning Authority is not obliged to consider a revised submission following a resolution by Planning Committee. However, considering this appears to be an attempt to address a sole reason for refusal officers consider it prudent to consider them and report these to Planning Committee.
10. The applicant has provided an amended plan which proposes the relocation of the access 2.2 metres to the east of the previously stated siting. From discussions with the Local Highway Authority in order to retain adequate visibility splays (53.62 metres 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 Hill Croft and the Local Highway Authority have all been consulted on this proposed repositioning of the access, and any comments will be reported to the meeting.
11. 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.

Conclusions

12. It is considered that the sole reason for refusal from Committee on 11 March 2015 related to the relationship between the proposed access and the residential property, Hillcroft.
13. The applicant has responded to the emerging refusal of this application, by repositioning the access as far from the property Hillcroft as is possible without compromising vehicle visibility.
14. Officers consider that the applicant has suitably addressed the emerging refusal reason and the application should be approved.