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Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 11th April, 2018

Time: 2.00 pm

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chairman: Councillor A Mills

Members: Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks,
M Lemon, J Lodge, J Loughlin (Vice-Chair) and L Wells

Substitutes: Councillors T Farthing, A Gerard, G LeCount, H Ryles and G Sell

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of the Previous Meeting

5 - 10

To consider the minutes of the previous meeting held on 14 March 2018.

3 UTT/17/2238/FUL - Oaklands, Ongar Road, Great Dunmow

11 - 38

To consider application UTT/17/2238/FUL.

4 UTT/17/3538/DFO - Land North of Stebbing Primary School, Garden Fields, Stebbing

39 - 58

To consider application UTT/17/3538/DFO.

- | | | |
|-----------|---|-----------|
| 5 | UTT/17/3556/OP - Priory Lodge, Station Road, Little Dunmow -
Priory Lodge, Station Road, Little Dunmow | 59 - 74 |
| | To consider application UTT/17/3556/OP. | |
| 6 | UTT/17/3440/FUL - Land at Brick Kiln Lane, Stebbing | 75 - 88 |
| | To consider application UTT/17/3440/FUL. | |
| 7 | UTT/17/3078/FUL - 22 Cambridge Road, Stansted | 89 - 98 |
| | To consider application UTT/17/3078/FUL. | |
| 8 | UTT/17/1533/FUL - Elsenham Golf and Leisure, Hall Road,
Elsenham | 99 - 120 |
| | To consider application UTT/17/1533/FUL. | |
| 9 | UTT/17/2387/FUL - Thatch End, The Row, Starr Road, Henham | 121 - 134 |
| | To consider application UTT/17/2387/FUL. | |
| 10 | UTT/18/0188/OP - Rear of Holly Hedge, Woodmans Lane,
Duddenhoe End | 135 - 146 |
| | To consider application UTT/18/0188/OP. | |
| 11 | UTT/18/0425/FUL - Eagle Road Club, Cambridge Road, Ugley | 147 - 156 |
| | To consider application UTT/18/0425/FUL. | |
| 12 | UTT/18/0313/FUL - New World Timber Frame and Graveldene
Nurseries, London Road, Great Chesterford | 157 - 168 |
| | To consider application UTT/18/0313/FUL. | |
| 13 | UTT/18/0392/HHF - 3 Whitegates, Holders Green Road,
Lindsell | 169 - 176 |
| | To consider application UTT/18/0392/HHF. | |
| 14 | UTT/18/0395/NMA - The Delles, Carmen Street, Great
Chesterford | 177 - 180 |
| | To consider application UTT/18/0395/NMA. | |
| 15 | Chief Officer's Report - UTT/17/1896/FUL | 181 - 198 |

To receive the Chief Officer's report relating to application
UTT/17/1896/FUL.

16 Chief Officer's Report - UTT/18/0722/TCA

199 - 204

To receive the Chief Officer's report relating to application
UTT/18/0722/TCA.

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PLANNING COMMITTEE held at the COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 2pm on 14 MARCH 2018

Present: Councillor A Mills (Chairman)
Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E
Hicks, M Lemon, J Lodge, J Loughlin and L Wells.

Officers in attendance: A Bochel (Democratic Services Officer), N Brown
(Development Manager), K Denmark (Development Management
Team Leader), M Shoesmith (Development Management Team
Leader), E Smith (Legal Officer) and C Theobald (Planning
Officer).

Also present: Councillors P Lees and E Oliver, S Clark, W Clark, G Gardner, S
Greenall, L Gregory, C Henley, J Keith, A Long, A Mitchell, D
Mitchell, D Mosley, M Park, L Prowse, V Richardson, J Smith, P
Watson, C Woodhouse.

PC99

APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Councillors Fairhurst and Freeman declared non-pecuniary interests as members of Saffron Walden Town Council's Planning Committee. That committee had discussed Item 9 on the agenda, but neither Councillors Fairhurst nor Freeman had participated in that discussion.

Councillor Mills declared a non-pecuniary interest in Item 4, because the application was in his ward and so the owners of some of the affected properties were known to him. He had bought land from the applicant about twenty-five years ago but had never met him.

Councillor Mills declared a pecuniary interest in Item 10 because he was the applicant for that item. He said he would leave the room during the consideration of that item.

PC100

MINUTES

The minutes of the meeting held on 14 February 2018 were approved and signed by the Chairman as a correct record.

PC101

UTT/17/3197/FUL - LAND SOUTH OF SCHOOL LANE, HENHAM

The proposal related to the erection of 36 dwellings and the creation of additional infrastructure for the primary school, most notably the provision of a drop-off/parking area outside the school, the creation of a car parking area within the school and a new playing field.

Clarifying a point raised by members of the public, the Development Manager said that it was important to be aware that Uttlesford District Council's draft local plan's housing allocations carried little legal weight in decision-making.

In response to statements made by members of the public, the Legal Officer said that discussions between Uttlesford District Council and Essex County Council regarding a Section 106 agreement on the application were ongoing and progressing well.

Members said the safety of the public, and in particular children at the school, was of paramount importance. They expressed concern that access to the site was problematic and highways safety for pedestrians and others would be compromised.

Councillors Fairhurst and Lodge noted that the proposed site lay outside of development limits and said that this contravened the council's planning policy.

Councillor Fairhurst proposed to refuse the application. Councillor Lodge seconded this motion.

RESOLVED to refuse permission for the following reasons:

- 1) The proposal would give rise to a form of development which has a design which results in compromise to the road safety of other road users, in particular cyclists, pedestrians and those whose mobility is impaired. This would be contrary to Adopted Uttlesford Local Plan Policy GEN1(c) (adopted 2005).
- 2) The site is located outside the development limits and within the open countryside which will be protected for its own sake. In this location planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. The proposed development fails to protect or enhance the particular character of the part of the countryside within which it is set, in particular due to its adverse impact on the setting and character of Henham and Ugley Primary School. There are no special reasons why the development in the form proposed needs to be there. As such the proposal is contrary to Adopted Uttlesford Local Plan Policy S7 (adopted 2005).
- 3) The application fails to provide an appropriate mechanism to secure the mitigation measures required, including infrastructure requirements, which have been identified as being necessary in order to facilitate the development. The requirements are:
 - i) Provision of affordable housing
 - ii) Provision and maintenance of open space and drop-off car park
 - iii) Maintenance of SuDS
 - iv) Provision of replacement playing fields and transfer of land to education authority
 - v) Translocation of reptiles

- vi) Payment of financial contributions for education
- vii) Bus stop improvements

Councillor Lees, M Park, A Mitchell, A Long, V Richardson, L McDermott, G Gardner and M Mosley spoke on this item.

At 3.20, the Chairman adjourned the meeting. At 3.35, the meeting continued.

PC102 **UTT/17/0649/OP – LAND OFF STEVENS LANE, FELSTED**

The applicant had requested planning permission for the comprehensive redevelopment of a brownfield site with the construction of seven new dwellings, car parking bays, visitor parking provision and associated landscaping.

Members expressed concern that the number of dwellings proposed for construction would have a negative impact on the layout of the properties at the site, as well as the historic setting and character of the nearby properties.

Councillor Fairhurst proposed to reject the application. Councillor Freeman seconded this motion.

RESOLVED to refuse permission for the following reason:

- 1) The development by reason of the number of dwellings proposed would result in an unsatisfactory housing layout for this undeveloped site lying outside development limits which would be incompatible with the linear pattern of housing development within Stevens Lane and which prevails for the settlement of Bannister Green as whole. As such, the proposal would be contrary to ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Additionally, the development by reason of the number of dwellings proposed would not preserve the historic setting and agrarian character of the two adjacent Grade II listed buildings, namely Yew Tree Cottage and Stevens Farm Barn. As such, the proposal would be contrary to ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

S Clark, W Clark, L Gregory, J Keith, D Mitchell, L Prowse and P Watson spoke on this application.

PC103 **UTT/17/2238/FUL - OAKLANDS, ONGAR ROAD, GREAT DUNMOW**

The full application related to the demolition of the existing bungalow on the site and the erection of 25 no. dwellings comprising a mix of detached, semi-detached and terraced dwellings and bungalows, including 40% affordable

housing, with associated service road, covered and hardstanding parking and landscaping.

Councillor Freeman proposed that a condition be applied to limit external noise levels to 45 decibels.

Members expressed dissatisfaction with the clumping off affordable homes in the southern corner of the site.

Members agreed to defer the application in order for alternative layouts to be considered.

PC104

UTT/17/2352/FUL – WELCOME BREAK SERVICE STATION, DUNMOW ROAD, BIRCHANGER

The proposal related to the creation of a new exit point onto the A1250 for HGVs. This would involve the revision to the layout of the Days Inn hotel car park, alterations to the internal road layout to create the new exit point, together with the removal of the boundary hedging and alterations to the road layout and markings on the A1250.

The Chairman proposed to approve the application. Councillor Chambers seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

J Smith spoke on this item.

PC105

UTT/17/2961/FUL – CLAVERING FARM, MILL LANE, CLAVERING

The Section 73A application requested retrospective planning permission, for the change of use of part of building 1 to retail use.

Councillor Wells said that 8am might be too early for the retail development to be operating on Sundays because it might negatively affect those living in dwellings nearby. Members said that 10am would be a more preferable time to begin operating on Sundays.

Councillor Chambers proposed to approve the application subject to the amended condition. Councillor Lodge seconded this motion.

RESOLVED to approve the application subject to the following amended condition:

- 2) The hours of operation of retail development hereby permitted and as shown on the approved block plan shall be as following: Building 1 (A1)
07:00 till 17:00 - Monday to Friday

07:30 till 16:00 –Saturday

10:00 till 14:00 – Sunday

REASON: In the interests of the residential amenity of the neighbouring properties. The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents. In accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

Councillor Oliver, C Henley and S Greenall spoke on this item.

PC106

UTT/17/3574/FUL – 97 GODDARD WAY, SAFFRON WALDEN

The Section 73A retrospective planning application was for the change of use of the garage to sole trader nail business. The conversion of the garage includes the removal of the garage door and construction of window and internal alterations. A single off street parking space was proposed to the front of the site.

Councillor Freeman said he was concerned that the property could be sold as a business in the future, despite the fact that permission had never been given for its conversion into a nail business. He said he would also prefer the property owner to remain in residence at the address in order for it to continue as a business.

The Chairman proposed to approve the application subject to an additional condition. Councillor Davey seconded this motion.

RESOLVED to approve the application subject to the conditions in the report, and the following additional condition:

- 1) The permission hereby granted shall be restricted as a nail bar business and shall only be used/ operated by the occupier of 97 Goddard Way, as sole trader. No other use in that Use Class shall be implemented without prior written planning permission from the Local Planning Authority.

REASON: This restrictive use condition is required to ensure the use and operation of the nail bar will be incidental to the occupation of the main dwelling. The unrestrictive use of the nail bar will likely result in an intensification of use of the site and possible separation, that would be likely to cause nuisance and disturbance to adjacent residents. In accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

PC107

UTT/17/3663/LB – POLICE STATION, EAST STREET, SAFFRON WALDEN

The applicant had requested that the item be deferred so that the application could be amended.

PC108

UTT/17/2725/FUL – BELMONT HOLLOW ROAD, FELSTED

The Chairman left the room for this application. As Vice-Chairman, Councillor Loughlin chaired discussion on this item.

The proposal related to the demolition of the buildings on the site and the erection of a new dwelling.

Councillor Fairhurst proposed to approve the application. Councillor Loughlin seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

C Woodhouse spoke on this item.

The meeting ended at 5.45.

UTT/17/2238/FUL – (GREAT DUNMOW)

(MAJOR – This application was deferred from planning Committee on 14.3.18 for further consideration of the location and clustering of the affordable housing)

PROPOSAL: Demolition of existing bungalow and erection of 25 no. dwellings and associated infrastructure

LOCATION: Oaklands, Ongar Road, Great Dunmow

APPLICANT: Mr O Hookway

AGENT: Go Planning Ltd

EXPIRY DATE: 30 November 2017 (Extension of time granted to 21 March 2018)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / Poor Air Quality - Within 35m of A120.

2. DESCRIPTION OF SITE

2.1 The site is located on the south side of the B184 Ongar Road between the Taylor Wimpey housing development, currently under construction on its east side and two detached bungalow properties (Brick Kiln and Tiggers) on its west side which are situated close onto the A120 and contains an occupied bungalow which stands in large grounds comprising 1.22 ha and which is set back deep within the site, behind a large frontage pond enclosed by several large specimen trees which form an attractive enclosed feature at the front of the site. The rear part of the site beyond the bungalow in contrast, is completely open in nature comprising bare grassland which falls down to the edge of the A120.

2.2 The north side of Ongar Road opposite the site extending eastwards towards Clapton Hall Lane roundabout is characterised by a long line of post-war bungalows, whilst land between the end bungalow and the A120 on the north-west side is currently being developed for housing purposes by Redrow Homes.

3. PROPOSAL

3.1 This full application relates to the demolition of the existing bungalow on the site and the erection of 25 no. dwellings comprising a mix of detached, semi-detached and terraced dwellings and bungalows, including 40% affordable housing, with associated service road, covered and hardstanding parking and landscaping.

3.2 The proposed dwellings and garages would be designed in traditional style incorporating tiled roofs and a mixture of rendered and boarded wall finishes with white uPVC windows. The service road would have a 6m porous tarmac and paved shared surface.

3.3 The application is accompanied by the following core documents:

- Design and Access Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Transport Statement and Highway Safety Audit
- Noise Impact Assessment
- Ecology Survey Report
- Tree Survey
- Arboricultural Impact Assessment

3.4 The proposed housing schedule is set out as follows:

Plot Number	House type	House tenure	Storeys	Bedroom size	Amenity space	Parking spaces
1	Detached	Market	2	5	300sqm	4
2	Detached	Market	2½	5	150sqm	4
3	Detached	Market	2	4	140sqm	3
4	Detached	Market	2	5	190sqm	4
5	Detached	Market	2½	5	180sqm	3
6	Detached	Market	2	4	160sqm	3
7	Detached	Market	2½	5	170sqm	3
8	S/detached	Market	2	3	116sqm	3
9	S/detached	Market	2	3	114sqm	3
10	Terraced	Affordable	2	3	100sqm	2
11	Terraced	Affordable	2	2	82sqm	2
12	Terraced	Affordable	2	3	150sqm	2
13	FOG	Affordable	2	2	75sqm	2
14	Terraced	Affordable	2	2	100sqm	2
15	Terraced	Affordable	2	2	100sqm	2
16	Terraced	Affordable	2	2	100sqm	2
17	FOG	Affordable	2	2	75sqm	2
18	S/detached	Market	2	3	100sqm	2
19	S/detached	Market	2	3	100sqm	2
20	S/detached	Market	2	3	100sqm	2
21	S/detached	Market	2	3	100sqm	2
22	Detached	Market	1	3	180sqm	3
23	Detached	Market	1	3	150sqm	3
24	S/detached	Affordable	2	2	80sqm	2
25	S/detached	Affordable	2	2	150sq	2

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The site is considered to fall within the definition of an “Urban development project” under Section 10 of “Schedule 2” of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, the development does not include more than 1 hectare of urban development which is not dwellinghouse development, the development does not include more than 150 dwellings and the overall site area of the development does not exceed 5 hectares (site area = 1.22 ha).

5. APPLICANT’S CASE

- 5.1 The submitted Design & Access Statement describes the site and surrounding site context, the planning background to the current scheme, including reference to a previous preliminary enquiry submitted to the Council for the same number of dwellings but for a different site layout which identified issues concerning noise and the distribution of affordable housing, the way that the pre-application process has informed the current site layout, site evaluation, including reference to proposed access, design, scale and appearance, and reference to S106 Heads of Terms (affordable housing and education).

- 5.2 The statement concludes as follows:

“The details supplied in this design and access statement are intended to advise the reader of the design philosophy that have been adopted within the proposal and will therefore form the basis of the detailed planning application. Consideration has been made for the site in its context and the nature of the surroundings in the proposal. It is our intention to provide a high quality development which will add character to its surroundings and integrate with the locality. The site’s design has been informed by both constraints and opportunities, and the provision for 25 no. dwellings with 10 no. affordable dwellings in the form outlined have been shown to add character to the locality. The site should be brought forward to provide much needed high quality family housing which has been demonstrated as being sustainable, and is at the very heart of the NPPF’s presumption in favour of sustainable development.”

6. RELEVANT SITE HISTORY

- 6.1 None, although the proposed scheme was subject to a preliminary enquiry in 2017 when advice was given by the Council that the site was situated within a sustainable position relative to the town centre when read in the context of the approved large housing developments to the immediate east (Taylor Wimpey - “Ongar Road South”) and to the immediate north-west (Redrow Homes - “Ongar Road North”). The applicant’s attention was drawn to matters of noise given that the site’s south-western rear boundary borders onto the A120 and as this was an issue to be resolved for the Redrow Homes development, affordable housing whereby the indicative site layout submitted showed the affordable housing element clustered together at the rear of the site thereby reducing social cohesion with the market housing shown, ecology, drainage and the impact of the proposal on the established trees positioned at the front of the site.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 ULP Policy S7 – The Countryside

ULP Policy ENV3 – Open Spaces and Trees
ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
ULP Policy ENV10 – Noise sensitive development
ULP Policy ENV13 – Exposure to Poor air quality
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
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 GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

7.2 SPD “Accessible Homes and Playspace”

National Policies

7.3 National Planning Policy Framework (NPPF)

Other Material Considerations

7.4 Essex Design Guide

ECC Highway Standards – Design and Good Practice – Sept 2009
UDC Parking Standards – Feb 2013

Great Dunmow Neighbourhood Plan 2015-2032
Policy DS1: TDA: Town Development Area
Policy DS8: Building for Life
Policy DS12: Integration of Affordable Housing
Policy DS13: Local Housing Needs
Policy LSC1: Landscape, Setting and Character

8. TOWN COUNCIL COMMENTS

8.1 Great Dunmow Town Council objects to this application on the following grounds:

- (1) Over-development of the site. UDC has allocated 13 houses to this site within the draft Local Plan - this application is for almost double that.
- (2) The site's proximity to a sharp bend in the B184 Ongar Road, along with its location between the new developments on land North and South of Ongar Road will result in heavy, fast moving traffic and an associated increased risk of accidents.

9. CONSULTATIONS

Highways England

9.1 No objection. Highways Act Section 175B is not relevant to this application. Note: Annexe A: The site may be affected by noise and fumes from the nearby A120 and the Council may wish to consider these issues before issuing a decision.

London Stansted Airport

- 9.2 The proposal has been examined for aerodrome safeguarding - the proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections.

Anglian Water

9.3 ASSETS

Section 1 – Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Great Dunmow Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

5.1 Not applicable.

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Foul Sewerage Network (Section 3)

CONDITION: No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

ECC Highways

- 9.4 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to highway conditions:

ECC SuDS

- 9.5 (revised comments received 17 November 2017):

We received further information which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites

Lead Local Flood Authority position:

Having reviewed the drainage strategy and associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to SuDS conditions:

ECC Infrastructure Planning

- 9.6 Thank you for providing details of the above full application for 23 new houses. Assuming that all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 2.25 Early Years and Childcare (EY&C) places; 7.5 primary school, and 4.2 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling mix and the inclusion of indexation.

9.7 Early Years and Childcare

The proposed development is located within the Great Dunmow South and Barnston Ward. According to Essex County Council's childcare sufficiency data published in July 2017, there are eight providers of early years and childcare in the area. Of these, two are pre-schools; five are child-minders and one is a day nursery. Overall, a total of 16 unfilled places were recorded. The data shows sufficient unfilled places to meet the demand from this proposal.

9.8 Primary Education

This development sits within the joint priority admissions area of Dunmow St Mary's Primary School and Great Dunmow Primary School. Both schools offer 60 places in each year group and at the last school census point in May both schools were full in Reception and had a combined total number on roll of 850 pupils. Demand for school places in the Dunmow area is forecast to grow and, according to Essex County Council's document "Commissioning School Places in Essex", by the academic year 2020/21 both schools will have a significant capacity deficit of 89 and 72 places respectively without action.

The contribution sought is calculated using the formula outlined in the Essex County Council Developer's Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution will thus be fairly and reasonably related in scale and kind to the development and thereby Community Infrastructure Levy regulation 122 compliant. Five obligations naming the project alluded to above have not been entered into at this time and any Section 106 agreement in favour of education is thereby also regulation 123 compliant. A project to provide sufficient school capacity is therefore proposed. The estimated cost of the project is circa £95,000 at April 2017 costs. A developer contribution, index linked to April 2017 is sought to mitigate its impact on local primary school provision.

9.9 Secondary Education

This development does not generate sufficient secondary school pupils to reach our threshold for a secondary school education contribution. A secondary education contribution will not be requested.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution. However, the developer should ensure that safe direct walking and cycling routes to local schools are available.

In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a Section 106 agreement to mitigate its impact on primary education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your Council were minded to turn down the application, I would be grateful if the lack of surplus primary education provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

ECC Ecology

- 9.10 No objections subject to conditions (1. Compliance with existing detailed biodiversity method statements, strategies, plans and schemes, 2. Restrictions on operations involving invasive non-native species, 3. Landscape and ecological management plan (LEMP)).

ECC Archaeology

- 9.11 Recommendation: Archaeological Programme of Trial Trenching followed by Open Area Excavation.

REASON: The Historic Environmental Record identifies the recent excavation of the remains of a late Iron Age and Roman settlement on land immediately to the north of the Oaklands site. On this site following trial trenching, open area excavation was undertaken on a sequence of enclosures forming a ladder field system of Late Iron Age or Roman date. Post excavation work is still underway on this site. The development area also contains the Roman road leading from Great Dunmow south-westwards towards Harlow which will be impacted by the development.

Essex Police

- 9.12 We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience, pre-planning consultation is always preferable in order that security and lighting considerations for the benefit of the intended residents and those neighbouring the development are met prior to a planning application.

UDC Housing Enabling Officer

- 9.13 No objections in principle to the affordable housing element shown for this housing scheme subject to the housing tenure being secured by a S106 agreement.

UDC Environmental Health Officer

- 9.14 **Noise**

Recommendation

No objections to the proposal subject to the imposition of recommended condition.

Comments

Thank you for consulting Environmental Health on this application.

This proposal comprises the demolition of Oaklands and the development of 25 new residential units to the north-east of the A120 and south of the B184 Ongar Road. To the east, Taylor Wimpey are currently in the process of completing a development of 99 residential units.

The application is supported by a noise impact assessment undertaken by Accon UK Environmental Consultants. This noise impact assessment is unusual in that it has been undertaken entirely by modelling with no on-site monitoring being

undertaken. Traffic volumes and make up, road surface and topography were used in a computer model to predict likely noise levels affecting the site. Whilst unusual in approach, the results from the exercise are that differing levels of mitigation will be required across for road traffic noise (glazing and barriers) and all but two of the plots will require mechanical ventilation as set out in the UDC comments included in the noise report.

With this in mind, I have no objections to the proposal subject to the following condition being placed on any grant of planning permission.

No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Accon UK Ltd report (Ref:A3035/N/001) dated 14th July 2017. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of future occupiers of the development.

9.15 **Air Quality**

Recommendation

No objections.

Comments

Thank you for consulting Environmental Health on this application. The application site at its south-west corner is within 35m of the A120 Great Dunmow bypass, although the nearest dwelling at this corner (Plot 15) is not less than 35m from the road carriageway surface as the crow flies given the raised position of the site relative to the carriageway.

There are no known tube air quality measuring stations along this section of the A120. However, car speeds along this section of the road are known to be normally high involving free flowing traffic meaning that car engines will be performing at optimum levels thereby producing less pollutant particulates into the atmosphere. Additionally, the slightly elevated position of the site at this south-west corner to the road and the vegetated nature of the road boundary will further serve to keep air quality to acceptable levels across this lower rear section of the site whereby any pollutants will be able to be dispersed quicker.

UDC Landscape Officer

- 9.16 There are 3 veteran oak trees on the site which are the subject of a tree preservation order (TPO 04/17). These trees are shown to be retained in the development proposal. The submitted tree protection measures are considered to be appropriate.

There are a number of trees (33) which are proposed to be removed (2 Lombardy poplar, 1 walnut, 1 eucalyptus, 1 lime, 1 horse chestnut, 5 apple, 1 oak, 2 hornbeam, 2 cherry, 1 holly, 4 conifers, 1 Tree of Heaven, 1 acacia, 1 laurel, 9 Leylandii). For the greater part, these trees are either in fair or poor condition and not considered worthy of protection. 1 hornbeam and 1 lime tree proposed to be

felled are in good condition. However, they are not considered to be of significant amenity value in terms of the wider landscape. The oak tree proposed to be felled is a large specimen which has been ring-barked and as a consequence is dying.

Any approval should be subject to conditions requiring the protection measures for trees to be retained to be implemented in accordance with the recommendations as set out in the D F Clark Bionomique Ltd's Arboricultural Impact Assessment dated 24.05.2017 (rev A); and the submission for approval of a fully detailed scheme of landscaping.

10. REPRESENTATIONS

10.1 Neighbour notification period expired 5 October 2017. Advertisement expired 5 October 2017. Site notice expired 12 October 2017.

3 representations received (Object).

Summary of objections:

- This end of Ongar Road is already experienced large house building with roughly 200 new homes currently being built at Ongar Road North and Ongar Road South. The local infrastructure cannot support any more homes.
- Ongar Road has already experienced extensive loss of green space and trees due to the two ongoing housing developments. The current housing proposal for Oaklands includes the removal of several established trees from the front of the site which would be such a loss to the area and would dramatically alter the nature of the road.
- The new development will add to the many additional cars which will be using Ongar Road into town once the two adjacent developments are completed compared to the current situation with the added issue of air pollution.
- We are already experiencing problems with construction and contractor traffic using Ongar Road for the Taylor Wimpey and Redrow sites.
- Brick Kiln Bungalow: An impressive Oak tree at the front of the site which would be in the rear garden of one of the frontage properties for the proposed development has already been ringed meaning that this tree is destined to die. Subsidence issues experienced in the past and this tree could cause further issues to our property once the roots start retracting.
- Our bungalow would be overlooked by Plot 22 to the rear and the dwelling shown for Plot 25 is too close to our boundary.
- My mother who lives on her own at Brick Kiln Cottage is elderly and has dementia and will find the development of Oaklands very unsettling to the detriment of her health.
- I understand that there is also a proposal to develop Tiggers for housing on the other side of Brick Kiln meaning that if permission is granted for Oaklands and subsequently for this adjacent development then we will be completely hemmed in.

11. APPRAISAL

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

- A Principle of development having regard to sustainability principles, flood risk, impact on landscape character, noise and air pollution (NPPF, ULP Policies GEN3, S7, ENV10 and ENV13).
- B Access (ULP Policy GEN1).

- C Design (ULP Policy GEN2 and SPD “Accessible Homes and Playspace”).
- D Housing Mix (ULP Policy H10).
- E Affordable Housing (ULP Policies H9 & GEN6).
- F Parking Standards (ULP Policy GEN8).
- G Impact on residential amenity (ULP Policy GEN2).
- H Impact on trees (ULP Policy ENV3).
- I Impact on protected and priority species (ULP Policy GEN7).
- J Impact on Sites of Archaeological Importance (ULP Policy ENV4).

A Principle of development having regard to sustainability principles, flood risk, impact on landscape character, noise and air pollution (NPPF, ULP Policies GEN3, S7, ENV10 and ENV13).

Sustainability Principles

- 11.1 The application site is situated at the west end of Ongar Road from Clapton Hall roundabout before the bridge over the A120 and before two residential properties (Brick Kiln and Tiggers) which form a large land triangle in between. The site lies outside development limits for Great Dunmow in the adopted local plan and ULP Policy S7 applies to the proposal which states that the countryside will be protected for its own sake. However, it is the case that the adjacent large housing development currently under construction to the immediate east (Taylor Wimpey - Ongar Road South) was found through the planning process to be within a sustainable location relative to Great Dunmow town centre in terms of distance to bus stops and pedestrian connectivity to the town, whilst the housing development of comparative size currently under construction to the immediate north-west (Redrow Homes - Ongar Road North) was also found to meet sustainability principles in view of its location and in view of Ongar Road South.
- 11.2 The smaller site now proposed for residential development for 25 no. dwellings at Oaklands the subject of the current application effectively straddles these two larger sites and it is therefore difficult in the circumstances to argue that the site is not situated within a sustainable location when viewed in the context of these adjacent sites. It should also be noted that the site forms a large established residential curtilage rather than being either previously farmland (Ongar Road South) or parkland/ amenity land (Ongar Road North). It should be emphasised for the purposes of site location that the Great Dunmow Neighbourhood Plan (GDNP) which was “made” in December 2016 and which is a material planning document in the planning process in terms of the policies contained within it identifies that the site at Oaklands is within the Town Development Area as defined by red line on the Town Map as shown at page 16 (Fig 16) whereby Policy DS1: TDA states that the GDNP defines the Town Development Area for the purposes of “*directing future housing growth in line with allocations set out in the plan, protecting the rural setting of Great Dunmow; and containing the spread of the town by promoting infill within existing built-up areas*”, adding that all other areas will be treated as countryside.
- 11.3 One caveat placed within the GDNP at page 35 in the preamble justification section to DS1: TDA as an Important Note is under the heading “Lands North and South of Ongar Road” where this section states that “*The Town Council does not agree with the principle of these two sites being included in the Town Development Area due to the residential amenity issues relating to noise. Ongar Road North also provides important woodland habitat which the town does not wish to lose. The Plan cannot however alter the fact that there are existing planning consents on the sites and therefore the Town Development Area does include them both.* In the circumstances, the current application for 25 no. dwellings at Oaklands has to be

read against this statement where the same issue of noise is a material consideration to the proposal, which is discussed further on below in this report.

- 11.4 A detailed transport statement accompanies the application (Journey Transport Planning, August 2017) which address public transport accessibility, walking and cycling, safety considerations, accident analysis, trip distribution and assignment and also parking in relation to the proposal and concludes that the proposal *“has been developed in accordance with the aims and objectives of current national and local policy as it relates to transport and will not have a significant impact on the efficiency or safety of the local transport network”* adding that there are no substantive highway or transportation reasons why the proposal as submitted should not be permitted.
- 11.5 ECC Highways have not objected in strategic highway terms to the principle of Oaklands from being developed for residential purposes and it must be re-emphasised that the development of the site for housing has to be read in the context of Ongar Road South and Ongar Road North and, given the findings of the applicant's transport statement, it has to be concluded that there are no locational reasons in terms of highways or access to public transport provision and local services as to why the application should be refused and in this respect it is argued that the proposal would meet the objectives of the social strand, or social role of the NPPF.

Flood Risk

- 11.6 The Council is required by the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) to consider each planning application on a risk based approach to development proposals to assess the risks of all forms of flooding to and from development taking climate change into account and to inform the applicant of the sequential approach. Local Planning Authorities should apply the sequential test as laid down in the NPPG to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed.
- 11.7 The site is zoned as being within Flood Zone 1 on the Government's flood risk map (land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (< 0.1%)) meaning that the site has a low risk of flooding from fluvial sources and surface water flooding. As such, the development of Oaklands is deemed to meet the requirements of the sequential test as the overall aim of the sequential test “should be to steer new development to Flood Zone 1” (Technical Guidance to the NPPG Section 5). The raising of finished floor levels of the proposed dwellings to a minimum of 150mm above existing ground level (levels range at the site between 70.50m AOD to the north down to 66.20m AOD along the southern boundary) is considered adequate protection from this form of flooding.
- 11.8 A Flood Risk Assessment and Drainage Strategy Report has been prepared for the development (Walker Associates Consulting Ltd, July 2017) which seeks to determine whether the development proposal would have a detrimental off-site impact which may cause or worsen flooding to other properties in the area, or create a flood risk to the proposed development itself. The report addresses issues relating to flood risk assessment, surface water discharge, foul water discharge, SuDS maintenance schedules, a summary and residual risks of the proposed development and recommendations for dealing with any residual risks resulting from the development.

- 11.9 The application is accompanied by a surface water strategy plan which shows the extent of new block paving areas within the proposed development, new storm water drainage runs, an underground surface water tank at the lower end of the site and also a small swale connecting the rear of the site with an existing watercourse running parallel with the A120 whereby surface water outflows will be restricted to greenfield rates by means of a flow control device. The surface water strategy proposes that run-off from the dwellings at the top end of the site will be discharged to the existing pond which currently is not connected to any surface water drainage systems, that all private drives will be drained by means of permeable block paving, that the internal service roads within the site will be installed using permeable tarmac and that attenuation will be provided for the 100year+40% critical storm event within the underground storage units. 1 in a 100 year storm event micro-drainage calculations have also been provided based upon the hardstanding areas shown, including for storm sewer design. The strategy report concludes that the proposed development will not have any effect on flooding within the vicinity of the site, will incorporate appropriate SuDS provision and will comply with the requirements of NPPG and other relevant planning policy as a result of the measures outlined in the report.
- 11.10 ECC SuDS comments have commented on the application who originally raised a holding objection to the proposal (05/10/2017) as the submitted Surface Water Drainage Strategy did not comply with the requirements set out within Essex County Council's Drainage Checklist and therefore the submitted drainage strategy did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development with particular reference to the extent of calculations submitted and whether climate change had been applied to the storage calculations, "urban creep". Details were also required of how surface water would be treated before entering the pond at the front of the site so that it was not adversely affected ecologically and on how the pond had the capacity to take any flow from the site.
- 11.11 Following clarification from the applicant on the identified issues above, ECC SuDS have since reviewed the submitted drainage strategy and associated documents and have now removed their holding objective subject to conditions. The proposal therefore complies with the NPPF and ULP Policy GEN3.
- 11.12 In term of foul drainage, Anglian Water have prepared a pre-application planning assessment relating to the proposed development which has predicted that estimated flows from the site at Ongar Road via a direct connection to the public foul sewer system would result in a detriment to performance on existing sewer capacity resulting in increased flood risk downstream of the proposed connection point and that no additional dwellings can be connected without the need for a mitigation solution. A foul drainage mitigation strategy has been recommended by Anglian Water involving further hydraulic modelling to provide a solution for draining the foul flows from the proposed development whereby the topography of the site indicates that a pumped regime is required as gravity connection is not feasible. The solutions to prevent detriment to the existing sewerage network performance during a 1 in 30 year critical duration storm event would include an upsizing of existing sewers within the nearby vicinity of the site and providing off-line storage whereby these drainage strategy measures would represent a feasible solution for planning application purposes and which can be conditioned so that the measures can be agreed with the LPA in liaison with Anglian Water and where a detailed design would be required to investigate the solution further post-application stage.

Impact on landscape character

- 11.13 The site is located adjacent to two bungalows situated to the immediate west whereby the A120 cuts through at an angle to the rear of the site effectively creating a physical barrier with Ongar Road to The Rodings beyond the road bridge over the A120. The front section of the site has an attractive glazed appearance onto Ongar Road, whilst the rear section is open in its internal appearance. The slightly elevated position of the site relative to the A120 cutting would mean that the dwellings shown for the rear south-west section of the site are likely to be visible in part from the A120, although a line of thick vegetation runs along the site with the road meaning that some of the built form would be screened due to this. The frontage of Ongar Road to the immediate east is currently being developed for housing purposes (Taylor Wimpey - Ongar Road South), whilst the land to the immediate north-west is also now being residentially developed (Redrow Homes – Ongar Road North) meaning that the streetscene of this section of Ongar Road has already changed in its character because of these two previous grants of planning permission.
- 11.14 The dwellings for the proposal site at Oaklands would be set back behind and to the side of the frontage feature pond meaning that their impact would be lessened from Ongar Road because of this setting-back which would also provide a natural break along the frontage building line on the south side of Ongar Road taking into account the Taylor Wimpey development. As such, it is considered that the proposal would not have a significantly harmful impact on the rural amenities of the area and would not therefore be contrary to the countryside protection aims of ULP Policy S7 where, as previously stated in this report, it is considered that the proposal would amount to a presumption in favour of sustainable development given its location providing additional housing for the district, whilst noting from Fig.29 of the GDNP that the site does not form part of a wider “Important View” for the town.

Noise

- 11.15 Noise pollution was a material consideration for both the Ongar Road South and Ongar Road North developments, more particularly so for Ongar Road North (Redrow) whereby some of the dwellings for that nearby development were shown to run either parallel with in very close proximity to or to abut end on to the A120 boundary line with rear gardens either facing immediately onto or running parallel with the A120 embankment. By comparison, the dwellings approved for Ongar Road South were not subject to as greater noise impacts due to the nearest dwellings being positioned further away from the A120 behind a large attenuation pond. However, noise is also a material consideration for the current proposal site at Oaklands given that the revised site layout for this site shows a line of dwellings extending down the west side of the site to its south-west corner with the A120.
- 11.16 It should be noted by way of background that the indicative site layout shown at preliminary enquiry stage for Oaklands showed a more linear housing layout extending southwards with the rear gardens shown on the west side of the service road facing either towards or directly onto the A120. However, the applicant was advised by the Council that this would not be acceptable in terms of noise impact for the same reasons as were relevant to Ongar Road North. As such, the site layout for the current application now shows the site layout with the service road extending further out onto the western side of the site along the site's western boundary and then returning at right angles along the southern

boundary eastwards with the dwellings shown on the inside of the road with inward facing gardens whereby the dwellings would create a sound barrier to the sitting out areas for the occupants of these dwellings at the lower end of the site. The same noise consultants who prepared the Noise Impact Assessment for the housing development for Ongar Road North (Accon UK, July 2017) have prepared a Noise Impact Assessment for the proposed housing development at Oaklands.

11.17 Paragraph 123 of the NPPF (insofar as it relates to the current proposal) states that planning policies and decisions should aim to:

- “Avoid noise from giving rise to significant adverse impacts (see Explanatory Note to the Noise Policy Statement for England (DEFRA)) on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts (see Explanatory Note to the Noise Policy Statement for England (DEFRA)) on health and quality of life arising from noise from new development, including through the use of conditions.

The Noise Policy Statement for England (NPSE) aims to “through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and

the Planning Practice Guidance (PPG), published March 2014, provides advice on how to determine the noise impact on development, namely “Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. The document goes on to provide a definition for the levels of noise exposure at which an effect may occur:

Significant observed adverse effect level: this is the level of noise exposure above which significant adverse effects on health and quality of life occur.

Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

No observed effect level: this is the level of noise exposure below which no effect at all on health and quality of life can be detected.

It should be noted that it is appropriate to consider other sources of advice and guidance documents when considering whether new developments would be sensitive to the prevailing acoustic environment as the PPG does not provide any

advice with respect to specific noise levels/limits for different sources of noise.

11.18 The noise consultants engaged by the applicant have liaised with the Council's Environmental Health Dept. to confirm the noise criteria for the assessment of road traffic noise from the A120 on the proposed residential development at Oaklands whereby the Council advised the consultants that noise criteria will require the following noise limits for residential properties:

- Bedrooms (night-time - 2300 hrs – 0700 hrs) 30 dB LAeq (individual noise events should not normally exceed 45 dB L_{Amax,F} by more than 15 times)
- Living rooms (daytime - 0700 hrs – 2300 hrs) 35 dB LAeq
- Gardens and terraces (daytime) 55 dB LAeq”

It was also confirmed by the Council that;

“If the internal noise limits can only be achieved with closed windows then alternative means of both whole dwelling and purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. Detailed information on the construction of the building envelope should be proposed, together with supporting calculations in accordance with Appendix G.2.1 of BS 8233:2014. Accompanying this information, we would also require robust ventilation measures that will provide sufficient ventilation to all living areas, including bedrooms and living rooms to negate the need to open windows. We would expect to see mechanical whole house systems to include intake and extract ventilation at this location. In respect of external noise levels, details are to be submitted including “the position, design, height and materials of any acoustic barrier proposed, along with calculations of the barrier attenuation.””

11.19 UDC’s external noise level criterion is 55 dB LAeq,16hr. The submitted noise impact assessment assessed likely road noise from the A120 at the receptor locations (house plots) within the external garden areas of the site. The results indicated that external garden areas for the majority of the house plots would be below 55 dB LAeq,16hr when the noise levels were assessed against the external noise criteria set out in the UDC noise criteria, the exceptions being Plots 21, 22, 24 and 25 at 56 dB LAeq 16hr, i.e. at 1 dB over (56 dB).

The Noise Impact Statement by Accon states the following based upon the above findings and other noise calculations to assess the noise impact on the proposed development:

“The results of the external noise assessment indicated that the majority of garden areas would achieve the external noise criterion set by Uttlesford District Council. Environmental noise barriers have been proposed around the perimeter of the site to provide further screening to Plot 21, Plot 22 and Plots 24 and 25 to ensure that a reasonable proportion of these garden areas achieve the external noise criterion. The results of the internal noise assessment indicate that all of the habitable rooms will achieve the internal noise level criteria set by Uttlesford District Council with the provision of different glazing and ventilation specifications with increasing sound reduction properties. Consideration has also been given to the impact of ventilation on internal noise levels, particularly in respect of thermal comfort cooling, and it has been identified that a number of plots will require an alternative means of ventilation such as a PIV system. The PIV system would be designed to prevent the need to open windows in order to provide thermal comfort cooling whilst still maintaining a reasonable internal

noise level. Achievement of the target noise criteria will ensure compliance with the aims of the NPPF and the PPG in that it will avoid noise from giving rise to significant adverse impacts on health or quality of life for future occupiers of the proposed development. This assessment has utilised the principles of Good Acoustic Design as identified in the recently published document "ProPG: Planning and Noise: Professional Practice Guidance on Planning and Noise – New Residential Development, May 2017".

- 11.20 The noise findings have been examined by the Council's EHO who has advised in his consultation response that the recommended acoustic measures set out in the noise report are acceptable subject to these measures being conditioned. The proposal would therefore comply with the NPPF and ULP Policy ENV10 subject to compliance with these conditions.

Air Quality

- 11.21 The Council's Environmental Health Officer has advised that the proposed development would not be significantly impacted by air pollution from the adjacent A120 for the reasons set out in the consultation response in this report and no objections are therefore raised under ULP Policy ENV13.

B Access

- 11.22 The proposed development would have a 6.0m shared surface internal service road to serve the new dwellings and would involve the creation of a new bell-mouth junction onto the B184 Ongar Road. The application is accompanied by a Stage 1 Safety Audit which identifies the following highway observations/proposed highway measures to be incorporated into the scheme:

- A new 6.0m wide access on the southern side of Ongar Road;
- The provision of a raised table within the new access leading into a 6.0m shared surface carriageway;
- The provision of an uncontrolled pedestrian crossing facility with dropped kerbs and tactile paving on Ongar Road, east of the proposed access;
- The provision of a new 2.0m wide footway on the eastern side of the new access connecting the southern aspect of the pedestrian crossing to the shared carriageway within the development
- Associated road markings.

- 11.23 The safety audit has been assessed by ECC Highways who have not raised any objections to the audit subject to the proposed dropped kerb/pedestrian crossing point across Ongar Road shown east of the proposed site access for the development being highway conditioned where the details of this proposed crossing and other works/measures can be dealt with at detailed audit design stage. As such, there is no requirement for any of these works/measures to be subject to inclusion within a S106 Agreement. Furthermore, ECC Highways have expressed that they are happy with the tracking details supplied by the applicant showing that refuse vehicles will be able to successfully enter the site and to pass each other along the 6m carriageway within the site. Accordingly, ECC Highways have advised that the impact of the proposal is acceptable from a highway and transportation perspective subject to recommended highway conditions. The proposal therefore complies with ULP Policy GEN1.

