

UTT/16/2436/FUL – (FELSTED)

(Minor)

PROPOSAL: Variation of condition 2 (Landscaping) of UTT/15/1615/DFO to "All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no PR029.01G. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development 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."

LOCATION: Former Dunmow Skips Site, Station Road, Felsted

APPLICANT: Persimmon

AGENT: Mr W Vote – Persimmon

EXPIRY DATE: 16 January 2017

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located to the north of the Flitch Green estate on the western side of Station Road. It covers an area of 1.09ha and formerly comprised a pair of semi-detached cottages on the northern third of the site with the remaining two thirds formerly used as a waste transfer station. There were some structures on the site which were used as part of the previous use. The waste transfer activities have now been relocated to Chelmsford and the site is vacant and has now been cleared and the residential development is significantly advanced.

3. PROPOSAL

3.1 The proposal relates to the variation of condition 2 which specified that the landscaping works shall be carried out in accordance with the details on plan no PR029.01B. Due to the removal of existing landscaping along the boundaries of the site a revised landscaping scheme has been prepared on drawing no. PR029.01G and as such the drawing number referred to in condition 2 needs to be amended.

4. APPLICANT'S CASE

- 4.1 This application seeks to vary the drawing number referred to in Condition 2 from "PR029.01B" to "PR029.01G". Whilst the landscaping works identified in Condition 2 can still be implemented as approved, a change is sought to show the arrangement and species of landscaping along the site perimeter. Such detail was absent in approved drawing PR029.01B. This landscaping detail is now proposed in drawing no. PR029.01G and shows the re-provision of a hedgerow along the site perimeter.
- 4.2 The site originally included a hedgerow along the site boundary, which has since been removed. The hedgerow was removed to allow the construction of a retaining wall near this boundary, which was also approved as part of the planning application. The previously submitted "Arboricultural Method Statement" (dated September 2015) identified the hedgerow as of "low quality" and also unmaintained and sporadic. However, it did also identify that it provided valuable screening. This now presents an opportunity to provide an unbroken hedgerow of higher quality than previously existed and to reinstate a visual screen; the details of which are submitted with this application.

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/1615/DFO: Details following outline application UTT/13/2340/OP (outline application for removal of existing earth bunds; demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site; and erection of 40 dwellings with associated access, parking and garaging and provision of public open space) – details of appearance, landscaping, layout and scale – Approved 30 July 2015.
- 5.2 UTT/14/3675/DFO: Details following outline application UTT/13/2340/OP (outline application for removal of existing earth bunds; demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site; and erection of 40 dwellings with associated access, parking and garaging and provision of public open space) – Refused 1 May 2015 on grounds of cramped layout, lack of play facilities, insufficient boundary screening and lack of visitor parking.
- 5.3 UTT/13/2340/OP: Removal of existing earth bunds and demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site. Outline application for the erection of 40 dwellings with associated access, parking and garaging and provision of public open space. All matters reserved except access – Approved subject to S106 27 October 2014.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- S7 – Countryside
- GEN2 - Design

7. PARISH COUNCIL COMMENTS

- 7.1 From the original plan that Persimmon was granted planning permission for the Oak tree remains, but ALL other hedges have been removed contrary to the said permission. Having removed all of the well-established hedges H13, H14 and H15, which screened the site and blended in with the landscape they have then applied for a variation of the plan.
- 7.2 Having previously complained to UDC about the removal of the hedges and trees we were assured that they would be replanted like for like. Nearby residents are extremely frustrated and angry that this has been allowed to happen.
- 7.3 One of our residents has protested to the site manager, who says they will erect a fence. This is NOT an acceptable alternative to the mature mixed hedging which has been deliberately removed prior to seeking the variation.
- 7.4 The Parish Council supports its residents in demanding the replanting at once, to give the best chance of re-establishing a sympathetic screen.

8. CONSULTATIONS

ECC Highways

- 8.1 From a highways and transportation perspective the Highway Authority has no comments to make to this proposal 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.

Landscape Officer

- 8.2 (Verbal comments): The landscaping details as shown on drawing PR029.01G are acceptable.

9. REPRESENTATIONS

- 9.1 This application has been advertised and two letters of representation have been received. Notification period expired 22 November 2016.
- 9.2
- Support variation although still consider development too large
 - Site was originally surrounded by trees, which sheltered the area, stabilised the soil and provided screening
 - Removed with consent of UDC
 - Please conserve our trees and hedges and ensure that contractors stick to what has been agreed and maintain the planting going forward
 - Existing planting should not have been removed in the first place
 - Leaving planting till all the houses are occupied or completion of development is rather vague as to when the planting will actually take place
 - Protection of the existing boundary screening was a fundamental element of the development of this site

10. APPRAISAL

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

A Whether it would be justifiable in policy terms to vary Condition 2 of UTT/15/1615/DFO (NPPF; ULP Policies S7, GEN2)

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10.1 The Planning Practice Guidance states that, *“In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.”* (Paragraph: 031 Reference ID: 21a-031-20140306)

10.2 Paragraph 206 of the NPPF states that, *“Planning conditions should only be imposed where they are:*

- 1. Necessary;*
- 2. Relevant to planning and;*
- 3. To the development to be permitted;*
- 4. Enforceable;*
- 5. Precise and;*
- 6. Reasonable in all other respects.”*

10.3 The condition the subject of this application relates to the hard and soft landscape works which were shown on drawing no. PR029.01B, submitted with application UTT/15/1615/DFO. The approved drawing showed the existing boundary landscaping to be retained. During the course of construction this has been removed.

