

UTT/18/0307/FUL – (GREAT CHESTERFORD)

(Application to implement permission otherwise than in accordance with conditions imposed by Committee)

PROPOSAL: Variation of condition 2 on planning permission UTT/14/0174/FUL (Demolition of commercial buildings and erection of 42 no. dwellings) in order to incorporate general minor amendments to site plan and increase in units to 45 no.

LOCATION: New World Timber Frame and Graveldene Nurseries, London Road, Great Chesterford CB10 1NY

APPLICANT: Enterprise Property Group

AGENT: PiP Architecture

EXPIRY DATE: 11 May 2018

CASE OFFICER: Luke Mills

1. NOTATION

- 1.1 Within Development Limits; Employment Land; Employment Land to be Safeguarded.

2. DESCRIPTION OF SITE

- 2.1 The application site is located off London Road, Great Chesterford. It has been cleared of previous development, and construction works in connection with a planning permission for a 42-dwelling development are at an advanced stage.

3. PROPOSAL

- 3.1 The application is to vary Condition 2 of planning permission UTT/14/0174/FUL, which reads:

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below.

- 3.2 The proposed variation to the schedule of approved plans would facilitate amendments to the site layout and the insertion of three additional one-bedroom flats in the roof spaces of the approved apartment buildings.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

- 5.1 The application includes the following documents:
- Supporting statement

6. RELEVANT SITE HISTORY

- 6.1 The site has an extensive planning history. However, the most relevant sequence of applications begins with a full planning permission for the erection of 42 dwellings in December 2014 (UTT/14/0174/FUL). A subsequent Non-Material Amendment to some of the building designs was approved in March 2018 (UTT/18/0334/NMA) and an amended site layout was approved in April 2018 (UTT/18/0313/FUL).
- 6.2 An application for an amendment to facilitate the provision of three additional dwellings was refused in November 2017 (UTT/17/2334/FUL).

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S73 of the Act requires the local planning authority, in dealing with an application to develop land without compliance with conditions previously attached, to consider only the question of the conditions subject to which planning permission should be granted.
- 7.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.4 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.5 S3 – Other Development Limits
- GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - E1 – Distribution of Employment Land
 - E2 – Safeguarding of Employment Land
 - ENV2 – Development affecting Listed Buildings
 - ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
 - ENV14 – Contaminated Land
 - H1 – Housing Development
 - H3 – New Houses within Development Limits
 - H9 – Affordable Housing
 - H10 – Housing Mix

Great Chesterford Local Policy 1 – Safeguarding of Existing Employment Area
Great Chesterford Local Policy 2 – London Road Employment Site

Supplementary Planning Documents/Guidance

- 7.6 SPD – Accessible Homes and Playspace (2005)
The Essex Design Guide (2005)
Parking Standards: Design and Good Practice (2009)
Uttlesford Local Residential Parking Standards (2013)

National Policies

- 7.7 National Planning Policy Framework (NPPF) (2012)
- paragraphs 14, 17, 22, 32-39, 47-49, 55, 58, 100-104, 111, 118, 120-123 & 128-135
Planning Practice Guidance (PPG)
- Conserving and enhancing the historic environment
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Land affected by contamination
- Natural environment
- Planning obligations
- Rural housing
House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)
Planning Update: Written statement (HCWS488) (2015)

Other Material Considerations

- 7.8 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
Housing Trajectory 1 April 2017 (August 2017)

8. PARISH COUNCIL COMMENTS

- 8.1 Objection. Full response:

“The Parish Council wishes to object to this application. We would repeat our objections to previous applications for variations on this site and have continuing concerns about safety of access, insufficient parking provision in breach of design guide standards, loss of open space relative to the original application and lack of lift provision.”

9. CONSULTATIONS

London Stansted Airport

- 9.1 No objections.

Highways England

- 9.2 No objections.

Highway Authority (Essex County Council)

9.3 Inadequate cycle parking provision. Extract:

“It is not possible to locate the cycle parking for the apartments on the revised plans (although it has been identified on the original plans). In order to conform with Essex Parking Standards a convenient, secure, covered cycle parking should be provided for each dwelling. We would not want this condition varied until the plans show the location of the cycle parking spaces of a number and design that conform with the Essex Parking Standards.”