C Design

- 11.24 The 25 dwelling scheme submitted for Oaklands would have a net housing density of 23.5 dph, compared to a net density of 30.6 dph for the Taylor Wimpey site at Ongar Road South and 23.6 dph for the Redrow Homes site at Ongar Road North. As such, the density of the site would be low compared to previously set and now unused density standards and comparable in density to Ongar Road North. The dwellings shown for the development would be a mix of single storey, 2 storey and 2½ storey height units with a predominance of 2 storey and would have traditional designs and external finishes. The scale of dwellings shown across the development is considered acceptable where the 3 no. 2½ storey height dwellings would be positioned for the front and interior of the site and where the 2½ storey dwelling shown for Plot 2 at the front would be sufficiently set back from the road behind the frontage pond at 53m depth so as to not have a dominating effect on the streetscene.
- 11.25 All of the dwellings would have rear garden amenity sizes meeting or exceeding the minimum recommended standards as set out in the Essex Design Guide and would have back to back distances exceeding 25m where this principle would need to be applied and, in the main, dwelling to boundary distances of 15m. As such, the development has a reasonably relaxed layout as demonstrated by its density figure. The applicant has stated that the road surface would be to adoptable standards, albeit that the road would not be conveyed over for highways adoption and would be privately maintained. However, dust carts and emergency vehicles would be able to access the development.
- 11.26 The proposed site layout is shown without the provision of any children's play space whereby the amenity pond at the front of the site could not be treated as such, although could nonetheless provide some site interest as an existing on-site natural asset to children on the proposed development were this provision to be properly managed.
- P71 of the GDNP discusses specifically the issue of children's play space where it states that the plan's objective is to serve Great Dunmow with *"a sufficient quantity of high quality and well-maintained play space located within easy walking distance of its populations"* stating that Great Dunmow has a deficit of 5 ha of children's play space where this should be provided at a minimum level of 0.8 ha per 1,000 population (7.3 ha deficit in the South Ward compared to a surplus of 2.1 ha in the North Ward). This section continues saying that *"It is clearly an undesirable position to be in where children need to travel across the town to reach play areas of adequate capacity, and the problem will be exacerbated as the town grows in size"*.
- 11.27 Notwithstanding the absence of on-site play provision for the proposed scheme, a LEAP is planned for the adjacent Taylor Wimpey site (Ongar Road South), whilst a "trim trail" is proposed for the Redrow site (Ongar Road North) and it is considered from this that the future existence of these nearby play facilities within walking distance of the site along Ongar Road would provide adequate local play-space and would negate the need for on-site play provision for this proposed smaller residential site scheme by way of comparison where this ought to reduce the need for children to be taken across the town to play-space facilities provided elsewhere. In addition, the rear amenity spaces shown for the dwellings, including the affordable units located to the rear are generous under EDG amenity standards relative to their bedroom sizes and therefore would offer it is contended adequate on-site play space.
- 11.28 In the circumstances, no design objections are raised to the scheme under ULP

Policy GEN2.

D Housing Mix

11.29 The development would have a good mix of housing units between 2, 3, 4 and 5 bed dwellings (2 bed x 8.no, 3 bed x 10.no, 4 bed x 2.no, and 5 bed x 5.no.). The nominated wheelchair accessible units would be the handed bungalows shown for Plots 22 and 23 towards the front of the site (25 x 5% = 1.25 units) where the applicant's agent has stated that he is happy to provide these units as a pair. The positioning of these dwellings near to the front of the site would therefore be advantageous for the future occupants of these dwellings. It is considered from this housing mix that the proposal would comply with ULP Policy H10 and be in general conformity with the latest housing needs evidence base.

E Affordable Housing

11.30 The proposed scheme is shown with a 40% affordable housing element comprising 10 affordable units (25 x 40% = 10 units). The affordable housing is shown predominantly within the south-west corner of the site, although not within totally a single cluster whereby two affordable units (Plots 24/25) are included at the very front of the site by way of contrast and two pairs of market dwellings are situated beyond the affordable units at the site's eastern end thereby effectively "bookending" the affordable section to provide more inclusiveness within the site scheme as a whole. The applicant has indicated the tenure split for the affordable housing element at 40% shared ownership and 60% rented, although the precise tenure split would be subject to future discussion with the Council/RSL's as part of any S106 agreement. No objections have been received in principle to the affordable housing element of the scheme from the Council's Housing Enabling Officer and it is considered that the proposal would comply with ULP Policy H9.

F Parking Standards

11.31 Parking for the site would be in the form of both garaged and hardstanding parking or a combination of both. The development would have the appropriate UDC parking ratio requirement per dwelling, including the affordable units, with some market dwellings exceeding the minimum parking standards, whilst all of the garages shown would be at 7m x 3m size and hardstandings would be at 5.5m x 2.9m bay size to meet ECC Highway standards. 7 no. visitor spaces are shown for the mid to lower end of the development where this visitor provision would be more desirable and meets the ECC Highway visitor parking ratio of 0.25 spaces per dwelling (25 x 0.25 = 6.25). Whilst it is noted that six plots have tandem parking, (Plots 6, 7, 8, 9, 22 and 23), these plots are not positioned on the frontage section of the internal service road, whilst two plots are situated on a spur. Given this internal site arrangement, this would not cause internal inconvenience to other users of the service road. No objections are therefore raised to the proposal under ULP Policy GEN8.

G Impact on residential amenity

11.32 The site is divided from the Taylor Wimpey site to the immediate east by a long drainage ditch and adjacent parallel bridleway whereby the proposed dwellings for the Oaklands site would be separated from this adjacent housing development by a 10m band strip running the entire depth of the site. The rear facing dwellings shown for the Taylor Wimpey site running down along this

dividing strip would be located no nearer than 25m from the nearest rear facing dwelling for the proposed development (Plot 5) with the other three dwellings shown on this side being flank facing. No amenity issues would therefore arise for the nearest occupants of the Taylor Wimpey development. The pair of two storey affordable units at the front end of the site would stand 4m away from the side boundary with Brick Kiln. However, this separation distance would ensure that any amenity loss to this adjacent dwelling would not be significant. The bungalow shown for Plot 22 would stand behind the rear garden of Brick Kiln. However, Brick Kiln enjoys a generous sized rear garden, whilst the single storey nature of the proposed dwelling for Plot 22 and appropriate boundary screening would ensure that any amenity loss to this property would also not be significant. The bungalow for Plot 22 would also stand 2.5m from the side boundary with Tiggers. However, again this separation distance would ensure that any amenity loss to this adjacent dwelling would not be significant.

- 11.33 Intra-amenity between dwellings on the development would be reasonable to good where obscure glazing is shown for those windows which could otherwise lead to overlooking and loss of privacy to adjacent occupiers. No amenity objections are therefore raised to the proposal under ULP Policy GEN2.

H Impact on trees

- 11.34 The front of the site around the pond contains a canopy of established trees with three trees being subject to a TPO whereby this tree grouping helps to define the attractive frontage setting. Some trees have been identified in the accompanying tree survey report as being in either fair or good condition, whilst others are considered to be of lesser amenity value. The survey report, arboricultural report and tree protection measures scheme have been examined by the Council's Landscape Officer who has advised that the submitted tree protection measures are considered to be appropriate and that two trees in good condition (Hornbeam and Lime) are not considered to be of significant amenity value in terms of the wider landscape. No landscaping objections have accordingly been raised to the development, subject to conditions requiring the tree protection measures for trees to be retained to be implemented in accordance with the recommendations, as set out in the D F Clark Bionomique Ltd's Arboricultural Impact Assessment dated 24.05.2017 (rev A) and the submission for approval of a fully detailed scheme of landscaping. As such, the proposal would accord with ULP Policy ENV3.

I Impact on protected and priority species

- 11.35 A detailed ecology report has been prepared for the proposal (AA Environmental Ltd, July 2017) along with a separate technical report relating to GCN's. The main ecology survey found that the site does not contain any natural habitats conducive to protected or priority species, namely bats, badgers or herpetofauna (reptiles and GCN's) and no evidence of these species was found at the site. The frontage pond has been found not to be an ideal terrestrial habitat for GCN's, notwithstanding that a low population of GCN's was recorded in the pond in 2011, hence the additional GCN report carried out to verify this latest negative finding. The report recommends various bio-diversity enhancements for the proposed scheme and also recommends that site clearance works are carried out adopting Reasonable Avoidance Measures, at the appropriate time of the calendar year under qualified supervision when GCN's are fully active, as a precautionary principle for this protected species and attaches a method statement for the works for reference.

- 11.36 ECC Ecology have commented on the submitted ecology information and have not raised any objections subject to appropriate conditions. The proposal would therefore comply with ULP Policy GEN7.

J Impact on Sites of Archaeological Importance

- 11.37 Recent archaeological excavations carried out on the Ongar Road North site have revealed the remains of a late Iron Age and Roman settlement. Archaeological remains relating to the old Roman road leading from Great Dunmow towards Harlow would also be impacted by the development. ECC Archaeology have recommended an extensive archaeological condition so that any archaeological deposits may be identified and recorded prior to any development works proceeding (ULP Policy ENV4).

12. CONCLUSION

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

- A** The proposal would amount to a presumption in favour of sustainable development, would not constitute a flood risk, would not have a significantly harmful impact on landscape character, external noise impacts can be mitigated by condition and air pollution would not be significant.
- B** Access arrangements for the development would be acceptable.
- C** The design of the housing scheme would be acceptable.
- D** The housing mix would be acceptable.
- E** 40% affordable housing provision would be provided.
- F** Resident parking would meet ECC and UDC parking standards.
- G** The development would not have a significant impact on residential amenity.
- H** Tree impacts would be mitigated by tree protection measures.
- I** The development would not have a harmful impact on protected species.
- J** Facilities for archaeological field research would be secured by planning condition.

13 UPDATE FOLLOWING DEFERRAL FROM PLANNING COMMITTEE 14.3.18

- 13.1 In response to the deferral of this application from Planning Committee on 14.3.18, the applicant's agent has responded by changing the clustering by swapping the affordable housing units (Plots 10 & 11) with the market dwelling units (Plots 17-23). By doing this, the applicant has reduced the amount of affordable units within the direct line of the A120. The applicant has also clarified further the noise contour issues around the protection of the garden areas of the units from noise from the A120 without the need to decrease the noise contours. A revised version of the housing schedule shown at 3.4 will be provided to members prior to the meeting.
- 13.2 The suggested conditions have also been formally changed to reflect members and officers concerns over tree issues on the site.

RECOMMENDATION – S106 Agreement APPROVAL WITH CONDITIONS

- (I) The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (III) below unless by 11 May 2018 the freehold owner enters into a binding agreement 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 Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:

- (i) Provision of affordable housing**
 - (ii) Primary school education contribution**
 - (iii) Maintenance of SUDS**
 - (iv) Pay the Council's reasonable legal costs**
 - (v) Pay the monitoring fee**
- (II) In the event of such an agreement being made, the Assistant Director Planning 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 agreement, the Assistant Director Planning shall be authorised to refuse permission at his discretion at any time thereafter for the following reason:**
- (i) Non-provision of affordable housing**
 - (ii) Non-payment of Primary school education contribution**
 - (iii) Non maintenance of SuDS**

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. Prior to the commencement of development, including ground clearance and compound set up, or any works pursuant of any other condition within this planning permission full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details
- l) two mature oak trees

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and

environmental impacts of the development hereby permitted in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development hereby granted can be properly assimilated into the local landscape by appropriate landscape mitigation measures.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. 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 ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. Prior to the commencement of development, including ground clearance (or any works pursuant of any other condition within this planning permission tree protection measures for those trees to be retained shall be implemented in accordance with the recommendations as set out in the Arboricultural Impact Assessment prepared by D F Clark Bionomique Ltd dated 24.05.2017 (rev A).

REASON: To ensure that the important landscape features of the site are protected and not prejudiced by the development hereby approved in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. Prior to the commencement of development, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to occupation of any dwelling, the provision of an access formed at right angles to Ongar Road, as shown in principle on drawing no. 2015-725-002 Rev F, to include but not limited to: minimum 6 metre carriageway width with a 2 metre wide footway to the east of the access tapering into the shared surface, and a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of any of the proposed dwellings, the provision of a dropped kerb pedestrian crossing across Ongar Road shall be provided east of the proposed site access, as shown in principle on drawing no. 2015-725-002 Rev E.

REASON: In the interest of highway safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9. The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate bicycle parking is provided in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

10. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

11. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Discharge rates limited to 1.5l/s from the site for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. Provision in storage should also be made for the effect of urban creep and have a suitable half-drain time.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all run-off leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL

- and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with the NPPF and ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

12. No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

13. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

14. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Accon UK Ltd report (Ref:A3035/N/001) dated 14th July 2017. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of future occupiers of the development in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

15. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

16. All ecological measures and/or works shall be carried out in accordance with the details contained within the Ecology Statement (AAe Environmental Consultants,

2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interests of conserving biodiversity in accordance with the National Planning Policy Framework and ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

17. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

REASON: In compliance with Schedule 9 of the Wildlife and Countryside Act and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

18. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure that some form of covenant is in place to ensure that the management body that takes on long-term responsibility for implementation of the LEMP (management of the ecological areas) is to do so in strict accordance with the details contained therein in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

19. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following completion of this work.

No development or preliminary groundworks shall commence on those areas

containing archaeological deposits until the satisfactory completion of fieldwork as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environmental advisors.

The applicant shall submit to the local planning authority a post-excavation assessment to be submitted within three months of the completion of the fieldwork unless otherwise agree in advance with the local planning authority. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

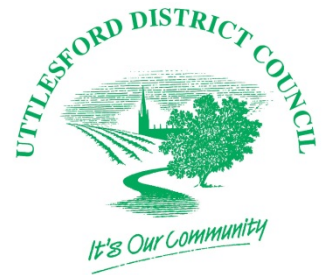
REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

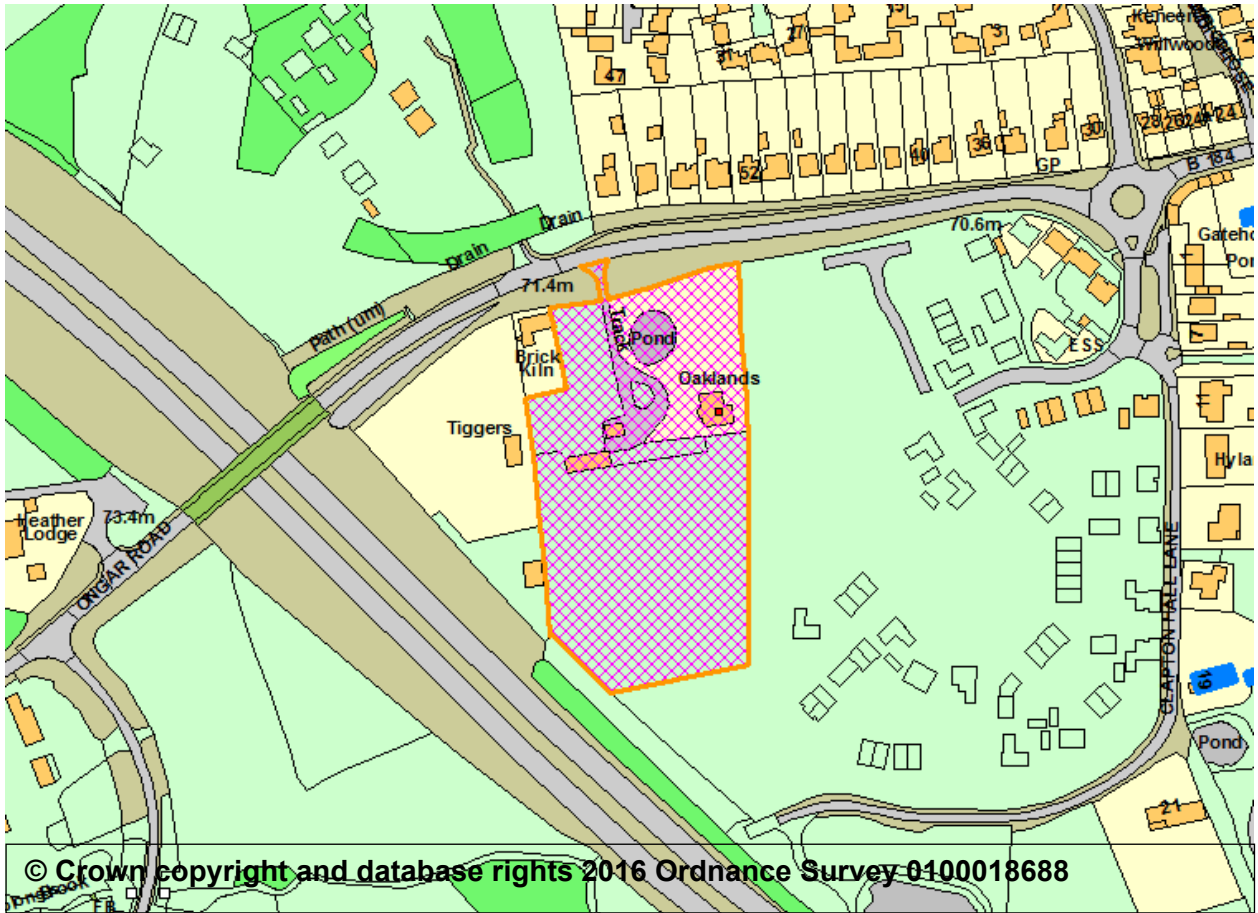
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no compounds, portacabins or temporary builders' facilities shall be stationed or erected on the site prior to all works and submissions pursuant to Conditions 2 & 4 of this planning permission.

REASON: To ensure that the important landscape features of the protected and not prejudiced by the development hereby approved accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and EN Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2238/FUL

Address: Oaklands, Ongar Road, Great Dunmow





Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018

UTT/17/3538/DFO – (STEBBING)

PROPOSAL:	Reserved matters application consisting of layout, scale, landscape and appearance following outline consent UTT/14/1069/OP. Residential development comprising 30 dwellings, public open space, landscaping, new access and highways, associated and ancillary development.
LOCATION:	Land to North of Stebbing Primary School and rear of Garden Fields and Parkside Garden fields Stebbing
APPLICANT:	Mr D Rich-Jones
AGENT:	Mr C Wragg
EXPIRY DATE:	8 March 2018 (extension of time to 17 April 2018)
CASE OFFICER:	Madeleine Jones

1. NOTATION

- 1.1 Outside Development Limits. Public Rights of Way. Within 100m of Local Wildlife Site. Within 100m of special Verge.

2. DESCRIPTION OF SITE

- 2.1 The application site is located to the north of Stebbing Primary School and to the rear of Garden Fields and ParkSide Stebbing. It comprises of 1.78 hectares of land.
- 2.2 The site is made up of two parcels of land, the two are separated by a hedgerow and public footpath. The northern parcel of land is triangular in shape reaching its narrowest point at the northern end. To the north of the site beyond residential dwellings and to the east of the site are arable fields. To the west are residential dwellings. To the south of the site are the primary schools playing fields.
- 2.3 There is a public footpath that runs west to east through the site and continues through the fields to the east and links to footpaths to the B1057. There is a further public footpath that runs from the west to eastern footpath, north to south along the eastern boundary. This joins a local network of public rights of way
- 2.4 There is an existing field access to the west of the site between the residential dwelling Pidgeon Point and number 4 Hill Croft Cottages.
- 2.5 The southern part of the site slopes down to the west and south and is enclosed by hedgerows. The arable land to the rear of the site slopes away from the site. The southern larger rectangular field slopes down steeply adjacent to where it joins the road.
- 2.7 To the front of the site are two pairs of semi-detached dwellings.

3. PROPOSAL

- 3.1 The proposal relates to the reserved matters relating to layout, scale, landscaping and appearance for 30 dwellings approved under reference UTT/14/1069/OP.

3.2 The proposed dwellings would be a mix of dwellings from 1 bedroomed to 5 bedroomed, including bungalows and flats. It is proposed that there would be 40% affordable housing. The Affordable housing would be split into 50% Affordable rent and 50% Affordable Shared Ownership.

3.3 An area of public open space in the form of a LAP is included in the proposals adjacent to plot 4.

3.4 The proposal has been revised to include an access track to the rear of numbers 1-4 Hill Croft Cottages to provide rear access to number 1 Hill Croft Cottages.

4. APPLICANT'S CASE

4.1 The application has been submitted with the following accompanying documents:

Design and Access Statement
Landscape and Ecology Management Plan
Drainage Strategy-Report SUDS Statement

5. RELEVANT SITE HISTORY

5.1 UTT/14/1069/OP: Outline application, with all matters reserved except of access, for the erection of 30 residential dwellings including open space and landscaping. Approved 17th February 2015.

UTT/16/0684/DOC: Application to discharge condition 11(site access) attached to UTT/14/1069/OP dated 17.02.2015. Refused.

UTT/16/3244/DOC: Application to discharge condition 11(site access) attached to UTT/14/1069/OP dated 17.02.2015. Refused.

UTT/17/0144/DOC: Application to discharge Condition 11 (site access) attached to UTT/14/1069/OP dated 17 February 2015. Discharged in full.

UTT/17/3583/DOC: Application to discharge conditions 1(landscaping) 4(ecological mitigation scheme) 5(archaeological trial trenching) 6(archaeological mitigation strategy) 7(post excavation assessment) 8(surface water drainage scheme) 11(site access) and 12(lightning details) attached to UTT/14/1069/OP dated 17.02.2015. Pending Consideration.

6. POLICIES

National Policies

6.1 - National Planning Policy Framework

Uttlesford Local Plan (2005)

6.2 - S7 – Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation

- GEN8 – Vehicle Parking Standards
- ENV7 – County Wildlife Site
- H9 – Affordable Housing
- H10 – Housing Mix
- ENV13 – Exposure to poor air quality
- ENV8 – Other elements of importance for nature conservation

7. PARISH COUNCIL COMMENTS

7.1 Stebbing Parish Council believes as the principle of development for 30 houses on this site has already been approved despite objection from the Parish Council and numerous residents, it has no objection to the proposed layout, scale & appearance for these 30 houses.

However, Stebbing Parish Council has very very grave concerns regarding the access and approach to the development (approved drawing 5922-GA-001 ref UTT/17/0144/DOC) from the High Street / The Downs.

The conflict between the access to the houses (Pidgeon Point, Oakford and 4 Hillcroft Cottages) and this development gives Stebbing Parish Council grave concerns for their amenity plus the safety of the residents on their ingress and egress to their properties.

Stebbing Parish Council also has grave concerns for the safety of children walking to school from Garden Fields via the current public footpath as they will have to cross this new road access.

Stebbing Parish Council does not believe this has as yet been satisfactorily addressed as yet. Stebbing Parish Council would like to remind the Planning Committee of the conditions laid down by the Secretary of State for Environment, Food and Rural Affairs inspector in relation to the access over the area that is designated common land.

Stebbing Parish Council also cannot see in this application any mitigation measures for the lesser calamint on the common land verge. Below is the relevant extract from the Common Land Case decision, requiring that mitigation measures are taken.

The public interest Nature conservation 16. Mrs Rufus3 submitted that the public's interest in nature conservation would be adversely affected by the proposed works as they would disturb an existing population of Lesser Calamint (*Clinopodium calamintha*) present on the unsurfaced part of the application land. Lesser Calamint is an Essex Red Data List plant and is nationally scarce. The verge opposite the application land is a Local Wildlife Site (Ufd 270) on account of the presence of Lesser Calamint. 17. For the applicant, Mrs Cross submitted that the presence of Lesser Calamint on the application land was not noted in 2014 when an ecological survey was carried out. As part of the planning application for the housing development, the applicant has entered into a section 106 agreement which includes an ecological management plan that proposes a mitigation area of land to be dedicated to maintain a population of Lesser Calamint. This area is intended to provide an area of biodiversity gain as part of the housing development. 18. I have not seen the ecological survey conducted in 2014 by the applicant, nor have I seen the section 106 agreement as neither document was submitted as part of the evidence supporting this application. However, I have no reason to doubt the existence or veracity of such documents as there is no dispute between the parties as to their content or intent. Despite Lesser Calamint not being recorded in the 2014

ecological survey, at the time of my site visit there were a number of such plants growing and flowering in the unsurfaced section of the application land. These plants were primarily at the footway side of the verge and Mrs Rufus may be correct in that they have established from plants present in the protected roadside verge opposite.

19. The proposed works would impact upon some of the plants present on site and the loss of those locally and nationally rare plants would be detrimental to the public's interest in nature conservation. However, I consider that the adverse impact of the works could be mitigated by the creation of an area of land to be dedicated to the maintenance of another population of this species under the section 106 agreement.

8. CONSULTATIONS

ECC Highways

- 8.1 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Note:

The access for this development has had technical approval from Essex Highways as part of the outline application. This application has been reviewed by the highway authority and some adjustments were required to the layout to make it acceptable. These included traffic calming and alignment of PROW crossing. The layout includes surfacing of PROW 14 within the site, we recommend that a condition is applied to also surface the section of PROW 14 that links the site to the adjacent residential development to improve the accessibility of the site for pedestrians.

From a highway and transportation perspective the impact of the proposal as showing in drawing number 5922-WSP-00-XX-DR-C-100 Rev P02 is acceptable to the Highway Authority subject to conditions:

Informatives:

(i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

(ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU.

Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the

construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under

Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(v) There shall be no discharge of surface water onto the Highway
Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

(vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpaths 14 and 17 (Stebbing) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

ECC Ecology Advice

8.2 No objection.

Place Services ecologists provided comments on this development at outline stage (Emma Simmonds, 9 July 2014) and the required ecological information and measures to mitigate for likely impacts has been addressed and contained in the submitted Landscape and Ecology Management Plan (LEMP) (Ecology Solutions, November 2017). A bat activity survey has been undertaken and the landscaping plan shows dark corridors for them to move through the landscape. The hedgerow on site has been retained and extended around the whole development, providing net gain for this Priority habitat. An Ecological Mitigation and Management Plan (Plan ECO6) has been provided to discharge condition 4 of the outline consent. The biodiversity offsetting metric has been used to calculate the area of habitat creation offsite including new areas for calamint. The nearby Downs Special Roadside Verge will be protected throughout the development.

Condition: All the measures contained in the LEMP, submitted in support of the planning application, should be implemented in full in accordance with the approved details.

Further comments: Place Services has no objection with the revised changes to this application. Therefore, it is recommended that our initial comments provided by Sue Hooton (21 December 2017) should still be followed.

ECC Development and Flood Risk Officer – SUDS

- 8.3 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the discharge of condition 8 of UTT/14/1069/OP based on the following:

Inadequate Surface Water Drainage Strategy The Drainage Strategy submitted with this application does not comply with the requirements set out in Essex County Council's **Full/Outline** Drainage Checklist.

Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted strategy fails to:

- Provide site specific infiltration testing results to demonstrate infiltration is feasible on site.
- Detailed storage calculations should be provided.
- The drainage plan appears to only include surface water drainage within the central and southern areas of the site, it should be outlined how surface water is to be managed in the north of the site.
- Further information is required to demonstrate water quality treatment is sufficient in line with the simple index approach outlined in chapter 26 of the CIRIA SuDS Manual C753.
- Details regarding exceedance routes should be provided.
- A management and maintenance plan is required to outline responsibility for maintenance as well as detailing activities and frequencies outlined for all features within the drainage system.
- Sustainability of the development.

Further comments received on additional information received:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the discharge of condition 8 of UTT/14/1069/OP based on the following:

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

Anglian Water

- 8.4 As this application does not relate to drainage we have no comments to make.

Aerodrome Safeguarding Response

- 8.5 The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

Crime Prevention Officer

- 8.6 On reading the Design and Access Statement I cannot find any reference in relation

to UDC Local Plan Policy GEN2 - Design (d) which states "It helps reduce the potential for crime" unless this is shown on an associated application. We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience pre-planning consultation is always preferable in order that security and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application. A Secured by Design award would also provide evidence of Approved Document "Q" compliance.

Housing Enabling Officer

8.7 The revised mix and type of homes is acceptable.

9. REPRESENTATIONS

9.1 The application was publicised by sending letters to adjoining occupiers, displaying of a site notice and advertising it within the local newspaper. 56 letters of representation have been received. Expiry date: 21st March 2018

9.2 56 letters of objection raising the following issues:

- The developers and the council do not seem to have taken any notice of the raft of objections to this development from planning related professionals and local residents alike that relate to matters outside of the proposed building area. Namely the safety of parents, children, teachers and other local residents using and traversing the narrow access road. A smaller development as originally proposed, may well have proved acceptable. Thirty properties with 60+ vehicles moving through this pinch point is not.
- The revised plans include an access track to the rear of Hillside Cottages. For this track to be fully accessible to cars the width should be increased to facilitate reversing in to each garden served by the track so egress can be in forward gear.
- Highway safety – parents/children/teachers using the narrow access road. Congestion. Traffic and parking problems. Particularly at the start and finish of school. The village has no off road parking provision. The school car park is already at maximum capacity – only large enough to cope with staff parking. Parents are therefore forced to park on the surrounding roads. Impact of large lorries using the roads and access. A full risk assessment need to be carried out.
- Incorrect plans – doesn't show extension to neighbouring property.
- Impact on property prices.
- Loss of amenity.
- Overdevelopment.
- Out of character with the area.
- Loss of land enjoyed by the village and wildlife. Concerns in relation to the character of the historic village and the rural and environmental stability.
- School is already at full capacity and will ruin the schools outlook.
- Loss of views.
- Child Safeguarding issues, as many properties overlook the school.
- Impact on listed buildings particularly the increased traffic and with the build.
- Impact on wellbeing.
- Pedestrian access from Garden Fields and The Downs will no longer exist.
- Entrance to the proposed site is totally congested and dangerous.
- The houses proposed do not fulfil the needs of local residents for affordable housing or first time buyers. They will be overpriced, given that they are situated behind a tired 60's housing estate with very poor access to the main road. Twice the number of smaller houses would be better.

- The cart track access appears on ancient maps of Bull Field. Residents of Hillcroft Cottages have been bullied about signing away access rights.
- Intensification of site.
- Inappropriate access to main roads in and out of village. Should be via Clay Lane.
- Loss of amenity.
- Flood risk.
- Overlooking and overshadowing and overbearing on neighbouring properties.
- Red line of application site is inaccurate on boundary of plot 30.
- Insufficient details of boundary treatment to plot 30.
- No access for maintenance of our hedge.
- Impact on waste disposal.
- Disturbance during construction. Can this be restricted to not take place during weekends or evenings?
- Parking problems.
- Insufficient infrastructure.
- School and GP services oversubscribed.
- No adequate bus routes for access to employment. Few local jobs available.
- Detrimental levels of traffic and pollution.
- Loss of open space for dog walkers, school cross country etc.
- Noise.
- Who will maintain the landscaping?
- Density is too high and the development will bring no benefits to the local community.
- Disproportionate development.
- Small rural village life will be lost.
- Any development next to a school is wrong.
- It needs to be made very clear by physical means who has right of way with barriers to protect children.
- There still does seem to be a conflict between this pedestrian access across from Garden Fields, the drives to Pidgeon Point and Okeford and the way the new road seems to take away direct access to their properties. This area of common land is where mothers picking up children from school come and turn and is opposite where the UDC green skip has stopped for many years.
- Significant impact on air quality in the village.
- Noise pollution.
- Loss of cross country site.
- Inadequate infrastructure.
- The existing services within the village, school, GP and shops are already oversubscribed.
- The cul-de-sac, as is, provides the main parking site for families travelling by car from outside the school off the main High Street.
- Concern on absence of boundary treatment of plots 5-10 and upkeep and maintenance of trees and hedges especially to plots 6-10 as these are intended to be affordable rented housing. Suggest that new trees and hedging planting be included along the boundaries of plots 5-10 and a covenant in the Landlords agreement with regards to plots 6-10 that he must maintain the boundary trees and hedges in good order and to a minimum height of 2.5m.
- Limited public transport available.
- Contrary to the Stebbing Neighbourhood Plan.
- The land itself provides access to many local residents for dog walking/cycling/walkers to enjoy the various footpaths and the green lane directly adjacent to the development.
- Loss of open green space, the only remaining one to the general public/village

- residents, aside of the cricket pitch behind the local public house.
- Houses on the Downs will lose rear access.
 - The byways and walkways between Garden Fields and the shop across the fields will be lost and people forced to walk along increasingly busy roads.
 - Concern re loss of cart track to the rear of our properties as it provides vehicular access for our severely disabled daughter.
 - Concern re construction traffic - safety and location of parking during the build.
 - Concern that this is only the starting point with regards to development of this site. There is a convenient turning head at the Southern Eastern end of the proposed development, where the layout ends in a gateway between plots 19 and 20.
 - The new hedgerows should not be higher than the existing boundary fence as they will cause overshadowing.
 - Dwellings are too close to existing dwellings. Pre- application letter stated that there should be a minimum of 30m from the back of any proposed dwelling to the back of any existing dwelling.
 - The development is located on land that is higher than a number of the existing properties, which means it will be more visible from all over and dominate the visual scene from the Downs, Garden Fields, Pound Lane and Stebbing primary school.
 - Concern in respect of ecology – Lesser Calamint – loss of locally and rare plants would be detrimental to the public’s interest in nature conservation. The proposed development would occupy a green field site, currently grassland and important habitat for many species of vertebrates and invertebrates. Development would lead to net loss of biodiversity whatever mitigation is effected.
 - The construction itself will disrupt neighbouring properties with regard to traffic, noise, parking etc.
 - Lack of space in secondary schools.
 - Overbearing and loss of privacy impact due to difference in site levels.
 - Nos 2 and 3 Pound Gate are the only two existing properties which will be immediately abutted by a new household boundary. No 2 Pound Gate is a professional horticulturalist and the gardens are open under the National Garden Scheme for charity. Numbers 2 and 3 Pound Gate share a 200ft length of Beech Hedge and therefore the maintenance of this hedge is of paramount importance. A solution to this would have been for us to purchase the long slim triangle of land immediately behind our premises to be included in our existing garden. Additionally the overhead cables which are shown as being diverted, we would point out that the pole together with the straining wires, supporting these cables, is in our garden by several feet. We would like to know what compensation would be forthcoming for this intrusion, loss of use of the garden whilst any work was carried out, and any damage both to plants and to adjacent garden structures and hedge were this permission to be granted.
 - Plot 5 is not a bungalow but a chalet bungalow and is a major invasion on our privacy.
 - Drainage: We request that no proposal should be considered to be approved until there is a 100% guarantee that our existing properties are not put at risk on any points raised in the ECC document ref: SUDS -002405.
 - What guarantees are there that construction will not take place during weekends, evenings or times that will disturb residents.
 - Will there be guidance for workers not to park in Garden Fields/Park Side.
 - Impact of smoke on new occupiers from incineration of garden waste. If we dispose of this via the council this will incur a cost to us. Will the Council/developers agree to cover this cost for an indefinite period. Residents of Pound Gate have been incinerating garden waste for 50 years, it is not fair to expect them to foot the bill changing this practice due to new development.

- Concern in respect of building storage/waste materials being dumped next to our property whilst rest of site is being built.
- Given that there are a number of large developments being proposed/already in progress around the Braintree to Dunmow area, this proposed site will not have any significant effect on helping housing issues, but will have a severe detrimental affect on a small village that already suffers issues.
- The visitor parking space next to our boundary will result in noise, loss of privacy and disturbance.
- Concern that the roots of a tree in our garden will be impacted by the development.
- There will be no such thing as villages anymore.
- Lack of information in respect of street lighting.
- Site visits should be made to coincide with school drop off or collecting times to get a realistic idea of the situation when traffic is at its peak.

10. APPRAISAL

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

- A Design (Layout, Scale, Appearance and Landscaping) (ULP Policy GEN2, GEN8, ENV8)
- B Housing Mix (ULP Policy H10)
- C Affordable Housing (ULP Policy H9)
- D Drainage (ULP Policy GEN3)
- E Biodiversity (ULP Policies GEN7, ENV8)
- F Other Material considerations

A Design Layout, Scale, Appearance and Landscaping) (ULP Policy GEN2, GEN8, ENV8)

- 10.1 The proposal relates to the erection of 30 dwellings with a mix of one, two, three, four and six bedroom units. This would include 40% affordable dwelling units. Two bungalows are also included in the development.
- 10.2 The outline application was for all matters reserved with the exception of access. Several representations have been received in relation to the access , however this does not form part of this application. The access under discharge of condition application UTT/17/0144/DOC has been discharged.
- 10.3 The proposed layout for this application is broadly consistent with the illustrative masterplan submitted as part of the outline submission for this site. The housing density for the scheme is 17 dph
- 10.4 The table below sets out the garden sizes of the individual plots and the parking provision for each dwelling.

Plot	No of Bedrooms	Affordable	Garden Sizes M/SQ	Parking Provision
1	4		303	4
2	4		181	3
3	3		135	3
4	3		143	3
5	2 Bung		226	3

6	2		y	225	2
7	2		y	91	2
8	2		y	96	2
9	2		y	151	2
10	3		y	128	2
11	3		y	146	2
12	3		y	120	2
13	3		y	129	2
14	2		y	93	2
15	3			131	3
16	3			128	3
17	1	Flat	y	76	1
18	1	Flat	y	90	1
19	2	Bung	Y	205	2
20	3			195	3
21	3			139	3
22	3			194	3
23	3			210	3
24	5			307	4
25	4			257	4
26	4			180	4
27	5			197	4
28	4			185	4
29	5			344	4
30	5			494	4
Visitor parking					8

10.5 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+. The gardens accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide. Reference has been made within the representations received that the proposal is not consistent to the Stebbing Neighbouring Plan, however this plan has not been made and therefore carries little planning weight at the current time.

10.6 The development has been designed to minimise the potential for overshadowing or overbearing impacts. Revised plans have been submitted to amend plot 1. The proposed dwelling is now narrower span, and has been pulled further away from the northern boundary. The roof has been hipped to reduce the impact that a full gable would have.

Plot 5 has a minor amendment that annotates the high level roof windows as obscure glazing. Plot 5 and 6-10 have been relocated to accommodate the access track to the rear of Number 1 Hillside Cottages.

Plots 24, 25, 27, 29 and 30 have had the flat roof and glazed roof lanterns to the rear projection replaced with a more traditional lean- to roof which is more in line of the village vernacular.

Plot 30 has been moved further south and to the east of number 2 Pound Gate. This has also been rotated away from the adjoining amenity space.

- 10.7 The daughter residing at number 1 Hillside Cottage has a condition that requires a level access into the dwelling. Revised plans have been received to include an access track to the rear of no. 1-4 Hillside Cottages. The new track is wide enough for a vehicle to pass and give adequate parking and turning space to the rear of each existing garden. Given the steep land levels to the front of number 1 Hillside Cottage, the applicant is happy to provide this access to the rear of their property. The addition of the track has the added benefit of creating a larger back to boundary distance between 5-10 and 1-4 Hillside.

Representations have been received in respect of the surfacing and width of this access way, however, it is considered that the applicant has been generous in the provision of this piece of land to make access to number 1 Hillside Cottage and have re-vised the plans to re-position all the housing to the front of the site to accommodate it. The current access to the rear of these properties is within the applicant's ownership and is not formally surfaced.

- 10.8 The properties adjacent to the primary school boundary have been designed to avoid any overlooking of the primary school, i.e. plots 10 and 11 have obscure glazing to the side elevations at first floor level. The rear elevations of Plots 15 and 16 are more than 15m from the boundary and plot 19 is a bungalow. There will be some overlooking from one of the flats
- 10.9 In view of the distances between neighbouring properties the proposal would not result in any material detrimental overlooking, overshadowing or overbearing impact that would warrant refusal of the scheme. A condition removing permitted development rights for plots 1, 10, 11, and 30 for the insertion of windows to their side elevations is however necessary to prevent future overlooking.
- 10.10 Representations have been received in respect of a loss of view and property values, however these are not material planning considerations. Additionally the repositioning of the electricity pylons within their garden are a civil matter

Parking

- 10.11 The proposed properties are a mixture of one, two, three, four and five bedroom dwellings. The adopted Essex County Council parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.

In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more, the council will require 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:

Where a parking space is provided for the dwelling, it should comply with all of the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a

carport or garage) at least one space is a standard parking bay that can be widened to 3.3m.

- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal). The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d.
- c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
- d) The parking space is level or, where unavoidable, gently sloping
- e) The gradient is as shallow as the site permits.
- f) The parking space has a suitable ground surface.

The plans would comply with the above amended building regulations.

- 10.11 The existing issues i.e. parking related to the school are not issues for the applicant to mitigate against and any obstructive or dangerous parking would be an enforcement issue.
- 10.12 As set out in the table above it can be seen that each property meets the required parking standards, with some larger properties exceeding the requirement. There would be eight unallocated parking spaces within the development to provide visitor parking. Therefore, the proposals comply with Policy GEN8.
- 10.13 Representations have been received in respect of potential harm in respect of air pollution. The site is not in an area currently monitored for air quality (AQMA) and Environmental Health officers have been consulted, who confirm that they are not concerned in respect of air quality issues and that they have no objections to the proposal. The proposal would comply with ULP policy ENV13.

Appearance

- 10.14 The proposed development would be constructed using a mixed palette of materials including bricks (Freshfiled Lane rural multistock and Lindfield yellow Multi facings, natural slate, plain/pan clay roof tiles, painted render (white, salmon and cream), white/black and cream Eternit Weatherboarding and a mixture of colours of joinery). The surrounding architecture demonstrates a wide range variety of scale, style and materials. It is considered that the appearance of the proposed dwellings is considered to be acceptable under ULP policy GEN2

Landscaping

- 10.15 There are several trees and hedges to the boundaries of the site. These are to be retained as they form part of the character of the area. The proposal includes a Local Area Of Play (LAP) adjacent to plot 4. This area was originally raised but the agent has confirmed that the area will be level.

Scale

- 10.16 The proposed dwellings will be predominantly two storey, with two bungalows and two flats set in a two storey building. Eaves and ridge heights will fluctuate throughout the site to add interest to the street scene. The ridge heights of the properties will range between 5m and 9m.
- 10.17 The proposed scheme equates to a density of 17 dwellings per hectare, maintaining the character and setting of the village.

- 10.18 The proposed widths and spans of the dwellings would be comparable with development on the adjacent sites. As such, the proposals comply with Policy GEN2.
- 10.19 The scale and design of the proposed dwellings is considered appropriate for this location.
- 10.20 The properties would have adequate amenity space which would meet the requirements as set out in the Essex Design Guide. In addition, each plot would have the required parking spaces. Overall, the proposals comply with Policy GEN2.

B Housing Mix

- 10.21 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted.
- 10.22 This identified that the market housing needs for Uttlesford have changed. 5% of the dwellings shall be bungalows. This states:

Market Housing Needs for Uttlesford

Flats	1 bed	140	1.44%
	2 bed	80	0.8%
House	2 bed	690	7.1%
	3 bed	4290	44.2%
	4 bed	3110	32.0%
	5+ bed	1410	14.5%

The supplementary Planning Document Accessible Homes and playspaces also requires that developments of 10 and over should provide bungalows.

- 10.23 The housing mix for this application is for two one bedroomed properties, seven two bedroomed properties, twelve three bedroomed properties, five four bedroomed properties and four five bedroomed properties. The proposal, complies with the requirements of Policy H10 and broadly in line with the Strategic Housing Market Housing report.
- 10.24 In new housing developments of 20 dwellings or more, the council will require 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. This application has a bungalow located on plot 19 and wheelchair accessible accommodation on plots 5 and 17.

C Affordable Housing

- 10.25 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal. The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing:

Affordable housing provision (rounded up to the nearest whole number)

- 40% on sites of 15 or more dwellings or sites of 0.5ha or more;

The site area is 1.78 hectares and as such a provision of 40% affordable housing is required. The proposal includes 8 affordable units. This application is for 40% affordable housing which has previously been secured by the S106 linked to the outline planning consent UTT/14/1069/OP.

- 10.26 The original S106 attached to the outline consent refers to a 70/30 tenure split between affordable rent and shared ownership respectively. This application is for a 50/50 tenure mix, which is different to the mix secured by the S106 agreement attached to the outline planning application, however, running alongside this application is an application for a Deed of Variation to change the mix and tenure of the affordable housing units. The councils Housing Enabling Officer has been consulted accordingly and the mix is considered to be acceptable.

D Drainage (ULP Policy GEN3)

- 10.27 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years).