10.4 The applicant’s case is that the existing boundary hedging was removed in order to construct the retaining wall which formed part of the approved scheme. However, it should be noted that the retaining wall was only shown on drawing nos IP14_026.11/006 and 007 which related to the proposed drainage scheme. The drainage scheme was found to be inadequate and, as such, these drawings were not approved. Therefore, this part of the development has been carried out in accordance with drawings which were not part of the approved scheme and the applicant’s argument is flawed.

10.5 Drawing nos SAF-002 – Masterplan and SAF-003 – Detailed Layout did not include details of the proposed retaining wall. These too showed the existing boundary screening to be retained. The Council’s decision was made on the basis of the understanding that the screening would be retained and that this would minimise the visual impacts of the proposals.

10.6 It should be noted that condition 3 imposed on the decision under reference UTT/15/1615/DFO required the submission of a scheme showing the measures for the protection of the existing boundary trees and hedges shall be submitted to and approved in writing by the local planning authority. This was required to be submitted prior to the commencement of construction on site.

10.7 The details required by condition 3 were submitted following significant works being carried out on site, including the clearing of the site of vegetation. The application to discharge the condition (UTT/16/0548/DOC) was subsequently refused for the following reason:

“The details submitted for condition 3 (protection of tree/hedges) attached to

planning permission UTT/15/1615/DFO are hereby inappropriate. This was a pre-commencement condition which required details to be submitted to the local authority before any works commence. Significant works have commenced on site which include completely clearing the site of any built form and vegetation and commencing on the foundations of the new buildings. Furthermore, the works that have been carried out and in the process of being carried out are not in accordance with the submitted Arboricultural Method Statement dated 22 September 2015 prepared by Sothern Ecological Solutions. The details submitted are therefore contrary to Policy GEN2 of the Local Plan as Adopted (2005) and the National Planning Policy Framework.”

- 10.8 It should also be noted that condition 1 required the submission and approval of a drainage scheme prior to the commencement of works on site. The proposed drainage scheme submitted to discharge this condition was considered to be inappropriate and was refused under reference UTT/16/0548/DOC for the following reason:

“The details submitted for condition 1 (drainage details) attached to planning permission UTT/15/1615/DFO are hereby inappropriate. In particular, a lack of information was submitted with the application that demonstrates how the drainage strategy has been arrived at, with reference to the outline Flood Risk Assessment and the final impermeable areas which influence the allowable runoff rate and required storage volume. In addition it has not been demonstrated how appropriate water quality treatment is provided with reference to the indices approach in the CIRIA SuDS Manual (C753). Without this information the Local Planning Authority are unable to accurately assess the potential impacts in relation to flood risk and what mitigation measure might be required and therefore the development is contrary to local policy ENV3 Local Plan as Adopted (2005) and the National Planning Policy Framework.”

- 10.9 Subsequently, the applicant has been in discussions with the LLFA at Essex County Council to resolve this issue. Additional information has been submitted which would be sufficient to discharge the condition. However, given the advanced stage of works on the site it is not possible to discharge this pre-commencement condition. Therefore, it is proposed to amend condition 1 to permit the scheme to be carried out in accordance with the revised drainage scheme.
- 10.9 Significant damage has been done in terms of visual impacts as a result of the hedgerow being removed. The applicant may argue that it was of low quality, but it was a mature hedgerow and provided significant screening. As a result, the site is now very prominent within the landscape and the development appears harsh and inappropriate in its context. Planning permission was originally granted on the basis that this was a brownfield site.
- 10.10 The proposed planting as shown on drawing no. PR029.01G is considered appropriate in terms of its species mix. However, this will take time to become established. Once established it will help to mitigate the visual impacts of the development now taking place. In this instance, it is not possible to undo the damage that has taken place as a result of the actions of the developer. Officer's opinion is that the landscaping would be acceptable. However, in order to protect the character of the rural area it is considered that a condition preventing the erection of close-boarded fences to the boundaries of the site would be appropriate. On balance, it is recommended that the application be approved.

- 10.11 Due to the circumstances on site condition 1 will need to be amended to secure the appropriate drainage scheme for the site. Condition 3 is no longer relevant as the hedgerow has been removed. Condition 4 has been discharged under reference UTT/16/0548/DOC.