Environmental Health Officer

9.4 No objections.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. One objection has been received, which includes the following concerns:

- Increased risk to highway safety
- Inadequate parking provision
- Harmful effect on the appearance of the site

10.2 The above points are covered in the below appraisal.

11. APPRAISAL

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

- A Location of housing (S3, H1, H3, 55 & PPG)
- B Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)
- C Transport (GEN1, GEN8, 32-39 & HCWS488)
- D Accessibility (GEN2, 58 & PPG)
- E Amenity (GEN2, ENV10, 17 & 123)
- F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 118 & PPG)
- I Employment safeguarding (E1, E2, Local Policy 1, Local Policy 2 & 22)
- J Archaeology (ENV4, 128-135 & PPG)
- K Land contamination (ENV14, 120-122 & PPG)
- L Affordable housing (H9 & PPG)
- M Housing mix (H10 & SFRA)
- N Housing land supply (47-49)
- O Previously developed land (111)

A Location of housing (S3, H1, H3, 55 & PPG)

11.1 The proposed amendments do not affect the development's accordance with policies on the location of housing.

B Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)

11.2 The main effect on the appearance of the development would be from the

dormers in the apartment buildings and the increased amount of hard surfacing to accommodate additional parking spaces. Overall, it is considered that there would be little change to the appearance of the development, such that there would be no conflict with the above policies.

- 11.3 It is noted that the proposed changes would have no material effect on the setting of the nearby Grade II listed building, Stanley House. In drawing this conclusion, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

C Transport (GEN1, GEN8, 32-39 & HCWS488)

- 11.4 The highway authority has raised concerns regarding the cycle parking provision for the apartment buildings, as shown on the site plan submitted with the application. A revised plan has since been submitted, which demonstrates that the Council's minimum standards would be met.
- 11.5 The amended site layout proposed in application UTT/18/0313/FUL was approved with a condition that two further spaces be provided – one in front of Plot 12 and the other in the parking court in the southern corner of the site. Compared with that scheme, the current proposal generates a demand for an additional three residents' parking spaces and one visitor space – a total of four spaces. However, only two additional spaces would be provided.
- 11.6 It is acknowledged that residents would realistically be able to park their cars, but only through the use of spaces allocated to visitors which are already fewer than required by the Council's minimum standards. As a result visitors would be forced to park on roads not designed to accommodate parked cars, causing a risk to highway safety. It should also be noted that the visitor space on the driveway of Plot 30 would most likely be used by the occupier of that dwelling, further reducing visitor parking provision.
- 11.7 It is concluded that the proposal conflicts with Policy GEN8 due to the under-provision of vehicle parking spaces by reference to the Council's minimum residential parking standards. Taking into account paragraphs 32-39 of the NPPF and HCWS488, it is considered that the minimum standards are relevant in this case due to the likely level of car ownership and the potential risk to highway safety from on-street parking.

D Accessibility (GEN2, 58 & PPG)

- 11.8 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require new dwellings to comply with the Lifetime Homes standards, although these have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Nevertheless, as the application relates to a scheme designed in accordance with the SPD, it is considered that those standards should continue to be applied to the proposed variation.
- 11.9 The proposal for three additional flats on the second floor does not meet the requirements of the SPD, which requires that apartment buildings of more than two storeys contain a lift. Incidentally, the new standards at Requirement M4(2) of the Building Regulations are even stricter on this point, requiring a lift in apartment buildings with more than one storey.

E Amenity (GEN2, ENV10, 17 & 123)

11.10 Each of the two apartment buildings on the site would be served by a communal garden for residents. The Essex Design Guide, a non-adopted but useful guidance document, indicates that communal gardens should be provided on the basis of 25 sq m per flat.

11.11 As a result of the addition of one flat to one apartment building and two flats to the other building, the 'per flat' garden provision would be reduced to 23 and 18 sq m respectively. While the latter represents a significant under-provision, it is considered that a reasonable level of amenity would be provided for the occupants taking into account the functional shape of the communal garden and its accessible position.

11.12 The apartment block containing Plots 15 – 20 b would have an additional dormer window facing south-east, giving rise to the potential for overlooking of 9 Ash Green. However, it is considered that the impact would be no greater than that caused by the approved lounge/diner window at Plot 20, on the first floor.

F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)

11.13 The proposed amendments do not affect the development's accordance with policies on flooding.

G Infrastructure (GEN6)

11.14 The original planning permission was accompanied by a S106 agreement, which secured financial contributions towards education provision and off-site open space and play area infrastructure. The education authority confirmed in relation to application UTT/17/2334/FUL that no further education contributions are required, and it is considered that there is no policy basis to seek further contributions towards open space and play area infrastructure.

H Biodiversity (GEN7, 118 & PPG)

11.15 The proposed amendments do not affect the development's accordance with policies on biodiversity.

I Employment safeguarding (E1, E2, Local Policy 1, Local Policy 2 & 22)

11.16 The proposed amendments do not affect the development's accordance with policies on employment safeguarding.

J Archaeology (ENV4, 128-135 & PPG)

11.17 The proposed amendments do not affect the development's accordance with policies on archaeology.

K Land contamination (ENV14, 120-122 & PPG)

11.18 The proposed amendments do not affect the development's accordance with policies on land contamination.

L Affordable housing (H9 & PPG)

11.19 Policy H9 indicates that 40% of the 45 dwellings must be affordable homes. This equates to 18 units, which is an increase of one unit compared with the approved scheme. Plot 38a has been identified as the additional affordable home, and its tenure would be secured through a variation of the S106 agreement.