- 10.28 A Flood Risk Assessment has been submitted with the planning application. The proposals have been considered by the Local Lead Flood Authority who originally raised an objection to the proposals. Additional information has been submitted. Following additional information submitted, The Lead Local Flood Authority have discharged condition 8 of UTT/14/1069/OP. The proposals would comply with Policy GEN3 and the NPPF.

E Biodiversity (ULP Policy GEN7)

- 10.29 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality.

- 10.30 This site has significant sensitivities given the presence of Lesser Calamint adjacent to the access of the site and bats, snakes etc. and accordingly the outline application included offsite mitigation strategy in respect of ecological enhancement which was secured by a S106 agreement.

New native hedgerow planting is proposed within and at the boundaries of the site, and new trees will be planted at the boundaries and throughout the site. The retained boundary hedgerows are to be gapped up through additional hedgerow planting. An updated landscape and ecology management plan has been submitted with the application and this encompasses an onsite mitigation strategy in respect of enhancing the sites ecological value. In light of this, alongside this application is an application for a deed of variation relating to accommodate the findings of the plan by Ecology Solutions Ltd.

- 10.31 The mitigation and management measures set out in the report state: “The mitigation set out previously by Catherine Bickmore Associates Ltd within their ‘Supplement - survey for bat and biodiversity offsetting calculations’ (July 2014), was based primarily upon biodiversity offsetting. This set out that the development proposals would result in the loss of around 1.6ha poor semi-improved grassland, with the total site area being around 1.7ha and the hedgerows (comprising around 0.1ha) being retained. As the development proposals will include the loss of the same areas of habitats, the above calculations are still relevant.”
- 10.32 “The calculations set out by Catherine Bickmore Associates Ltd are based on the distinctiveness band of the existing semi-improved grassland as being ‘moderate’ and therefore scoring 4. However, Appendix 1 to the Guidance for Developers – ‘*Distinctiveness Bands for the Biodiversity Offsetting Pilot*’ sets out that the distinctiveness band for ‘grassland, probably improved’, which is considered to be the best fit for the species-poor semi-improved grassland within the site, is ‘low’ and would therefore score only 2. The ‘biodiversity units’ are calculated by multiplying the habitat area with the habitat distinctiveness and the habitat condition. The condition of the grassland is still considered to be poor, and therefore the biodiversity units for the semi-improved grassland within the site is considered to be $(1.6 \times 2 \times 1 =) \mathbf{3.2}$ (rather than 6.4 as was previously calculated), “
- 10.33 For the hedgerows, the defunct section of hedgerow H1 is to be lost, while the remainder of the boundary hedgerows are to be retained. The distinctiveness of a non-important hedgerow is the same as for an important hedgerow, and is ‘high’, therefore scoring 6. The condition of this section of hedgerow is poor and therefore scores only 1. As such, the biodiversity units for the loss of the defunct section of hedgerow have been calculated as $(40 \times 6 \times 1 =) \mathbf{240}$,
- 10.34 The new habitats of ecological value to be created within the areas of open space and at the boundaries of the site include areas of wildflower grassland (which is to be managed with a long, tussocky sward), new amenity grassland (which is to be mown regularly), new native shrubs (including wetland shrub planting) and new native hedgerows. Additional habitats to be created within the site include new buildings and hardstanding and new amenity grassland, shrub and hedgerow planting, associated with the new properties.
- 10.35 The ‘biodiversity units’ post-development are calculated by multiplying the habitat area with the habitat distinctiveness and the habitat condition. Overall it has been demonstrated that there will be a positive gain in biodiversity within the site following the development proposals, and therefore no off-site mitigation (as was previously proposed) is required.
- 10.36 The retained and new hedgerow planting along the boundaries of the site will provide retained foraging and navigational opportunities for bats, while the planting of a new double hedgerow through the centre of the site will mitigate for the loss of the defunct section of hedgerow and provide new foraging and navigational opportunities for bats. The creation of new wildflower grassland and a wetland area in the centre of the site will provide new foraging opportunities for bats through increasing the invertebrate food source within the site. As an enhancement, new bat boxes, such as Schwegler 1FF bat boxes will be provided on retained / new trees at the boundaries of the site.
- 10.37 The retention and enhancement of the boundary hedgerows and planting of a large number of new trees throughout the site will provide retained, new and enhanced nesting and foraging opportunities for birds. The creation of new wildflower grassland and new wetland grassland and shrub planting will also provide new foraging

opportunities for birds. The inclusion of fruit and berry-bearing species will also provide new seasonal foraging opportunities for birds.

- 10.38 A low population of Grass Snake occasionally utilises the margins of the site, with a single adult recorded on one occasion during Ecology Solutions surveys in 2017, and also only a single adult recorded on one occasion during Catherine Bickmore Associates Ltd surveys in 2013. Catherine Bickmore Associates Ltd's 'ecological appraisal, great crested newt survey and reptile survey' (July 2013) was based on a combination of habitat manipulation, trapping and translocation to an off-site translocation site that is connected to the site. However, given that only a single Grass Snake was recorded on any one occasion, and as this species is highly mobile, the ecologist deemed it onerous to carry out a full translocation exercise for a single individual that will utilise the off-site areas as well, and is not entirely reliant upon habitats within the site.

The landscape proposals include the creation of new areas of wildflower grassland at the margins of the site, as well as new native hedgerows and native shrub planting. These areas will provide new habitat for Grass Snake, while the creation of new log piles will also provide new shelter / hibernation opportunities for this species.

- 10.39 New areas of wildflower grassland and wetland grassland will offer opportunities for invertebrates, which in turn will offer foraging resources for bats, birds and small mammals. The new native hedgerow, tree and shrub planting throughout the site, will provide new foraging and nesting resources for birds, and foraging and navigational resources for bats. The provision of berry-bearing and fruiting species will also provide suitable seasonal resources for birds and other wildlife. The provision of bat and bird boxes on trees and in new buildings will provide new roosting and nesting opportunities for bats and birds over the existing situation.

- 10.40 ULP policy ENV7 requires that any development should have no adverse effects on the special roadside verge and County wildlife site opposite the access to the site. During the survey carried out by Ecology Solutions Ltd, the presence of Lesser Calamint which is nationally scarce, was recorded as abundant in the southern half of the verge (Local Wildlife Site). This site is outside the control of the applicant and as such if the application is to be approved an informative will be added suggesting that during construction a temporary barrier is to be placed on the road next to the special verge to protect it from being eroded by large construction vehicles driving on the verge. This should be paid for by the developer. The large plastic interlinked blocks used as road barriers would be suitable to protect the site and when the development is complete 'no parking' signs are to be erected to stop parking on the special verge by residents and other people visiting the development. The section of special verge on The Downs road is marked at each end by wooden posts that bear white marker plaques and two of the no parking signs could be erected in front of the posts, or attached to them. A third sign could be placed in the middle of the verge at the back of the grassland. The signs should be paid for by the developer. The nearby Downs special Roadside Verge will be protected throughout the development.

- 10.41 In view of the above and the deed of variation application to vary the contents of the S106 agreement attached to the outline application UTT/14/1069/OP specialist ecologist advice was sought. They have no objections to the development subject to a condition that requires that all the measures contained in the LEMP, submitted in support of the planning application, should be implemented in full in accordance with the approved details.

F Other Material Considerations

A parallel application has been made to discharge conditions applied to the outline consent granted under UTT/14/1069/OP. The conditions which have or are due to be discharged are:

- Condition 1 – landscaping (UTT/17/3583/DOC)
- Condition 4 – Ecological Mitigation Scheme (UTT/17/3583/DOC)
- Condition 5 – Archaeological Trial Trenching (UTT/17/3583/DOC)
- Condition 6 Archaeological Mitigation Strategy (UTT/17/3583/DOC)
- Condition 7 Post Excavation Assessment (UTT/17/3583/DOC)
- Condition 8 Surface Water Drainage Scheme (UTT/17/3583/DOC)
- Condition 11 Site Access (UTT/17/3583/DOC)
- Condition 12 Lighting Details (UTT/17/3583/DOC)
- Condition 11 Site Access (UTT/17/0144/DOC) Discharged 22nd April 2017

11. CONCLUSION

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

- A** The Design of the proposed development is considered to be acceptable and in accordance with Policies GEN2, The layout of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and the proposals comply with Policies GEN2, ENV3 and GEN8. The proposed landscaping scheme is considered to be acceptable and the proposals comply with Policy GEN2 and ENV3. The proposed scale of the development is considered to be appropriate and complies with policy GEN2.
- B** The housing mix for the development is considered acceptable (ULP policy H10)
- C** The affordable housing mix and tenure split for the development is considered to be acceptable subject to compliance with the application for deed of variation of the S106 in relation to the mix and tenure of affordable housing.
- D** The proposed drainage is acceptable and complies with ULP policy GEN3.
- E** The proposal including the deed of variation in respect of ecology is considered to comply with ULP policies GEN7 and ENV7

RECOMMENDATION – APPROVAL WITH CONDITIONS SUBJECT TO COMPLIANCE WITH DEED OF VARIATION OF THE S106 (DATED 13TH FEBRUARY 2015) THAT SUPPORTS UTT/14/1069/OP IN RELATION TO MIX AND TENURE OF THE AFFORDABLE HOUSING UNITS AND A REVISED STRATEGY TO THE LANDSCAPE AND ECOLOGY MANAGEMENT PLAN.

Conditions

- 1 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace
- 2 All the measures contained in the LEMP, submitted in support of the planning application, should be implemented in full in accordance with the approved details.

REASON: In the interest of the protection of the wildlife value of the site in accordance with ULP policy GEN7 and Policy ENV8 of the Uttlesford Local Plan adopted 2005.

- 3 Parking, storage facilities and wheel cleaning facilities to be provided on site from commencement and throughout the period of construction.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that there is a facility to allow provision for wheel cleaning on site so that there that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 4 Prior to first occupation, the parking, traffic calming, and turning areas to be implemented as shown in the submitted drawings 5922-WSP-00-XX-DR-C-100 Rev P02, hard surfaced, sealed and maintained in perpetuity thereafter.

REASON: To ensure that that appropriate parking and turning is provided in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 5 Prior to first occupation an appropriate sealed, hard surface treatment of public right of way 14 (Stebbing) within the site to be agreed with the planning authority in consultation with the highway authority and implemented as agreed.

REASON: To make adequate provision within the PROW for the additional pedestrian traffic generated as a result of the proposed development in accordance with ULP policy GEN1

- 6 Prior to first occupation an appropriate surface treatment of public right of way 14 (Stebbing) within the site to be agreed with the planning authority in consultation with the highway authority and implemented as agreed.

REASON: To make adequate provision within the PROW for the additional pedestrian traffic generated as a result of the proposed development and improve accessibility of the site for pedestrians in accordance with ULP policy GEN1..

- 7 All construction traffic shall not enter the site between the hours of 8.30 and 9.15am and 14.45 and 15.30pm during school term times

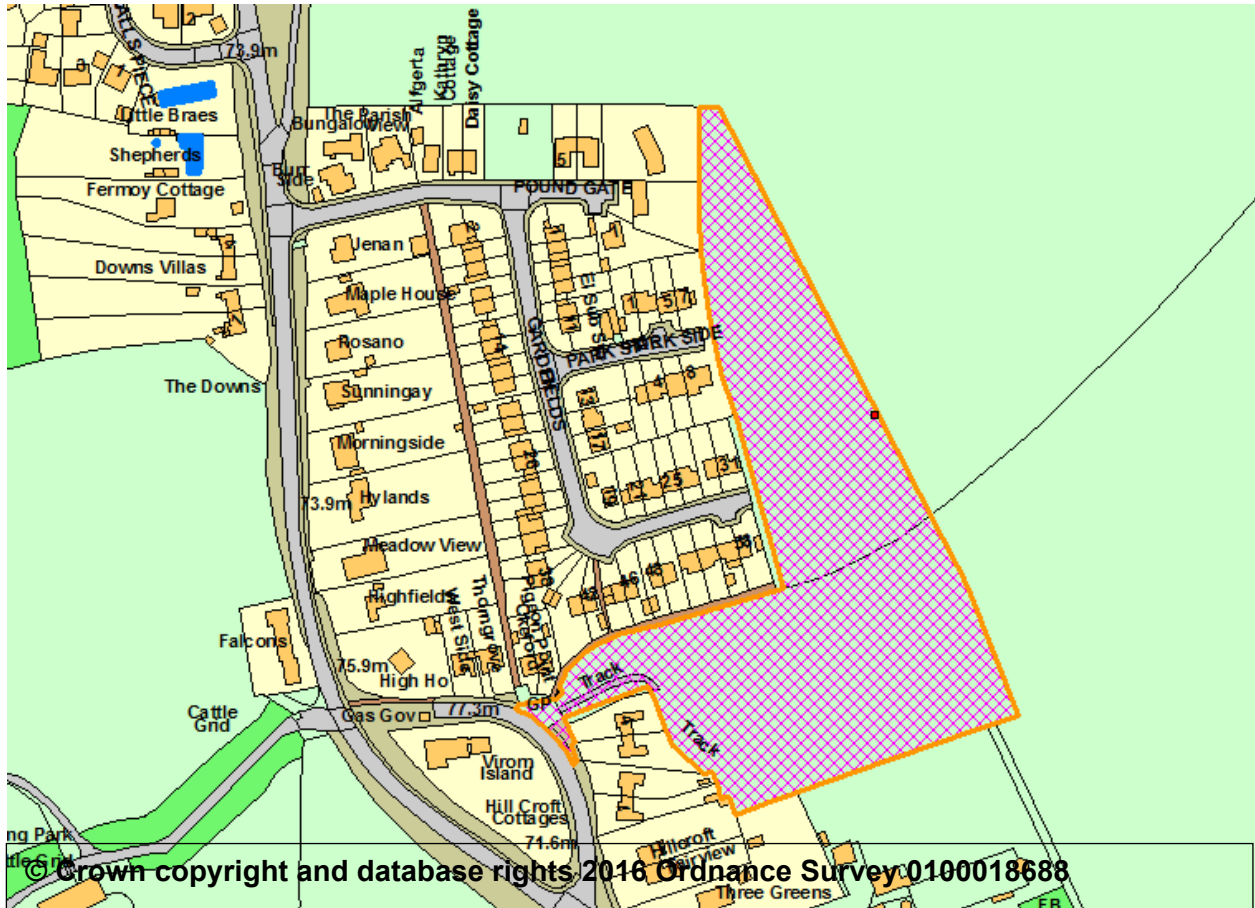
REASON: In the interests of highway safety in accordance with ULP policy GEN1.

- 8 Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the side elevations of the dwellings on plots 1, 10, 11, and 30 without the prior written consent of the local planning authority.

REASON: In the interest of neighbours amenity in accordance with Uttlesford Local Plan policy H8.

Application: UTT/17/3538/DFO

Address: Land to the North of Stebbing Primary School and Rear of Garden Fields and Parkside, Garden Fields, Stebbing



Organisation: Uttlesford District Council
Department: Planning
Date: 29 March 2018

UTT/17/3556/OP – (LITTLE DUNMOW)

PROPOSAL: Outline application with all matters reserved except for access for the demolition of all commercial buildings and removing of commercial storage and the erection of 8 no. detached dwellings, modifying the existing access to Priory Lodge.

LOCATION: Priory Lodge, Station Road, Little Dunmow

APPLICANT: Mr & Mrs B Moore

AGENT: Sue Bell

EXPIRY DATE: 13 December 2017 (extended to 18 April 2018)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / Adjacent to Linear Country Park/County Wildlife Site/PROW (Flitch Way).

2. DESCRIPTION OF SITE

2.1 The site lies on the eastern side of Station Road to the immediate south of the former railway line (now the route of the The Flitch Way) and comprises a large triangular shaped area of land with a total site area of 0.49 ha which for the purposes of the application can be divided into three parts, namely a frontage residential property containing a detached Victorian dwelling (Priory Lodge), land situated behind the dwelling comprising B1/2 and B8 agricultural contractor workshops with associated external storage areas (commercial), and a smaller area of land situated behind this extending to the diminishing rear north-eastern corner of the site which is used as additional garden land to Priory Lodge. All three land parts are within the control and ownership of the applicant. The northern side of the site is set mainly to bare grassland and is hedged and fenced onto The Flitch Way.

2.2 The site rises steadily from the road frontage through towards its north-eastern boundary whereby the rise is more pronounced on its northern side and is enclosed to the road frontage on the north side of a northern "in-out" vehicular access point by a double parallel line of established hedging with a line of pollarded trees that stand behind the rear hedge line and also by a frontage hedgerow with a line of further pollarded trees that stand behind extending from this access point down to a southern "in-out" access point whereby these two lines of pollarded trees form a frontage feature. Arable farmland lies to the south-west of the site.

2.3 The large housing development comprising Flitch Green lies diagonally opposite the site across Station Road to the immediate south-west beyond a frontage greensward, whilst the recently constructed Persimmon housing development lies to the north of The Flitch Way on higher ground above the Council managed travellers' site. The range of buildings which make up Bourchiers lies to the north-east of the site on the north side of The Flitch Way at the end of a long private drive.

3. PROPOSAL

- 3.1 This outline proposal with all matters reserved except access relates to the demolition of the existing commercial workshops and external storage areas and the erection of 8 no. detached dwellings by way of change of use with associated 3.7m wide service road with modifications to the existing “in-out” vehicular access to Priory Lodge.
- 3.2 An illustrative proposed site layout drawing (10855 04E - 23.02.18) has been submitted with the application which shows how eight dwellings with associated service road, parking and private amenity space could be accommodated at the site behind and to the side of the existing dwelling at Priory Lodge, which would be retained. The site layout has been revised since application submission showing all of the new dwellings with a clear separation distance of 5m from the northern boundary with The Flitch Way. The existing “in-out” access driveway to the front of the existing dwelling would be closed off with vehicular access to the dwelling being only achievable from the existing southern access point into Priory Lodge. The proposal would have an indicated density level of 15 dph.
- 3.3 Whilst the application is submitted in outline form as “in principle” with access to be considered, an indicative accommodation schedule has been provided on the revised site layout drawing to show the possible housing mix for the development and how parking arrangements could be provided, which is as follows:

Plot No.	Bedrooms	Private Amenity	Parking
Plot 1	5	654sqm	4
Plot 2	3	309sqm	2
Plot 3	3	182sqm	2
Plot 4	4	239sqm	4
Plot 5	4	304sqm	3
Plot 6	4	179sqm	3
Plot 7	4	158sqm	3
Plot 8	5	211sqm	4

- 3.4 The application is accompanied by a planning supporting statement and an updated ecology survey report (Essex Mammal Surveys, February 2018) which includes an assessment of the impact of the proposed development on The Flitch Way

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The site can be loosely described as being an “Urban development project” for the purposes of Schedule 2 of the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, the site area at 0.49 ha and number of dwellings involved would not meet the application thresholds and criteria to trigger the need for an Environmental Impact Assessment (0.5 ha and above). That said it is considered that the impacts of the proposed development would not be significant.

5. APPLICANT’S CASE

- 5.1 The case is made in the accompanying planning supporting statement that the site

represents previously developed land (PDL) whereby the front part of the site comprises a dwelling with associated residential curtilage, the middle part of the site having the benefit of a Lawful Use Certificate as B1/B2 and B8 industrial/commercial storage use and the rear part of the site having the benefit of a Lawful Use Certificate as garden land in association with Priory Lodge. It is contended from this that as brownfield land the entirety of the site should be considered for housing under the Housing and Planning Act 2016 that allows "Permission in Principle" for the residential development of suitable brownfield sites whereby housing would lead to an environmental gain for the larger middle section of the site presently used for commercial purposes, that the use of the site for housing would lead to a more efficient use of the land as a whole, that the proposal would amount to a presumption in favour of sustainable development given the site's favourable location on a bus route adjacent to bus stops along Station Road and close to local services and facilities at Flitch Green, that any resulting environmental harm would not be significant and that the development would not lead to coalescence. It is further contended that the site would be able to accommodate 8 no. dwellings comfortably in terms of site density, layout, parking and private amenity space, that the housing mix indicated would be acceptable and that there is a shortfall of housing within the district whereby the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The statement concludes as follows:

- 5.2 *"The principle of housing development at this previously developed site located outside development limits is considered acceptable given the site's good transport access links to nearby communities Flitch Green, Felsted and Little Dunmow and both Great Dunmow and Braintree. The NPPF encourages the use of brownfield sites for housing purposes providing the site is not of high environmental value. The site is functionally close to other residential properties and not remote from everyday services and facilities so that the proposed dwellings would not be reliant on private vehicles".*
- 5.3 *"The development would be in line with the aims of paragraphs 7 and 17 of the Framework of locating new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions as well as other environmental benefits accrued from visual enhancement. The proposal as illustrated would lead to an environmental gain through the suggested sensitively designed housing layout which respects the characteristics of the area and would represent sustainable development for which the NPPF provides the presumption in favour. Overall, this represents a good quality development that is supported by the NPPF and all planning policies".*

6. RELEVANT SITE HISTORY

- 6.1 A Certificate of Lawfulness was granted by the Council on 16 June 2017 for the use of land at Priory Lodge identified on the certificate plan as Area A as business use - sales and repair and storage (B1/B2 and B8) associated with an engineering business and identified on the certificate plan as Area B as garden land in association with Priory Lodge (UTT/17/1018/CLE). These lawful uses cover the majority of the site in terms of site area and have continued to date.
- 6.2 The currently registered outline planning application for housing at Priory Lodge follows on from preliminary advice provided by the Council at around the time of the aforementioned Certificate of Lawfulness application which stated that planning permission may be forthcoming for the residential development of Priory Lodge

given the lawful commercial nature of part of the site and the established residential nature of the remainder of it and given the site's sustainable location in view of its close proximity to Flitch Green, notwithstanding that the site lies outside development limits and that ULP Policy S7 applies subject to it being demonstrated at formal application stage that the site would be able to accommodate 8 no. dwelling units to appropriate layout standards, would not have a significantly harmful impact on environmental amenity and that site access arrangements would be acceptable to ECC Highways given the site's location onto Station Road.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy ENV3 – Open Spaces and Trees
ULP Policy ENV7 – Protection of the Natural Environment Designated Sites
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD “Accessible Homes and Playspace”

National Policies

National Planning Policy Framework (NPPF)

Other Material Considerations

Essex Design Guide
ECC Parking Standards “Design and Good Practice (Sept 2009)
UDC Parking Standards (Feb 2013)

8. PARISH COUNCIL COMMENTS (Little Dunmow)

- 8.1 The only concern the Parish Council has is about the access in and out of the proposed development. There is a very poor sight line from traffic coming from the north and with the potential increase in traffic due to other developments nearby will make this stretch of Station Road/Pound Hill even more dangerous than it currently is. The Parish Council has been lobbying Essex County Council for years to have the speed limit on this road reduced from 40mph to 30mph with little success so far.

PARISH COUNCIL COMMENTS (Flitch Green)

- 8.2 Although this application falls just into the parish of Little Dunmow, Flitch Green PC considers it will have a significant detrimental impact on the use and safety of Station Road - the main road used by all Flitch Green residents to exit the parish.

The proposed access onto Station Road is very concerning. Vehicles travel very fast down the hill from Little Dunmow, often as fast as 60mph, and therefore any access onto Station Road from the proposed development is likely to be extremely

hazardous. The parish council does not consider that the access "has good visibility in both directions" and does not consider that the applicant has any real awareness of how fast traffic travels down Station Road.

The application document states that "most services are accessible by means of transport other than the car" and that "the site is not remote or isolated and there is the option for residents to use buses or walk/cycle to reach services and facilities". The parish council disputes this very strongly and believes it is much more likely that residents of the proposed Priory Lodge development will not walk to Felsted or to Flitch Green to access its facilities, including the Co-operative store. Instead, it is highly likely that they will drive and be trying to pull out onto a road with a blind bend and restricted vision due to the old railway bridge. There is also only a very poor bus service (with one bus per hour) - hardly a comprehensive bus network.

Each household will initially have at least two vehicles (possibly more) and as families grow older more vehicles will be attached to each property. This trend has been demonstrated in Flitch Green where higher numbers of vehicles (sometimes up to four or five per property) are now parked at and around homes as residents' children grow older and become drivers themselves with their own vehicles. Any pedestrians who do try to cross Station Road will have a very hazardous time trying to cross safely.

Flitch Green PC would also like to stress that the location plan identifies the Flitch Way as a "dismantled railway" with no reference to its use as a local resource for the community. The council would want UDC to ensure the status of the Flitch Way is portrayed correctly and that its benefit to local people is highlighted and not infringed or devalued in anyway.

9. CONSULTATIONS

London Stansted Airport

- 9.1 The proposed development has been examined for aerodrome safeguarding. This proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

ECC Highways (revised response received 2 February 2018)

- 9.1 The existing business use (B1/2 and B8) of the site is not controlled by planning conditions. The proposed 8 no. residential dwellings, compared to the lawful use of the site, are expected to have an inconsequential net impact on the highway network. Furthermore, it would also remove commercial vehicle movements associated with the lawful use of the site. Consequently the Highway Authority concludes that the proposal will not have a detrimental impact upon safety or efficiency on the road network at this location.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to highway conditions and informatives (including permanent closure of the existing access to the west of Priory Lodge as shown on the Proposed Site Entrance Details (DWG no. 06).

ECC Ecology

- 9.2 No objection:

The Bat Survey by Essex Mammal Surveys dated December 2017 included with the

application does not raise any concerns over the protected species investigated. The author should, however, be aware that all protected and priority species (i.e. those protected under the Wildlife and Countryside Act (1981), the Conservation of Habitats and Species Regulations (2010), the Protection of Badgers Act (1992) and the Natural Environment and Communities Act (2006)) as well as protected sites and priority habitats should be included in an ecological assessment, even if they are subsequently scoped out.

10. REPRESENTATIONS

10.1 Neighbour notification period expires 15 January 2018. Advertisement expires 18 January 2018. Site Notice expires 24 January 2018.

6 representations received (object):

- 10.2
- Station Road is a very busy road and the proposed access shown for the proposed development will only add to the high risk safety factor of vehicles entering onto a 40mph road on a bend;
 - Cars regularly overtake buses along this stretch of road by the bus stop opposite the site;
 - Housing on the site with two storey height buildings would completely change the character and appearance of the land, which only has single storey outbuildings and non-permanent structures and also its immediate surroundings;
 - Walkers regularly cross over Station Road to and from The Flitch Way;
 - Housing at the site would erode the adjacent Flitch Way as a linear nature reserve and change the rural experience for those many people who regularly walk along it at this section to an urban one.
 - Residential development would drive out any wildlife that may be present within The Flitch Way during construction stage which may never return;
 - The proposal will not provide any benefit to the local community;
 - The outlook and semi-rural aspect presently enjoyed by properties within Flitch Green facing onto Priory Lodge would be compromised;
 - Property values would be affected;

Friends of The Flitch Way and Associated Woodlands

10.3 The Flitch Way volunteers work for the benefit of the community to conserve, protect and improve the physical and natural environment of The Flitch Way and other sites throughout Essex under the guidance of Essex County Council (ECC) Park Rangers and Public Right of Way teams.

10.4 The Flitch Way is a popular linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree). The Flitch Way provides an easily accessible resource, with a well surfaced 2m wide granite dust path running along most of its length, giving people the freedom of access to learn about our wildlife and industrial heritage. The Flitch Way Country Park is already designated a Local Wildlife Site (reference Ufd196) and we are working with ECC Park Rangers to declare it a Local Nature Reserve. The neighbouring section of the Flitch Way also forms part of National Cycle

Network Route 16 and is classified as a bridleway with shared usage by pedestrians, cyclists and horse riders.

- 10.5 We are disappointed to see the development proposal as this stretch of the Flitch Way has a particularly strong rural feel, with views out over open countryside between Stebbing Road and Station Road, which will be lost if the application proceeds. The Flitch Way is under increasing pressure from development and proposals like this will change its character forever.
- 10.6 We are concerned about the current configuration of the site, narrowness of the buffer zone, disturbance to wildlife and restriction of light along the southern boundary of The Flitch Way with the site. If planning is approved, we ask that the site be re-configured to address the concerns especially as the preferred buffer zone between the Flitch Way and proposed development should be at least 20 metres wide and ideally be 100 metres wide. The buffer zone should be landscaped sensitively and be attuned to the specific habitat of that part of the Flitch Way. Having a wide buffer zone next to the Flitch Way boundary along with the installation of secure boundary fencing would help to mitigate habitat damage. It is essential to retain good light access along the Flitch Way southern boundary to maintain as diverse a range of wildlife as possible and for The Flitch Way not to be over shadowed by buildings or inappropriate fencing or planting.
- 10.7 Under the current proposal five of the proposed new houses would be very close to the Flitch Way with an insufficient buffer zone and we urge the Council to refuse the application.

Applicant's agent's response to third party representations as follows:

- 10.8 *"I refer to the recent objections raised by those concerned about the impact of the proposal on The Flitch Way. The objections are generally and as voiced by the Flitch Way Group that the Way has 'a strong rural feel, with views out over open countryside between Stebbing Road and Station Road, which will be lost if the application proceeds'. This is not strictly true. The application site boundary with the Way is only 180m long where all but 44m is not visible from the Way. There is currently a thick hedge and trees, but it is accepted that the central part of the site is visible from The Flitch Way that is used for commercial storage where there is a lawful development certificate for this use. This short section provides some views as shown in the photographs accompanying the application. Whilst this can be clearly seen from the footpath, it should be borne in mind that the nature of the storage, i.e. the intensity and the height, is not currently controlled. The result of the proposal would be to replace this view with landscaping and gardens that would provide a more pleasant vista and encourage/support more wildlife. Whilst there is concern about the proposed layout of the site, the application is in outline where only access is being considered at this time. The layout shown is illustrative where scale and landscaping are also matters for later consideration.*
- 10.9 *With regard to the comments from ECC Highways, I attach revised plans 02B, 04C and 06 that show access arrangements to comply with the ECC highway's requirements. This includes the blocking off by fence or planting between the proposed access to the new development and the existing one to Priory Lodge and the dropped kerb to allow those crossing to the opposite public footway. With regard to the footpath, The Flitch Way entrance is some 1m away to the north. This is the definitive ROW from highway records marked in pink, but the proper ROW shown with a black arrow on Plan 02B is 7m from the site boundary, this land being owned by ECC".*

11. APPRAISAL

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

- A Principle of development having regard to the site's location, flood risk and impact on countryside character (NPPF, ULP Policies GEN3 and S7);
- B Access (ULP Policy GEN1);
- C Design, including consideration of parking standards (ULP Policies GEN2 and GEN8);
- D Housing Mix (ULP Policy H10);
- E Impact on nature conservation and protected species (ULP Policies ENV7 and GEN7);
- F Impact on Trees (ULP Policy ENV3).

A Principle of development having regard to the site's location, flood risk and impact on countryside character (NPPF, ULP Policies GEN3 and S7)

- 11.1 The NPPF has a presumption in favour of sustainable development whereby planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 49 of the NPPF states that *"Housing applications should be considered in the context of the presumption in favour of sustainable development"*, adding that *"Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"*. Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities if it is to promote sustainable development in rural areas, for example *"where there are groups of smaller settlements, development in one village may support services in a village nearby"*, and that LPA's should avoid new isolated homes in the countryside unless there are special circumstances. Paragraph 14 states that permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole"*.
- 11.2 The NPPF states that there are three strands to sustainable development; economic, social and environmental and that these strands should not be undertaken in isolation because they are mutually dependent. Core principle 8 of the NPPF states that planning should *"encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value"*. The site for the purposes of the land edged in red for the current application comprises the immediate residential curtilage of Priory Lodge (front section), commercial workshops and external storage areas (middle section) and further garden land pertaining to Priory Lodge (rear section). Given this combination of land uses, the site as a whole can be described as being previously developed land (PDL), or brownfield, where the commercial area of the site has the benefit of a lawful use certificate granted in 2017 as mentioned in the planning history section of this report. As such, the applicant makes reference to the new regulations relating to the Brownfield Land Register whereby LPA's are required to prepare and maintain registers of brownfield land that is suitable for residential development, where part of the register will be complied by the end of this year. The application proposal would qualify under the "Permission in Principle" procedure and is therefore a material consideration and carries weight.
- 11.3 The site is located close to the residential development of Flich Green connected by a footpath of the west side of Station Road which is considered to be a

sustainable satellite settlement to Felsted containing its own primary school, a new small supermarket and a community centre amongst other local services provided whereby these services would be reasonably accessible to the proposal site and it is reasonable to presume that they would be used to some extent by the residents of the proposed development, although it is the case that the site is not as accessible to these local services compared to the Flitch Green development itself given that the site lies on the east side of Station Road. That said, the newly constructed and now occupied Persimmon housing development located towards the top end of Station Road also built on previously developed land (Dunmow Skips) where the residential development of this brownfield site was considered to represent an environmental gain to the area compared to the previous established user is located further away to the centre of Flitch Green than the application site.

- 11.4 In addition, Priory Lodge is located very close to bus stops within Station Road whereby the Arriva 133 Stansted Airport-Colchester bus service, the Stephenson's 16 Wethersfield-Chelmsford bus service and the Lodge's M1 Stansted Mountfitchet-High Easter school bus run along Station Road outside the site, which also serve the frontage of Flitch Green. Whilst it is inevitable that the proposed housing development at Priory Lodge would still be reliant to some extent on the car to access these local services and to access services further afield in say Felsted village or Great Dunmow, this is not to say that the reliance on the car as a means of transport would be significantly greater than the use of the car by some residents in the outer-lying parts of Flitch Green to access such services.
- 11.5 Given the above assessment, it is considered that the development would accord with the economic and social strands of the NPPF in terms of accessibility and the ability for the proposed development to support local services and infrastructure.
- 11.6 Priory Lodge has a road frontage of some 78m and a depth of some 167m at its north-eastern point. The land does not have any significant environmental value containing as it does, mainly bare grassland across its centre behind and to the north of the commercial workshops with garden land either side. The proposed residential development of the site for 8 No. dwellings would result in a much greater building footprint for the site compared to the workshops and other chattels which currently exist whereby the existing dwelling which is Priory Lodge would be retained as part of the housing proposal. The site is screened along its northern boundary with The Flitch Way by a good tree line and is similarly screened along its southern boundary by trees, although this tree cover is not as extensive and substantial as the northern boundary whereby the southern boundary represents the more exposed boundary onto open countryside.
- 11.7 There would inevitably be some views into the development site from longer views from the east, including from a public footpath which runs NW-SE across farmland from The Flitch Way to Stebbing Brook and beyond. Whilst it is stated that the new dwellings for Priory Lodge are likely to be two storey in scale, this scale is only indicative at outline stage, whilst the residential development of the proposal site needs to be read from the east in context with the backdrop of Flitch Green beyond, which rises up on the west side of Station Road beyond a wide parallel greensward with the road and which contains some imposing 3 storey dwellings at the entrance with Baynard Avenue and similarly some 3 storey dwellings within Fitzwalter Road at the northern end of the Flitch Green estate which overlook Station Road and the site. Whilst it is appreciated that the new Persimmon development to the north of the site has replaced an "unneighbourly" commercial use (Dunmow Skips) and the redevelopment of the site represented a planning gain, the development presently stands very stark against the skyline on the northern approach to the site, whereby

the housing proposal for Priory Lodge in contrast would stand at lower level and would not be visible when approached from the north in view of the “hard” northern boundary of the site which represents the SW-NE alignment of the former railway line.

- 11.8 Given the above assessment, it is considered that the development would accord with the environmental strand of the NPPF in terms of its potential impact on the particular character of the countryside. The proposal would be contrary to ULP Policy S7 of the Uttlesford Local Plan given that the site lies outside development limits. However, Policy S7 as a local rural constraint policy to new development has been found by the Ann Skippers local plan policy - NPPF compatibility review to be only partially consistent with the provisions of the NPPF, which takes a more positive stance towards development within the rural areas providing that there would be a presumption in favour of sustainable development.
- 11.9 The site lies within Flood Zone 1 as shown on the government's flood risk map meaning that it has a low risk of flooding compared to Flood Zones 2 and 3 (medium to high risk of flooding). As such, it is not necessary for the application to be accompanied by a Flood Risk Assessment (FRA). The proposal for 8 No. dwellings would, however, need to be accompanied by a SuDS equivalent drainage scheme at reserved matters stage should Members be mindful to approve this outline planning application “in principle” given that the site rises quite sharply from the road frontage within a pronounced natural dip in the road before levelling across the remainder of the depth of the site and as it would be imperative from this that any surface water flooding which could arise from the development could be successfully contained within the site so as to not otherwise discharge into the highway. Such measures can be controlled by condition (ULP Policy GEN3).
- 11.10 It is concluded from the above that the development would represent a presumption in favour of sustainable development in accordance with the provisions of the NPPF when assessed against the three dimensions (or strands) of sustainability taken together whereupon the principle of the residential development of Priory Lodge for housing is considered acceptable whereby the brownfield status of the site and the Council's lack of a 5 year housing supply are factors of weight in the planning balance.

B Access (ULP Policy GEN1)

- 11.11 Station Road is a Class III highway which is used on a daily basis by both motorists travelling between Felsted and from further beyond to the south and the A120 and further beyond to the north and similarly by residents of Flitch Green whereby it is most frequently trafficked by commuter traffic and also traffic travelling amongst other destinations to Felsted School in the early mornings and late afternoons. It is a fair comment to say that at peak periods the road is very busy. Priory Lodge is situated within a 40mph speed limit along Station Road.
- 11.12 The proposal would involve the modification of the existing “in-out” vehicular access to Priory Lodge and land to the rear and a 3.7m wide service road indicated as a shared road surface with speed bumps, passing bays and rear Type 3 splayed turning head would be provided.
- 11.13 ECC Highways have been consulted on the proposal, who initially responded to the proposal by making the following highway comments on the originally submitted site layout drawings;

- The proposed private drive should be constructed to a width of at least 5.5m for at least the first 6 metres from the back edge of the highway boundary;
- The existing access for the existing dwelling (to the north-west) conflicts with the access to the proposed development as demonstrated on drawing No. 04B. The access to the existing dwelling should be closed (or separated) to prevent conflict and oblique access manoeuvres;
- A dropped kerb pedestrian crossing should be provided opposite the site access;
- The applicant should note that the proposed development would not be considered for adoption by the highway authority;
- The applicant should ensure that the proposal does not obstruct The Flich Way (public bridleway 43 Little Dunmow). Highway boundary information can be obtained from Highway Records.

Please could the applicant provide a drawing demonstrating the above”.

- 11.14 Revised/additional drawings have been submitted to the Council (10855 04E and 10855 06) in light of ECC Highways' initial comments which show the mouth of the access to the service road widened to 5.5m for the first 6m depth from the highway edge with the site entrance finished with block paving or similar to avoid tracking out onto the highway and a pedestrian crossing point shown on the pavement opposite the site with tactile paving dropped kerb. ECC Highways have been re-consulted on the proposal who have now formally recommended approval for the housing scheme on the basis that the proposed housing use of the site would have a less detrimental effect on the highway than the current commercial use of the majority of the site, namely;

“The existing business use (B1/2 and B8) of the site is not controlled by planning conditions. The proposed 8 residential dwellings compared to the lawful use of the site are expected to have an inconsequential net impact on the highway network. Furthermore, it would also remove commercial vehicle movements associated with the lawful use of the site. Consequently, the Highway Authority concludes that the proposal will not have a detrimental impact upon safety or efficiency on the road network at this location”.

- 11.15 The concerns raised by the Parish Council and others relating to highway safety and particularly that the 40mph speed limit along Station Road is constantly exceeded and that cars pulling in and out of the site and pedestrians crossing Station Road from and to the site should the proposed development be approved are noted. However, given that ECC Highways have not objected to the proposal on highway safety grounds following the changes made to the access arrangements as requested and as sight lines are deemed to be acceptable at the site at the point of access in both directions (2.4m x 90m as shown on drawing 10855 05) it is considered in the circumstances that the development is acceptable on highway safety grounds and would accord with ULP Policy GEN1.

C Design, including consideration of parking standards (ULP Policies GEN2 and GEN8)

- 11.16 The application as submitted is for a prescriptive number of dwellings, namely eight dwelling units and consideration therefore has to be given at outline stage as to whether or not the site is large enough to be able to accommodate this quantum of dwellings. The submitted illustrative housing layout for the site as revised (drwg. no.10855 04E) reflects the somewhat elongated nature of the site and has been adjusted showing the proposed development to be 5m clear of The Flich Way as a “no-build” buffer zone following concerns expressed by Officers that the

development could compromise the ecology and setting of this linear country park/local wildlife site/PROW. Layout, scale, appearance and landscaping are all reserved matters that do not fall to be considered with the current outline application, although it is stated in the application supporting statement that the dwellings are likely to be two storey in height. However, the layout of the development and also the scale of the dwellings by reference to dwelling height, bedroom sizes or both are able to be negotiated at reserved matters stage should planning permission be granted for the development in principle.

- 11.17 The revised site layout submitted indicates that private amenity space for each dwelling would be able to achieve and exceed Essex Design Guide minimum standards, whilst the level of parking provision shown for each dwelling would meet ECC adopted parking standards either as garaged or hardstanding parking or a combination of both. The submitted layout drawing also shows that the dwellings would have reasonable separation distances to the flank boundaries with essentially a “front to front” dwelling layout meaning that inter-amenity would not be significantly compromised, whilst there would be a 15m boundary to boundary distance between Plot 8 for the development and the existing Priory Lodge to be retained, which would also be acceptable.
- 11.18 Therefore, notwithstanding the issue concerning The Flitch Way, which is further discussed below, the submitted details show that an eight dwelling housing development would be able to be accommodated on the site and no design objections are raised at outline stage to the proposal under ULP Policy GEN2.

D Housing Mix (ULP Policy H10)

- 11.19 ULP Policy H10 requires that all developments of 0.1 ha and above or 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. However, since this policy was adopted, the Strategic Housing Market Assessment (SMMA) has identified that the market housing need is now generally for dwellings with three or more bedrooms. The dwellings shown for the proposed development in indicative form on the revised site layout would be a mixture of 3, 4 and 5 units and it is considered that this would represent an appropriate housing mix for the site given the latest SMAA evidence base. It would be possible to seek changes to the housing mix at reserved matters stage, say to request the inclusion of an additional 3 bedroomed unit in favour of one of the 4 bedroomed units shown in the Accommodation Schedule if this was found to be either appropriate or expedient to do so and providing this did not fundamentally change the financial viability of the scheme. No objections are therefore raised at outline stage to the proposal under ULP Policy H10.

E Impact on protected species and nature conservation (ULP Policies ENV7 and GEN7)

- 11.20 The site stands adjacent to The Flitch way, which is a linear country park/local wildlife site (ref; Ufd196)/PROW frequently used by walkers and cyclists. As such, the impacts that the proposed development would have on this local wildlife asset have to be considered. The site comprises mainly maintained lawns, bare short grassland/paddock and a vegetable plot, together with one or two storage containers along its northern boundary with The Flitch Way whereby the boundary line itself comprises open metal rail fencing and metal corrugated sheeting in places and a hedge line along the first part of the boundary from the road. The application is accompanied by an updated Ecological Survey and Assessment for Land adj. The Flitch Way (Essex Mammal Surveys, February 2018) which has assessed the

flora and fauna value of the strip of land within the application site running parallel with the alignment of The Flitch Way.