11. CONCLUSION

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

- A The proposal seeks to amend the approved hard and soft landscaping drawing from PR029.01B to PR029.01G. This follows the removal of the existing boundary hedgerows due to the construction of retaining walls which were only shown on the drainage drawings which were not part of the approved scheme. The proposal cannot fully resolve the harm that has arisen as a result of the developer, but it can partially mitigate it. On balance, it is recommended that the application be approved.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development shall be carried out strictly in accordance with the Drainage Assessment (Issue 3: 8 December 2016) prepared by Michael Pearce, and drawing no PHE/928/501.

REASON: To ensure the development does not increase the risk of flooding within the site or the vicinity of the site, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

2. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no PR029.01G. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development 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, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

3. The development shall be carried out in accordance with the Construction Method Statement as approved under reference UTT/16/0548/DOC.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

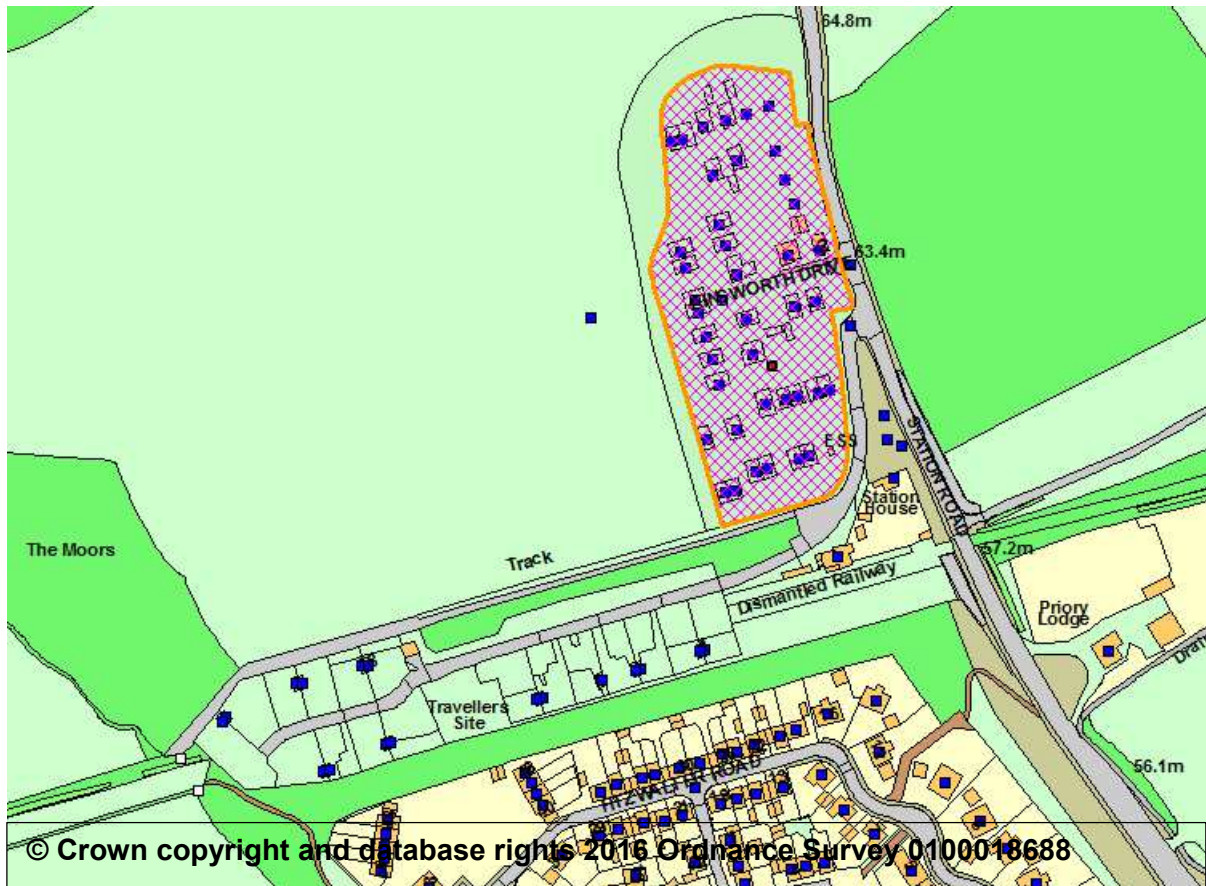
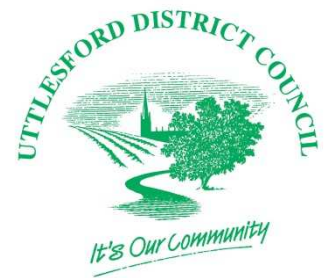
4. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development is in accordance with the character of its surroundings, in accordance with Uttlesford Local Plan Policies S7 and GEN2 (adopted 2005).

Application Number: UTT/16/2436/FUL

Address: Former Dunmow Skips Site, Station Road Felsted



Organisation: Uttlesford District Council

Department: Planning

Date: 23 December 2016