M Housing mix (H10 & SFRA)

11.20 Policy H10 requires residential developments to include a significant proportion of small market dwellings with no more than three bedrooms. The development would remain in accordance with this policy.

N Housing land supply (47-49)

11.21 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, the proposed addition of three units must be regarded as a positive effect.

O Previously developed land (111)

11.22 The proposed amendments do not affect the development's accordance with policies on the reuse of previously developed land.

12. CONCLUSION

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

A The proposal for three additional flats would cause the development to conflict with the Council's minimum standards on parking provision and accessibility. While the positive contribution towards meeting housing land supply targets must be taken into account, it is considered that the adverse effects of the proposal would significantly and demonstrably outweigh the benefits. It is therefore concluded that the application conflicts with the development plan and the NPPF, and it is recommended that the application be refused.

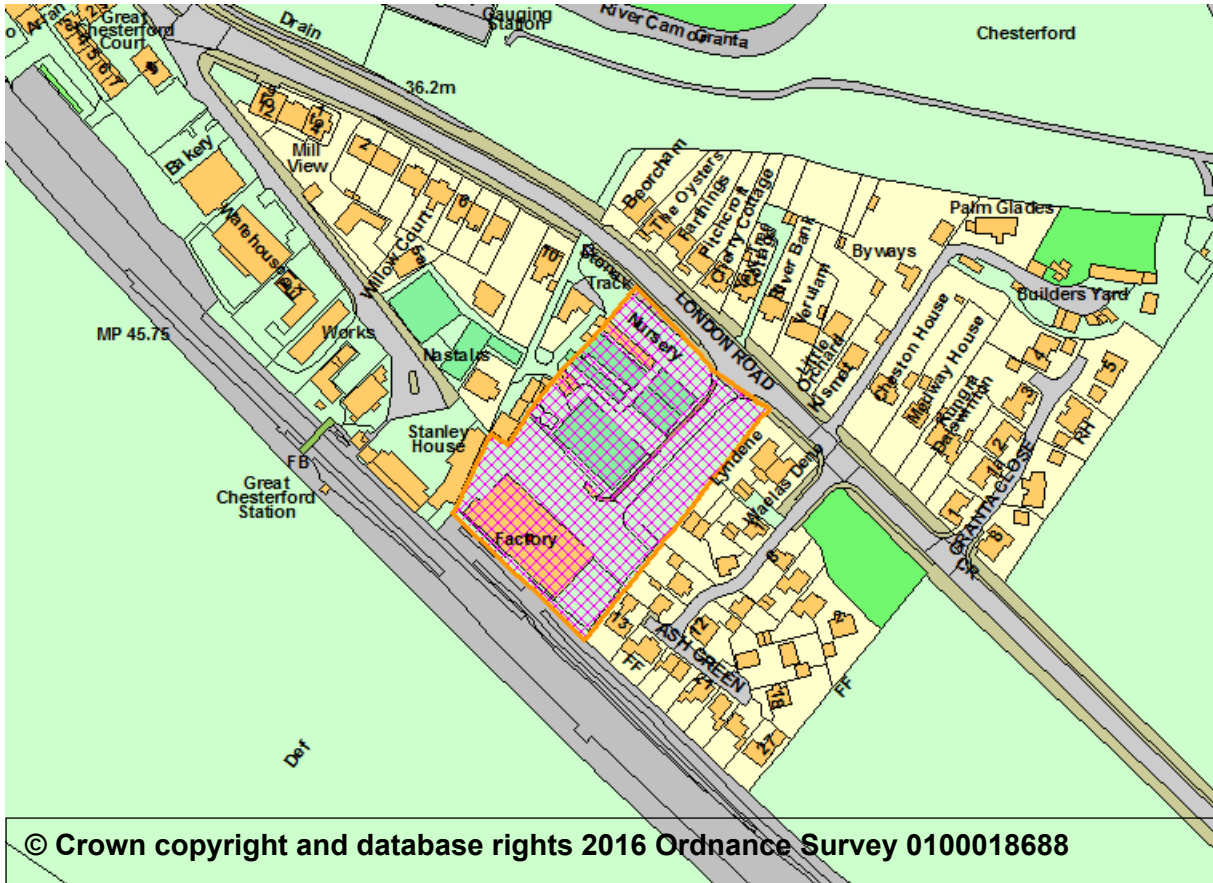
RECOMMENDATION – REFUSAL

Reasons

1. The proposal includes inadequate provision for vehicle parking, thereby causing a risk to highway safety from on-street parking in conflict with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
2. The proposal includes a poor level of accessibility for the three additional dwellings, in conflict with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the 'Accessible Homes and Playspace' SPD and the National Planning Policy Framework.

Application: UTT/18/0307/FUL

Address: New World Timber Frame and Graveldene Nurseries, London Road,
Great Chesterford



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 April 2018