- 11.21 The ecology report states in its findings that the walkover survey showed that there was no evidence that the 5m strip of land running parallel to The Flitch Way was being used by protected species, namely Bats, Badgers, Reptiles, Barn Owls or Great Crested Newts and that the land in question does not offer any natural habitats or high habitat value to make it conducive to occupation by such species given the managed nature of the land strip. As far as bats are concerned, the report adds that *“It is probable that bats from nearby roosts would forage in the gardens of the site and along The Flitch Way. With the vegetation due to be retained, this foraging behaviour would be expected to continue after the completion of the building work and therefore it is considered that the proposal for this site will not have a detrimental effect on the local bat population, or on protected species. It is recommended that no artificial lighting be introduced at the site that would illuminate The Flitch Way”*. ECC Ecology have been consulted on the proposal and have not raised any ecology objections to the submitted ecology report by Essex Mammal Surveys in terms of the protected/priority species which have been scoped out in the report.
- 11.22 It should be acknowledged that the land adjacent to The Flitch Way within the site is currently used either as residential garden land or as external storage areas in connection with the lawful B1/B2 and B8 engineering business run from the site by the applicant. Therefore, the applicant is entitled, and does use the land for these dual purposes to a greater or lesser extent, whilst it should be borne in mind that all of the centre part of the site could be used for additional external storage areas by way of intensification either by the applicant or by any successor in association with this lawful commercial use in the absence of planning controls as referenced by the applicant's planning agent earlier on in this report. Therefore, whilst the comments received from the Friends of the Flitch Way and Associated Woodlands are noted, it is considered in view of the lawful commercial activities which can be conducted at the site and in view of the findings of the updated ecology report relating to protected species that it would be inappropriate in this instance to maintain a 20m development buffer zone across the site relating to any proposed residential development whereby a 5m buffer zone as shown pulling the development away from the edge of The Flitch Way would be an appropriate distance, together with measures restricting artificial lighting, which could be conditioned on any reserved matters application. Clearly, a 20m buffer zone would make the submitted development scheme an unworkable proposition.
- 11.23 In the circumstances, it is considered that the proposal would be acceptable under ULP Policies ENV7 and GEN7 in terms of the environmental impact that the housing scheme would have on local biodiversity and protected species subject to any reserved matters application reflecting the need to maintain a 5m buffer zone along the boundary with The Flitch Way.

F Impact on Trees (ULP Policy ENV3)

- 11.24 The site does not contain any trees which are subject to a Tree Preservation Order, although a Walnut tree of good quality stands within the site to the north of the existing house some 45m in from the road frontage as shown on the site layout drawing. The remainder of the interior of the site is fairly open apart from a few ornamental trees. The Walnut tree would be retained and protected as part of the proposed development whereby it would stand between the dwellings shown for Plots 1 and 2 with the adjacent buildings being shown a sufficient spacing from the

centre of the tree so as not to detrimentally affect its health. No amenity objections are therefore raised under ULP Policy ENV3.

12. CONCLUSION

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

- A** The principle of residential development at this residential/commercial location lying outside development limits but within a sustainable location close to local services is considered acceptable.
- B** Access arrangements are considered acceptable subject to recommended highway conditions being imposed.
- C** The layout of the indicative housing scheme as presented is considered acceptable whereby it has been demonstrated that 8 no. dwellings could be satisfactorily accommodated on the site in terms of housing density, garden amenity standards and adopted parking standards without unduly impacting on The Flitch Way.
- D** The indicated housing mix is considered acceptable.
- E** The proposed development would not have a harmful effect on protected species, whilst the biodiversity and setting of The Flitch Way would not be significantly compromised subject to a 5m building buffer zone being maintained.
- F** The proposed development would not have a harmful effect on trees.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compensation Act 1991.

4. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the

back of carriageway as shown in principle on drawing no. 06, and provided with an appropriate dropped kerb crossing of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5 The existing access (to the west of Priory Lodge) shall be permanently closed, as shown on the Proposed Site Entrance Details (DWG no. 06), incorporating the reinstatement to full height of the highway verge / kerbing within one month of the proposed new access being brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6 Prior to occupation of any of the proposed dwellings, the provision of a dropped kerb pedestrian crossing shall be provided opposite the proposed site access, as shown in principle on drawing no. 06.

REASON: In the interest of highway safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 8 The reserved matters application shall be accompanied by a surface water drainage strategy for approval by the Local Planning Authority which shall demonstrate how surface water drainage will be disposed of at the site which shall include details and calculations of surface water discharge and run-off rates to cater for storm events and climate change in accordance with sustainable drainage principles.

REASON: No drainage details have been submitted with the outline application to demonstrate protection measures against flood risk in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 9 The housing layout drawings submitted for the reserved matters application shall show a continuous 5 metre exclusion zone between The Flitch Way and any dwellings and garages shown for the proposed development.

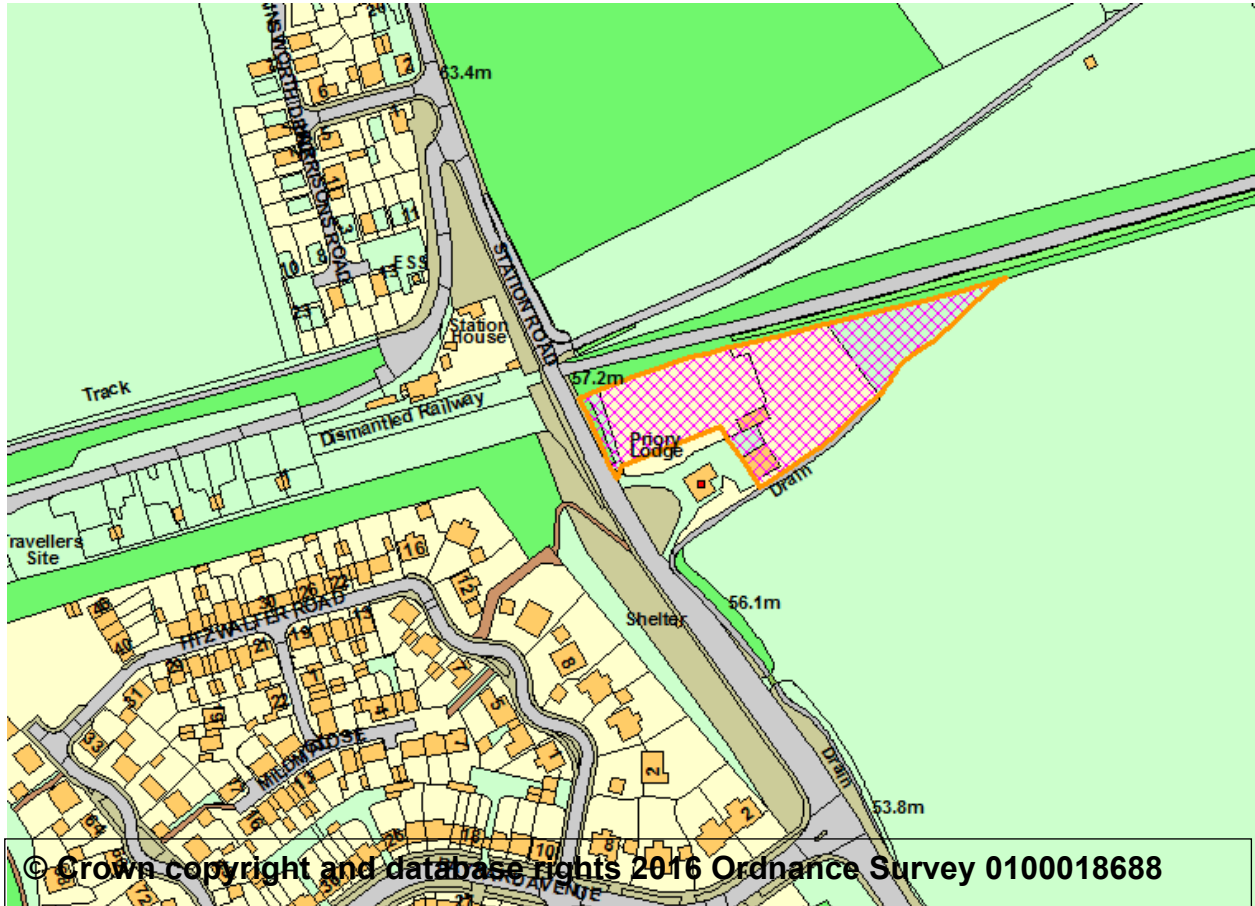
REASON: In the interests of bio-diversity protection given the linear country park/Local Wildlife Site status of The Flitch Way in accordance with ULP Policies ENV7 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 10 All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

Application: UTT/17/3556/OP

Address: Priory Lodge, Station Road, Little Dunmow



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018

UTT/17/3440/FUL – (STEBBING)

(Call in request by Cllr. Mills – Access and proximity of development to listed buildings)

PROPOSAL: **Erection of 2 No. dwellings**

LOCATION: **Land at Brick Kiln Lane, Stebbing**

APPLICANT: **Mr N Ridgeway**

AGENT: **Mr N Ward**

EXPIRY DATE: **31 January 2018 (Extension of time agreed)**

CASE OFFICER: **Clive Theobald**

1. NOTATION

1.1 Outside Development Limits / Affecting setting of Grade II listed buildings.

2. DESCRIPTION OF SITE

2.1 The site lies close to Bran End on the south-west side of Brick Kiln Lane and comprises a strip of open road frontage land having a frontage width of 28m and depth of 38m (0.11 ha) between Mead Cottage and Oak Cottage which together form a pair of grade II listed buildings of C16 origins and a small construction site where three frontage detached dwellings (Plots 1, 2 and 3 Brick Kiln Lane – same applicant) are nearing or have reached completion. The site is level across its flanks, although falls gently down from the road frontage towards a valley below (Stebbing Brook).

2.2 A two storey frontage Victorian dwelling (Appledore) lies on the south-east side of the new dwellings now built for Plots 1, 2 and 3 Brick Kiln Lane, whilst further frontage dwellings extend along the south-west side of Brick Kiln Lane beyond Mead Cottage and Oak Cottage north-westwards to the Bran End junction. A row of elderly persons bungalows lie opposite the site.

3. PROPOSAL

3.1 This full application relates to the erection of 2 No. four bed roomed detached dwellings with integral garages forming Plots 4 and 5 Brick Kiln Lane.

3.2 The proposed dwellings would be two storied in height and would be handed with each other each having a height to the ridge of 8.2m with hipped roofs and an overall depth along the opposing inside flanks of 16.4m. The dwellings would be of traditional design and appearance whereby the dwelling for Plot 4 would be externally clad with natural slate, brickwork and Hardieplank boarding and the dwelling for Plot 5 would be externally clad with plain clay tiles, brickwork and Hardieplank boarding. Each dwelling would have additional frontage hardstanding parking with separate vehicular accesses onto Brick Kiln Lane. New planting is shown for the site frontages.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 This proposed two dwelling scheme would not fall for formal consideration under an EIA. In any event, the cumulative impacts arising from the proposed development are not considered to be significant.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by a Design and Access Statement incorporating a Heritage Statement which describes and informs the proposal making reference to relevant planning history for the site (UTT/15/0515/OP and UTT/16/2468/FUL), design aims, impact of the proposed development on adjacent listed buildings (Mead Cottage and Oak Cottage), access and parking considerations. The statement concludes by saying that *"This full application will introduce two attractive new village houses (very similar to the recently constructed dwellings for Plots 1, 2 and 3) into the street scene and it is therefore hoped that full planning permission can be granted in due course"*.

6. RELEVANT SITE HISTORY

- 6.1 Outline planning permission with all matters reserved was granted by the Council in 2014 for the erection of 5 No. dwellings at Land At Brick Kiln Lane under reference UTT/13/3214/OP. The illustrative site layout drawing submitted for that application showed a line of dwellings extending from Appledore on the south-east side of the site to Mead Cottage on the north-west side to fill a road frontage gap which then existed between the two dwellings whereby no access facility adjacent to Mead Cottage to access agricultural land to the rear of the development site area shown edged in red was indicated. The delegated officer report for UTT/13/3214/OP concluded that the development would form a small linear infill development on a road that forms the village boundary that would maintain a close relationship with and continue to reflect the existing built form of the village occupying land with no statutory, ecological or landscape designation which would provide a small but meaningful addition to the available housing land supply and therefore represent a sustainable form of development.
- 6.2 Outline planning permission with all matters reserved was subsequently again granted by the Council in 2014 for the erection of 5 No. dwellings at Land At Brick Kiln Lane under reference UTT/15/0515/OP. The illustrative site layout drawing submitted for that subsequent application showed a very similar linear housing layout to that shown for approved outline application UTT/13/3214/OP where it was stated in the delegated officer report for UTT/15/0515/OP that the only difference between the two applications was the omission of a field access from the current application and that the previously approved outline planning application would expire on 27 March 2017 if an application for approval of the reserved matters had not been made by that date". The delegated report for UTT/15/0515/OP concluded that *"Taking into account all relevant development plan policies, planning permission should not be granted. However, as the planning permission granted under application UTT/13/3214/OP remains extant, it would be unreasonable to refuse the current application. For the same reason, it would be unreasonable to use any planning conditions of a more onerous nature than those used on the previous planning permission"*.
- 6.3 Full planning permission (*note: not* a reserved matters approval from previously approved outline permission UTT/13/3214/OP or UTT/15/0515/OP) was granted by the Council in 2016 for the erection of 3 No. detached dwellings for Plots 1, 2 and 3

Brick Kiln Lane under reference UTT/16/2468/FUL - permission now implemented. The proposed site layout drawing submitted for that full application proposal showed a line of three dwellings with a remaining gap to the side between the dwelling shown for Plot 3 and Mead Cottage whereupon it was annotated for this remaining gap on the drawing - "Additional land with outline approval for use as residential". The dwellings were shown at two storey height of traditional appearance externally clad with slate and plain clay tiles, Hardieplank boarding and render. The delegated officer report for UTT/16/2468/FUL concluded that *"The proposal is a sustainable form of development that would not result in detrimental harm to the character and appearance of its wider setting and the street scene. The design and detailing of the housing is appropriate and it would provide the reasonable needs for future occupiers. In addition, it would not result in excessive harm to the occupiers of adjoining properties and it would not result in harm to highway safety or the setting of the listed buildings"*.

- 6.4 It should be noted from this officer report relating to the principle of residential development at Brick Kiln Lane that it was stated in the Planning Considerations section of the report that *"Planning permission has already been granted under outline permission for the erection of five dwelling houses on the site, ref; UTT/15/0515/OP. It was deemed that under this scheme that the proposal to construct 5 No. dwellings was acceptable in principle in that it would have been a sustainable form of development that would not result in harm to the character of the locality and the openness of the countryside. Given this fact, the proposal for the construction of 3 No. dwellings in principle is also considered to be appropriate"*.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 ULP Policy S7 – The Countryside
ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- 7.2 SPD "Accessible Dwellings and Playspace"

National Policies

- 7.3 NPPF

Other Material Considerations

- 7.4 Essex Design Guide
ECC Parking Standards – Design and Good Practice (Sep 2009)
UDC Parking Standards (Feb 2013)

8. PARISH COUNCIL COMMENTS

- 8.1 Stebbing Parish Council objects to this application and wishes the following

comments to be taken full notice of:

1. The access marked as farmer's access to field behind between house number 5 and Mead Cottage implies that this has always been an access. It has never been an access. It should be noted and taken into account that in both UTT/13/3214/OP and UTT/15/0151/OP this access did not exist as the 5 houses went from Appledore to Mead Cottage.
2. The only access to the field on any recent documentation relating to this field was in the Call for Sites offer of land which was rejected. However, even in that, the entrance was placed between properties 4 & 5 and not next to Mead Cottage. Therefore to indicate / imply that there is a need for a farmer's field access when it would seem to be more of a ploy to leave / create a future entrance for further development on the land behind which has already been rejected. The landowners have not farmed this field for more than 25 years and already have an agricultural access from the B1057, therefore Stebbing Parish Council can see no need for this additional access for farming purposes.
3. The Ridge height of the adjoining Mead Cottage is significantly lower. This listed building would be overwhelmed by the addition of these two properties. The roofs should be at least graded down in height from the three new buildings to Mead Cottage. The gaps giving views of open countryside were considered to be of great importance in our conservation appraisal. The addition of two more properties will eliminate the view completely.
4. The lay-by opposite the proposed houses was put there for the use of the elderly people's bungalows and not for the use of any new properties. On street parking at this location will be very dangerous.

9. CONSULTATIONS

London Stansted Airport

- 9.1 The proposed development has been examined for aerodrome safeguarding. This proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

ECC Highways

- 9.2 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective.

ECC Ecology

- 9.3 No objection subject to condition.

This site has a planning history dating from 2015 when outline planning was given under UTT15/0515/OP. A Biodiversity Management Plan was a condition of consent issued on 23 April 2015. This will need to be supplied under a condition of any consent for this development.

The biodiversity management plan needs to show how the site will be enhanced to compensate for the loss of bird nesting habitat and the management of the topsoil to maintain the population of bee orchids held in the seed bank to be re-instated in the gardens and green space.

UDC Conservation Officer

- 9.4 The proposal subject of this application is to complete a previously granted 'OP' planning permission for five dwellings, three of which are already under construction. The proposed remaining two dwellings would represent Plot 4 and 5 of the approved outline planning permission.

The development site is located in the area of Bran End and to the south-east of a cluster of listed buildings, the very last being Mead Cottage, which together with Oak Cottage forms part of one historic unit of C16 origins divided into two tenements. Both of the listed cottages have been altered and extended with Mead Cottage having acquired a C20 two storey gable wing facing the development site. Beyond this historic asset, a general sprawl of post-war unremarkable rural housing reaches out into the countryside.

The principle of development on this uncultivated small area of land outside defined development limits has been established some time ago and probably reflects the general pressures for formation of additional homes. The now proposed two additional houses would be of the same design and detailing as the three already under construction. Clearly they are not of astounding architectural merit, but of detailing which is not out of keeping with the local vernacular.

My special consideration must relate to Plot 5 which would be a neighbour to listed Mead Cottage and would have an effect on its form and setting. I estimated the distance between the two would be over 20 metres. Both houses would be separated by a field access and a range of outbuildings within the curtilage of Mead Cottage and its forecourt. The present setting of Mead Cottage is typified by having close neighbours to the north and across the road to the east, with open fields at the back and to the south-east which in some way is obscured by its outbuildings. Clearly, proximity of a new structure would change its south-east aspect, but the concept of a dwelling here has already been approved. In terms of design, the floor plan would present a single storey range with roof space accommodation facing the listed building, rather than a full two storey element. I feel that in some measure by this arrangement, the potential overpowering effect is likely to be diminished. In addition, as the listed building is located on the 'back of the footpath' and the new dwellings are set back into the site, the primacy of the heritage asset would not be drastically undermined, especially when travelling from the north.

Consequently, should Members have mind to approve this application, I suggest all relevant conditions as attached to the previous application for 3 No. dwellings.

10. REPRESENTATIONS

- 10.1 Neighbour notification period expires 10 January 2018. Advertisement expires 11 January 2018. Site notice expires 17 January 2018.

8 representations received (Object):

10.2 Summary of comments:

- The blocking in of the gap along this road frontage has deprived locals of what was once one of the best views in the village to Stebbing Brook. Permission should never have been given for residential development at the site in the first place.
- The dwellings proposed and as built are not compatible with the form of

- development within the area.
- No need for this kind of housing in the village. Better to have either starter homes or bungalows if a local need can be demonstrated for these with less lavish designs.
 - The additional dwellings proposed will place an additional strain on local services.
 - The lay-by opposite in front of Pulford Place will be used for visitor parking.
 - The dwellings will undermine the setting of the listed Mead Cottage.
 - The dwelling for Plot 5 will cause overshadowing onto Mead Cottage.
 - The original plans for the outline applications showed a continuous frontage without any gap to the side of Mead Cottage.
 - There has never been an agricultural access point to the land to the rear as now shown for the current application. There is already access to the land from between Copstone Cottage and Little Rands. No need for a second one.
 - The land to the rear has not been used for agricultural purposes for at least the last 10 years. The inclusion of a farm access on the submitted drawings is just a cynical attempt by the developer to allow housing to be built on the land to the rear in the future even though it is not included on the Council's Call for Sites list.
 - The site was formerly semi-natural grassland and until fairly recently contained bee orchids and had various types of butterflies. No evidence yet of any attempt to preserve and return topsoil containing bee orchid seeds stripped from the site.

10.3 Comments on representations.

The principle of the infilling of the gap along Brick Kiln Lane between Appledore and Mead Cottage by the introduction of five detached dwellings was considered acceptable by the Council under outline applications UTT/13/3214/OP and UTT/15/0515/OP, whilst a separate grant of full planning permission has subsequently been granted for three dwellings (Plots 1, 2 and 3) in lieu of the outline approved schemes. The currently submitted application (UTT/17/3440/FUL) represents a further full application to fill in the remaining gap along the frontage with two dwellings save the retention of a small gap between Plot 5 and Oak Mead for what is described as an agricultural access point. Whilst the comments made by third parties as to the existence or otherwise of an established access point at this location and the stated possible future motives by the applicant to show one, the applicant is entitled for the current application to exclude the strip of land between Plot 5 up to the boundary with Mead Cottage so as to provide an access if so desired as the current proposal is not a reserved matters application and is therefore not constrained by site area to the wider area shown edged in red for outline application UTT/15/0515/OP.

11. **APPRAISAL**

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

- A Principle of development (NPPF and ULP Policies GEN3 and S7).
- B Design and appearance (NPPF and ULP Policy GEN2).
- C Impact on setting of adjacent listed buildings (NPPF and ULP Policy ENV2).
- D Access arrangements and parking standards (NPPF and ULP Policies GEN1 and GEN8).
- E Living standards (NPPF, ULP Policy GEN2 and SPD "Accessible Homes and Playspace").
- F Impact on adjacent residential amenity (NPPF and ULP Policy GEN2).
- G Dwelling mix (NPPF and ULP Policy H10).
- H Impact upon protected/priority species (NPPF and ULP Policy GEN7).

I Landscaping (NPPF and ULP Policy GEN2).

A Principle of development (NPPF and ULP Policies GEN3 and S7).

11.1 As previously mentioned in this report, the principle of residential development at this “end of village” location outside development limits for the erection of five detached dwellings, so as to close a natural gap between Appledore and Mead Cottage, has already been considered acceptable under outline application UTT/13/3214/OP and subsequent outline application UTT/15/0515/OP in that housing at the site would represent a sustainable form of development which would not result in harm to the character of the locality or the openness of the countryside. Subsequent full application UTT/16/2468/FUL for the erection of three dwellings (Plots 1, 2 and 3) was found to be acceptable in principle for the same planning reasons and it therefore follows that the current full application to fill in the remainder of the gap, by the erection of two further dwellings (Plots 4 and 5) save for what is understood to be an agricultural access to land to the rear, is similarly considered to be acceptable in principle. Given this, and the fact that the site lies within Flood Zone 1, which represents the lowest risk of flooding as previously identified for UTT/16/2468/FUL would mean that the proposal would comply with the relevant provisions of the NPPF and ULP Policies GEN3 and S7.

B Design and appearance (NPPF and ULP Policy GEN2).

11.2 The handed dwellings proposed for Plots 4 and 5 Brick Kiln Lane as shown on the submitted drawings would be identical in design, scale and external appearance as the handed dwellings approved and now built for Plots 2 and 3 (and also for Plot 1), namely that they would have a traditional if not somewhat imposing built form and appearance given their ridge heights at 8.2m and a plan form with an overall depth of 16.4m. However, the dwellings would represent a continuum of scale and building style along the street frontage from Plots 1, 2 and 3 to fill the remaining gap whereby the dwellings would follow the set back line created by the dwellings for Plots 1, 2 and 3 between Appledore and Mead Cottage thereby providing consistency of building approach. It is noted from the delegated officer report for UTT/16/2468/FUL that the overall size, scale and proportions of the dwellings for Plots 1, 2 and 3 were considered acceptable whereupon they would not be excessive in terms of massing and bulk providing appropriate spatial separation between adjacent properties and the dwellings themselves existed. These same comments apply to the remaining dwellings for Plots 4 and 5 as shown whereby the development would not result in any significant detrimental harm to the character and appearance of the streetscene or the surrounding locality. The proposal would therefore comply with the NPPF and ULP Policy GEN2.

C Impact on setting of adjacent listed buildings (NPPF and ULP Policy ENV2).

11.3 The Planning (Listed Buildings and Conservation Area) Act 1990 imposes duties requiring that special regard be had to the desirability firstly in section 16(2) of preserving a listed building or its setting or any features of special architectural or historic interest. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

- 11.4 The dwelling shown for Plot 5 would be located 8.5m at its nearest point from the opposing flank boundary of Mead Cottage, which is a grade II listed two storey tiled and plastered dwelling which stands as a pair with Oak Cottage beyond onto the road frontage. However, it is estimated that a gap of some 20 metres would exist between the dwelling for Plot 5 and the principal listed building asset itself as a single storey frontage outbuilding stands between the asset and the flank boundary, albeit forming part of the listed curtilage. Clearly though, the development of the two proposed dwellings when read together would be substantially nearer to the flank boundary with Mead Cottage than the situation which presently exists for the nearest of the three dwellings already built for Plots 1, 2 and 3 under application UTT/16/2468/FUL whereby the dwelling for Plot 3 stands some 37m away from the flank boundary with Mead Cottage. Thus, it falls to be considered whether substantial harm or less than substantial harm would be caused to the adjacent heritage assets as a result of the proposal.
- 11.5 The proposal has been considered by the Council's Conservation Officer who has advised that in her considered opinion the primacy of the listed asset that is Mead Cottage would not be drastically undermined by the development given that the roof eaves line of the dwelling for Plot 5 is shown being set lower than the remainder of the dwelling, that sufficient separation distance would exist between Plot 5 and the principal asset in view of the gap which is shown to be retained for the stated agricultural access and the existence of the outbuilding range to the side of the main listed dwelling, and as the concept of a dwelling has previously been approved for "Plot 5", notwithstanding that in the Conservation Officer's view the proposed dwellings are not of astounding architectural merit, albeit incorporating detailing which would not be out of keeping with the area.
- 11.6 Given the heritage comments received, it is considered that the proposed development would cause less than substantial harm to the significance of Mead Cottage as a designated heritage asset when weighed against the public benefits of the proposal in this case of providing additional housing within the area within a sustainable location. The proposal would therefore accord with relevant statute and Government advice relating to listed buildings in accordance with Paragraph 134 of the NPPF and would comply with ULP Policy ENV2 relating to the protection of listed buildings.

D Access arrangements and parking standards (NPPF and ULP Policies GEN1 and GEN8).

- 11.7 Vehicular access to the dwellings for Plots 4 and 5 would be via individual crossover points off Brick Kiln Lane and would represent a continuum of the access arrangements as shown and considered to be acceptable for the dwellings for Plots 1, 2 and 3 for approved application UTT/16/2468/FUL.
- 11.8 It is considered that adequate sight visibility splays could be achieved from the proposed access points and that the amount of traffic generated from the development would be able to be accommodated satisfactorily onto the local road network without detrimental highway impact, a position previously confirmed for application UTT/16/2468/FUL. ECC Highways have been consulted on the proposal and have confirmed that they have no highway objections subject to highway conditions. The proposal would therefore comply with ULP Policy GEN1 subject to these conditions being imposed on any planning permission granted.
- 11.9 The dwellings for Plots 4 and 5 would each be served by three parking spaces in the

form of an integral garaged space and two frontage hardstanding spaces with on-plot turning area and would represent a continuum of the parking arrangements as shown for the dwellings for Plots 1, 2 and 3 for application UTT/16/2468/FUL. The parking allocated for each dwelling unit would therefore meet minimum ECC parking standards as required for a 4 bedroomed dwelling and no objections are raised under ULP Policy GEN8.

E Living standards (NPPF, ULP Policy GEN2 and SPD “Accessible Homes and Playspace”).

- 11.10 The Essex Design Guide (EDG) advises that 3 and 4 bedroomed dwellings should have a minimum private amenity space of 100sqm which should ideally be to the rear of the dwelling and include a private sitting out area. The dwelling for Plot 4 would have a rear private amenity space of 196sqm, whilst the dwelling for Plot 5 would have a rear private amenity space of 186sqm whereby both dwellings would be able to achieve rear private sitting out areas which would not be overlooked. As such, the EDG minimum garden standards would be met and exceeded whereby this level of amenity provision to be provided would be consistent with that for the dwellings for Plots 1, 2 and 3 adjacent, albeit that the rear gardens for Plots 4 and 5 would be slightly smaller. Each dwelling would have the ability to be afforded level entrance to the front door from the driveway. It would be necessary for each dwelling to conform to the new accessibility requirements under the Building Regulations and these requirements can be conditioned on any planning permission granted.
- 11.11 In the circumstances, the proposal would accord with one of the core principles set out in paragraph 17 of the NPPF in that new housing developments should provide a good standard of amenity for all future occupants and would thus comply with ULP Policy GEN2 relating to design.

F Impact on adjacent residential amenity (NPPF and ULP Policy GEN2).

- 11.12 Due consideration has to be given in relation to the potential harm the development might have upon the amenities of adjoining property occupiers whereby ULP Policy GEN2 requires that development does not have a materially adverse effect on neighbouring amenity as a result of overlooking, overbearing effect or overshadowing impacts.
- 11.13 A separation distance of 8.5m would exist between the dwelling shown for Plot 5 and the flank boundary with Mead Cottage. It is considered by this and the orientation and set back positioning of the dwelling that no significant harm would be caused to the residential amenities of this adjacent dwelling when assessed against the aforementioned criteria, whilst the inter-relationship between the dwellings themselves is considered acceptable whereby opposing inward facing first floor bathroom and en-suite windows shown for each would be obscure glazed, which can be conditioned.

G Dwelling mix (NPPF and ULP Policy H10)

- 11.14 ULP Policy H10 requires that all developments of 0.1 ha and above or 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. However, since this policy was adopted, the Strategic Housing Market Assessment (SMMA) has identified that the market housing need is now generally for dwellings with three or more bedrooms. Both dwellings would be 4 bedroomed as is the case for the dwellings now built for Plots 1, 2 and 3 and,

whilst perhaps it would have been beneficial for one of the dwellings for Plots 4 and 5 or both to have been shown as 3 bedroomed, to provide a bedroom mix with the approved adjacent dwelling plots, it is considered on balance given the size of the proposed development and as taken as a small group with the approved adjacent development (i.e. five units in total) that the housing specification is acceptable.

H Impact upon protected/priority species (NPPF and ULP Policy GEN7).

- 11.15 The application is accompanied by the original Phase 1 Habitat Report & Protected Species Scoping Assessment (Skilled Ecology, November 2016) prepared for Plots 1, 2 and 3 under UTT/16/2468/FUL and an updated Ecological Assessment (Skilled Ecology, November 2017 given that the November 2016 ecology report is now a year old. The 2017 updated ecology report states that the ecology findings of the November 2016 report still remain valid and confirms that no additional survey of the site is required, but that the original report recommendations should be followed, adding that the site has been used for storage and parking for the 2016 approved “first” area of development and that the “second” area of development forming the current application is very low in ecological value, a position confirmed by the visiting planning officer. The report recommends specific conditions relating to Birds, Bats and Bee Orchids whereupon with the latter it is recommended that *“Orchid seeds are present in the topsoil. To retain this seed base and for the future proliferation of orchids it is recommended that topsoil from the site be stored on the site during development and re-used within gardens and green space on the site. No chemical enhancers or herbicides should be used”*.
- 11.16 ECC Ecology have been consulted on the proposal who have not raised any ecology objections based upon the findings of the updated ecology report prepared by Skilled Ecology (November 2017) subject to a Biodiversity Management Plan condition being repeated for the current application from UTT/16/2468/FUL which requires a plan for a description and evaluation of features to be managed, including excavated topsoil from the site which may contain bee orchid seeds. In light of the updated ecology findings and ECC Ecology not raising any objections to the proposal the proposal complies with ULP Policy GEN7.

I Landscaping (ULP Policy GEN2).

- 11.17 It was stated in the officer report for application UTT/16/2468/FUL that the frontage landscaping proposed for Plots 1, 2 and 3 was considered acceptable, albeit shown as fairly minimalistic, and would help soften the impact of the proposed development. A detailed landscaping scheme has been submitted for the current application for Plots 4 and 5 (drwg. no. 2017/58_001) which is considered acceptable both in terms of proposed frontage planting details and means of enclosure (ULP Policy GEN2).

12. CONCLUSION

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

- A** The principle of residential development at this frontage location lying outside development limits is acceptable whereby its acceptance has been determined through previous grants of outline planning permission and a full permission for the adjacent site (Plots 1, 2 and 3).
- B** The design and appearance of the proposed dwellings is acceptable.
- C** The development would cause less than substantial harm to the setting of adjacent listed buildings.

- D** Access and parking arrangements would be acceptable.
- E** Living standards for the occupants of the proposed dwellings would be acceptable.
- F** The development would not have a significantly detrimental effect on the residential amenities of neighbouring properties.
- G** The dwelling mix would be acceptable.
- H** The development would not have a harmful effect on protected/priority species.
- I** The submitted landscaping details are acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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. Notwithstanding the details shown on the submitted plans, the external finishing materials of the works hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Subsequently, the development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

3. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on the approved landscaping proposal drawing 2017/58_001 dated 13.11.17. 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 ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

4. There shall be no obstruction above 600mm within a 2m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction

above 600mm at all times.

REASON: To provide adequate inter-visibility between the pedestrian and users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard to highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6 The dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan (adopted 2005) and the Council's SPD "Accessible Homes and Playspace".

- 7 The proposed opposing first floor flank elevation bathroom and en-suite windows for both dwellings as shown on the approved plans shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority and have fixed frames up to 1.7m above finished floor levels (FFL) and shall be permanently retained in that condition unless otherwise agreed by the Local Planning Authority.

REASON: In the interests of the protection of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 8 No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out in accordance with the approved Plan. The Plan shall include:

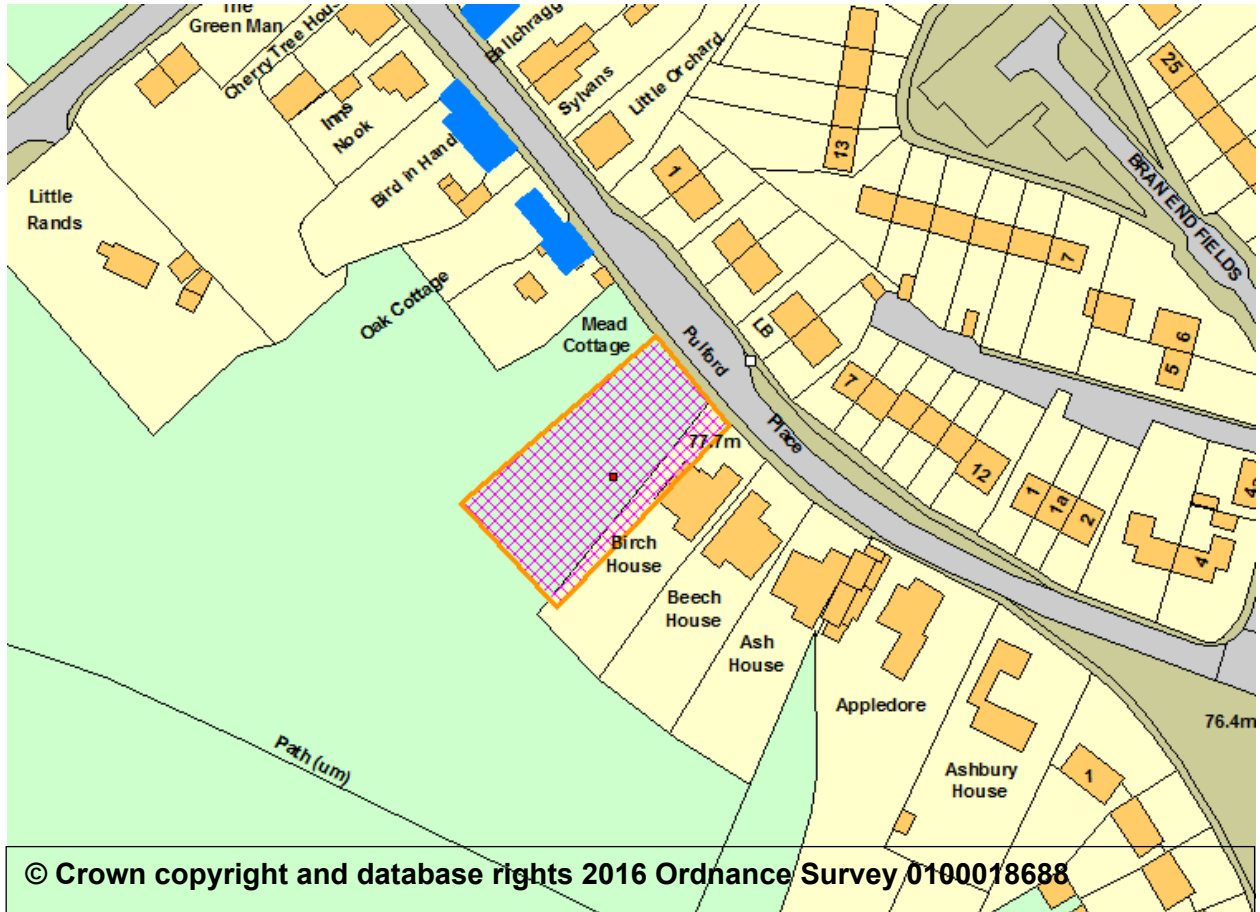
- a) A description and evaluation of features to be managed (topsoil with bee orchid seeds and replacement of bird nesting habitat)
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving the aims and objectives of the project
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
- g) Details of the body or organisation responsible for implementation of the Plan
- h) Ongoing monitoring and remedial measures

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (2005).

JUSTIFICATION: Details of bio-diversity management need to be submitted for approval prior to the commencement of the development to ensure that appropriate ecology measures to promote biodiversity at the site can be implemented, including the reinstatement of excavated topsoil to encourage the re-growth of Bee Orchids.

Application: UTT/17/3440/FUL

Address: Land at Brick Kiln Lane, Brick Kiln Lane, Stebbing



Organisation:	Uttlesford District Council
Department:	Planning
Date:	29 March 2018

UTT/17/3078/FUL – (STANSTED)

(Referred to Committee by Cllr Sell. Reason: Due to traffic impact)

PROPOSAL: The proposal would involve the change of use of the site from a retail (Class A1) use to a mixed use restaurant/takeaway (Class A3/A5); and installation of extraction/ventilation equipment and new door opening. The proposed restaurant/takeaway will open between 11:00 and 23:00 7 days a week.

LOCATION: 22 Cambridge Road, Stansted

APPLICANT: Mr A Pancholi

AGENT: Miss Emma Morrison

EXPIRY DATE: 18 April 2018

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development Limits, Ground Water Protection Zone 1 and Stansted Airport within 6km of Airport.

2. DESCRIPTION OF SITE

2.1 The application site is a two storey building with the use of the ground and first floor for retail use. It is located on the eastern side of Cambridge Road and is made up of two storey element at the front of the building, two storeys to the rear and a single storey, flat roofed element between.

2.2 At the front of the property the first floor is in residential use. This will be retained as a separate flat and is not included in the change of use application. The rear first floor element is included within the retail use and is proposed to form part of the restaurant/takeaway.

2.3 There is an access running under part of the first floor of the site which leads to the rear communal service yard and bin store and provides access to the residential flat.

2.4 The site is bounded to the immediate north by residential dwelling and a doctor's surgery is adjacent to the south of the site. To the rear is bound with an area with consent for a mixed use development including 10 no. dwellings, a retail unit and a commercial building (planning reference number UTT/16/2632/FUL).

2.5 The area is characterised by mix use namely retail (A1 and A2), food and drink and residential uses.

2.6 The application site is currently vacant and was formerly in use as a Class A1 convenience food store.

3. PROPOSAL

3.1 The proposal would involve the change of use of the site from a retail (Class A1)

use to a mixed use restaurant/takeaway (Class A3/A5); and installation of extraction/ventilation equipment and new door opening. The proposed restaurant/takeaway will open between 11:00 and 23:00 7 days a week. It is anticipated that the bulk of the custom to the site will be for takeaway and seating for up to 36 customers would be provided at the front of the unit for eating in.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Not applicable because it is not required for such type of proposed development in accordance with EIA Regulation 2017 (As amended).

5. APPLICANT'S CASE

5.1 The proposed application is supported with the following documents namely:

- Planning, Design and Access Statement
- Noise Impact Assessment
- Vent or Extraction Statement

6. RELEVANT SITE HISTORY

- 6.1
- UTT/1656/07/FUL – For the erection of a refrigeration plant to the side elevation, installation of a new entrance door and external security shutter to the front elevation was approved on 14 November 2007.
 - UTT/1350/99/FUL – For the erection of a new plant enclosure to contain refrigeration plants was approved 12 April 2000.

7. POLICIES

Uttlesford Local Plan (2005)

Policy S1 – Development limits for the main Urban Areas

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN4 – Good neighbourliness

Policy GEN88 – Vehicle Parking Standards

Policy RS2 – Town and Local Centres

Policy SM1 – Local Centres

National Policies

National Planning Policy Framework

8. PARISH COUNCIL COMMENTS

8.1 Stansted Parish Council object to this proposed development due to the following reasons:

Risk of further increased incidents of dangerous/illegal parking as situated adjacent to a pedestrian crossing creating an increased risk to the safety of pedestrians. Patrols by the Parking Partnership are not often enough to eliminate these risks. A new housing development is being built adjacent to these premises and we have already raised concerns regarding vehicles accessing/exiting the new site without the extra traffic flow and parking that this application would create. GEN 4 - Smell, noise and nuisance to neighbouring residents. We would ask that a noise and

disturbance survey is carried out.

If this application is going to be approved then we would like to request the following conditions are applied:

Close by 10pm daily

CCTV is installed outside premises

A daily clean around the site is carried out to keep the area free of litter

An appropriate extracting system is installed

9. CONSULTATIONS

Essex County Council Highways Authority

9.1 No objection on transportation and highways terms.

UDC Environmental Health Officer

9.2 The Environmental Health Officer confirmed that the premises are located in close proximity to residential accommodation, both existing and under construction, and adequate measures to prevent loss of amenity from noise and cooking odours are required.

Details have been submitted of the proposed mechanical extract ventilation system, which proposes to discharge to the outdoor air 1m above the flat roof on the rear elevation.

The nature of the cooking proposed is dry baking only, and the proposal considers that odour control, other than that provided by grease filtration, is not necessary. I would disagree, as the nature of the proposed cooking may produce odours, for example from the inclusion of garlic, herbs and meat. In view of the sensitivity of the nearby premises, and the relatively low extract outlet, activated carbon filters or other suitable means of odour removal should be incorporated into the extraction system.

The issue relating to the generation of odour has been overcome following further information submitted to the Environmental Health Officer for their consideration. In conclusion the Environmental Health Officer recommended that the proposed scheme to be approved subject to relevant planning conditions below.

The proposal is for the premises to be open to the public until 23:00hrs, which is one hour later than the previous commercial use at the site. Restricting the closing time to 22.00hrs would allow time for clearing up and for customers to disperse prior to 23.00hrs, after which nearby residents would have a reasonable expectation of a reduction in noise levels.

Conditions:

1. The extract system serving the premises shall be installed in line with the specification as set out in the submitted MBH Annex B Document dated 9th January 2018. The equipment installed shall be used, retained.
2. No development shall take place until a scheme for protecting nearby dwellings from noise from plant, machinery and equipment associated with the approved development has been submitted to and approved in writing by the local

planning authority. The scheme shall follow the recommendations identified in Philip Acoustics Ltd report (Ref: 17242-002 Revision A) dated February 2018. The equipment shall not be used until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

3. The cooking process shall cease to be operated if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.
4. The combined rating level of all plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission, when assessed in accordance with BS:4142: 2014 shall not exceed the background noise level of 43dBA L90 15min between 07:00 – 23:00 and 39dBA L90 15min 23.00 – 07:00
5. In the event that the nature of the cooking type changes, full details of the change shall be submitted to the LPA together with details of alterations to the odour control system if requested.

10. REPRESENTATIONS

- 10.1 The application was notified to eighty four surrounding occupiers and site notices displayed.

Twenty four letters of objection received from neighbouring properties; and a petition letter signed by fifty seven neighbouring properties. The summary of their reasons for objection include the following:

- The proposal would generate traffic during both peak and off peak hours
- Noise
- Road safety
- Cooking smell
- Nuisance
- Generation of litters
- Parking problems
- Loss of residential floor space

11. APPRAISAL

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

- A The principle of the development (NPPF, Local Policy S1)
- B Whether the proposal would harm the character of the building or the amenity of the adjoining occupiers (NPPF, Local Policies GEN2 and GEN4)
- C Highways and Traffic impact (Local Policies GEN1 and GEN8)

A The principle of the development (NPPF, Local Policy S1)

- 11.1 In land use terms the application site is within development limits area which is characterised by mixed uses namely retail, offices, residential buildings, Petrol Station, Public House and other commercial premises.
- 11.2 The application site ground floor is currently vacant but was formerly in use as a Class A1 convenience food store. The first floor is in residential use. This will be

retained as a separate flat and it is not included in the proposed change of application. The rear first floor element is included within the retail use and is proposed to form part of the restaurant/takeaway. For the benefit of policy consideration; the proposal would involve the change of use of the site from a retail (Class A1) use to a mixed use comprising of restaurant/takeaway (Class A3/A5).

- 11.3 In policy terms the application site is located within a designated local centre for example; Cambridge Road and Lower Road area are identified as local centres. Policy SM1 states that within Cambridge Road and Lower Street change of use of the ground floor of existing shops, restaurants, public houses and hot food take-away to residential uses will not be permitted, unless both the following criteria are met:
- (a) The existing use is surplus to current and foreseen future requirements; and
 - (b) The property has been widely advertised for at least six months on terms reflecting its use.
- 11.4 In consideration with Policy SM1; the proposed change of use at ground floor would not lead to loss of shop, public houses and hot food take-away because it does not involve the use of the ground floor to residential use. Instead it is a proposal which is not in conflict with the objective of the Policy for example; which protects change of use of non-residential uses such Class A1 (retail), Class A3/A5) respectively.
- 11.5 Policy RS2 asserts that retail, commercial and community uses or mixed use development including a residential element will be permitted in the centres such as in Standsted Mountfitchet if it meets all the following criteria:
- (a) It maintains or enhances their role as retail and service centres;
 - (b) it does not harm their historic and architectural character;
 - (c) It contributes to the diversity of retail and other commercial activity;
 - (d) It does not result in significant loss of houses or flats in the centres;
 - (e) It does not prejudice the effective use of upper floors as living or business accommodation.
- 11.6 In terms of Policy RS2; the proposal would displace existing retail use which would be replaced by the combination of restaurant and hot-food take away (Class A3/A5) and this will deprive this part of the town and local centre from their role as retail centre; although it will retain its role as service centre through the introduction of restaurant and hot food take away.
- 11.7 The proposed internal and external alterations of this non listed building to meet the needs of the proposed change of use would not adversely harm the historic and architectural character of the building.
- 11.8 Given the nature of the combination of restaurant and hot food take away elements at this site, it would contribute to the diversity of other commercial activity as advocated in the policy criteria.
- 11.9 The retention of the existing flat at first floor demonstrated how the proposal would not lead to loss of residential flats in this centre.
- 11.10 And the proposed combination of the proposed change of use and the retention of the existing living accommodation at first floor shows that the proposal would not prejudice the effective use of upper floors as living accommodation.

11.11 In conclusion; given the existing mixed use activities along this part of Cambridge Road, the principle of the proposed change of use and in consideration with Policies SM1 and RS2 can be considered acceptable subject to the evaluation of its impact on the residential amenity of the area and traffic.

B Whether the proposal would harm the character of the building or the amenity of the adjoining occupiers (NPPF, Local Policies GEN2 and GEN4)

11.12 Policy GEN2 objective includes development will be permitted if the scale, form, appearance, layout and materials are compatible with the surrounding buildings; and if the proposal would not harm the living condition of the adjoining occupiers.

Policy GEN4 states that development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where:

- (a) Noise or vibration is generated or
- (b) Smell, dust, light, fumes, electro magnetic radiation, exposure to other pollutants; Would cause material disturbance or nuisance to occupiers of surrounding properties.

11.13 The application site is bounded by residential properties and other commercial premises. Part of the proposal would include the installation of ventilation and fume extraction for cooking of food, the use of the building as restaurant and hot food take away.

11.14 It has been noted at the rear of the site it comprises of other types of mixed use activities namely residential, doctor's surgery and retail outlets. Some of the objections raised from neighbouring properties include cooking smell, generation of noise; litter, traffic and parking problems associated with restaurants and hot food take away outlets.

11.15 The proposed side elevation plan shows where a new proposed extract duct rising through the flat roof with the fire exit and goods in door underneath it. Other proposed alteration to the external part of the building include the replacement of the existing sliding entrance door with a new, inward opening glazed entrance door in the same position; and the insertion of a new timber door on the side elevation, opening into the service yard.

The existing shopfront, with the exception of the entrance door, will be retained and replaced and repainted RAL 7043 Traffic Grey and ramped access will be retained.

11.16 The proposed extract duct location is a concern considering the use of the first floor rear part as residential accommodation and this could disturb the occupiers in terms of cooking smell and noise from the extractor. Since part of the remaining part of the first floor will change into restaurant such use in close proximity to living accommodation would not be complimentary due to the harm to the living conditions of those occupying the residential flat due to generation of noise from customers eating and walking in and out from the restaurant in addition with cooking smell. Hence, on balance the proposal at such level would be in conflict with Policies GEN2 and GEN4. Such nuisance can be minimised through the control of the proposed opening hours and such details can be condition.

11.17 In order to ensure that the proposed ventilation ducting scheme location would not harm the amenity of the adjoining occupiers; the proposed vent extraction scheme has been considered by the Council's Environmental Health Officer.

- 11.18 In consultation with UDC Environmental Health Officer; she requested further information covering issues such as an acoustic report in order to assess the likely noise impact from proposed ventilation ducting; in addition with the details of the proposed opening hours has been fully considered. For example; the proposal would involve opening the restaurant to the public until 23:00hrs, which is one hour later than the previous commercial use at the site. Restricting the closing time to 22:00hrs would allow time for clearing up and for customers to disperse prior to 23:00hrs, after which nearby residents would have a reasonable expectation of a reduction in noise level.
- 11.19 In order to protect and safeguard the amenity of the neighbouring residential properties and other adjoining occupiers; details of the proposed equipment required for the extraction of cooking fumes have been requested to be conditioned; including all proposed plant and machinery that would be used to support the proposed development. This is welcome and in accordance with Policies GEN2 and GEN4.

C Highways and Traffic impact (Local Policies GEN1 and GEN8)

- 11.20 The application site is close to a set of traffic light and pedestrian crossing. It is also located within restrictive parking zone area along this part of Cambridge Road.
- 11.21 Policy GEN1 states that development will be permitted if it meets all the following criteria:
- (a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - (b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - (c) The design of the site must not compromise road safety and must take account of the needs of cyclist, pedestrians, public transport users, horse riders and people whose mobility is impaired.
 - (d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
 - (e) The development encourages movement by means other than driving a car.
- 11.22 Policy GEN8 asserts that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance "Vehicle Parking Standards", a summary extract of which is reproduced in Appendix 1 to this Plan.
- 11.23 The proposed application site did not provide any off-street car parking spaces to accommodate the customers that would be visiting or making use of the proposed mixed use development comprising of restaurant/takeaway (Class A3/A5). Such type of services is required to be supported with adequate customer designated parking area in order to protect and safeguard traffic in the area and other road users. Given that the site is also located very close to set of traffic lights and pedestrian crossing the use of the site as proposed might have an impact on traffic and other road users as customers might be attracted to park along the side road which could also disturb traffic flow or pedestrians.
- 11.24 The applicant argued that the customers visiting the site would make use of nearby public parking which is not part of this application site. The Planning Officer's site visit revealed that the type of parking available along this part of Cambridge Road

cannot be absolutely relied upon to service the use of the proposed application site as a restaurant and takeaway services. The reason being that customers are likely to be parking within restrictive parking zone areas and close to nearby bus stop and such situation would affect traffic and other road users. The location is sustainable however the use of such type of services will attract customers from a wider afield as a result they would often arrive by private cars or motor cycle or by cycling. Such concerns have been raised through the letters of objection received.

11.25 Due to such concern and the high level of objection received the applicant decided to commission Highways and Traffic consultant to conduct a survey and studies of the impact of this proposal on traffic movement and other road users within such vicinity of the application site. Following the completion of the Traffic and Transportation Survey Studies; further re-consultation has been carried out to neighbouring properties, internal, external consultees and to Essex County Council Highways Authority. In conclusion; the traffic and transportation survey report demonstrated that the proposed change of use would not adversely affect traffic and other road users and such findings were based upon the following survey evidence.

- Due to the site being located within the centre of the defined Cambridge Road local centre, a wide range of on-street and off-street parking opportunities are located within a short walk of the application site.
- Parking surveys and on site observations have indicated that there is sufficient capacity on Cambridge Road and the Crafton Green car park to accommodate the demand for parking generated by customers and delivery drivers.
- The site benefits from A1 retail consent and this land-use would result in an increased demand for car parking when compared to proposed hot food takeaway.

Based on the above findings it is considered that development is in accordance with NPPF, and Policy GEN1 of the adopted Local Plan (2005), as the residual cumulative impacts of the proposed change of use cannot be considered severe and there remains no material reason why the proposed development should not be granted planning permission on highways or transportation ground.

11.26 Essex County Council Highways Authority has no objection to the proposal on transportation and highways terms because the proposal is considered not to be in conflict with Policy GEN1. It should be noted that such highway safety concerns were considered at appeal on the adjacent site whereby the inspector raised no concerns on these grounds.

11.27 In conclusion; following the recommended planning conditions in addition with the proposed opening hours it is not considered that the proposal would adversely affect traffic in the area.

12. CONCLUSION

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

- A** The proposed application is acceptable because it would bring a vacant premises within a designated local centre to a beneficial use by contributing towards mixed use activities of the area and enhance the vitality and local economic development of this part of Stansted; in addition with the creation of local jobs and services.
- B** The proposal would not adversely harm the amenity of the adjoining occupiers or traffic in the area hence it is not in conflict with the relevant policies of the adopted

Local Plan (2005) and NPPF.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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 extract system serving the premises shall be installed in line with the specification as set out in the submitted MBH Annex B Rev B Document dated 21st March 2018. The equipment installed shall be used, retained, maintained and serviced in line with manufacturer guidelines thereafter.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

3. The cooking process shall cease to be operated if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority; and in the event that the nature of the cooking type changes, full details of the change shall be submitted to the Local Planning Authority together with details of alterations to the odour control system if required.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

4. The combined rating level of all plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission, when assessed in accordance with BS:4142: 2014 shall not exceed the background noise level of 43dBA L90 15min between 07:00 - 23:00 and 39dBA L90 15min 23.00 - 07:00.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

5. In the event that the nature of the cooking type changes, full details of the change shall be submitted to and approved in writing by the Local Planning Authority together with details of alterations to the odour control system. Thereafter this shall be implemented in accordance with the approved details

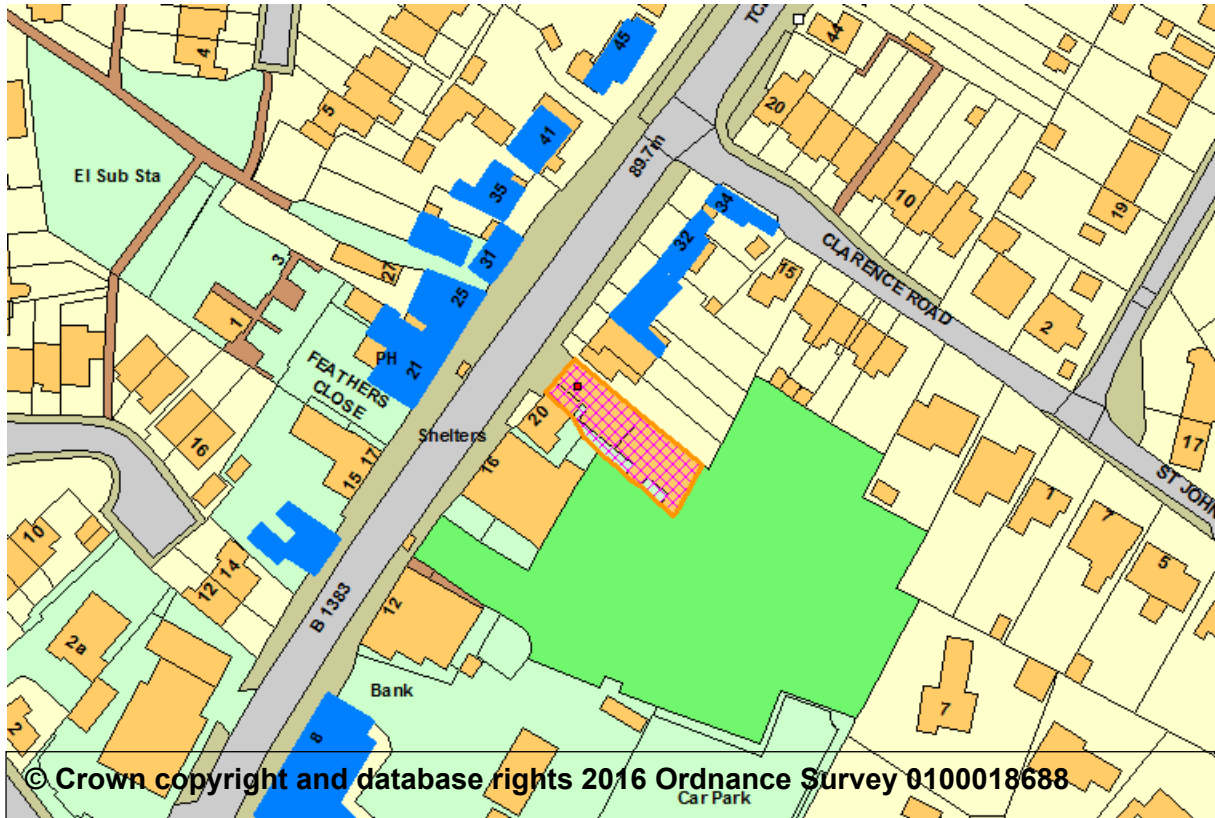
REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

6. The restaurant and takeaway services hereby permitted shall not open outside the hours of 11.00am to 23.00pm Monday to Saturday and between 11.00am to 23.00pm on Sunday.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

Application: UTT/17/3078/FUL

Address: 22 Cambridge Road, Stansted



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018

UTT/17/1533/FUL – (ELSENHAM)

(MAJOR APPLICATION)

PROPOSAL: Variation of condition 14 ("No waste other than those waste materials defined in the application details shall enter the site") of planning permission UTT/16/1066/FUL (modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements) in order to allow the importation of waste material from additional sites

LOCATION: Elsenham Golf and Leisure, Hall Road, Elsenham

APPLICANT: Mr Pharoah

AGENT: Mr J Seed

EXPIRY DATE: Extension of time 13 April 2018

CASE OFFICER: Mrs Madeleine Jones

1. NOTATION

1.1 Outside Development Limits. Public Right of Way. Within 6KM of Stansted Airport. Within 250m of Landfill Site. Within 2km of SSSI. Contaminated Land. Tree Preservation Order. Adjacent Historic Park/Garden. Countryside Protection Zone.

2. DESCRIPTION OF SITE

2.1 The site is located to the north of Hall Road in Elsenham and is accessed by a single track (with passing points) that is shared with Elsenham Quarry. The application site comprises a golf course with associated clubhouse and golf driving range. There is a car park to the west of the clubhouse providing parking for approximately 100 vehicles. There is a certified caravan club to the north west of the driving range. To the north and north east of the site is Elsenham quarry. Adjacent to the site are important woodlands (Lady Wood and Park Wood which are adjacent to Pledgdon Wood which is a SSSI. There are residential properties to the west of the access road. Stansted Airport is approximately 1.8 km to the south of the site.

3. PROPOSAL

3.1 Variation of condition 14 ("No waste other than those waste materials defined in the application details shall enter the site") of planning permission UTT/16/1066/FUL (modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements) in order to allow the importation of waste material from additional sites

4. APPLICANT'S CASE

- 4.1 The variation is required to facilitate the construction programme as detailed within the Statement.

The variation is necessary to address two identified problems which have arisen since the original approval. With this in mind, we are eager to work with the LPA to seek a solution to this problem in accordance with Paragraph 187 of the National Planning Policy Framework (NPPF) which states that LPAs should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Paragraph 188 continues, stating that LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

- 4.2 Permission was granted for the following development:
'Proposed modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements at Elsenham Golf And Leisure Limited Hall Road Henham CM22 6FL'

Condition 14 of the permission seeks to control the source of material which is to enter the site, stating as follows:

'No waste other than those waste materials defined in the application details shall enter the site.'

Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Policies W3A, W3D, W4A, W5A, W8A, W8B, W8C, W9A, W9B, W0E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005)'

- 4.3 The need to apply for a variation of this condition is considered to be two-fold. Firstly, there would appear to be some confusion as to which materials are actually to be permitted into the site, and by which protocol

The Planning Statement which was submitted with the application, with particular reference to Sections 9, 11 and Appendix 3 demonstrated that the material would be imported from a local 'donor' site under the CL:AIRE protocol. Using such a protocol, the acquiring of an Environmental Permit is not required.

However, Informative 4 attached to the decision notice states:

'The applicant is informed that a bespoke permit under the Environmental Permitting Regulations 2010 is required for this proposal'

Whilst it is fully acknowledged that this is an informative rather than a condition, the applicant is keen to ensure that the processes by which the required materials are to be brought to the site are fully agreed with the LPA for the avoidance of doubt and to ensure full compliance with the Authority's expectations.

- 4.4 In addition to addressing this matter, it has come to the applicant's attention that the proposed donor site may not be able to provide all of the material which is required to create the improvements, and certainly not within an acceptable timeframe. This has raised concerns in respect of both commercial and deliverability considerations which this application seeks to remedy. In order to address the material shortfall / delivery delay, it is required to import material from additional sites in the likely event that this would be required.

At present, it is estimated, following conversations between the applicant and the owner of the donor site, that 35,000m³ of material will be made available within the development period. However, no assurances have been made with respect to delivery timescales which will undoubtedly affect the construction programme in terms of finances, planting schedules and staffing matters.

In researching options to address these matters, the applicant has commissioned an expert on the '*CL:AIRE Definition of Waste: Development Industry Code of Practice*' protocol to provide an enhanced understanding of the process and to begin compiling a list of other potential donor sites for the project.

- 4.5 The document, attached as Appendix 2 to this Statement, concludes the following: *'The type of development works approved by Uttlesford District Council (application ref. UTT/16/1066/FUL) for the proposed development at Elsenham Golf and Leisure Limited, Hall Road, Henham CM22 6FL are ideally suited to be constructed re-using clean naturally occurring soil and mineral material from another development site in strict accordance with the CL:AIRE Definition of Waste: Development Industry Code of Practice via the Direct Delivery Scenario. As such a suitable donor site can be identified which will meet the requirements of the both the construction schedule and the Code of Practice and a MMP can be prepared for assessment by a Qualified Person. When approved, the QP may register the project with CL:AIRE and a declaration made to the EA to allow the lawful transfer of material from one development site to another'*

On the basis of the above, and with reference to the matters covered within Section 5 of this document, it is proposed that the new condition be worded as follows:

'No imported materials other than those which are subject to a CL:AIRE-approved Materials Management Plan shall enter the site. The development will be carried out in accordance with the Supporting Statement hereby approved'

The condition was imposed for the following reasons:

'Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Policies W3A, W3D, W4A, W5A, W8A, W8B, W8C, W9A, W9B, W0E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005)'

When reviewing these policies, it is questionable as to whether any of the Saved Essex County Council Waste Local Plan policies are relevant to the proposal and existing condition, given that from the outset, the intention to use the CL:AIRE protocol was clear and, subject to strict compliance with the Code of Practice, the material used should not be considered waste at all.

This matter notwithstanding, the proposed amended condition will not conflict with any of these strategic waste policies and will fulfil the aim of creating a sustainable form of development.

- 4.6 With respect to Policy GEN2 of the Uttlesford Local Plan, it is considered that a number of the points require careful consideration against the proposed amendment to Condition 14. These are considered, in so far as they are relevant to this particular application, within the following sections.

Development will not be permitted unless its design meets all the following criteria:

- ***It minimises the environmental impact on neighbouring properties by***

appropriate mitigating measures;

- ***It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.***

It is considered that due to the requirement to import materials from a location other than the identified local donor site, the variation would result in a different pattern of vehicle movements outside of those which would otherwise have been expected.

The site is well located with regards to its proximity with the M11 to the west. It is envisaged that vehicles will be instructed to access the site via the blue route from Junction 8 and / or 8A of the M11.

This route into the site has been chosen for a number of reasons such as:

- Ease of access for the required vehicle types;
- Widths and capacity of the roads leading into the site;
- It minimises the need to pass sensitive uses from the M11 to the facility, and;
- It is an established route for similar vehicle types when accessing the area.

Drivers delivering to the site will be issued with a routing map which clearly states that all arrivals must come via the approved route. Measures will be put in place within contracts obliging delivery firms to take agreed sanctions against any drivers reported to be using other (non-approved) routes.

In addition to these measures, signage will be placed inside the site exit, reminding drivers that they are only permitted to turn left out of the site.

It is considered that the combined measures, in conjunction with the road network's existing capacity, will ensure that the limited number of trips which take place outside of those from the donor site will ensure that the proposal will not adversely impact upon the road network or any sensitive surrounding uses.

- 4.7 The uncertainty around what is the approved source / protocol in respect of the material to be imported, along with uncertainties with regards to the volume of material available from the donor site / certainty of timescales has led the applicant to re-consider how this aspect of the project can be delivered.

The applicant has commissioned the services of an expert on the 'CL:AIRE Definition of Waste: Development Industry Code of Practice' protocol to assist with the identification and management of other acceptable donor sites to address the potential shortfall in material. This process will require the compliance with a regulatory regime outside of the planning process and as such, should this application be permitted, it is considered that no further submissions would need to be made to the LPA. As the materials that are to be used are not considered to be waste, the application does not require the engagement of the County Waste Authority and / or their planning policies.

The instructing of the proposed routing into the site for the additional delivery vehicles is securable under the proposed condition in so far as is reasonable, and these instructions will ensure that the vehicles use an acceptable section of the road network that will not adversely impact upon the highway. The roads are all built and designated as such that their use by tipper lorries is to be anticipated and expected.

It is considered that the proposed variation will ensure that the project can be delivered without resulting in any adverse impacts over and above those of the approved planning permission. It is further considered that the condition meets with the aims and objective of the NPPF and the 6 'tests' of planning conditions.

5. RELEVANT SITE HISTORY

- 5.1 SWR/0015/58 – Extension of permission for extraction of sand and gravel. Approved with conditions
- 5.2 UTT/0644/94/FUL – Retention of mobile home for security purposes. Approved with Conditions
- 5.3 SWR/0450/71 – Proposed filling of 10 acres approx. with brick, rubbish, topsoil and factory maintenance rubbish. Approved with conditions.
- 5.4 UTT/0461/77 – Withdrawn
- 5.5 UTT/0948/12/FUL – External deck to first floor side elevation. Approved with conditions.
- 5.6 SWR/0007/58 – Development of land for sand excavations. Approved with conditions
- 5.7 UTT/1801/08/FUL – Construction of a new health facility, swimming pool, squash courts, badminton courts, reception, restaurant, 40 parking spaces and ancillary works. Refused
- 5.8 UTT/15/0819/FUL – Proposed demolition of single storey rear addition and erection of single storey extension plus new conservatory, including insertion of three new roof windows in the existing roof. Approved with Conditions
- 5.9 UTT/0007/99/FUL – Extension to existing storage building, enclosure of open bays and erection of terrace. Approved with Conditions
- 5.10 UTT/0182/95/FUL – Change of use of agricultural land after sand extraction and landfill to nine hole golf course and three academy (practice holes). Conditionally approved.
- 5.11 UTT/1251/09/FUL – Siting of portacabin for period of 18 months. Approved with Conditions
- 5.12 UTT/0728/11/FUL – Temporary siting of portacabin for two years. Approved with conditions.
- 5.13 UTT/0814/03/FUL – Construction of new health facility, swimming pool, reception, cafe extension, 5 new bays, 40 car parking space. Approved with conditions
- 5.14 UTT/0041/78 – Reinstatement of existing sand and gravel pits to agricultural land. Approved with conditions
- 5.15 UTT/1021/09/FUL – Construction of a new health facility, swimming pool, squash courts, sports hall, reception, restaurant, 40 parking spaces and ancillary works. Approved with Conditions

- 5.16 UTT/1581/11/FUL – Variation of condition C.90c (The proposed portacabin structure hereby permitted shall remain assembled and be used in accordance with the boundaries of condition 4 above for a period of no more than 18 months from the date of this permission. After the expiry of this period the portacabin structure shall be completely dismantled and removed from site in its entirety and the ground returned to its previous condition, unless otherwise agreed in writing by the local planning authority) on planning application UTT/1251/09/FUL
- 5.17 UTT/1774/90 – Construction of golf driving range with associated parking facilities and alteration to existing access. Approved with conditions.
- 5.18 UTT/13/2539/FUL – Removal of existing portacabin and link corridor and erection of new single storey extension, to create larger gymnasium suite. Approved with Conditions
- 5.19 UTT/1400/87 – Change of use of agricultural land (restored after sand extraction and landfilling) to a 9 hole golf course. Conditionally approved.
- 5.20 UTT/14/2973/FUL – Construction of new external bar and 2 no. external toilets, located beneath the existing first floor balcony. Approved with Conditions
- 5.21 UTT/0187/94/FUL – Temporary stationing of mobile home, erection of machinery store. Approved with conditions
- 5.22 UTT/1218/96/FUL – Erection of two storey extension to clubhouse including employees flat.
- 5.23 UTT/0984/91 – Change of use of farmland to 18 hole golf course. Withdrawn
- 5.24 UTT/16/1066/FUL – Proposed modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements. Approved with conditions
- 5.25 UTT/17/1673/FUL – Application to vary Condition Number(s): 2(Netting of reservoir and ponds), 3(Bird Hazard Management Plan), 9(Site Contamination Investigation), and 10 (Remediation Scheme) of planning permission UTT/16/1066/FUL to exclude the construction of the adventure golf area as illustrated by drawing number CP01 C. Approved.

6. POLICIES

National Policies

- 6.1 - National Planning Policy Framework

Uttlesford Local Plan (2005)

- 6.2 S7 – The Countryside
S8 – The Countryside Protection Zone

GEN2 – Design

Policy GEN1 – Access

Policy GEN8 – Vehicle Parking Standards
Policy GEN7 – Nature Conservation
Policy ENV3 – Open Spaces and Trees
Policy GEN6 - Infrastructure Provision to Support Development
Policy ENV14 – Contaminated Land
Policy LC4 – Provision of outdoor sport and recreational facilities beyond settlement limits
Policy GEN3 – Flood Protection

7. PARISH COUNCIL COMMENTS

7.1 No further comments.

8. CONSULTATIONS

Environmental Health

8.1 Measures to control harm to human health and pollution of the environment from the importation of material from an alternative source are incorporated in the CL:AIRE protocol, or otherwise would be controlled by a permit issued by the Environment Agency if the EA decide that the material does not meet the terms of the protocol. As the alternative source will result in more extensive use of the local highway network, the potential for loss of amenity to residential areas along the routes should be considered in conjunction with advice from the Highway Authority.

Environment Agency

8.2 24th July 2017

We are unable at this stage to support the approval of the proposed variation of condition 14 of planning permission UTT/16/1066/FUL. We consider that the proposal is in breach of waste regulation and current legislation. Our response letter (ref: AE/2016/120385) to the planning application dated 6 May 2016 advised that the use of CL:AIRE protocol was not appropriate and if material is identified as waste they must secure an environmental permit for this operation. They have failed to meet this requirement.

We also consider that the proposal does not satisfy, in relation to waste material importation, Policy 10 Development Management Criteria in the Essex Replacement Waste Local Plan. This Plan has recently been found sound by a planning inspector following an examination in public and in accordance with paragraph 216 of the National Planning Policy Framework, considerable weight should be given to it. The developer has recognised this material is waste, therefore fundamentally it fails to meet the requirements of DoWCoP (CL:AIRE Code of Practice). As no authorisation from the Environment Agency is in place for the site to accept waste, we regard the site as an illegal waste site and will now consider what enforcement action we will take against in line with our Environment Agency enforcement, sanctions and offences.

8.3 We have reviewed the planning agent's response, logged onto the Council's planning page on 16 August 2017, to the comments made by us in our earlier dated 24 July 2017, and offer the following comments.

We maintain our position that the applicant's proposed use of CL:AIRE CoP (now referred to as DoWCoP) is not acceptable at this site. Development proposals which include the import and deposit of soil forming material on land must be

undertaken in a way to ensure it poses an acceptable level of risk to the environment. To ensure the activity is adequately controlled, it must comply with the conditions of an Environmental Permit issued and regulated by the Environment Agency. We regard all excavated and exported soil forming material (which are not products) as a waste. There is no recognised “end of waste” test for contaminated or uncontaminated soil. This is due to the need to assess the sensitivity of the receiver site on a site specific basis to ensure the environment is appropriately protected, this assessment is completed through an Environmental Permit Application.

- 8.4 These activities can pose a significant risk to the environment, potentially introducing pollutants to uncontaminated sites. In this area, we are taking a local enforcement position where we will not agree to the use of DoWCoP for direct transfer of material to a receiver site. We have come to this position due to the problems encountered with the inappropriate application of this code of practice and the scale of abuse on some of sites. We believe regulatory control is required over the operation of such activities which the DoWCoP scheme does not provide.

The reuse of site derived soils in line with DoWCoP may be acceptable in certain lower risk situations. Reuse on site of material in small quantities, in a similar geological setting and where previous contaminative uses have not been identified may be acceptable. However, if the site is located:

- On Groundwater Source Protection Zone
- On a Principal Aquifer
- On Historic Landfill
- Within 50m of the boundary of human occupation or presence
- Within 50m of Habitats or Local Wildlife Site
- Within 50m of a surface water feature
- Within 500m of a Site of Special Scientific Interest (SSSI)
- Within an Air Quality Management Area (AQMA)

Or where

- The deposit is more than 60,000m³
- The site has been subject to previous contaminative uses,

we will not agree, in any of these situations, to the reuse under DoWCoP. Given the development site lies over a historic landfill, it is within the excluded situations and therefore the applicant is unable to take advantage of DoWCoP in relation to condition 14.

- 8.5 We have offered to meet with the applicant and/or his own advisors in order to discuss the position. So far our offer has not been taken up. The costs of meeting us may well be substantially lower than the likelihood of further delays to the re-opening of the golf course. Although there is no guarantee that a meeting would lead to a workable solution, it should provide clarity on what is acceptable and what is not acceptable in terms of material for reuse. In the event of the golf course operator importing material that does not benefit from the DoWCoP, there is the possibility of enforcement action, as alluded to in our earlier letter dated 24 July 2017.

- 8.6 5th October 2017

We refer to the agent's comments in his email dated 25 September 2017. With regard to the applicability of DoWCoP, we have clarified this is a voluntary scheme which the Environment Agency are not required to accept if we have a specific environmental concern. We have identified our specific concerns and the potential risks to the environment. We have suggested a solution that the activity will need to

be undertaken in line with an Environmental Permit. We generally recommend twin tracking in such situations, that is seeking planning permission and an environmental permit parallel to each other.

Due to the risks posed, it is to be expected that a standard rules permit would not cover this activity. The applicant would either need to complete this development as a recovery of waste activity or an inert landfill. To determine which type of activity this would be, they will need to submit a Waste Recovery Plan to our National Permitting Service who will confirm whether this appears to be a genuine recovery operation or a disposal activity. We would recommend the applicant utilising the services of an experienced environmental consultant familiar with applying for bespoke environmental permits.

8.7 20th February 2018

I have been in touch with the EA Installations team based in our Welwyn Garden City office and am advised that the review of their permitting position on material importation to the Elsenham golf course remains ongoing. It looks unlikely there will be an immediate response.

As I am no longer working within the Sustainable Places team I feel it would be inappropriate, without authority to do so, to offer any specific comments on the wording of the proposed variation of condition along the lines you have suggested. However, having seen Tom McCarthy's recent letter on UDC's website I would say as an informal observation that his comments, running from the top of page 2, on the proposed variation of condition appear to set out a useful view of the wording including a reference to a CL:AIRE approved material management plan.

As an aside, my understanding is that the DoWCoP scheme allows for excavated material, within the terms of the scheme, to be exported and re-used on land external from the donor site. Given the focus on excavated material, the DoWCoP scheme should not be thought about in terms of the re-use of 'green' waste. Although I stand to be corrected, the term 'green waste' does not, as far as I am aware, appear in the DoWCoP.

8.8 27th March 2018

We maintain our position that the use of CL:AIRE CoP, now referred to as DoWCoP is not acceptable at this site. Development proposals which include the import and deposit of waste/material on land must pose an acceptable level of risk to the environment. For this specific development, we believe this must be controlled and regulated, in line with an Environmental Permit issued under the Environmental Permitting (England and Wales) Regulations 2016.

Referring specifically to the variation of condition 14. The amendment proposed by the applicant would make the development undeliverable as we do not accept the scheme can proceed in line with DoWCoP.

8.9

In addition the proposed variation of condition 14 no longer identifies the source of waste/material and therefore would not provide the certainty afforded by the current condition. This undermines the original reason for the inclusion of this condition; to ensure "additional environmental concerns," were not raised by the development. Considering the condition in Tom McCarthy's email appears to address the issue of the regulatory regime and we propose a slight amendment and an additional condition. This should exclude reference to "made ground consisting of the above materials" as this contradicts the waste/material should be "clean and naturally occurring mineral and soil" and introduces the potential for contaminated material to

enter the site, particularly as there is no proposal to treat the waste/material on the site.

If a variation to condition 14 is granted, we would encourage you to include an additional condition requiring *“an assessment of the proposals in line with the current Waste Local Plan undertaken prior to commencement of the development”*. This would be to ensure whatever regime this development is progressed under, it doesn't conflict with current strategic documents. Ultimately, whether this is a waste activity which should have been determined by the Waste Planning Authority or an engineering operation is a matter for you and the county to resolve..

Essex County Council- Highways

- 8.10 31st July 2017
The Highway Authority has considered the additional information submitted as UTT/17/1533/FUL for the variation of condition n 14 ("No waste other than those waste materials defined in the application details shall enter the site") of planning permission of planning consent UTT/16/1066/FUL and is happy for this condition to be varied as, although there will be an impact upon the highway, it is limited to the construction period, which as stated in the additional information is likely to be about 13 weeks.
- 8.11 5th July 2017
From a highways perspective, there is insufficient information provided within the application to determine what the impact of varying condition 14 would be on the highway. Further information is required on the likely amount of waste material that will be brought in via the public highway, the number of vehicles that will be required to bring it in, how these trips will be distributed through the day and the likely time period that this operation will continue for. The highway authority cannot make a recommendation until this information has been provided and considered.

ECC Minerals and Waste

- 8.12 20th June 2017
As the principle of the development, including the importation of waste, has already been established and the Statement accompanying the application confirms no change in the overall tonnage to be imported, the Waste Planning Authority has no comments.
- 8.13 20th February 2018
The permitting regime is separate to planning and as suggested in the NPPF (paragraph 122) Local Planning Authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.

In terms of the two regimes – only one would be followed i.e. under DoWCoP the operator would self-certify imported material and monitoring whereas with a Permit this would be issued by the EA and they would effectively monitor the operations through this. Whether DoWCoP is appropriate, in this instance, as previously suggested will nevertheless be determined by the EA.

I would stress that Uttlesford District Council is the determining authority for this application and therefore you need to consider the original reasons why the condition was imposed and if you are content with the variation proposed. As

referred in the letter previously sent, dated 13 February 2018, I personally don't think the condition as proposed to be worded is appropriate and meets the six tests. The reference to CL:AIRE and MMP makes the condition confusing in the event that the operator requires a permit, noting the requirement above not to duplicate the pollution control regime through planning. Mindful of the original reasoning for the condition, which forms part of the decision notice, I would suggest that the condition simply be re-worded to define the type of material which is permitted to be imported without reference to particular permitting regime and/or source locations for the material to be imported.

8.14 15th February 2018

The WPA previously sought to suggest, by email dated 20/06/2017, that as no change to the overall tonnage of material was proposed, the WPA has no specific comments to make on the variation to which this application relates.

Since these comments were issued, additional information has been submitted by the applicant which relates to concerns received from the Environment Agency and the use of DoWCoP (CL:AIRE). The decision of whether a proposal, involving the importation of material/waste, can be undertaken under CL:AIRE (rather than via Environmental Permit) resides solely with the Agency. To confirm, the WPA has no input in this determination process and accordingly maintains the above position on the application – no comments to make.

8.15 As detailed in the email of 20/06/2017, it is considered that the principle of development/importation has already been established in this case. Contrary to opinion previously expressed by the WPA, when this development was first considered, Uttlesford determined this application as an engineering operation rather than passing the application to the WPA as waste disposal (and a County Matter). Without prejudice, the WPA did nevertheless offer some guidance on potential conditions as part of the consultation response provided, mindful that this position may be taken, but these suggestions were offered on an advisory basis only.

In context of this, the WPA offers the following comments on the proposed revised wording of condition 14 in a similar vein (i.e. on an advisory basis only): It is not considered that specific reference to CL:AIRE is appropriate within the condition, as there is no guarantee that the project will be undertaken this way. It is considered that if clarification is required on what is meant by condition 14 that this should be amended to explicitly define the type of material permitted to be imported (with no reference to its source). The definition used should seek to ensure, irrespective of protocol followed, that the material permitted to be imported is that which formed the basis of the application appraisal and acceptance of the development as an engineering operation. The definition should furthermore seek to ensure that material to be imported is suitable and fit for purpose and does not require further on-site processing (unless this has been approved as part of the original application).

8.16 The WPA with regard to the above would also like to confirm that the Essex and Southend-on-Sea Waste Local Plan (adopted 2017) now replaces the Essex and Southend Waste Local Plan (2001) and policies referred in the decision notice of this application. In respect of this, and landraising, the policy position (Policy 13 - Landraising) within the WLP (2017) confirms that the test of whether such a development should be determined by the district or county is whether the proposal constitutes waste disposal or is a genuine engineering operation.

- 8.17 Email 13th March 2018 (Informal advice) I would recommend the condition is worded with specific reference to the importation of 'clean naturally occurring soil and mineral materials' – which was the basis on which the application was originally determined.

Option 1: No materials other than clean naturally occurring soil and mineral, as defined in ??? (*document submitted with the application*), shall be imported to the site. Such materials must be capable of direct use as part of the development, hereby permitted, without the need for treatment.

If there is no reference to a definition within the approved details I would suggest reference simply be made to the definitions of such materials within the DoWCoP and for inert waste the definition within the Landfill Directive:

Option 2: No materials other than clean naturally occurring soil and mineral including top and sub soils; underlying rock from which constituent parts make up part of the soil; clays, silts, sands and gravels; underlying geology; and made ground consisting of the above materials shall be imported to the site. No contaminated materials and/or waste that will undergo any significant physical, chemical or biological transformations and/or dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact shall be imported to the site. All materials imported must be capable of direct use as part of the development, hereby permitted, without the need for treatment.

For reference, below are links to the aforementioned definitions:

DoWCoP – see [Appendix 2](#).

Landfill Directive and inert waste – see [Section 4](#).

9. REPRESENTATIONS

- 9.1 This application has been advertised and 68 neighbouring properties notified. Expiry date 21st July 2017. One representation has been received.
- 9.2 I understand that you are the case officer for the planning application registered under reference UTT/17/1533/FUL, which is for the variation of condition 14("No waste other than those waste materials defined in the application details shall enter the site") of planning permission UTT/16/1066/FUL in order to allow the importation of waste material from additional sites.

As you are aware, the Hall Road entrance is also utilised in association with the Elsenham Landfill Site. The landfill site is operated under permission ESS/38/14/UTT. Conditions 18 and 19 of this permission state the following:

18. The use of the Henham Road access shall only be restricted for trips to and from the parishes of Henham, Broxsted, Elsenham and Chickney, Stansted Mountfitchet only and shall not exceed 40 movements (20 in 20 out) per day and 20 movements (10 in and 10) out on Saturdays. All other associated vehicle movements shall be via the main entrance off Hall Road in accordance with condition 20 and 21 below.

Reason: In the interest of highway safety and safeguarding the local environment, in accordance with Policies W3C, W9A, and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policies GEN4, ENV11 and ENV13 of Uttlesford District Local Plan (adopted 2005) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).

19. The maximum number of vehicle movements in excess of 3.5 tonnes gross vehicle weight using the main access (Hall Road) shall not exceed the following limits:

- 400 movements (200 in and 200 out) Monday to Friday,
- 200 movements (100 in and 100 out) on Saturdays,
- 80,000 movements (40,000 in and 40,000 out) in a calendar year.

Reason: In the interest of highway safety and safeguarding the local environment, in accordance with Policies W4C, W9B and W10E of The Essex and Southend Waste Local Plan (adopted 2001), Policy GEN4 of the Uttlesford District Local Plan (adopted 2005) and Policy SP1 of the emerging Uttlesford Local Plan – pre-submission consultation document (2014) and Policies S1, S10, S11, S12 and DM1 of the Minerals Local Plan (adopted 2014).

These conditions need to be carefully considered before any further application is approved. It would be helpful to understand how vehicle numbers associated with the current proposal will be managed. In particular, how will vehicle numbers from the approved donor site be recorded? How will vehicle numbers from alternative sites be monitored? What times are the vehicle movements permitted from each?

It appears that work may of commenced on site at the Golf Course, with tipper vehicle movements and mud on the haul road having already being reported by the Viridor site team. There is obvious concern that issues such as the mud on the haul road and the additional HGV movements could be perceived as emanating from the Viridor/ Brett site. I note that under reference UTT/17/1224/DOC, conditions 7(construction method statement) and 16(details of wheel and underside chassis) attached to UTT/16/1066/FUL have been discharged. Please could a copy of the approved details be provided. We are particularly interested in the wheel-wash details, as there seems to be an increase of muck on the road.

- 9.3 8th November 2017: I note that the above mentioned planning application has not yet been determined. We would welcome confirmation of whether conditions dealing with traffic movements have been considered in light of the conditions already attached to permission ESS/38/14/UTT? In addition, as requested in my email dated 25 July, please could you provide us with copies of details approved pursuant to conditions 7(construction method statement) and 16(details of wheel and underside chassis) attached to UTT/16/1066/FUL.

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 14 (No waste other than those waste materials defined in the application details shall enter the site) of UTT/16/1066/FUL (NPPF; ULP Policies GEN2,ENV14)

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)

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.”*

Condition 14 stated “No waste other than those waste materials defined in the application details shall enter the site”

Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Policies W3A, W3D, W4A, W5A, W8A, W8B, W8C, W9A, W9B, W0E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

The agent has suggested that the above condition is varied to read *“No imported materials other than those which are subject to a CL:AIRE-approved Materials Management Plan shall enter the site. The development will be carried out in accordance with the Supporting Statement hereby approved”*.

Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Policies W3A, W3D, W4A, W5A, W8A, W8B, W8C, W9A, W9B, W0E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

The reasons to vary the condition are:

The need to apply for a variation of this condition is considered to be two-fold. Firstly, there would appear to be some confusion as to which materials are actually to be permitted into the site, and by which protocol.

The Planning Statement (submitted under application UTT/16/1066/FUL) which was submitted with the application, with particular reference to Sections 9, 11 and Appendix 3 demonstrated that the material would be imported from a local ‘donor’ site under the CL:AIRE protocol. Using such a protocol, the acquiring of an Environmental Permit is not required.

However, Informative 4 attached to the decision notice states:

'The applicant is informed that a bespoke permit under the Environmental Permitting Regulations 2010 is required for this proposal'

The applicant is keen to ensure that the processes by which the required materials are to be brought to the site are fully agreed with the LPA for the avoidance of doubt and to ensure full compliance with the Authority's expectations.

The proposed donor site sited within UTT/16/1066/FUL may not be able to provide all of the material which is required to create the improvements, and certainly not within an acceptable timeframe. This has raised concerns in respect of both commercial and deliverability considerations which this application seeks to remedy. The uncertainty around what is the approved source / protocol in respect of the material to be imported, along with uncertainties with regards to the volume of material available from the donor site / certainty of timescales has led the applicant to re-consider how this aspect of the project can be delivered.

Paragraph 187 of the National Planning Policy Framework (NPPF) states that: *'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area'*.

In order to address the material shortfall / delivery delay, it is required to import material from additional sites in the likely event that this would be required. As such the varying of the condition is considered to be reasonable.

At present, it is estimated, following conversations between the applicant and the owner of the donor site, that 35,000m³ of material will be made available within the development period. However, no assurances have been made with respect to delivery timescales which will undoubtedly affect the construction programme in terms of finances, planting schedules and staffing matters.

In researching options to address these matters, the applicant has commissioned an expert on the *'CL:AIRE Definition of Waste: Development Industry Code of Practice'* protocol to provide an enhanced understanding of the process and to begin compiling a list of other potential donor sites for the project.

The document, submitted concludes the following:

'The type of development works approved by Uttlesford District Council (application ref. UTT/16/1066/FUL) for the proposed development at Elsenham Golf and Leisure Limited, Hall Road, Henham CM22 6FL are ideally suited to be constructed re-using clean naturally occurring soil and mineral material from another development site in strict accordance with the CL:AIRE Definition of Waste: Development Industry Code of Practice via the Direct Delivery Scenario. As such a suitable donor site can be identified which will meet the requirements of the both the construction schedule and the Code of Practice and a MMP can be prepared for assessment by a Qualified Person. When approved, the QP may register the project with CL:AIRE and a declaration made to the EA to allow the lawful transfer of material from one development site to another'

Advice received from Essex County Council is that the reference to CL:AIRE and MMP is confusing and recommend the condition is worded with specific reference to the importation of clean naturally occurring soil and mineral materials which was the

basis on which the application was originally determined.

The applicants requested regime is controlled under DowCoP in which the operator would self-certify imported material and monitor. The Environment Agency has advised this is not acceptable because the site consists of previously contaminated land. As a result alternative wording of the condition has been explored and The Environment Agency have confirmed that the condition can be varied to *“No materials other than clean naturally occurring soil and mineral including top and sub soils; underlying rock from which constituent parts make up part of the soil; clays, silts, sands and gravels; underlying geology; shall be imported to the site. No contaminated materials and/or waste that will undergo any significant physical, chemical or biological transformations and/or dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact shall be imported to the site. All materials imported must be capable of direct use as part of the development, hereby permitted, without the need for treatment”*. They also recommend a further additional condition that recommends *“an assessment of the proposals in line with the current Waste Local Plan undertaken prior to commencement of the development”*

The Environment Agency believe that an Environmental Permit issued under the Environmental Planning (England and Waste) Regulations 2016 is required. This is separate to planning. In view of the time elapsed since this application has been submitted, and that the proposed donor site may not be able to provide all of the material which is required to create the improvements, and certainly not within an acceptable timeframe under the original condition, it is considered reasonable that the condition can be varied. The principle of the application has been accepted under UTT/16/1066/FUL and there would be no changes to the amount of to the volume of material to be imported to the site.

The suggested condition would then allow the applicant to deal directly with the Environment Agency as to whether a permit for the works is required and which is separate to planning. The additional condition recommended is not considered to be reasonable, as this would have been considered within UTT/16/1066/FUL application.

A further consideration is that as the materials to be imported may be imported materials from a location other than the identified local donor site listed within planning application UTT/16/1066/FUL, the variation may result in a different pattern of vehicle movements outside of those which would otherwise have been expected. Essex County Council Highways authority have therefore been consulted and they state that although there will be an impact upon the highway, it is limited to the construction period, which is likely to be about 13 weeks and therefore they have no objections to the varying of the condition.

11. CONCLUSION

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

- A** In view of the uncertainty around what is the approved source / protocol in respect of the material to be imported, along with uncertainties with regards to the volume of material available from the donor site / certainty of timescales it is considered to be reasonable to allow a vary of condition 14 to allow the material to be imported come from other sites that that listed in documents submitted with UTT/16/1066/FUL. The applicant should liaise separately with the Environment Agency in respect of the need for a bespoke permit.

RECOMMENDATION – APPROVAL WITH 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 Development shall be carried out in accordance with the information submitted and discharged under UTT/17/2046/DOC.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of Birds and an increase in the bird hazard risk of the application site, in accordance with ULP policy GEN2.
- 3 Development shall be carried out in accordance within the submitted revised Bird Hazard Management Plan submitted and discharged under UTT/17/2046/DOC.

REASON: It is necessary to manage the development in order to minimize its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport in accordance with ULP policy GEN2.
- 4 The works shall be undertaken in accordance with all recommendations in the Ecological Assessment Report (October 2015). Any deviation from the recommendations should be communicated to the Local Planning Authority and project ecologist immediately.

REASON: To ensure all habitats and species identified as being present on / or adjacent to the site are protected appropriately in accordance with ULP policy GEN7.
- 5 The proposal shall be carried out in accordance with the mitigation strategy in respect of Great Crested newts submitted and discharged under UTT/17/2046/DOC.

REASON: To ensure great crested newts (a European Protected Species) are protected throughout works in accordance with ULP policy GEN7.
- 6 The proposal shall be carried out in accordance with the mitigation strategy submitted and discharged under UTT/17/2046/DOC.

REASON: To ensure reptiles(nationally protected species) are protected throughout works in accordance with ULP policy GEN7.
- 7 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

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 ULP policy GEN1.

- 8 No floodlighting or external lighting shall be installed until details of lighting including lux levels has been submitted to and approved in writing by the local planning authority. Thereafter the lights shall be installed in accordance with the approved details.

REASON: In the interest of visual amenity and airport safety in accordance with ULP policies GEN2 and GEN5.

- 9 No development including groundworks to exclude the construction of the adventure golf area as illustrated by drawing number CP01 C submitted with UTT/16/1066/FUL shall take place until a site investigation of the extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a competent person and be based on the findings of the phase 1 desk study submitted with the application and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) a conceptual model of the site indicating sources, pathways and receptors
- (iii) an assessment of the potential risks to: human health, property (existing or proposed), service lines and pipes, adjoining land, the water environment and ecological receptors

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 10 If found to be necessary, excluding the construction of the adventure golf area as illustrated by drawing number CP01 C submitted with UTT/16/1066/FUL, as a result of part 1 (condition 9 above), a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the council prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 11 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved scheme, a validation report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Council. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site

remediation criteria have been met. If a requirement for longer term monitoring is identified by the remediation scheme, a final report on completion of the monitoring demonstrating that all long-term remediation works specified in the scheme have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Council.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 12 In the event that contamination that was not previously identified is found at any time during development, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 9.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent from the Local Planning Authority.

REASON: To prevent pollution of the water environment, in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

- 14 No materials other than clean naturally occurring soil and mineral including top and sub soils; underlying rock from which constituent parts make up part of the soil; clays, silts, sands and gravels; underlying geology shall be imported to the site. No contaminated materials and/or waste that will undergo any significant physical, chemical or biological transformations and/or dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact shall be imported to the site. All materials imported must be capable of direct use as part of the development, hereby permitted, without the need for treatment.

REASON: Waste material outside of the aforementioned would raise additional environmental concerns which would need to be considered afresh and too comply with ULP policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 15 No crushing and/or screening of stone, concrete, brick rubble or hardcore shall take place on the site.

REASON: To protect residential amenity from adverse impacts from such operations, to control waste processing operations and to comply with Policies... *WLP Policies: W3A, W8A, W8B, W8C, W10E* from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

- 16 No development shall take place until the details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

REASON: In the interests of highway safety, safeguarding local amenity and to comply with Policies W3A, W4C, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17 No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

REASON: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies W3A, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN4 of the Uttlesford Local Plan (adopted 2005)

- 18 No aggregate shall be exported from the site.

REASON: To control the level of operations so as to minimise the impact of the resultants traffic on the local/environment, in accordance with Policies GEN1, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 19 No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition¹ and no movement of soils shall take place:

- (a) During the months November and March (inclusive) unless otherwise approved in writing by the Local Planning Authority.
- (b) When the upper soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

REASON: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Policies W3A, W10C, W10E from the Essex County Council Waste Local Plan.

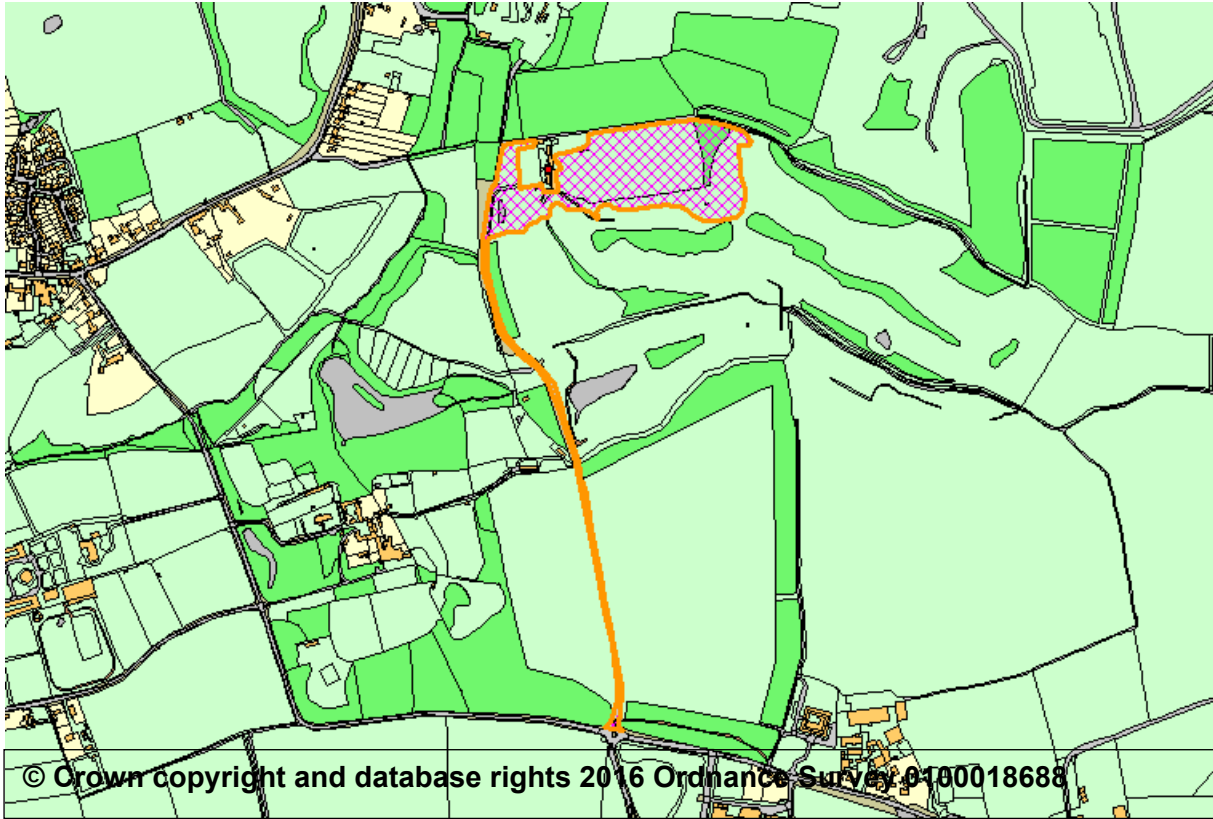
Note¹ The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

20 The proposal hereby permitted excludes the use of solar photovoltaic (PV) installations to power the drainage and irrigation system.

REASON: The installation can have an impact on aerodrome safeguarding and would be contrary to ULP policy GEN2

Application: UTT/17/1533/FUL

Address: Elsenham Golf and Leisure, Hall Road, Elsenham



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018

UTT/17/2387/FUL – (HENHAM)

(Call-in request by Cllrs. Lees/LeCount due to impact of development on Conservation Area / adjacent Listed Buildings)

PROPOSAL: Demolition of existing garage and proposed erection of 1 no. dwelling

LOCATION: Thatch End, The Row, Starr Road, Henham

APPLICANT: Mrs Sue Mott

AGENT: Groupwork

EXPIRY DATE: 17 October 2017 (Extension of time agreed)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / within Conservation Area / affecting setting of Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The site lies on the northern side of The Row at its eastern end close to Starr Road and comprises a partly enclosed laid out level garden plot with low informal frontage boundary wall which fronts onto The Row and which is used ancillary to, but is separated physically from Thatch End (applicant), an attractive thatched and white rendered c.15 Grade II listed cottage which lies directly opposite the site and which fronts onto The Row within a line of similarly attractive Grade II listed cottages (Dolls House and Tuckers Cottage). In contrast, a dilapidated 1960's built shallow pitched double garage block substantially covered in vegetation and which is used by the applicant for domestic storage stands at right angles to the garden plot within the land edged in red at the end of The Row with informal parking used by the applicant existing to the front onto Starr Lane (this additional land falling outside of the application site). A further single garage, under separate ownership pertaining to Dolls House, is physically adjoined to this double garage which flanks onto the beginning of The Row.

2.2 Similar garden plots to these adjacent cottages and also the more defined garden curtilage to a detached dwelling front onto the northern side of The Row along this footpath. A residential property containing another Grade II listed building which fronts onto High Street backs onto the site along its northern boundary.

3. PROPOSAL

3.1 This full application relates to the erection of a single storey one bedroomed dwelling within the aforementioned garden plot and the demolition of the existing double garage.

3.2 Whilst the application form describes the proposal as a "New single storey one bedroomed garden studio", the applicant has since accepted and confirmed to the Council that the application proposal should be more accurately described as a

single bedroomed dwelling and the application is therefore being treated by the Council on this basis in consideration of the planning merits of the proposal. The application originally included reference to the erection of a replacement garage, although this element of the proposal has now been deleted from the scheme following discussions with Officers.

- 3.3 The proposed dwelling would stand at the rear of the site in a recessed area approximately parallel with the site's rear fenced boundary and would have a hipped roof and rectangular plan form with a height to the eaves of 2.1m and height to the ridge of 3.7m and footprint of 10.0m (w) x 3.7m (d) extending to 4.7m depth when a front projecting entrance lobby is included comprising a single bedroom, kitchen/ dining and living area. The dwelling would have a contemporary style and appearance whereby the roof would be externally clad in lead with traditional construction details and the walls clad with a weathered timber rain screen cladding over a cross-laminated timber (CLT) structure with timber-framed windows, adjacent sliding timber shutters and timber framed bi-folding glazed doors. The single bedroom would have two conservation roof lights, with one being positioned on the front roof plane and the other on the rear roof plane.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal would not be subject to a formal assessment against the EIA regulations, although it is considered that the impacts of the proposed development would not be significant when measured against relevant indicators.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by a detailed Design and Access Statement incorporating Heritage Statement which informs the proposal, making reference to site constraints and opportunities, a preliminary enquiry made to the Council for a single dwelling on the site, the design rationale behind the revised dwelling scheme whereby it is stated that the design has been influenced by local building grain and organic growth in the village adapting to changing occupational needs, including the introduction of older and more recent "stand-alone" building plots, subsequent further informal advice received from the Council's Conservation Officer and the design response resulting from this, the overall sustainability of the project, including reference to sustainable construction and inclusion of accessible homes measures, and also relevant planning policies having regard in particular to listed buildings and conservation area protection.

6. RELEVANT SITE HISTORY

- 6.1 A preliminary enquiry was submitted to the Council in 2016 seeking advice as to whether the principle of a small single storey one bedroomed studio dwelling at the site, involving the demolition of the visually detracting garage would be acceptable. The Council informed the applicant's agent that the principle of a separate dwelling could be acceptable subject to all other planning issues being addressed, but that the design of the dwelling submitted for informal comment was not. The summarised points of the Council's informal response were as follows:

- The removal of the existing run-down garage with a replacement would represent a visual enhancement to the visual amenities of the area.
- A large singular building would close the gap in front of Thatch End which would cause harm to the setting of the listed buildings in The Row.
- Any proposed building should be of smaller scale and located as close to the

- boundary as possible separate from the garage.
- A greater emphasis on landscaping should be considered within the proposal to include a green barrier between Thatch End and the new building.
- A more contemporary design with a different roof form would help to reduce the scale and massing of the dwelling and therefore reduce the impact of the development on the surrounding area.

6.2 A subsequent planning application for the demolition of the existing garage and erection of a single storey “studio” dwelling with separate one bedroomed detached annexe with provision of 2 no. frontage parking spaces was submitted to the Council in 2017. This application was later withdrawn when Officers advised that the application was likely to be refused due to (1) a lack of clarity in the way in which the development had been architecturally articulated resulting in Officers being unable to properly interpret and appraise the scheme in terms of the impacts it would have on the character and appearance of the conservation area and setting of adjacent listed buildings where misinterpretation could occur, (2) as the extent of built form shown involving two building elements would be excessive for the size of the development plot and (3) following neighbour and Councillor concerns regarding the scheme (UTT/17/0426/FUL).

6.3 Following the withdrawal of application UTT/17/0426/FUL, an illustrative sketch drawing highlighting the suggested site positioning, massing and detailing of a more acceptable small dwelling scheme at the site was provided by the Council's Conservation Officer to the applicant's agent for consideration of a revised planning application. That drawing forms the basis for the current revised application.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 ULP Policy S7 – The Countryside
 ULP Policy H4 – Backland Development
 ULP Policy ENV1 – Design of development within Conservation Areas
 ULP Policy ENV2 – Development affecting Listed Buildings
 ULP Policy GEN1 – Access
 ULP Policy GEN2 – Design
 ULP Policy GEN3 – Flood Protection
 ULP Policy GEN4 – Good Neighbourliness
 ULP Policy GEN7 – Nature Conservation
 ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- 7.2 SPD “Accessible Homes and Playspace”.

National Policies

- 7.3 NPPF

Other Material Considerations

- 7.4 ECC Parking Standards – Design & Best Practice (Sept 2009)
 UDC Parking Standards (Feb 2013)
 Henham Conservation Area Appraisal and Management Proposals 2012

8. PARISH COUNCIL COMMENTS

8.1 A detailed letter of representation objecting to the application has been submitted by Gardner Planning on behalf of Henham Parish Council. The letter of representation received concludes as follows;

- The proposal is contrary to policies of the Development Plan.
- The proposal is contrary to the advice of the Council's Conservation Officer.
- The proposal has serious flaws in terms of accuracy, legality and implementation.

9. CONSULTATIONS

ECC Ecology

9.1 No objections:

The proposal is limited in scale/scope and is unlikely to impact designated sites, protected/priority species or priority habitats.

An informative is recommended to safeguard nesting birds.

UDC Conservation Officer

9.2 This proposal follows a previously resisted scheme and aims at the formation of a new dwelling serving as an annex to the nearby listed cottage, Thatch End. Thatch End is a timber-framed and plastered cottage of C15 origins which together with 4 other listed buildings face The Row and are accessed by a narrow pedestrian only entrance. The Row is within the core of Henham Conservation Area and its character is defined by mostly single storey thatched modest dwellings which face open areas of gardens on the other side of The Row. It could be said that these gardens form a green buffer between The Row and the buildings along the High Street.

The applicant has been advised that a very modest single storey outbuilding of some 10 metres by 3.5 metres footprint consisting of two good rooms and a bathroom all of traditional design could be considered not out of the question. The revised plans, however, indicate a much larger building which appears to have some 10 metres by 5 metres floor plan. The design of the new structure would be of less traditional character, but on balance I find this modernistic approach quite interesting especially that the proposed materials would still connect well with traditional finishing's. However, the footprint of the new range would have to be reduced to the one previously indicated and the vertical height would have to be single storey meaning the eaves of the roof would have to run on top of the ground floor windows.

Although the removal of the unsightly garage would certainly enhance the character of the conservation area, I am concerned that the suggested what appears to be a storey and a half garage would dominate the locality and may undermine the primacy of the heritage assets nearby. In addition, the formation of such a substantial garage range attached to the semi dilapidated remaining part of the present garage would more than likely be technically difficult and may lead to a neighbourly dispute.

Clearly, the most neighbourly and most productive way to deal with this situation is

to reach a friendly agreement and rebuild both garages at the same time. Any such new structure would be single storey, finished in horizontal feather-edged black painted timber boarding and have say a 40 degree natural slate or lead roof with gable end facing The Row. Such an outbuilding would clearly be utilitarian and would respond well to the rural vernacular. Although it would be exciting to have somewhere in the district more examples by award winning architects, I am not convinced that this humble site is likely to do it justice. In conclusion I suggest further negotiations leading to overcoming all my concerns.

10. REPRESENTATIONS

10.1 Neighbour notification period expires 20 September 2017. Advertisement expired 28 September 2017. Site Notice expires 3 October 2017

25 neighbour representations received (object).

10.2 In general, the neighbour objections received relate primarily to the principle of the residential development of this small garden plot within the heart of Henham Conservation Area for a new dwelling and the detrimental impacts which the development would have upon its special character, appearance and ambience and also on the setting of adjacent listed buildings within it given the tight building grain and relationships which currently exist between buildings and spaces and the high quality aesthetic which exists for The Row. It is also stated that the contemporary, almost utilitarian style of the new dwelling would not be appropriate within the site's setting along The Row which is "the Jewel in the Crown of Henham" which would be irrevocably changed and that the proposed replacement garage would be too dominant a feature at the beginning of The Row to be acceptable.

Further objections received can be summarised as follows:

- 10.3
- Inaccuracies in the submitted drawings and not being legible.
 - Is this a studio "retreat" for the applicant or tantamount to being a new dwelling. This is not clear and needs clarifying.
 - The applicant's requirements could be more simply addressed by an extension to Thatch End if this is a domestic type proposal.
 - The project has no logical basis other than potential financial profit.
 - The need for the new dwelling if this is what it is is questioned and would cause an undesirable precedent within the conservation area.
 - Cramped form of development.
 - Would increase housing density along The Row.
 - Insufficient parking arrangements.
 - Demolition of the existing garage would be physically impossible without destroying the adjacent garage owned by another person.
 - Impact on residential amenity (loss of privacy, erosion of outlook).
 - The development would be distracting to visitors/tourists visiting Henham.
 - Concerned about safety of schoolchildren using the The Row as a footpath during construction works.
 - Burden on existing utilities.
 - Applicant does not own land to the side of the site onto Starr Lane (Parish Council land)

10.4 The applicant's agent has responded to the various representations received in the form of a rebuttal appendix to the application following submission.

11. APPRAISAL

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

- A Whether the proposal would amount to a presumption in favour of sustainable development in terms of location (NPPF, GEN3, S7 and H4);
- B Principle of residential development having regard to heritage protection (NPPF and ULP Policies ENV1 and ENV2);
- C Access (ULP Policy GEN1);
- D Design (ULP Policy GEN2 and SPD "Accessible Homes and Playspace");
- E Parking Standards (ULP Policy GEN8);
- F Impact upon residential amenity (ULP Policy GEN2);
- G Impact upon protected species (ULP Policy GEN7).

A Whether the proposal would amount to a presumption in favour of sustainable development in terms of location (NPPF, GEN3, S7 and H4)

- 11.1 The NPPF has a presumption in favour of sustainable development whereby planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that there are three strands to sustainable development; economic, social and environmental and that these strands should not be undertaken in isolation because they are mutually dependent.
- 11.2 Paragraph 49 of the NPPF states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development*", adding that "*Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites*". Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities if it is to promote sustainable development in rural areas, for example "*where there are groups of smaller settlements, development in one village may support services in a village nearby*", and that LPA's should avoid new isolated homes in the countryside unless there are special circumstances. Paragraph 14 states that permission should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole*". This paragraph for the purposes of the current application should also be read in the context of the extent of harm that a proposal may have on the heritage value of an area, which is discussed further on in this report.
- 11.3 The site lies outside development limits for Henham and ULP Policy S7 of the adopted local plan applies which seeks to protect the countryside for its own sake. However, the site should be more properly viewed in the context of its physical location within a nucleus of residential properties which make up part of the western side of Henham village within the heart of the Henham Conservation Area which is bordered on its north-east and south-west sides by more defined and modern residential development which together make up the two separate defined village envelopes for Henham. As such, the site does not read as countryside and it can be argued that the proposal site represents a form of residential infilling where ULP Policy H3 of the adopted plan states at paragraph 6.14 that "There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7...However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the

context of existing development”.

- 11.4 It is a moot point perhaps as to whether the proposal would represent infilling in the truest sense of the word for the purposes of planning definition. However, that said, the site is bordered by dwellings to both the front and rear and to the immediate west and with a further dwelling lying on the east side of Starr Lane beyond the existing garage on the site and the development must therefore be said to represent a form of infilling if taken in this physical context, although clearly whether the proposal would represent sensitive infilling must be viewed principally in the context of heritage protection in this particular instance.
- 11.5 Consideration has been given as to whether the proposal could be described as backland development and whether in this context it constitutes “a parcel of land that does not have a road frontage” (wording reference to ULP Policy H4). However, the proposal site as identified edged in red does and would continue to have a road frontage, namely vehicular access onto Starr Road, albeit that this access is and would continue to be gained from the side of the site rather than from The Row footpath frontage. However, the site does have some characteristics of backland development and due consideration has to be given as to the impacts that the proposed development could have on residential amenity.
- 11.6 In terms of location, the site is located within the centre of the village whereby it is within easy walking distance to village services and local amenities. Therefore, in terms of assessment against the social and economic strands of the NPPF the proposal would amount to a presumption in favour of sustainable development with regard to accessibility and these strands are met. In terms of assessment against ULP Policy S7, this local policy has been found by the Ann Skippers Review to be only partially compatible with the NPPF, which seeks to direct new housing to areas which would be sustainable. However, the overall environmental sustainability of the proposal is assessed below against the NPPF and ULP Policies ENV1 and ENV2. The site is located within Flood Zone 1 as shown on the government's flood risk map which represents the lowest risk of flooding. Therefore, it is not likely that the proposed development would be at significant risk of flooding and no objections are raised under ULP Policy GEN3.

B Principle of residential development having regard to heritage protection (NPPF and ULP Policies ENV1 and ENV2)

- 11.7 The Planning (Listed Buildings and Conservation Area) Act 1990 imposes duties requiring that special regard be had to the desirability firstly in section 16(2) of preserving a listed building or its setting or any features of special architectural or historic interest. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that this harm should be weighed against the public benefits of the proposal, including its optimum viable use.
- 11.8 ULP Policy ENV1 – Design of Development in Conservation Areas - states that;
- ‘Development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure,

grain or significant natural or heritage features. Outline applications will not be considered. Development involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted’.

ULP Policy ENV 2 – Development affecting listed buildings states that;

‘Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting’.

- 11.9 The application proposal submitted has been assessed both against the statutory provisions relating to heritage protection and also against the policy advice contained within the NPPF and ULP Policies ENV1 and ENV2 of the adopted local plan. The Council has also had due regard to the Henham Conservation Area Appraisal and Management Proposals document 2012 whereby the relevant sections of the appraisal document insofar as they relate to the proposal site are as follows:

Part 1: Appraisal

Area 2 - Crow Street, The Row and High Street

1.101 Linking both High Street and Crow Street is the diminutive passageway known as The Row. Its narrowness means that pedestrian access only is possible which helps to maintain the atmosphere of a well-kept secret. Here, the buildings are all low mostly one and a half storey constructions with oversailing reaching out over the path, or set back in pretty cottage-style gardens.

1.107 The further area of The Row is very different in scale and function. A pedestrian thoroughfare, the buildings are low and tightly clustered. The Old Post Office, Tuckers Cottage, Doll’s Cottage, Thatch End and Ship Cottage are characterised by their thatched roofs pierced by narrow dormers and with eaves extending almost to the ground floor windows, low doors, small windows and sections of oversailing supported on decorative brackets. Most date from the 17th – 18th century, though Thatch end has its origins in a 15th century hall house. Together they form an almost unbroken run linking Crow Street with the High Street. At the High Street end are to be found Apple Cottage and Starr Cottage. The latter was formerly the Star and Garter Inn, a 17th century timber-framed and plastered single-storey building with attics, the thatch pierced by two dormers and a central chimney stack. In more recent years this was associated with the now defunct Starr Garage. All are Grade II listed and form a most pleasing group with a continuity of shape, scale and form that is quite appropriate to their setting.

Important views

1.123 By contrast, the view up The Row is much more enclosed, presenting a pleasingly varied juxtaposition of built styles, materials and shapes where low hedges, trees and thatched roofs combine to preserve an atmosphere of gentle rurality.

Overall Summary

1.146 There are very few remaining infill plots for development but where such development does occur, it must be sensitive and respect the character of the conservation area in that particular location.

- 11.10 The Council's Conservation Officer has appraised the submitted proposal where her consultation comments are provided in this report. Her comments reflect pre-application advice resulting from the withdrawal of application UTT/17/0426/FUL for a single "studio" dwelling scheme at the site which itself resulted from an initial preliminary enquiry made to the Council in 2016. The siting and building form of the proposed building shown in the current revised application reflects closely the pre-application advice given to the applicant's agent after the withdrawal of UTT/17/0426/FUL whereby the building as now presented has been positioned onto the rear boundary of the site in a recessed area and the footprint of the building has been reduced subsequent to application submission through a revised drawing whereupon the main footprint dimensions, excluding the front entrance lobby, have been reduced from 10m x 5m, which were considered too excessive by the Council, to 10m x 3.7m which read closely to the 10m x 3.5m dimensions as suggested and advised in the Conservation Officer's pre-application advice and where the eaves line of the roof of the building are now shown to run along on top of the ground floor windows. The design of the new structure as shown would be of less traditional character, although the Conservation Officer states in her consultation comments that *"on balance, I find this modernistic approach quite interesting, especially that the proposed materials would connect well with traditional finishing's"*.
- 11.11 The Conservation Officer has commented that the demolition of the existing dilapidated garage would enhance the character of the conservation area, albeit that it has a low and non-offending roof profile within the streetscene. She has remarked, however, that the replacement garage as originally proposed for the application at the ridge height shown (5.4m) would *"dominate the locality and may undermine the primacy of the heritage assets nearby"* notwithstanding that the garage would have had a traditional steep pitched roof with lead covering. The design of the garage was subsequently revised following the Conservation Officer's comments so that it showed a pitched roof rather than a hipped roof. However, after taken into account the general comments concerning the height of the garage, this element of the submitted scheme has now been removed.
- 11.12 The Conservation Officer concludes in her consultation comments that *"Although it would be exciting to have somewhere in the district of more examples by award winning architects, I am not convinced that this humble site is likely to do it justice. In conclusion I suggest further negotiations leading to overcoming all my concerns"*. The applicant's agent has subsequently responded to these concerns during the application process, namely that the new studio dwelling has been reduced in footprint and incorporates a low eaves line and the garage has been removed from the scheme as previously mentioned. Following these changes, the Conservation Officer has confirmed that she can support the scheme providing that all other planning considerations are met and subject to appropriate conservation conditions being applied.
- 11.13 Given this heritage assessment and the changes now made to the submitted revised proposal scheme, it is considered that this small single storey dwelling development would preserve the character and appearance of the conservation area and would lead to less than substantial harm to the significance of the adjacent designated heritage assets subject to appropriate conditions being imposed. On this

basis, it is considered that the development would not be contrary to ULP Policies ENV1 and ENV2 and would not be contrary to the provisions of the NPPF in terms of heritage protection and would thus accord with the wider environmental strand of the NPPF whereby the principle of the development is considered acceptable under these policy provisions.

C Access (ULP Policy GEN1)

11.14 The site is presently accessed from Starr Lane, which is a quiet lane leading off High Street which stops at The Row outside the site. ECC Highways have been consulted on the proposal who have not offered any formal comments regarding access given the unclassified nature of Starr Lane and where in any event no actual physical access would be created for the proposed dwelling as the development would utilise a new parking space/spaces to be created on the footprint of the garage to be demolished whereby vehicles would simply pull off the site onto a private corner triangle at the bottom of Starr Lane and onto the lane itself. No highway objections are therefore raised under ULP Policy GEN1.

D Design (ULP Policy GEN2 and SPD “Accessible Homes and Playspace”)

11.15 Due consideration has to be given to private amenity standards for new dwellings where paragraph 17 of the NPPF states that it is one of the core principles of the framework that new housing should provide a good standard of amenity for all future occupants. The site fronts onto The Row and is enclosed to the rear boundary by 1.8m high close-boarded fencing with trellising, to the west flank boundary by vegetation onto an adjacent rear lawned garden of the adjacent dwelling and to the east flank boundary onto Starr Lane by the existing garage, although this is proposed to be removed as part of the dwelling proposal. The site itself has a boundary curtilage of approximately 200sqm, although as a proposed single bedroomed dwelling unit the development would only require a 25sqm private sitting out area as part of the new wider residential curtilage in accordance with amenity design principles set out in the Essex Design Guide.

11.16 The latest revised proposal drawing (246-505-G dated 21 March 2018) shows that a private sitting out area of 45sqm would be able to be achieved and provided in the north-east corner of the site, which would be visually protected, whilst the remainder of the curtilage pertaining to the new dwelling would be subject to proposed new boundary planting to make the site more private to The Row and also to help screen and soften the development as recommended by the Council's Conservation Officer. The dwelling would be single storey in nature positioned on level ground and it is intended that the dwelling would be built to accessible standards. This requirement can be conditioned.

11.17 It is considered from this that the proposal would accord with paragraph 17 of the NPPF and would comply with ULP Policy GEN2 relating to design.

E Parking Standards (ULP Policy GEN8)

11.18 The new dwelling would be served by a single parking space to be formed on the area of level ground within and to the side of the site which would become available for resident parking by the proposed demolition of the existing garage, whilst an additional parking space is proposed to be created parallel to this space for the private benefit of the applicant who lives at Thatch End and who it is understood currently parks her vehicle on the informal triangle of private land in front of the garage which it is further understood is not land within the applicant's ownership or

control, but on Parish Council land.

- 11.19 A one bedroomed dwelling unit requires a single parking space under ECC/UDC adopted parking standards. The provision of the single parking space for the new dwelling as shown would mean that the proposal would comply with these minimum standards whereby the space would be convenient to the entrance to the dwelling. An additional parking space is shown to be provided which could serve either as visitor parking to the site or for the applicant's private use, although the latter benefit is not itself a material planning consideration. No parking objections are therefore raised to the proposal under ULP Policy GEN8.

F Impact on residential amenity (ULP Policy GEN2)

- 11.20 The proposed dwelling would be single storey in nature and would have the outward appearance of a large incidental garden building by intended design. Given this, there would not be any loss of privacy by way of overlooking or overbearing effect. The property to the rear of the site would be protected by existing 1.8m high close-boarded fencing, whilst planting or other measures sensitive to the site's setting could be introduced along the west flank boundary of the site to protect the residential amenities of the adjacent property where this issue has been raised in representation. The front of the dwelling would look out onto The Row which is overlooked by the listed 1½ storey frontage cottages along it. In the circumstances, it is considered that the development would not have a materially adverse effect on the reasonable occupation and enjoyment of adjacent residential properties and no amenity objections are raised under ULP Policy GEN2.

G Impact upon protected species (ULP Policy GEN7)

- 11.21 The site comprises a laid out informal garden plot, whilst the proposed garage to be demolished is a 1960's built structure which has fallen into disrepair and has considerable vegetation on it. Consideration therefore has to be given as to whether the development would result in harm to any protected/priority species. An ecology report accompanying the application (t4 ecology Ltd, March 2017) states that neither the garden nor the garage contains any natural habitats conducive to use by protected species, namely bats, reptiles, GCN's or badgers nor that any evidence of these species were found at the site. Furthermore, the report advises that the site comprises a maintained residential curtilage surrounded by identical such land uses whereby the site does not provide, nor have connectivity to, potentially suitable off-site habitat. Given the survey findings, the report advises that no further species surveys are required and the proposed development would not be harmful to protected or priority species, although recommends an informative relating to nesting birds given that the garage, associated ivy and the garden may provide some nesting habit.
- 11.22 ECC Ecology have been consulted on the application who have advised that the proposal is limited in scale and scope and is unlikely to impact designated sites, protected/priority species or priority habitats and have not raised any ecology objections in light of the survey findings. No objections are therefore raised under ULP Policy GEN7.

12. CONCLUSION

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

- A** The proposal would amount to a presumption in favour of sustainable development

in terms of location when assessed against sustainable objectives (economic and social strands of the NPPF).

- B** The development would preserve the character and appearance of the conservation area and would lead to less than substantial harm to the significance of the adjacent designated heritage assets and would meet the environmental strand of the NPPF.
- C** There would be no material change in present access arrangements.
- D** Living standards for the occupants of the new dwelling would be met.
- E** Parking standards would be met.
- F** Impacts on adjacent residential amenity would not be significant.
- G** There would be no impact on protected/priority species.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) proposed finished levels
 - b) means of enclosure, including details of how the site's west flank boundary would be screened and also details of the provision of a screened private sitting-out area for the occupants of the new dwelling for the north-east corner of the site
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - h) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - i) location of service runs
 - j) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of landscaping would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

- 3 All hard and soft landscape works shall be carried out in accordance with the approved details. 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 ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

- 4 Prior to the commencement of development samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

- 5 All rooflights shall be of a conservation range.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

- 6 Prior to the approved dwelling coming into first use, the two parking spaces for the development as shown on drawing 246-505 G dated 21 March 2017 shall be laid out and properly hardened and surfaced for their intended purpose and shall thereafter be retained for parking for the site and shall not be used for any other purpose(s) without the written consent of the local planning authority having first been obtained.

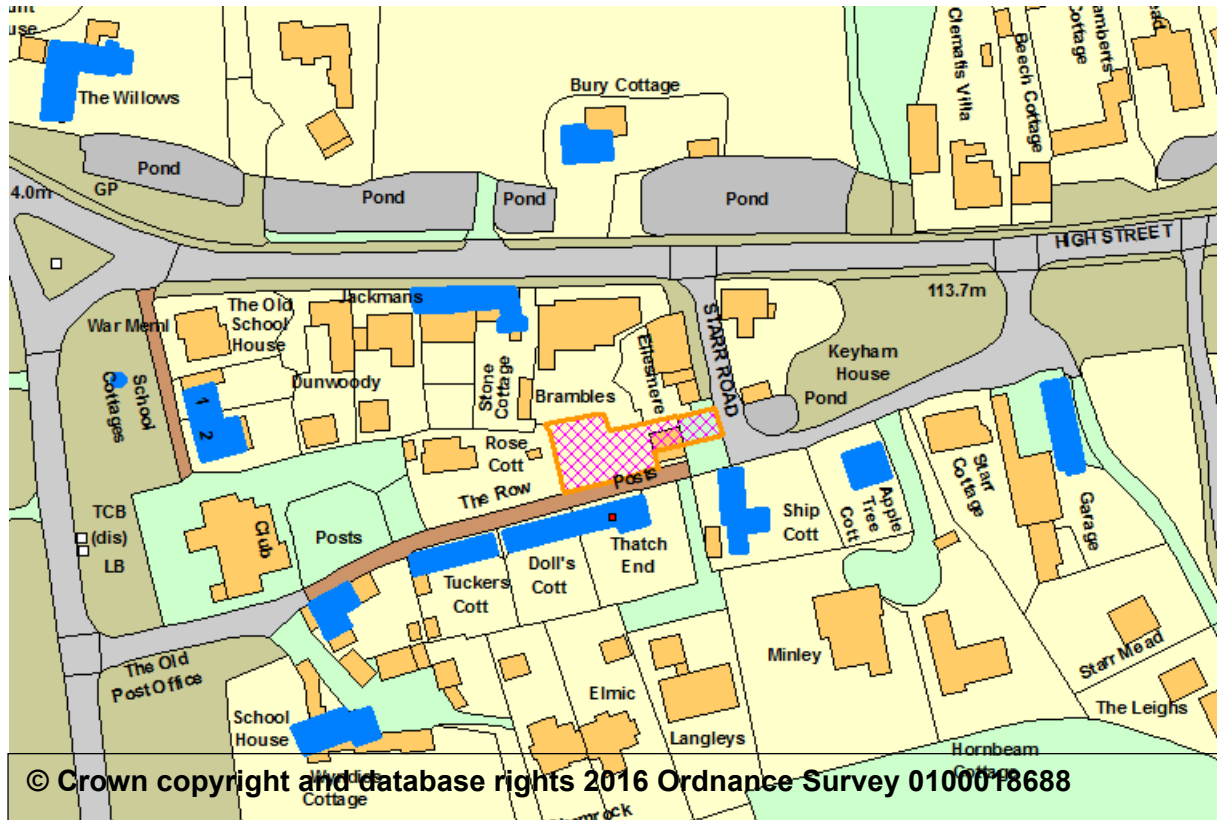
REASON: To ensure that an appropriate provision of on-plot parking is afforded to the development and to avoid on-street parking in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

- 7 The dwelling approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the Council's SPD "Accessible Homes and Playspace".

Application: UTT/17/2387/FUL

Address: Thatch End, The Row, Starr Road, Henham



Organisation:	Uttlesford District Council
Department:	Planning
Date:	29 March 2018

UTT/18/0188/OP – (ELMDON)

(Referred to the Planning Committee by Cllr Chambers due to over development of the site and result in a planning precedent)

PROPOSAL: Outline application, with all matters reserved except for access, for the demolition of outbuilding and the erection of 2 no. single storey dwellings, garages and access. (Revised proposals to those approved under UTT/16/2991/OP and UTT/17/0763/OP)

LOCATION: Rear Of Holly Hedge, Woodmans Lane, Duddenhoe End

APPLICANT: MKT Developments

AGENT: Donald Purkiss & Associates LLP

EXPIRY DATE: 13 April 2018

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 This application site is to the rear of the dwellings of Wendens Vineyard and Holly Hedge in the Village of Duddenhoe End. The site comprises a detached domestic stable block and paddock area located to the south of Woodmans End.

The stable block includes a low level pitched roof and has external finishes of weatherboarding under a tiled roof. The existing access to the site is provided adjacent Wendens Vineyard

3. PROPOSAL

3.1 This planning application seeks outline permission with all matters reserved except access for the demolition of the existing outbuilding and the erection of 2 no. single storey dwellings and garages.

4. APPLICANT'S CASE

4.1 The applicant has provided a statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also submitted is a biodiversity questionnaire.

5. RELEVANT SITE HISTORY

5.1 UTT/17/0763/OP – Outline application, with all matters reserved except for access, the demolition of existing garage for the erection of 1 no. single storey dwelling, garage and access. (Refused by LPA, allowed at appeal)

UTT/16/2991/OP – All matters reserved except for access, for replacement of stables as a new single storey dwelling.(Approved 2/12/2016)

6. ENVIRONMENTAL IMPACT ASSESSMENT

- 6.1 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

7. POLICIES

7.1 National Policies

National Planning Policy Framework (NPPF)

7.2 Uttlesford Local Plan (2005)

Policy S7 – The Countryside

Policy H4 – Backland Development

Policy GEN2 – Design

Policy GEN1 – Access

Policy GEN8 – Vehicle Parking Standards

Policy GEN7 – Nature Conservation

Policy ENV8 – Other landscape elements important to nature conservation

Policy H9 – Affordable Housing

Policy ENV14 – Contaminated Land

7.3 Supplementary Planning Documents

UDC – Accessible Homes and Playspace

UDC – Local Residential Parking Standards

Essex Design Guide

8. PARISH COUNCIL COMMENTS

- 8.1 You are aware that The Parish Council of Elmdon and Wenden Lofts objected to the original application under UTT/17/0763/OP on the basis that we considered this to be backland development, which is contrary to policy S7, and also National Planning Framework. This new application UTT/18/0188/OP seeks to amend the original application by altering the access provisions to additionally provide for the previously granted UTT/16/2991/OP, which was approved on the basis that access was to be provided through Wenden Vineyard where it currently provides the existing stable block.

The Parish Council of Elmdon and Wenden Lofts continue our objection to this amendment (UTT/18/0188/OP) on the grounds that as we did not agree to the original plans we have no reason to alter our view to the amended plan. Furthermore, we are aware that this amended application has considerable opposition from immediate neighbours and a broad group of village residents. We are aware that a detailed letter of objection has been forwarded to you and, having reviewed a copy of this, we thoroughly endorse its contents.

9. CONSULTATIONS

ECC Ecology

9.1 No objection.

The plans have not changed in a way that changes the ecological effect/s of the development, comments remain as dated 30 March 2017 (Gemma Holmes)

An informative is recommended for nesting birds.

ECC Highways

9.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

There should be no obstruction above 600mm within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times. Reason: To provide adequate inter-visibility between the pedestrian and users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard safety.

Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

UDC Environmental Health

9.3 Drainage and Contamination:

Environmental Health have previously investigated a complaint of foul and surface water drainage flooding land located south of the garden to Midsummer House, near the application site. The foul drainage flooding has been resolved by the properties responsible connecting to mains drainage, but I believe there remains a problem of surface water and treated sewage effluent from some or all of the properties between Maple Cottage and Midsummer House (which would include Holly Hedge) discharging onto neighbouring land.

It is believed that some of these properties' surface water passes via soakaways and land drains to a point south east of the application site, and that some of these land drains cross the application site. Other properties' surface water goes to a pipe which runs between Holly Hedge and the application site and also connects to a land drain. This drain is in an unsatisfactory condition and the water discharges onto neighbouring land.

The application states that foul drainage will go to the mains sewer and surface water will go to a soakaway. It is known that this is heavy land with poor percolation. The reported growth of willow and alder trees on the land are further indications of poor drainage. The existing surface water drainage system is

inadequate and at risk of disruption from the proposed development. A condition is recommended requiring submission and approval of a scheme to provide satisfactory foul and surface water drainage to the proposed new dwelling, and to avoid any adverse impact on the drainage of existing properties (as applied on appeal to UTT/17/0763).

RECOMMENDED CONDITIONS:

Prior to commencement of development a scheme to provide satisfactory foul and surface water drainage, and to avoid adverse impacts on the drainage of existing properties, shall be submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

10. REPRESENTATIONS

- 10.1 15 Letters of objection received
1 Neutral letter of comments received

Unsafe access

No parking for host dwelling

The proposal will set a precedent for future development of the area

Impact to character and setting of the sit and its surroundings

Further traffic within the area

No transport

Not a sustainable area

It will be appropriate to use conditions to mitigate disturbance to neighbouring properties.

11. COMMENTS ON REPRESENTATIONS

- 11.1 All material planning matters will be addressed in the following report.

12. APPRAISAL

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

- A The principle of the development of this site (ULP Policies S7, H4, NPPF);
- B Access to the site (ULP Policy GEN1);
- C Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards);
- D Design (ULP Policies GEN2 & ENV3, SPD Accessible Homes and Playspace)
- E Nature Conservation (ULP Policy GEN7)
- F Financial Contribution (ULP Policy H9));
- G Contaminated Land (ULP ENV14)

A The principle of the development of this site (ULP Policies S7, H4 and NPPF)

- 12.1 The application site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. The National Planning Policy Framework applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

In regards to backland development, ULP Policy H4 states that development will be permitted if it follows the following criteria:

- a) There is significant under use of the land and development would make effective use of it,
- b) There would be no material overlooking or overshadowing of nearby properties,
- c) Development would not have an overbearing effect on neighbouring properties,
- d) Access would not cause disturbance to nearby properties.

These elements will be included in the following report:

12.2 One of the fundamental material considerations in this application is the previously approved development of this site, this includes approval of the conversion of the existing stable block to a dwelling (UTT/16/2991/OP) and the erection of single dwelling (UTT/17/0763/OP), albeit this current application seeks to amend these originally approved and allowed permissions.

12.3 The National Planning Policy Framework establishes a presumption in favour of sustainable development. It also identifies the three dimensions to sustainable development: economic, social and environmental. National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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, contributions towards housing land supply must be regarded as a positive effect.

This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.

12.4 **Economic:**
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and the occupiers of the houses would contribute to the local economy in the long term, as such there would be some, but limited, positive economic benefit.

12.5 **Social:**
The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Previous officer reports have taken the position that the site is not in a sustainable location, primarily due to the distance required to travel to access basic services such as doctors, dentists and comprehensive shopping facilities which would lead to the reliance on the private car.

However the Planning Inspectorate's recent decision in relation to an outline application for the residential development of a nearby site (UTT/13/2890/OP and APP/C1570/A/14/2218212) considered that "with regard to proximity to services,

the site is comfortably within walking distance of the village hall, sports ground, industrial estate and public house to the north by a footway, albeit narrow, which follows the road edge. That footway continues to the south and although longer distances are involved, the site is also within easy access to other village facilities such as the church, school, supermarket/post office at the southern end of the village, and also the bus stop in the centre of the village. Taking into account the somewhat linear character of the village, not unusual in rural settlements, I consider that there is reasonable access to services and facilities as a result, without dependence on the private car for at least some of those facilities, if not all.

- 12.6 Environmental:
The landscape performs the function of clearly defining and containing the extent of built form. The site, although is within the rural countryside does include existing outbuildings, this site is heavily screened by vegetation and dense boundary. It is therefore considered that the development and regard to the introduction of two single storey dwellings would not result in a detrimental impact to the intrinsically rural appearance.
- 12.7 Having regard to the above, previous appeal decision and planning approval of this site, I consider the proposed dwellings would be in a suitable and sustainable location, in character with the surroundings and would not have an adverse effect upon the open countryside. It would therefore be consistent with ULP Policies S7 and H4 in respect of back land development, as well as guidance within the Framework in respect of development in rural areas.

B Access to the site (ULP Policy GEN1)

- 12.8 Local Plan Policy GEN1 sets out requirements for access to new development and generally states that the surrounding transport network should not be overburdened and that road safety should not be unduly affected, taking into account the needs of those using forms of transport other than motorised vehicles.
- 12.9 Essex County Council Highways have been consulted and have made no objections to the proposed development on the basis of highway safety subject to the imposition of conditions. The proposal will include the use of the existing access to the site, which passes the side of Holly Hedge. The Supporting Statement makes clear that the intention is to include hard landscaping to mitigate the close relationship of the access and the neighbouring dwelling, this will be included in a further reserved matters application. As such the proposal is not considered contrary to ULP Policy GEN1.
- 12.10 Local Plan Policy GEN1 also requires that new developments encourage movement by means other than driving a car. It is noted above, in relation to the sustainability of the subject site, that there are facilities within Duddenhoe End that are accessible on foot and bus services to nearby local destinations.
- 12.11 The proposed dwelling would have sufficient amenity space in accordance with Local Plan Policy GEN2 and as advised by the Essex Design Guide (adopted 2005).

C Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards)

- 12.12 Local Plan Policy GEN8 only supports development that would provide for vehicle

parking places that are appropriate for the location in terms of number, design and layout. The Essex County Council Parking Standards Design and Good Practice (September 2009) and the Uttlesford Local Residential Parking Standards (February 2013) have both been adopted by the Council to provide further guidance.

- 12.13 The maximum minimum number of car parking spaces that would be required for a new dwellinghouse is three. Although this matter would be dealt with in detail at the reserved matters stage, it is clear that the subject site could comfortably accommodate more than this number of spaces for each dwellinghouse.

D Design (ULP Policies GEN2 and GEN4)

- 12.14 Local Plan Policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide (2005) supplements this policy and Paragraph 64 of the NPPF complements it by resisting poor design. Overall it is noted that, although matters relating to design, including appearance, layout and scale, will be assessed at reserved matters stage, there is no reason why the site would not be able to accommodate an appropriately designed single dwelling that are consistent with the character of the surrounding pattern of development.
- 12.15 UDC's Landscape Officer has recommended a condition requiring a fully detailed scheme of landscaping to reduce the visual impact of the development. However, given that landscaping would be assessed at reserved matters stage, this is not considered necessary.
- 12.16 Local Plan Policy GEN2 states that new development should provide an environment that meets the reasonable needs of all potential users. The Accessible Homes and Playspace SPD provides further guidance, in particular in relation to the Lifetime Homes standards. Although compliance in respect of this issue will be assessed at reserved matters stage, it is noted that there is no reason to believe that this could not be achieved.
- 12.17 In relation to garden space, it is noted that the subject site is sufficiently large to allow for the provision of two gardens well in excess of the 100sqm standard set out in The Essex Design Guide for dwellinghouses with three or more bedrooms.
- 12.18 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. Although this matter would be assessed at the reserved matters stage, given the size of the site and the position of neighbouring dwellinghouses in relation to the subject site, it is considered that the subject site could very comfortably accommodate two dwellinghouses without an unacceptable impact on the amenity values of neighbouring residential properties.
- 12.19 Local plan Policy GEN4 states development will not be permitted if the noise from the development would cause a material disturbance or nuisance to occupiers of surrounding properties. The access to the site being considered in this application will serve two dwellings, the access already has existing permission to serve one dwelling, the net increase of a single dwelling is not considered to be of a significant increase that will cause a material harmful impact to neighbouring properties.

E Nature Conservation (ULP Policy GEN7 and ENV8)

- 12.20 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife. Local Plan Policy ENV8 provides further protection for landscape elements of importance for nature conservation.
- 12.21 A Preliminary Ecology Appraisal was submitted with the previously approved planning applications, the conclusion from this remains that no protected or important species or habitats would be directly affected by the proposed development. It is stated that there could be an indirect impact on nesting birds and bats utilising the boundary habitats; however, it is concluded that these impacts could be mitigated through design measures and landscaping. ECC's Ecological Consultant acknowledges the conclusions of the submitted Preliminary Ecology Appraisal and makes no objections
- 12.22 On this basis, it is considered that there would be no undue harmful impact on wildlife and the natural environment. This would be subject to layout and landscaping, which would be assessed at reserved matters stage and are capable of being acceptable. As discussed above in relation to landscaping, a condition is not considered necessary.

F Financial Contribution (ULP Policy H9)

- 12.24 Local Plan Policy H9 seeks an element of affordable housing on a site by site basis. The Council's Developer Contributions Guidance Document (2015) seeks a financial contribution towards affordable housing on sites of two to four dwellinghouses. However, given the advice in Planning Practice Guidance (paragraph reference ID: 23b-031-20160519), which states that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, it is not considered that a financial contribution would be required. This is because the proposal qualifies as a small scale development of 10-units or less, which is unlikely to have a combined maximum gross floorspace of more than 1,000 square metres, and there are no other material circumstances that indicate that it would be justifiable to seek a contribution.

G Contamination (ULP Policy ENV14)

- 12.25 ULP Policy ENV14 states before development, where a site is strongly suspected of being contaminated an assessment and remediation will be required. The site has been investigated for foul and surface water drainage, as such the council's environmental health specialist advice this problem remains and therefore a condition is recommended for the submission of foul and surface water drainage details prior to implementation of the development.

13 CONCLUSION

- 13.1 Having considered all representations and evaluated the relevant planning issues, the proposed development is considered acceptable, subject to conditions and the submission of acceptable proposals at the reserved matters stage, the development is capable of being acceptable in all other respects. This is in accordance with Uttlesford Local Plan (2005) and the NPPF.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the SPD on Accessible Homes and Playspace.

4. Prior to commencement of development hereby permitted a scheme to provide satisfactory foul and surface water drainage, and to avoid adverse impacts on the drainage of existing properties, shall be submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

REASON: To ensure the foul drainage and surface water from has sufficient and appropriate dispersion from the site and will not result in contamination, in accordance with ULP Policy ENV14.

5. Prior to the commencement of the development hereby approved details of loading/unloading, storage of materials and manoeuvring of vehicles within the curtilage of the site, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, in accordance with ULP Policy GEN1.

6. There should be no obstruction above 600mm within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided and approved in writing by the Local Planning Authority prior to the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all

times.

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

- 7 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety and in accordance with ULP Policy GEN1.

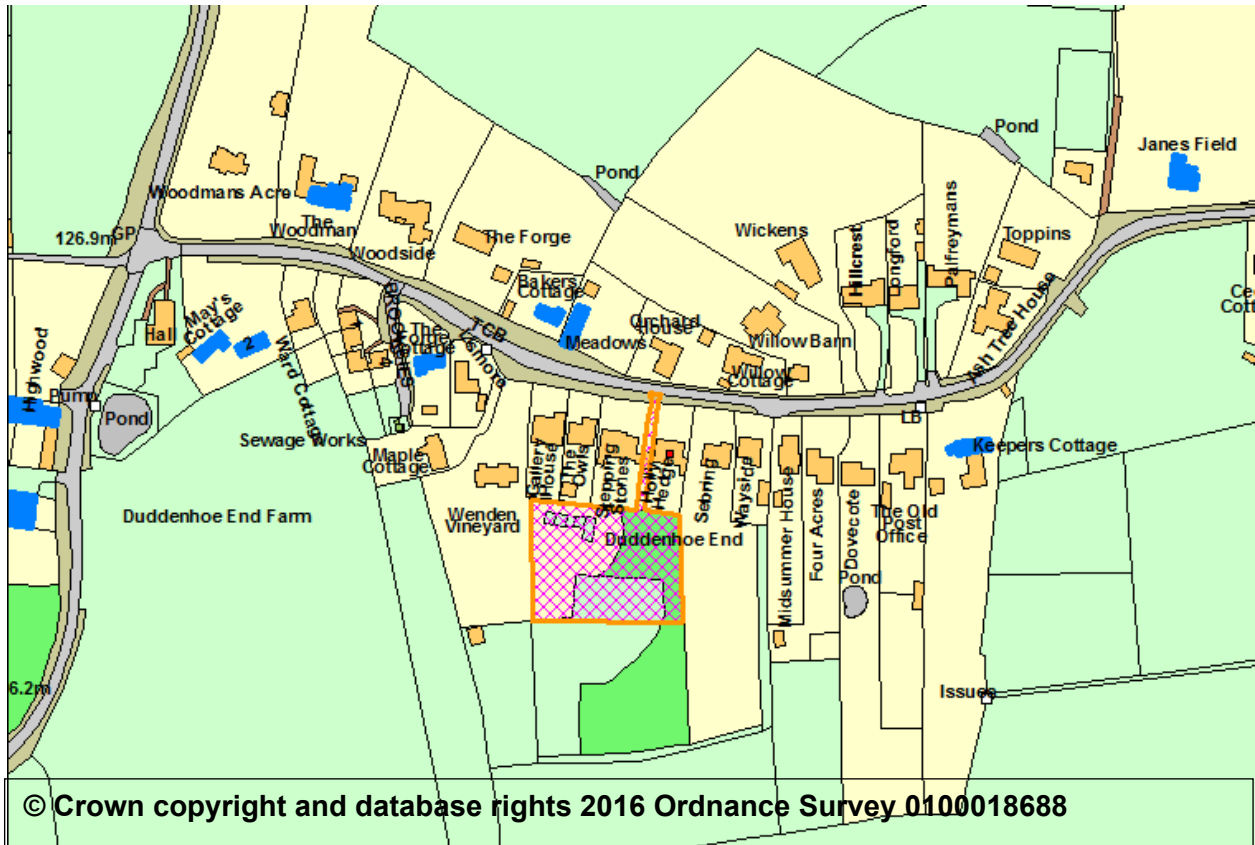
Informative

The applicant is reminded that, under the Wildlife & Countryside Act 1981 as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Nesting birds are assumed to be present within vegetation on site between the above dates, unless a recent survey has been undertaken by a competent ecologist and has shown it is absolutely certain that birds are not present.

Application: UTT/18/0188/OP

Address: Rear of Holly Hedge, Woodmans Lane, Duddenhoe End



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018

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UTT/18/0425/FUL – (UGLEY)

(Referred to Committee by Cllr Janice Loughlin. Reason: Due to overdevelopment of the Site)

PROPOSAL: The proposal would involve the demolition of existing clubhouse and outbuilding and the erection of 2 no. 4 bed detached dwellings

LOCATION: The application site is located off Cambridge Road (B1383), Ugley

APPLICANT: Mr S Withers

AGENT: Mr N Tedder

EXPIRY DATE: 10 April 2018 (Agreed extension of time until 27 April 2018)

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Outside Development Limits, Archaeological Site, within 250m of local wildlife site, Mineral Safeguarding area and Aerodrome Direction.

2. DESCRIPTION OF SITE

2.1 The application site is located off Cambridge Road (B1383), Ugly which comprised of two buildings currently the former cycling club's clubhouse and also used as storage facility. The site is approximately 3900sq.m area.

2.2 The site is completely screened by existing trees and vegetation on all sides. The north of the proposed site is bounded by a Grade II Listed Building, The Chequers.

3. PROPOSAL

3.1 The proposal would involve the demolition of the existing clubhouse and outbuilding and the erection of 2 no. 4 bed detached dwellings.

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 (as amended).

5. APPLICANT'S CASE

5.1 The application is supported with the following documents:

- Site Location Plan
- Ecological Survey Report
- Design and Access Statement
- Proposed Plans

The applicant used the above supporting documents to demonstrate how the

proposed development is considered acceptable in accordance with NPPF and the relevant Policies of the Adopted Local Plan (2005).

6. RELEVANT SITE HISTORY

- 6.1 UTT/17/2256/FUL. Planning permission for the demolition of existing clubhouse and outbuilding and the erection of new detached dwelling. 13.11.17.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 Policy S7 – The Countryside
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy ENV2 – Development Affecting Listed Buildings

National Policies

- 7.2 National Planning Policy Framework (NPPF)
Planning Policy Guidance

8. PARISH/TOWN COUNCIL COMMENTS

- 8.1 Object to the proposal due to the following reason:
- The proposed development would be a breach of 1946 covenant; and the proposed access would be affected by a restricted line of sight.

9. CONSULTATIONS

Essex County Council Highways Authority

- 9.1 No objection.

ECC Archaeology

- 9.2 Awaiting for comments.

Aerodrome Safeguarding Officer

- 9.3 No objection.

10. REPRESENTATIONS

- 10.1 The application was published by sending twelve letters to adjoining occupiers, displaying of a site notice and advertising it within the local newspaper. 3 Letters of representation have been received objecting to the proposal on the following grounds:
- The proposal is a breach of the covenant dated 1946; stating only one dwelling can be allowed on the site.

- The proposal is an overdevelopment of the site
- The development would harm the general character of the area
- It will affect wildlife

11. APPRAISAL

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

- A Whether the principle of the proposed development is acceptable (ULP Policies S7, H1 and NPPF)
- B Whether the proposal would harm the setting of the nearby listed building, the character of the area and the amenity of the neighbouring properties (ULP Policies ENV2, GEN2, GEN4 and NPPF)
- C Whether the proposed development would affect wildlife (ULP Policy GEN7 and NPPF)
- D Whether the proposal would affect Archaeological Site (ULP Policies ENV4 and NPPF)
- E The Traffic impact (ULP Policies GEN1, GEN8 and NPPF).

A Whether the principle of the proposed development is acceptable (ULP Policies S7, H1 and NPPF)

- 11.1 Section 38 (60) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 set out the requirements that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material planning consideration which set out a presumption in favour of sustainable development.
- 11.2 The principle of one residential dwelling within the application site has been considered acceptable following the grant of planning permission reference UTT/17/2256/FUL. This planning permission has not been implemented.
- 11.3 In land use terms the application site is located outside development limits and in an area where rural restraint policy, as advocated in Policy S7 applies. The objective of this policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal in this instance is considered appropriate as it relates in form, layout, scale and design with the character of the area which comprised of different scale, design and form of residential dwellings within the site area. It should be noted that the review of Policy S7 for its compatibility with NPPF concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. Given the location, layout, form, scale, and variety of residential dwelling design in close proximity to the application site; on balance the proposed two dwellings scale, form and design are not considered to be out of character of the existing nearby small settlements in close proximity to the proposed site. And the design approach and scale of the two detached dwellings is not considered to be in conflict with Policy S7.
- 11.3 The NPPF; sets out a presumption in favour of sustainable development and this presumption is increased where there is no 5 year land supply for housing. In this

instance, the most recent housing trajectory identifies that the Council has 3.7 or 4.2 year land supply depending on the scenario used to calculate the supply. The Council also considers that it is a 5% buffer authority and that there has not been a persistent under-supply of housing delivery. In the same vein, a sustainable development which satisfies paragraph 7 of NPPF; where there is no 5 year land supply, relevant weight should be given to paragraph 7 where a development is considered sustainable for example; to development which shows its location and form are seamless to its economic, social and environmental roles within the planning regime.

- 11.4 Economic: The two proposed dwellings would create a temporary employment during the construction stages and generate economic purchasing power through those that will occupy the dwellings that would be able to support local infrastructure in the nearby Bishop Stortford centre through their easy access of rural bus services with further advantage as the site is located opposite a bus stop along this part of Cambridge Road.
- 11.5 Social: Although; only two dwellings would be derived through this development which would assist to meet rural housing need which is sustainable it is not considered that allowing such sustainable development would be prejudicial with the current attempt of achieving the adequate housing land supply which is the focus of the current Local Plan under consideration. For the benefit of any doubt the location of such two dwellings within easy access to rural bus services would assist to satisfy the social role of this development by providing rural housing need that is also sustainable.
- 11.6 Environmental: The demolition of the existing two buildings associated with the cycling club to give way to the two proposed detached dwellings would be accompanied with a detailed landscaping scheme as shown in the proposed location plan. This is welcome as it would help to make the site surrounding inviting to wildlife, and as the findings of the ecological survey report did not show any adverse effect to wildlife. In conclusion; the proposal satisfies its environmental role as advocated in paragraphs 6 and 7 of the NPPF.

B Whether the proposal would harm the setting of the nearby Listed Building “The Chequers” or the amenity of the adjoining occupiers (ULP Policies ENV2 , GEN2, GEN4 and NPPF)

- 11.7 Due to the proximity of the application site to the nearby Listed Building; this application would need to be determined in accordance with section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in order to conclude whether the proposal would harm the setting or special characteristic features of the listed building.

Policy ENV2 states that development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted.

Paragraph 132 of the National Planning Policy Framework (NPPF) asserts that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The location, mass, height, layout, form and design of the proposed two storey detached dwellings which would be screened with the new landscaping scheme

would help to shield the development from any direct view from The Chequers. And the design approach taken to ensure the two proposed dwellings emulate the features of “The Chequers” and some element of the features of the immediate residential dwellings nearby contributed in safeguarding the setting of the nearby listed building. In conclusion; the proposal is not considered to be in conflict with relevant Planning Legislation cited above including Policy ENV2.

The application site is not very close to “The Chequers” or other residential settlement within the area. The applicant also took into consideration the advice given during the pre-application enquiry stage involving the development of 3 to 4 dwellings within the site which was considered unacceptable because of its impact on the character and appearance of the open countryside and which would lead to the overdevelopment of the site. Hence; the proposed two detached dwellings are not considered as an overdevelopment of the site and it would not harm the character of this part of the countryside or the setting of the listed building.

The views of the objection letters received has been considered and there is no evidence to suggest that the scale and design of the two proposed detached dwellings would harm the amenity of the adjoining occupiers. For example; given the location, form, layout, scale, design and its distance from nearby residential properties including The Chequers; there is no evidence to demonstrate the proposed scheme would harm the living condition of the adjoining properties in terms of overlooking or overbearing. In conclusion; the proposal therefore would not harm the amenity of the neighbouring properties.

In consideration with the provision of amenity space within the proposed scheme; plot 1 of the proposed dwelling would have approximately 500sq.m rear garden space and plot 2 would have approximately 1,790sq.m rear garden. Such standards far exceed the normal 100sq.m rear garden space required for a four bedroomed dwelling. And each dwelling would be designed to meet the requirement standards of Lifetime homes as a result such design approach is welcome and encouraged. The double proposed garage on each dwelling are integrated or attached to each dwelling with a minimum of two additional car parking spaces shown at the front of each proposed dwelling

C Whether the proposal would be harmful to wildlife (ULP Policy GEN7 and NPPF)

11.8 The objective of Policy GEN7 includes development that would not be harmful to wildlife will be permitted.

This proposed development is supported with biodiversity check list and ecological survey report which has been considered by Essex County Council Ecologist. In this instance; there is no evidence to suggest the proposal would be harmful to nature conservation and therefore accords with Policy GEN2 of the Local Plan.

D Whether the proposal would affect Archaeological Site (ULP Policies ENV4 and NPPF)

11.9 Essex County Archaeology in response to the previous approved planning permission UTT/17/2256/FUL; advised the planning department that it is not considered that the previous approved one dwelling would have any archaeological implications. It is your Planning Officer’s view that the same advice is deemed to be applicable to these current proposed two dwellings considering there is material change to the proposed site location hence; the proposal is not in conflict with Policy

ENV4.

E Whether the proposal would affect traffic or other road users (ULP Policies GEN1, GEN8 and NPPF)

11.10 The objective of Policies GEN1 and GEN8 includes development that will affect traffic or other road users will not be permitted; and development that cannot provide required standards design of car parking spaces will not be permitted.

The proposed access would be taken from the front of the site facing Cambridge Road by using the existing access point and widening it as suggested in the previous approved one dwelling scheme within the site which is not likely to be implemented due the current proposed development foot print.

The design approach of the proposed scheme includes integration of an attached garage to each of the proposed dwellings in addition with designated parking area within the front of each dwelling front drive.

Proposed four car parking spaces and cycle storage indicated in the Design and Access Statement has been taken into account but since it is not physically shown in details through a proposed plan such requirements would need to be a condition following the approval of this proposed development.

In consultation with Essex County Council Highways Authority they advised that they have no objection to the proposal; although recommended appropriate planning conditions in order to protect and safeguard traffic in the area in accordance with Policy GEN1.

12. CONCLUSION

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

- A** The principle of the development is acceptable considering it is located within a sustainable location with easy access to rural bus services; the proposed two dwellings would not harm the character of the countryside and the dwellings would contribute to rural housing need.
- B** The scale, mass, layout and design of the two proposed detached dwellings would not affect the setting of the nearby listed building. The features incorporated with the design of the two dwellings would not harm the character of the area because it would be compatible with scale, mass and features of nearby existing dwellings.
- C** The proposal would not affect the amenity of the adjoining occupiers and would not lead to overdevelopment of the site because the proposed two dwellings can be accommodated within the site.
- D** The scale and location of the development would not be harmful to wildlife or affect archaeological site.
- E** The proposed access would not affect traffic or other road users.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the adopted Local Plan (2005).

3. Prior to commencement of the development, details of the following hard landscaping works must be submitted to and approved in writing by the local planning authority:

- Hard surfaces
- Boundary treatment

All hard landscape works must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Prior to occupation of the dwelling hereby permitted, the existing buildings within the site must be demolished.

REASON: To protect the character and appearance of the area, in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

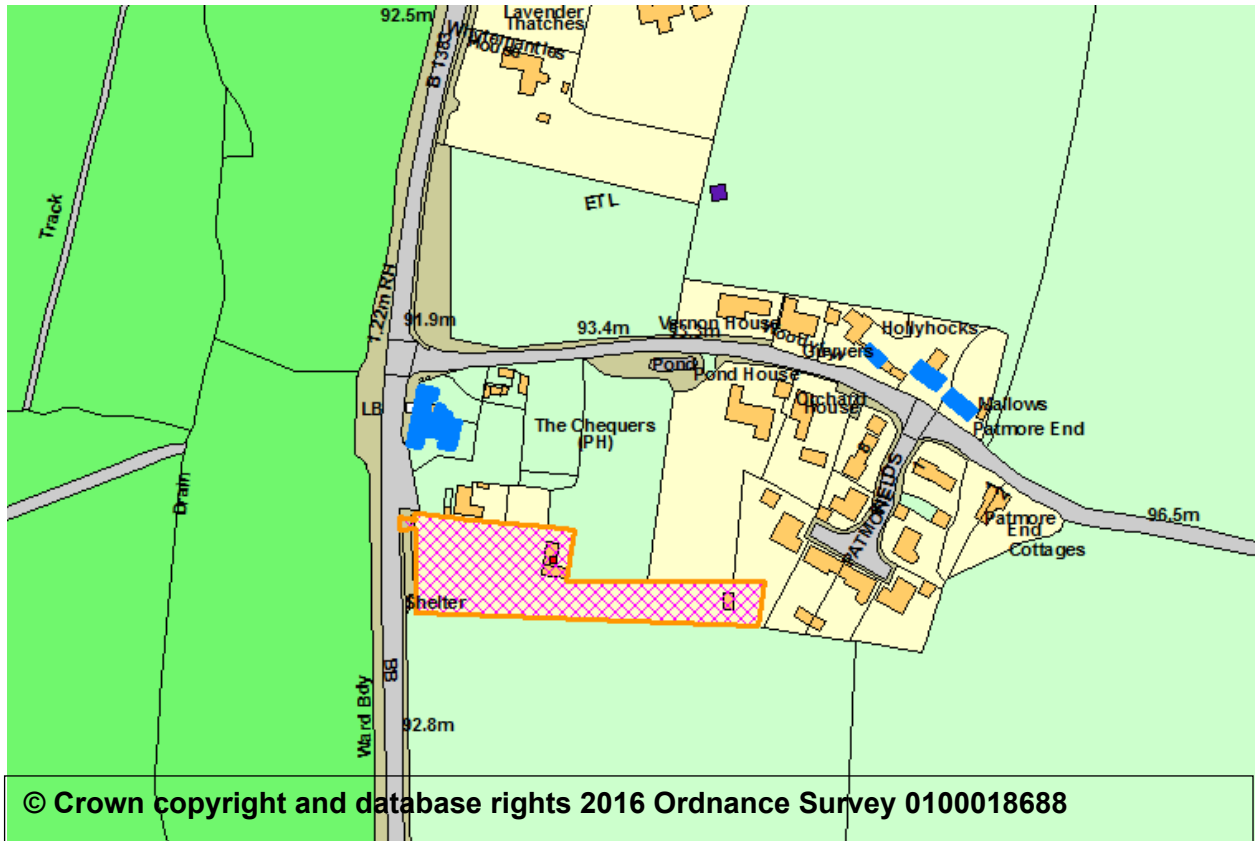
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

- 7 Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained at all times for that sole purpose.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

Application: UTT/18/0425/FUL

Address: Eagle Road Club, Cambridge Road, Ugley



Organisation: Uttlesford District Council
Department: Planning
Date: 29 March 2018

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UTT/18/0313/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

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

APPLICANT: Enterprise Property Group

AGENT: PiP Architecture

EXPIRY DATE: 3 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 minor amendments to the approved site layout, the most significant of which are the additional rear access paths for Plots 1, 2, 25-27 and 29-32.

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 application is that which resulted in a full planning permission for the erection of 42 dwellings (UTT/14/0174/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.

Essex Police (Crime Prevention)

- 9.2 No objections. Extract:

“We would like to see the gates and the fencing of the dwellings abutting the rear access to these properties as close boarded wooden fenced to a height of 1.8m but incorporating a top section of trellis to reduce the risk of concealment. Gates

should be capable of being locked from both sides, where shared access each relevant householder having keys.”

Highways England

9.3 No objections.

Highway Authority (Essex County Council)

9.4 No objections.

Environmental Health Officer

9.5 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. No representations have been received.

11. APPRAISAL

The issues relevant to the proposed amendment are:

- A Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)
- B Transport (GEN1, GEN8, 32-39 & HCWS488)
- C Accessibility (GEN2, 58 & PPG)
- D Crime prevention (GEN2, 58 & PPG)
- E Amenity (GEN2, ENV10, 17 & 123)

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

11.1 The proposed design amendments are relatively minor. The most significant changes are the additional rear access paths, which are considered typical features that would be expected to form part of the development. It is therefore concluded that there would be no conflict with the above policies insofar as they relate to character, appearance and heritage.

11.2 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.

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

11.3 There would be a number of minor amendments to the parking layout, although the number and size of spaces would not be altered. Taking into account the comments of the highway authority, it is considered that there is no conflict with the above transport policies.

C Accessibility (GEN2, 58 & PPG)

11.4 The proposed paths would improve accessibility to the rear gardens of the associated dwellings, in accordance with the above policies.

D Crime prevention (GEN2, 58 & PPG)

- 11.5 Taking into account the comments of Essex Police, it is considered that the proposed amendments are compatible with the above policies insofar as they relate to crime prevention. A planning condition could be used to ensure that the fencing includes trellis to minimise concealment.

E Amenity (GEN2, ENV10, 17 & 123)

- 11.6 The gardens of Plots 1, 2, 25, 26, 29 and 32 would be reduced in size through the additional rear access paths, as summarised in the below table:

Plot	Beds	Essex Design Guide (sq m)	Approved garden (sq m)	Proposed garden (sq m)
1	3	100	90	74
2	3	100	92	75
25	2	50	52	37
26	2	50	47	43
29	2	50	72	36
32	2	50	53	37

- 11.7 All six gardens would be smaller than the minimum size recommended in The Essex Design Guide, a non-adopted but useful guidance document. Nevertheless, it is considered that the gardens would provide the occupiers with a reasonable level of amenity – they would be private and of a functional shape and sufficient size to provide a useable sitting out area and accommodate most household activities. It is therefore concluded that there would be limited conflict with the above policies.

12. CONCLUSION

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

- A** The proposed amendment to the approved scheme would reduce the size of six gardens through the addition of rear access paths. As there would remain a reasonable level of amenity associated with these private amenity spaces, and because the paths represent an appropriate compromise for the sake of accessibility, it is recommended that the application be approved.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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. ASSOCIATED SCHEDULE OF PLANS AMENDED:

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

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. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. The windows shown as being obscure glazed at first floor level on the south-eastern elevations of Plots 1, Plots 19, 20 and 23 shall be retained with obscure glazing at all times.

REASON: To avoid overlooking in the interests of the amenity of the neighbouring residential properties in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. Prior to occupation of the development, the provision and implementation of an upgrade of the existing central island on London Road to the south of the site, to a pedestrian refuge.

REASON: In the interest of highway safety in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

6. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the times of demolition and construction work
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

7. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the erection of the development hereby approved full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- i. proposed ground floor levels of the dwellings;
- ii. means of enclosure and boundary treatments;
- iii. hard surfacing materials;
- iv. Cycle stores
- v. minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, Street Lighting, etc.);
- vi. proposed and existing functional services above and below ground (e.g. drainage, power)
- vii. communications cables, pipelines etc. (indicating lines, manholes, supports.).

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

REASON: To enhance the sustainability of the development through better use of water, energy and materials.

9. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

REASON: To enhance the sustainability of the development through efficient use of water resources.

10. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC:

1) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

2) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the trial

trenching work and prior to any reserved matters submission.

3) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

4) The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the adequate protection/recording of archaeological remains in accordance with Policy ENV4 of the Uttlesford adopted Plan 2005.

11. The dwellings shall be constructed so that the windows to all habitable rooms identified within the submitted Noise Impact Assessment prepared by 24 Acoustics and dated 23 January 2014, as being within Zone 1 shall achieve the sound reduction indices set out in the Assessment. A means of ventilation other than opening windows shall be provided to the bedrooms of those dwellings as set out in Noise assessment Fig 2. Ventilators in bedrooms will achieve a minimum attenuation performance of 39 dB Dne,w.

REASON: To protect the occupiers from noise from the railway in the interests of amenity in accordance with Policies GEN2, GEN4, and ENV10 of the Uttlesford Local Plan (adopted 2005).

12. A 1.8m high close boarded timber barrier comprising 18mm thick timber with 25% overlap and no holes or openings shall be erected at the site boundary with the railway.

REASON: To protect the occupiers from noise from the railway in the interests of amenity in accordance with Policies GEN2, GEN4, and ENV10 of the Uttlesford Local Plan (adopted 2005).

13. DETAILS APPROVED UNDER APPLICATION UTT/17/0873/DOC, WITH RESPECT TO '1. SITE CHARACTERISATION' ONLY:

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must

be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 3.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14 of the Uttlesford Local Plan (adopted 2005).

14. Prior to occupation of the development, the provision and implementation of section 1.2 (opposite Granta Close to station approach) of the Great Chesterford to Little Chesterford Cycle Route (Phase 1) 2 metre wide shared footway/cycleway.

REASON: In the interest of highway safety in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

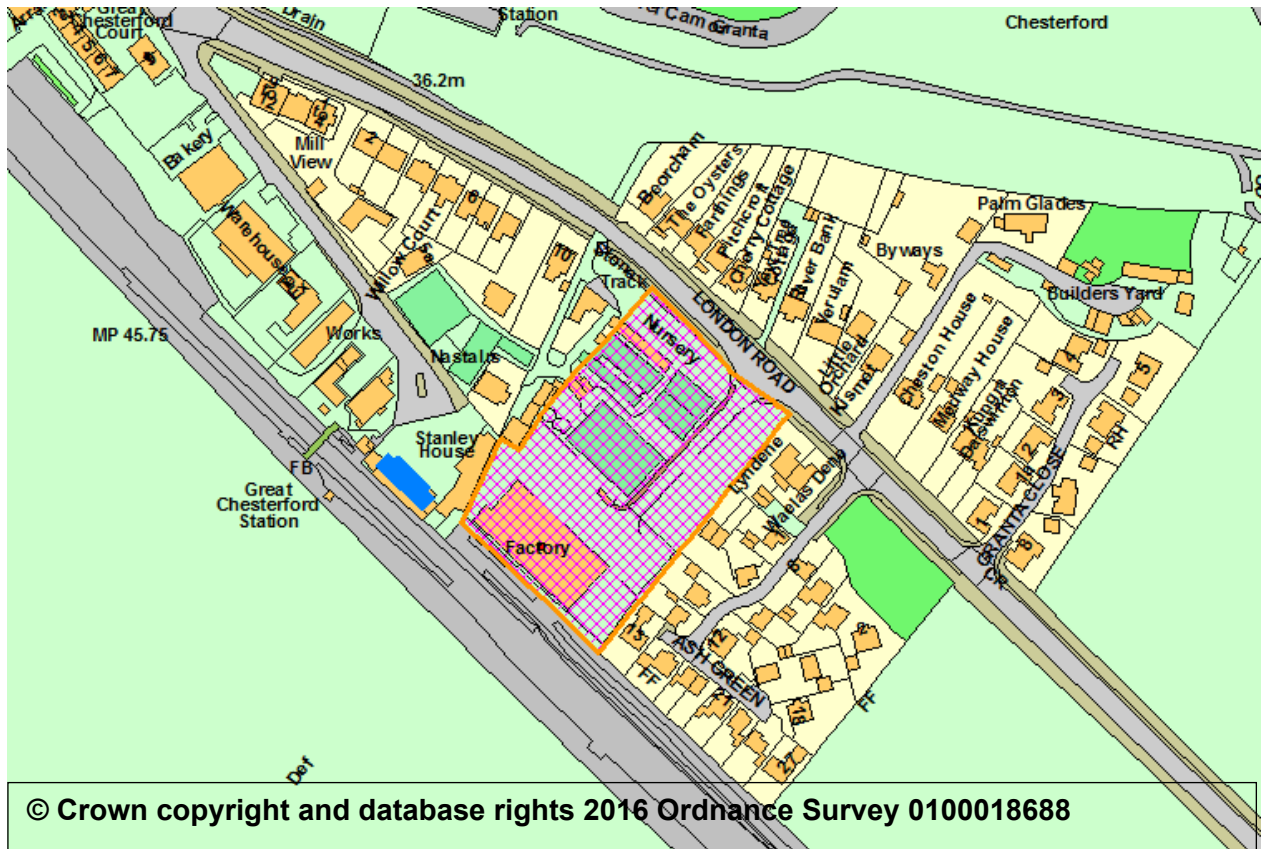
15. ADDITIONAL CONDITION:

Prior to occupation of the dwellings labelled Plots 25, 26, 28, 29 and 32, details of the gates and fencing serving the associated rear access paths (possibly comprising 1.8 m high structures with lockable gates and a trellis in the top portion) must be submitted to and approved in writing by the local planning authority. The gates and fencing must be installed in accordance with the approved details prior to occupation of the dwellings.

REASON: To minimise the risk of crime from concealed and unsecured walkways, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application: UTT/18/0313/FUL

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



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018

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UTT/18/0392/HHF – (LINDSELL)

Reported to Planning Committee as UDC are acting as agent

PROPOSAL: **Erection of single storey front, side and rear extensions**

LOCATION: **3 Whitegates, Holders Green Road, Lindsell**

APPLICANT: **Mr Paul Young**

AGENT: **Mr Craig Cardross Grant**

EXPIRY DATE: **6 April 2018**

CASE OFFICER: **Nathan Makwana**

1. NOTATION

1.1 Outside of development limits.

2. DESCRIPTION OF SITE

2.1 The application site as highlighted in red on the submitted location plan is located on the eastern side of Holders Green Road approximately 500 metres north of Daisyley Road within the small Hamlet of Lindsell. The site itself is relatively level, long and narrow in shape and comprises of approximately 523sqm.

2.2 Located towards the front of the site is a double storey semi-detached dwelling house that is externally finished from white painted render. The provision for three off street parking spaces is located on the driveway towards the front of the dwelling house. Existing timber paling fencing located on the side and rear boundaries provide screening for a large private garden area towards the rear of the site.

2.3 The application site is located within a small enclave of residential buildings in which there is a mixture of built forms and styles within the surrounding locality, although in saying this, house numbers 1 to 6 Whitegates are generally consistent in terms of their siting, size and scale. Arable land immediately abuts the rear boundary of the site with large open fields used for agriculture located further beyond.

3. PROPOSAL

3.1 Planning permission is sought for the construction of a single storey front, side and rear extension to the existing dwelling house. The extension would project at 6.3m from the rear elevation, 2.5m from the side and from the front at 1.7m. The front would also see the erection of a ramp measuring at 3.1m from ground floor to dwelling front entrance. External finishing materials are to match those of the existing dwelling.

3.2 The extension would be constructed along the northern side boundary shared with number 4 Whitegates and 2.1m off the southern side boundary shared with number 2 Whitegates.

3.3 The extension would provide additional living accommodation for 2 further bedrooms, bath and a wet room.

4. APPLICANT'S CASE

4.1 Apart from the submitted application form and relevant plans, no further information was submitted by the applicant's agent in support of the proposal.

5. RELEVANT SITE HISTORY

5.1 UTT/18/0392/HHF – Proposed single storey rear extension – Refused on 25.10.2017.

5.2 The above application was refused by the planning committee on the grounds of its size, scale and massing causing a detrimental impact to the character and appearance of the area. It was also refused on the grounds of causing a detrimental amenity impact to the neighbour at No. 4 Whitegates, Holders Green Road, Lindsell.

6. POLICIES

National Policies

- NPPF

Uttlesford Local Plan (2005)

- S7 – The Countryside
- GEN2 – Design
- H8 – Residential Extensions

Supplementary Planning Documents/Guidance

- Home Extensions (November 2005)

7. PARISH COUNCIL COMMENTS

7.1 Lindsell Parish Council

Following a recent meeting of the Lindsell planning committee, please find attached our observations to the above planning application. Note we have been in discussions with the adjoining resident and landlord, whose views have been taken into consideration. We understand they are making separate representation individually with their comments.

Front Elevation

This appears to be in front of the building line, if one exists in this immediate area, and the proposals will substantially alter the front elevation to the row of houses. However, in pairs, the houses all differ in appearance. The size of the building and the front extension would be out of keeping with the adjoining and nearby houses although there are many places in Uttlesford where this sort of extension on ex council houses can be seen.

From No 4 (north side)

Although about 1m away from the boundary and a single extension with a pitched roof, there must be regulations in place regarding light to adjoining properties and provided this extension does not contravene these regulations the work on this basis should not be refused. Note there is already a privacy fence on the boundary about 1.8m high and over 4m long, out from the building put up by the adjoining owner (no 4), which has been deemed satisfactory, and in place for many years.

From No 2 (south side)

The habitable part of this house is some 3m off the boundary (see O.S. sheet). A single skin, single storey "outhouse" which is a store and WC has two frosted glass windows facing the boundary alongside the flank wall of the house, is about 1m away from the boundary. The applicant also has an outhouse along part of the boundary. Both are about 2.3m high.

The remaining length of the proposed extension has, along the boundary, high fencing and shrubs/hedge. It will be some 300mm back off the applicant's boundary line, leaving approx. 1.3m between habitable buildings.

The proximity to number 2 and length and height of the proposed extension could feel oppressively tunnel-like and reduce the light to windows on that side of No 2.

General

We noted, that although the extension has the added height of a pitched roof, this is kept very low, giving a height of around 3m at the apex.

The new extension proposal is shown greatly reduced in length from that previously submitted, which was one of the original grounds for objections from the adjoining houses and therefore the majority of the planning committee support this new application.

We would also like to comment that we are rather surprised that, as this application is being made by Uttlesford District Council itself, it would appear from Part 6 of the application form that "no contact, discussions or advice has been sought from the local planning authority, i.e. UDC, prior to submission" We feel a lot of time, money and stress could have been saved if "in house" discussions had taken place.

8. CONSULTATIONS

8.1 There was no statutory requirement to consult either internal or external consultees.

9. REPRESENTATIONS

9.1 The application was publicised by sending 4 letters to adjoining occupiers. Two representation letters were received objecting to the proposal on the following grounds:

- a. No access route has been devised to the rear of the property.
- b. Any fences are limited to 5ft high to enable light to come through.

- c. The proposal is in the wrong place, too large and overbearing.
- d. A professional has stated that an extension could be constructed with a small side extension consisting of a flat roof; this would negate any amenity impacts to either neighbour.
- e. Concerns that the approval of such an application will set a precedent across Lindsell.
- f. The extension will cause an overbearing presence to both neighbours at 2 and 4 Whitegates.

10. APPRAISAL

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

- A Whether the revised proposed development is appropriate in relation to its design and appearance (local policies S7, H8 and GEN2, and the NPPF);
- B Whether the amenities of adjoining property occupiers would be harmed (local policy GEN2 and the NPPF).

A Whether the revised proposed development is appropriate in relation to its design and appearance (local policies S7, H8 and GEN2, and the NPPF)

- 10.1 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside where a Policy S7 of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside.
- 10.2 Although outside the defined developments, it is considered that the principle of further development such as householder extensions would not cause significant harm to the character and intrinsic beauty of the countryside.
- 10.3 It is considered that the proposed development would collectively and simultaneously meet what is defined within the National Planning Policy Framework of what constitutes as sustainable development. The principle of the proposal is thereby considered appropriate.
- 10.4 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.5 In addition local policy H8 of the Local Plan as well as the Supplementary Planning Document (SPD) - Home Extensions states that extensions will be permitted if their scale, design and external materials respect those of the original building, Policy GEN2 requires that amongst other criteria development is compatible with the scale, form, layout, appearance and materials of surroundings buildings
- 10.6 Rear extension such as the proposed should be proportioned to the scale of the existing dwelling house. There are various ways of measuring and assessing proportionality, but the test is primarily an objective one based on size. There is no firm advice in national guidance or the Local Plan as to what amount or percentage uplift in terms of volume or floor space would qualify as being a disproportionate or an excessive form of development that is at odds to the existing building. Consequently, those judgments are left to the decision maker.

- 10.7 One of the reasons that prompted the refusal of the previous application, (UTT/17/2179/HHF), was on the grounds of it being at odds and result in detrimental harm to the character and appearance of the original building. In particular, due to the developments inappropriate size and scale and specifically its depth projecting more than 10m, it would result in excessive massing and bulk that would not appear sympathetic or in proportion with the original dwelling house.
- 10.8 The revised application is a contrast to the previously refused scheme in that it has been sharply reduced in size and scale. The rear extension now only measures at 6m in depth from the rear elevation. It extends from the side elevation at approximately 2.2m and from the front elevation at 1.4m. The rear extended depth is well within the prior approval permitted development size (subject to neighbour consultation) which allows a depth of up to 6m subject to no amenity concerns.
- 10.9 The exterior of the extension also remains modest, possessing an eave and ridge height of 2.5 and 3m respectively. It is to be constructed of materials that match those used on the existing dwelling house, which of course can be secured by condition.
- 10.10 The depth of the front of the application is modest at 1.4m. The depth of the ramp is somewhat longer at approximately 3.2m. Whilst it is acknowledged that this section of houses along Holders Green Road possesses a uniform appearance, the wider area is not however subject to a uniform appearance, with properties differing in size, texture, colour and scale. Furthermore, the increased set back from the main road ensures that there is no visual dominance resulting from this revised scheme.
- 10.11 The application proposal has been reduced in scale and size and is of proportions that do not dominate and upset the design of the original dwelling house. The proposal therefore accords to policies GEN2 and H8 of the Uttlesford District Local Plan as Adopted (2005) and the NPPF.

B Whether the amenities of adjoining property occupiers would be harmed

- 10.12 Due consideration has been given in relation to the potential harm the development might have upon the amenities of adjoining property occupiers. With regard to neighbouring amenity, GEN2 requires that development does not have a materially adverse effect on neighbouring amenity as a result of overlooking, overbearing or overshadowing impacts.
- 10.13 The revised scheme is still of a single storey that only incorporates window openings on the extensions rear elevation. This revised proposal also includes four roof lights looking out onto the south and north elevations. However, the angle and positioning of the roof lights ensures that there will be no direct overlooking to neighbouring habitable rooms. The positioning of the rear windows also ensures that there would be no direct overlooking into adjoining properties habitable rooms and private open space areas, only comparable to the existing situation from the rear of the property.
- 10.14 The neighbour at number 2 Whitegates has raised concerns regarding access, overshadowing and the extension resulting in an overbearing presence. Firstly, the neighbour themselves will be subject to the depth of 6m of the rear extension, a limit within permitted development sizes. The neighbour under permitted development rights could erect a fence at 2m in height, with the eaves height of the property being 2.5m. It is in my opinion that an additional 0.5m is unlikely to have a further

impact than that of a potential 2m high fence. The neighbour has also raised concerns over external access. The loss of external access in my opinion is unlikely to act as an impediment neither to the amenity of either the existing occupants of the application site nor to the objecting neighbour.

- 10.15 The proposed development has been reduced in size and scale and is of proportions that are not out of keeping with the host dwelling. The extension itself is unlikely to have a detrimental amenity impact to either adjacent neighbour. It has been designed to be in keeping and is considered to be an acceptable addition to dwelling. The proposal therefore accords with Policy GEN2 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework.

12. CONCLUSION

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

- A** The application proposal has been reduced in scale and size and is of proportions that do not dominate and upset the design of the original dwelling house. The proposal therefore accords to policies GEN2 and H8 of the Uttlesford District Local Plan as Adopted (2005) and the NPPF.
- B** The proposed development has been reduced in size and scale and is of proportions that are not out of keeping with the host dwelling. The extension itself is unlikely to have a detrimental amenity impact to either adjacent neighbour. It has been designed to be in keeping and is considered to be an acceptable addition to dwelling. The proposal therefore accords with Policy GEN2 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

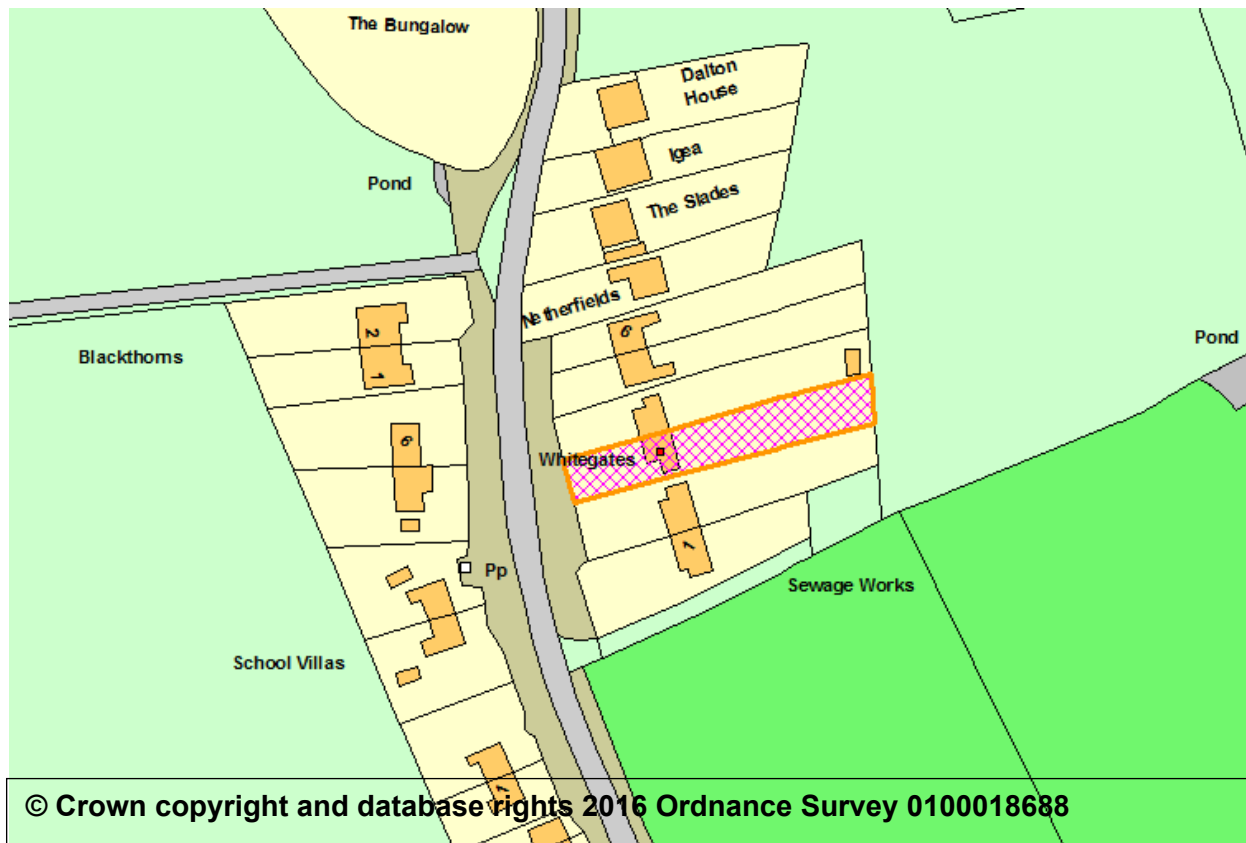
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in type, colour and surface texture to those used in the existing building.

REASON: In the interests of the appearance of the development, in accordance with policies H8 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/18/0392/HHF

Address: 3 Whitegates, Holders Green Road, Lindsell, Dunmow



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018

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UTT/18/0395/NMA – (GREAT CHESTERFORD)

Reason for presentation to Planning Committee: Applicant is a District Councillor

PROPOSAL: Non Material Amendment to UTT/17/2167/FUL - Change of Porch Design (approved under UTT/16/3394/FUL)

LOCATION: The Delles, Carmen Street, Great Chesterford CB10 1NR

APPLICANT: Mr & Mrs A Redfern

AGENT: 2P Studio

EXPIRY DATE: 13 March 2018

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside; Conservation Area.

2. DESCRIPTION OF SITE

2.1 The site is located at the corner of Carmen Street and Jackson's Lane, Great Chesterford. It comprises a portion of the garden serving The Delles.

3. PROPOSAL

3.1 The application is for a Non-Material Amendment to a planning permission for a new dwelling, which was granted in October 2017 (UTT/17/2167/FUL). The proposed amendment relates to the porch design.

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 No case submitted.

6. RELEVANT SITE HISTORY

6.1 The following historic planning permissions are considered relevant:

- UTT/16/3394/FUL Erection of 2 no. detached dwellings and garages
Approved with Conditions 10/02/2017
- UTT/17/2167/FUL Proposed amendment to Plot 1 of dwelling approved under UTT/16/3394/FUL. Amendments to Garage, removal of 2 no. windows and insertion of sliding doors to Second Floor
Approved with Conditions 26/10/2017

7. POLICIES

- 7.1 S96A(1) of The Town and Country Planning Act 1990 confirms that a local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. S96A(2) requires that, in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.
- 7.2 The original planning permission was granted on the basis of the development plan policies and material considerations listed below.

Uttlesford Local Plan (2005)

- 7.3 S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV1 – Design of Development within Conservation Areas
ENV2 – Development affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Importance
H1 – Housing Development
H9 – Affordable Housing

Supplementary Planning Documents/Guidance

- 7.4 SPD – Accessible Homes and Playspace (2005)
Developer Contributions Guidance Document (Feb 2016)
The Essex Design Guide (2005)
Parking Standards: Design and Good Practice (2009)
Uttlesford Local Residential Parking Standards (2013)
Great Chesterford Conservation Area Appraisal and Management Proposals (2007)

National Policies

- 7.5 National Planning Policy Framework (NPPF) (2012)
- Paragraphs 14, 17, 32-39, 47-49, 55, 58, 100-104, 111, 118 & 128-135
Planning Practice Guidance (PPG)
- Conserving and enhancing the historic environment
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Rural housing
- Planning obligations

Other Material Considerations

- 7.6 Great Chesterford Conservation Area Appraisal and Management Proposals (2007)
Great Chesterford Historic Settlement Character Assessment (2007)
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
Housing Trajectory 1 April 2017 (August 2017)

8. PARISH COUNCIL COMMENTS

8.1 No consultation necessary.

9. CONSULTATIONS

9.1 No consultation necessary.

10. REPRESENTATIONS

10.1 No publicity necessary.

11. APPRAISAL

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

A Character, appearance and heritage (S7, GEN2, ENV1, ENV2, ENV3, 17, 58, 128-134 & PPG)

A **Character, appearance and heritage (S7, GEN2, ENV1, ENV2, ENV3, 17, 58, 128-134 & PPG)**

11.1 The proposed porch would be two-storey in height, although its shallow plan ensures the projection would be more decorative than a meaningful enlargement of the floor area. There would be no change to the approved external finish of buff brickwork. Overall, it is considered that the amended porch would be compatible with the contemporary design of the approved dwelling and non-material in the context of the development as a whole.

11.2 Regard has been had to the potential effect on the setting of listed buildings and on a conservation area, in accordance with the Council's statutory duties under S66(1) and S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

12. CONCLUSION

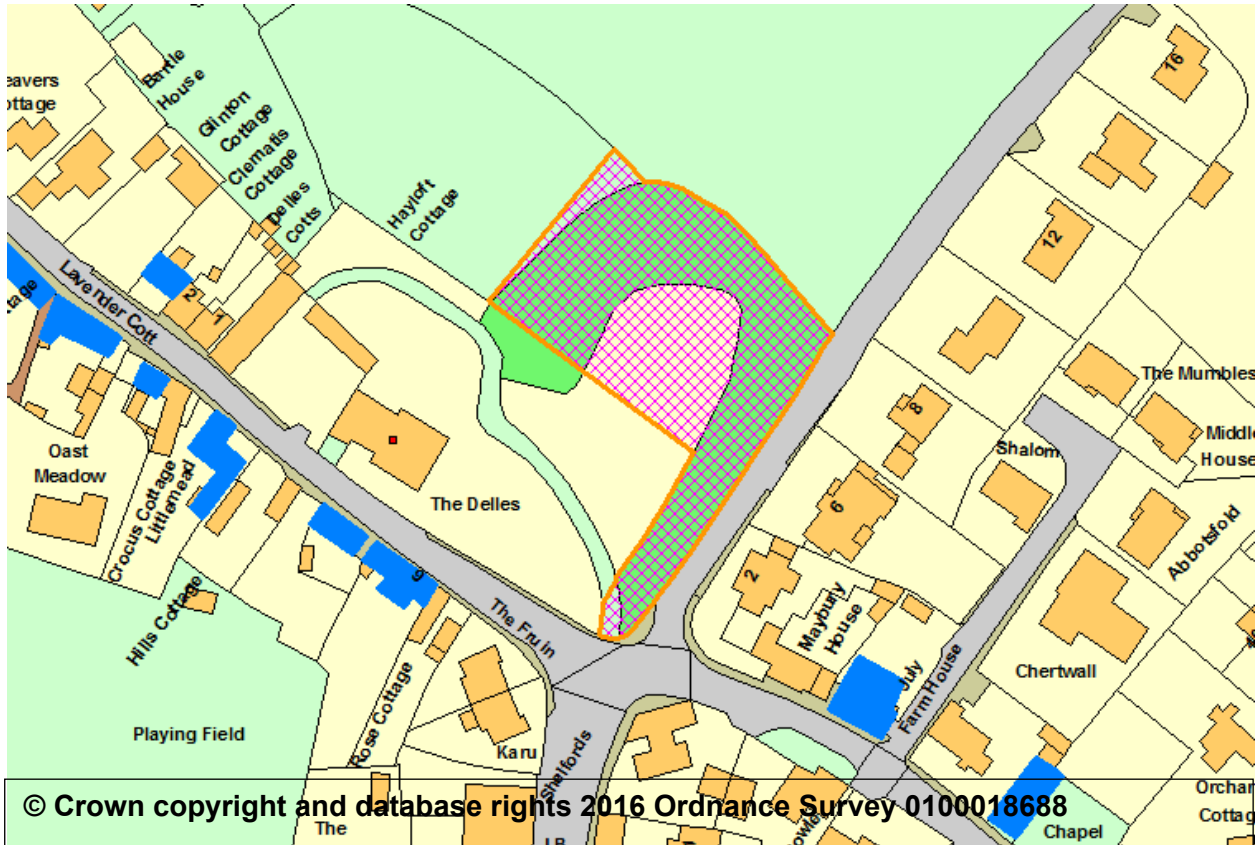
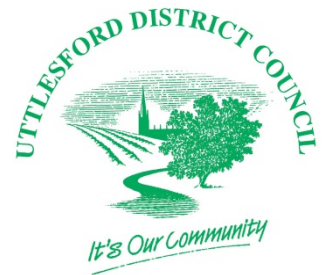
The following is a summary of the main reasons for the recommendation:

A The proposed amendment is considered appropriate for the development, and non-material in the context of the overall scheme.

RECOMMENDATION – APPROVAL

Application: UTT/18/0395/HHF

Address: The Delles, Carmen Street, Great Chesterford



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018

Committee: Planning

Date: 11 April 2018

Title: UTT/17/1896, Demolition of all existing buildings and structures and comprehensive residential redevelopment comprising of the construction of 7 no. dwellings and related development, J.K. Knights Roadworks, Copthall Lane, THAXTED

Author: Nigel Brown
Development Manager

Summary

1. The above planning application was reported to Planning Committee on 14 February 2018.
2. The planning application was recommended for refusal by officers. Members resolved to approve planning permission subject to suitable conditions. The matter was deferred until this Planning Committee for suitable conditions is drafted by officers.

Recommendations

It is recommended that the approval planning application UTT/17/1896/FUL be confirmed by members subject the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: A pre-commencement condition is necessary to ensure that all potential contamination issues that may be deleterious to human health are identified and mitigation measures can be agreed before work commences.

3 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: A pre-commencement condition is necessary to ensure that all potential contamination issues that may be deleterious to human health are identified and mitigation measures can be agreed before work commences.

4 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within two months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within two days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 2, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 3.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 4.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

6 Prior to first occupation of any dwelling, the existing access onto Copthall Lane (to the north of the site), as shown on location plan DWG no. BRD/16/0331002-D, shall be permanently closed to vehicular traffic incorporating the reinstatement to full height of the highway verge I kerbing prior to occupation of any dwelling.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

7 The Cycle/ Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

9 The proposed development shall not be occupied until such time as the vehicle parking area indicated on drawing no. BRD/16/0331002-D has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

Financial Implications

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

Background Papers

Planning Application Reference UTT/17/1896/FUL report to Planning Committee 14 February 2018

Impact

- 1.

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

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Situation

1. The matter was considered at Planning Committee on 14 February 2018. The officer's report to this Committee is appended as Appendix A. At this Committee members resolved to grant planning permission subject to suitable planning conditions. The matter was deferred to allow the matter to be reported for members to agree the appropriate conditions.
2. The purpose of this report is to agree the appropriate conditions to be appended in line with National Guidance over the appropriate use of planning conditions.

Conclusion

3. Officers consider that the suggested conditions appropriate in the grant of planning permission.

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UTT/17/1896/FUL – (THAXTED)

(Referred to Committee by Councillor Freeman. Reason: development's benefit to the area)

PROPOSAL: Demolition of all existing buildings and structures and comprehensive residential redevelopment comprising of the construction of 7 no. new dwellings and related development

LOCATION: JF Knight Roadworks, Copthall Lane, Thaxted

APPLICANT: Mr JF Knight and Mrs JV Knight

AGENT: Mr T Dodkins, Phase 2 Planning

EXPIRY DATE: 14 February 2018

CASE OFFICER: Peter McEvoy

1. NOTATION

- 1.1 The following planning constraints apply to the application site:
- general aerodrome direction
 - contaminated and historic land use area
 - within 2km of an SSSI
 - outside development limits

2. DESCRIPTION OF SITE

- 2.1 Thaxted is an historic small market town that lies approximately 12km (7.5 miles) to the south east of Saffron Walden. The town is characterised by its medieval layout and the large number of listed buildings, especially in the town centre.
- 2.2 Bardfield Road runs from the south east of the town in an easterly direction towards Bardfield End Green. The application site is located to the north of the road, via a narrow access road approximately 450m in length with a distance to the town centre at over 1km. Copthall Lane, a narrow unlit country lane with no pavement, until it meets the town boundary, runs to the north west; access to the town centre is estimated at around 820m. The site is broadly rectangular in shape with an overall plot area of around 0.83ha.
- 2.3 The site was used as a civil engineering/ground works business, but the applicants state that it is currently used by a building company for storage purposes. Although there are residential developments nearby, the site is surrounded by open fields and is physically isolated from these settlements.
- 2.4 The LPA considers that the site may be classed as brownfield as it has been used for an established commercial enterprise.

3. PROPOSAL

- 3.1 The applicants are requesting planning permission for the comprehensive redevelopment of the site with the construction of seven new dwellings, car parking bays, visitor parking provision and associated landscaping.

3.2 Full details can be obtained from the plans, but the proposal may be summarised as follows. When approaching the site from the south, there would be a detached three bedroom dwelling to the left of the access road, followed by a larger four bedroom detached property. The access road would then gently curve to a courtyard where the remaining properties would be arranged, with a six bay cart lodge (or carport) for parking. Each property would be detached and three bedroom, with the exception of plot two which is four bedroomed and plots five and six which would be a pair of three bedroomed semi-detached dwellings. Visitor parking would be at the development's entrance and to the south of the courtyard.

3.3 All measurements may be scaled from the submitted plans.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

5.1 The applicants have submitted the following documents in support of the proposal:

- design and access statement
- highway and drainage review
- preliminary ecological appraisal
- biodiversity checklist
- geo-environmental site investigation report
- noise assessment
- soft landscaping scheme (including specification)
- Tree protection plan
- arboricultural impact assessment

5.2 There is also information relating to a S106 agreement, including details of a footpath link.

6. RELEVANT SITE HISTORY

6.1 The Council's records show that the previous site history centred on various alterations to storage and workshops:

UTT/0747/77 – proposed demolition of two existing buildings and erection of a new building to be used for garaging of vehicles and store

UTT/0790/80 – erection of toilet and staff accommodation

UTT/0633/84 – proposed addition to existing office

UTT/1394/88 – proposed new service road, rearrangement of parking, material storage and vehicle parking and turning areas, extensions to the existing buildings

and change of use of land

UTT/1494/89 – proposed extensions to workshops following outline approval

UTT/1627/00/FUL – erection of replacement storage building and extension to existing workshop

6.2 The applicants sought pre-application advice from the LPA, who formally responded on 9 November 2015 (reference: UTT/15/3126/PA).

7. POLICIES

7.1 National Policies

7.2 Supplementary Planning Documents/Guidance

- SPD Parking Standards Design & Good Practice September 2009.
- SPD Essex Design Guide.

7.3 Uttlesford Local Plan (2005)

- Policy S7 – The Countryside.
- Policy E2 – Safeguarding Employment Land.
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN7 – Nature Conservation.
- Policy GEN8 – Vehicle Parking Standards.
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation.
- Policy H9 – Affordable Housing.
- Policy H10 – Housing Mix.

7.4 Other Material Considerations

- Thaxted Neighbourhood Plan, including the Thaxted Landscape Character Assessment (not yet made).
- Thaxted Design Guide.

8. PARISH COUNCIL COMMENTS

8.1 Thaxted Parish Council objects to the current application, though is generally supportive of the scheme in principle, subject to a s106 agreement.

9. CONSULTATIONS

Ecology (Essex County Council)

9.1 Officers do not raise any objections to the scheme, subject to conditions regarding compliance with the ecological report, and a suitable lighting scheme.

London Stansted Airport

9.2 No objection as the proposal does not conflict with their safeguarding criteria.

Landscape Officer (Uttlesford District Council)

- 9.3 The countryside is a working landscape. The existing use of the site as a yard with its relatively low key industrial buildings is not considered to be out of place in this context. The introduction of a housing development in this setting is considered to be inappropriate and detrimental to the character of the surrounding rural landscape. Policy S7 of the Local Plan 2005 seeks to protect the countryside from inappropriate development and only permits development that is appropriate to the countryside location or needs to take place there. The proposed residential development in this isolated countryside location is considered to be inappropriate and contrary to policy.

Local Highways Authority (Essex County Council)

- 9.4 Officers did have some initial concerns about the proposal, but they revised their opinion after the applicants provided additional information. They take the view that the proposed seven residential dwellings, compared to the existing use of the site as a roadworks contractor, are expected to have an inconsequential net impact on the highway network. Furthermore, it would also remove HGV movements associated with the lawful use of the site. Consequently, the Highway Authority concludes that the proposal will not have a detrimental impact upon safety or efficiency of the road network at this location, subject to conditions regarding the Advance Payments Code, amongst others.

Environmental Health (Uttlesford County Council)

- 9.5 A full response will be available before committee.
- 9.6 The LPA also sought the views of the Environment Agency and Affinity Water but had not received a response at the time this report was prepared.

10. REPRESENTATIONS

- 10.1 The application was publicised by sending twenty one letters to adjoining occupiers and the displaying of site notices. At the time this report was prepared, the LPA had received:
- two letters of support (including one from The Thaxted Society)
 - two neutral letters which expressed concern about access and the other about traffic generation, but were not objecting to the scheme.
 - one letter of objection from the Thaxted Neighbourhood Plan Committee. Whilst they recognise that the site is brownfield, does not believe it would be a sustainable location for housing. The accompanying Landscape Character Assessment identified the site as being unsuitable for housing of the proposed scale due to the damage such a development would cause to views in the vicinity. The access road would be long and narrow and the proposed landscaping would offer little in the way of screening mitigation. The Neighbourhood Plan's housing needs assessment showed that demand was for one to two bedroom units.

11. APPRAISAL

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

Appendix A

- A The principle of development (NPPF, Local Plan Policies S7 and E2).
- B Compliance with the Thaxted Neighbourhood Plan.
- C Visual amenity and design (Local Plan Policies GEN2, ENV3 and ENV8, Essex Design Guide, Thaxted Design Guide).
- D Design and neighbourhood amenity (NPPF, Essex Design Guide, Thaxted Design . Guide, Local Plan Policy GEN2).
- E Residential Amenity (Local Plan Policy GEN2).
- F Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, Uttlesford Parking Standards).
- G Mix of Housing and Affordable Housing (Local Plan Policies H9, H10, and NPPF)
- H Biodiversity and Protection of Natural Environment (Local Plan Policies GEN7, GEN2, and ENV8).

A The principle of development:

- 11.1 The Local Plan, which was adopted on 20 January 2005, identifies the site as being outside any settlement limits, that is, within the open countryside and so Local Plan Policy S7 applies to the proposal. This policy recognises the intrinsic value of the countryside by limiting development that either needs to take place in such locations or else would be appropriate for the area. There are some exceptions relating to limited infilling, but the LPA does not consider that the site constitutes an infill plot.
- 11.2 Policy S7 cannot solely be used in the determination of the application for the following reasons:
 - a) following the adoption of the Local Plan, the Government published its overarching National Planning Policy Framework (NPPF) in March 2012, which obliged planning authorities to take a more flexible approach to sustainable development; and
 - b) there are additional considerations where as is the case for Uttlesford District Council, a LPA cannot demonstrate a five years' supply of deliverable housing sites.
- 11.3 (a) The introduction of NPPF:

The LPA asked an independent consultant in July 2012 to check the compatibility of the Local Plan's policies against the Framework's new requirements. The report concluded that Policy S7 was only partially consistent with the Framework, as it took a too restrictive to sustainable development in the countryside. The LPA does not therefore accept the applicants' assertion that little weight should be given to this policy as it obviously still merits some consideration.
- 11.4 (b) A five year supply of housing:

Paragraphs 47-49 of the NPPF require the Council to identify at least five years' supply of housing land. In particular, paragraph 49 states, 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

- 11.5 The Council's most recent housing projection was in August 2017 and it identified that the housing land supply for Uttlesford was between 3.77 and 4.2 years' worth, which is much less than the five year requirement. In such circumstances, the LPA must apply paragraph 14 of the Framework and grant planning permission if:
- the proposal simultaneously satisfies all three of the NPPF's criteria for sustainability development (that is economic, social and environmental); and
 - any harm arising from the proposal's harm does not significantly and demonstrably outweigh any benefit created by the development. This is based on whether the proposal meets all other relevant planning policies.

- 11.6 NPPF sustainability criteria:

Economic role: a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

The application site is located outside the town's settlement boundary, and a notable distance from the town's services and facilities. Any economic benefit created by the construction of the development would be limited and temporary in nature, but the new occupants would support Thaxted's general amenities. This benefit must be weighed against the loss of employment site and the LPA notes that there are limited existing employment opportunities in Thaxted.

Social role: supply the required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The proposal would create a small residential development, but given the narrow access road, and its length, it is unrealistic to expect that occupiers would access the town's amenities by cycling, walking or other non-car means. Nevertheless there would be opportunities to participate in the town's social activities.

The proposal would provide new dwellings that comply with the accessibility requirements of Part M of the Building Regulations for less able occupiers.

Environmental Role: protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.

The application site would form a discrete development, whilst close to other residential units, would still nevertheless be separate from the main settlement with a corresponding notable residential encroachment into the open countryside that would be outside the settlement limits. The LPA recognises that there is a fall back position of lawful employment use and that the site is brownfield, but nevertheless there would be an increase in built form and a new development away from an established settlement limit. Against this point, the dwelling units themselves would be energy efficient and contain features to ensure low carbon usage, as required by building regulations.

- 11.7 Policy E2 places safeguards against the loss of employment sites over 0.5ha in Thaxted (amongst other areas). The proposal would therefore be contrary to this policy.

- 11.8 In summary, the proposal must be assessed primarily against the NPPF, rather than just Policy S7. The current lack of a five year supply of housing means that a development in principle must be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The LPA considers that the proposal's harm would result in the loss of an employment site, the creation of a new and notable discrete housing development with an increase in built form and loss of general openness on the site, even when compared with the commercial nature of the existing use. It would be outside the settlement limits which would not be close to Thaxted's services and realistically only accessible by car. Balanced against these considerations, however, the site is brownfield, with an existing lawful use and the development (with sensitive landscaping) would possibly make some (but not a significant) contribution to area's general amenity, together with a contribution to the housing shortfall. Overall the LPA considers that on balance the proposal's principle of development on site has not been established for the site's particular circumstances.

B Compliance with the Thaxted Neighbourhood Plan

- 11.9 The Thaxted Neighbourhood Plan has yet to be submitted to an independent examiner for assessment or subject to a referendum within the designated area. The Neighbourhood Plan may therefore be regarded as an emerging plan, but once it is made (ie adopted), it will have the same legal standing as development plan.
- 11.10 Paragraph 216 of the NPPF states that the weight given to policies in an emerging plan depends on a number of factors:
- the stage of preparation of the emerging plan;
 - its consistency to the Framework's policies; and
 - objections to relevant policies.
- 11.11 A planning application cannot be used to establish the compatibility of the neighbourhood plan and associated supporting documents with the NPPF, or whether there are any unresolved issues: these matters will be properly addressed during the consultation and examination stages. As the Plan is still in its early stages, and in accordance with the Framework's paragraph 216, the LPA considers the Neighbourhood Plan cannot yet be used to determine proposals in the Thaxted area. This also applies to the Plan's associated documents, such as the Thaxted Landscape Character Assessment.

C Visual amenity and design

- 11.12 The NPPF stipulates that development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture (NPPF, paragraph 58).
- 11.13 Policy GEN2 seeks to promote good design requiring development to have regard to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.
- 11.14 Reference should also be made to the Thaxted Design Statement with particular reference to boundary treatment, use of materials and colour palette. A re-creation of historic design is not necessary, but new buildings should be constructed to a high design level.

- 11.15 The applicants are proposing a traditional unifying design throughout the development, with the houses bearing common design cues, such as gable wings and the fenestration treatment. They state that the overall height of the houses would broadly match those found nearby. External materials would be brick and painted timber weatherboarding which is a common choice for dwellings throughout the district. Perhaps the overall appearance could be broken up with the use of additional materials, such as render, but the development is considered to follow and sympathetically reinterpret the Essex vernacular. The houses would be spaced out and not crowded with sufficient amenity space to meet the LPA's requirements of one hundred square metres per property.
- 11.16 In accordance with local policy GEN2, the LPA requires developers to provide new homes, which are designed to lifetime homes standards, but the scheme will need to comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 11.17 The LPA prefers a layout which does not result in the street being dominated by parked vehicles to the front of dwellings, but the risk of such a detrimental impact is mitigated by the discrete grouping of the bays, landscaping and the limited size of the overall development. Parking is considered in more detail below.
- 11.18 The LPA notes that the applicants are proposing to introduce soft and hard landscaping within the site, with a landscape buffer to the eastern boundary to mitigate the impact of the development on the wider scheme. Nevertheless there would be properties close to the north eastern site boundary which does dilute this benefit. The Council's landscape officer was invited to consider the proposed hard and soft landscaping treatments of the site. He is of the view that notwithstanding the intended implementation programme, the scheme would not be appropriate for the area as it would represent an incursion into the open countryside.

D Residential amenity

- 11.19 Residential amenity is assessed in terms of a proposal's impact on privacy levels for neighbouring occupiers, whether the development would cause excessive shadowing, create a visually dominant feature or lead to a material loss of privacy to occupiers of neighbouring occupiers. It must be considered in terms of the scheme's impact on future occupiers of the development as well.
- 11.20 Some overlooking is to be expected in a housing development, but the properties' orientation, positioning of windows and the general use of blank side elevations with houses in proximity to each other helps to reduce the impact. The relatively low density of the housing also makes a positive contribution to this as well.
- 11.21 Similarly, the dwellings would cast a shade onto their neighbours' curtilages, but this is considered to be of a similar degree to other housing developments and so not excessive.
- 11.22 Finally, in terms of visual dominance, the proposal is broadly acceptable; however, it appears that the primary ground floor windows of plots would be close to the proposed six bay cart lodge, especially bedroom three of the house in plot five. The LPA considers that visual impact on this occupier in terms of visual appearance and loss of daylight is not acceptable, though a repositioning of one of the structures (either the carports or dwelling) could address this point.
- 11.23 The development is considered to be a sufficient distance away to ensure that the

amenity of existing occupiers would not be adversely affected if the development was to go ahead.

E Access and parking

- 11.24 The submitted plans show that the existing access into the site would be along a private road from the main highway.
- 11.25 Local Plan Policy GEN1 requires a development to not have an adverse effect on the highway network nor compromise the safety of highway users, such as drivers, pedestrians or cyclists. Essex County Council, who act as the local highway authority for the area, considers that the development would not lead to a material increase in traffic generation compared to the existing lawful use and therefore the development would be in general compliance with this policy.
- 11.26 Policy GEN8 calls for a sufficient number of parking spaces that would be appropriate for the development as set out in the parking standards of Essex County Council and Uttlesford District Council. A residential development's parking is determined by the number of bedrooms of each dwelling: a three bedroom house should provide at least two parking spaces, with a four bedroom property required at least three parking spaces.. The proposal is acceptable in this regard. There is sufficient space within each property's curtilage to provide spaces for cycles and the applicant is also proposing to include six visitor spaces, which is sufficient for the size of the development as set out in the parking standards.

F Dwelling mix and the provision of affordable housing

- 11.27 Paragraph 50 of the NPPF states that developments should deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 11.28 Policy H9 provides on a site to site basis an element of affordable housing, but in accordance with the housing minister's planning guidance issued in November 2014, a developer does not have to provide on-site affordable housing or an offsite financial contribution for a housing scheme for ten or fewer dwelling. As a result of the minister's statement (which was been upheld in appeal), the applicant does not have to make a provision for affordable housing for this development.
- 11.29 Policy H10 requires that developments of three or more dwellings should provide a significant proportion of small two and three bedroom properties. Since the adoption of the Local Plan, however, the Strategic Housing Market Assessment (SHMA) has identified that there is a need for dwellings with three or more bedrooms.
- 11.30 The LPA would prefer that the estate included some smaller two bedroom units across the scheme, but as the size of the development is limited to seven dwellings, the development is appropriate in this regard.

G Biodiversity and Protection of Natural Environment

- 11.31 Paragraph 98 of Circular 06/05 (Biodiversity and Geological Conservation) states 'that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat' (p33).
- 11.32 Policy GEN2 applies a general requirement that development safeguards important

environmental features in its setting whilst Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. ENV8 requires development to protect landscape elements (such as hedgerows, woodland, river corridors).

- 11.33 The accompanying biodiversity reports considered that the development, if properly managed through the use of appropriate mitigation measures would not have a material adverse effect on the site biodiversity, a view which the with which the Council's ecology officers concur. The proposal would therefore be acceptable on biodiversity grounds.

12 OTHER ISSUES

- 12.1 Contaminated land and noise mitigation measures – these will be assessed in the forthcoming report from environmental health.
- 12.2 The applicants have also submitted various appeal decisions to back up their arguments for the site. These have been noted, but the LPA has considered the proposal from first principles and based on the site's unique circumstances and without recourse to other decisions.
- 12.3 Representations are considered in the main report.

13 CONCLUSION

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

- A** The development is not acceptable in principle as the applicants have not shown that it meets the NPPF's criteria of sustainable development. The incursion beyond the town's settlement limits, and the lack of overall sustainability does not outweigh the benefit of the development in meeting the Council's five year land supply and the reuse of a brownfield site.
- B** The size, scale and siting of the proposed development is generally satisfactory, but the relationship between the six bay carport and the immediate properties is considered to create a visual dominant feature, especially to the future occupiers of plot five.
- C** The proposed development would not compromise the safety of the highway and its parking arrangements are acceptable
- D** There is no requirement to provide on-site affordable housing and the housing mix is not the LPA's preferred option, but nevertheless is still acceptable under current policies.
- E** Subject to the implementation of the suggested mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- F** There is no current requirement for the applicant to meet the policies of the Neighbourhood Plan's policies and its associated documents as the Plan has not yet been made (formally adopted).
- G** The LPA notes the provisions of the s106 agreement, but this is not been a factor in making its recommendation.

RECOMMENDATION – REFUSE

The development is not acceptable in principle as the applicants have not shown that it meets the NPPF's criteria of sustainable development. The incursion beyond

Appendix A

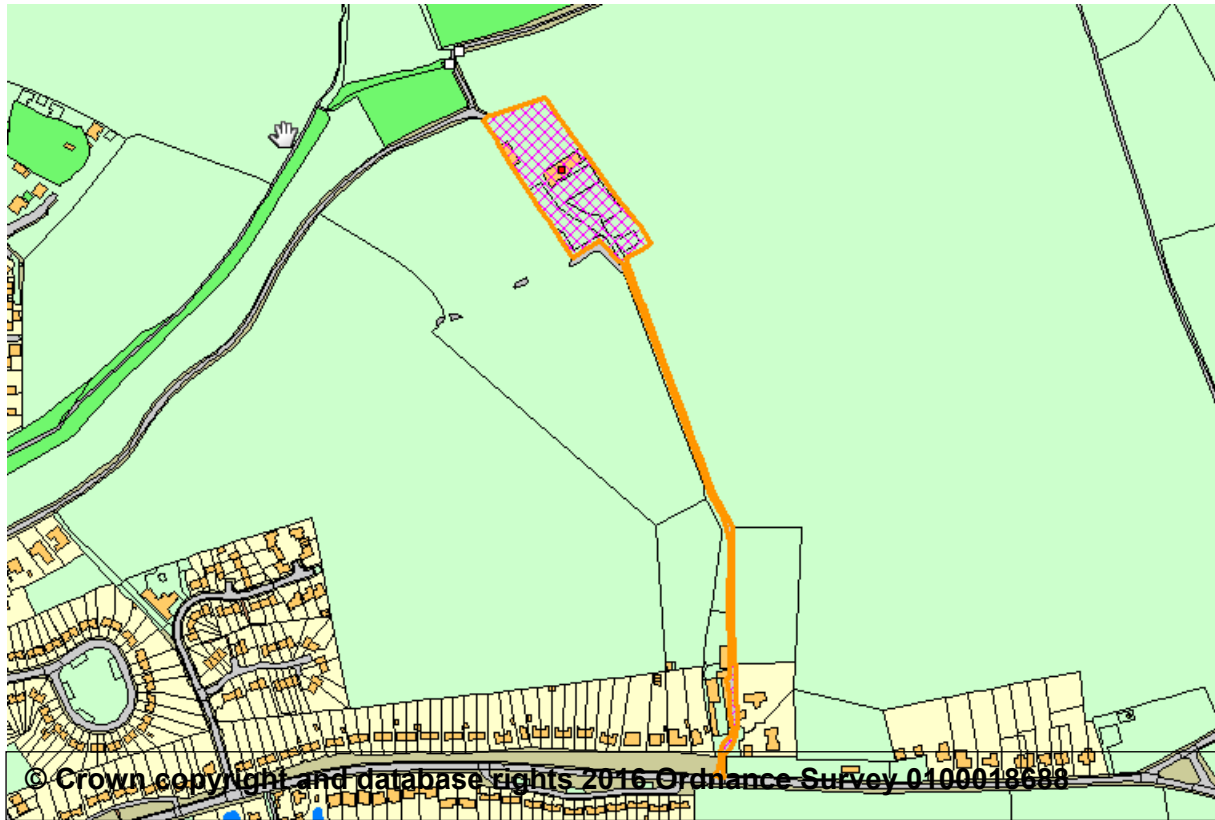
the town's settlement limits, and the lack of overall sustainability does not outweigh the benefit of the development in meeting the Council's five year land supply and the reuse of a brownfield site. The proposal is contrary to the NPPF and Local Plan Policy S7

The relationship between the six bay carport and the immediate properties is considered to create a visual dominant feature, especially to the future occupiers of plot five and so is contrary to Local Plan Policy GEN2

Appendix A

Application: UTT/17/1896/FUL

Address: JF Knight Roadworks, Cophall Lane, Thaxted



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018

Committee: Planning

Date: 11 April 2018

Title: UTT/18/0722/TCA

Notification of intent to re-site 12no. chanticleer pear trees from the paddock at The Delles to plot 1 The Delles, Carmen Street, Great Chesterford, within a conservation area.

Author: Ben Smeeden
Landscape Officer

Summary

This item seeks the Committee's consideration of a notification of intent to uproot 12no. ornamental pear trees from the paddock area at The Delles, Carmen Street, Great Chesterford. The trees are within a conservation area. The notification has been made by the spouse of the District Council ward member for Littlebury, Chesterford and Wenden Lofts.

Recommendations

1. No objection is raised to the proposed uprooting of the 12no. ornamental pear trees.

Financial Implications

None

Background Papers

2. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

UTT/18/0722/TCA

Impact

- 3.

Communication/Consultation	Weekly List.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal	None

Implications	
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

4. A notification of intent to lift a row of 12no. ornamental pear trees from the paddock area at The Delles and transplant them on and adjacent to the site of a new dwelling house presently under construction on plot 1 The Delles, Carmen Street. The subject trees are mature specimens and found to be well-formed and in good general health. The trees are not visible from the public highway and are not considered to be of a public amenity value worthy of being made the subjects of a tree preservation. The removal of these trees would not have a significant impact on the quality of this part of the conservation area.

5. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with the recommendation	1. None	1. No impact	None

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location plan



Appendix 2: Photograph of the row of ornamental pear trees.



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