

## UTT/17/3538/DFO – (STEBBING)

<b>PROPOSAL:</b>	<b>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.</b>
<b>LOCATION:</b>	<b>Land to North of Stebbing Primary School and rear of Garden Fields and Parkside Garden fields Stebbing</b>
<b>APPLICANT:</b>	<b>Mr D Rich-Jones</b>
<b>AGENT:</b>	<b>Mr C Wragg</b>
<b>EXPIRY DATE:</b>	<b>8 March 2018 (extension of time to 17 April 2018)</b>
<b>CASE OFFICER:</b>	<b>Madeleine Jones</b>

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### **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 17<sup>th</sup> 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](mailto: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: 21<sup>st</sup> 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 22<sup>nd</sup> 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 13<sup>TH</sup> 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

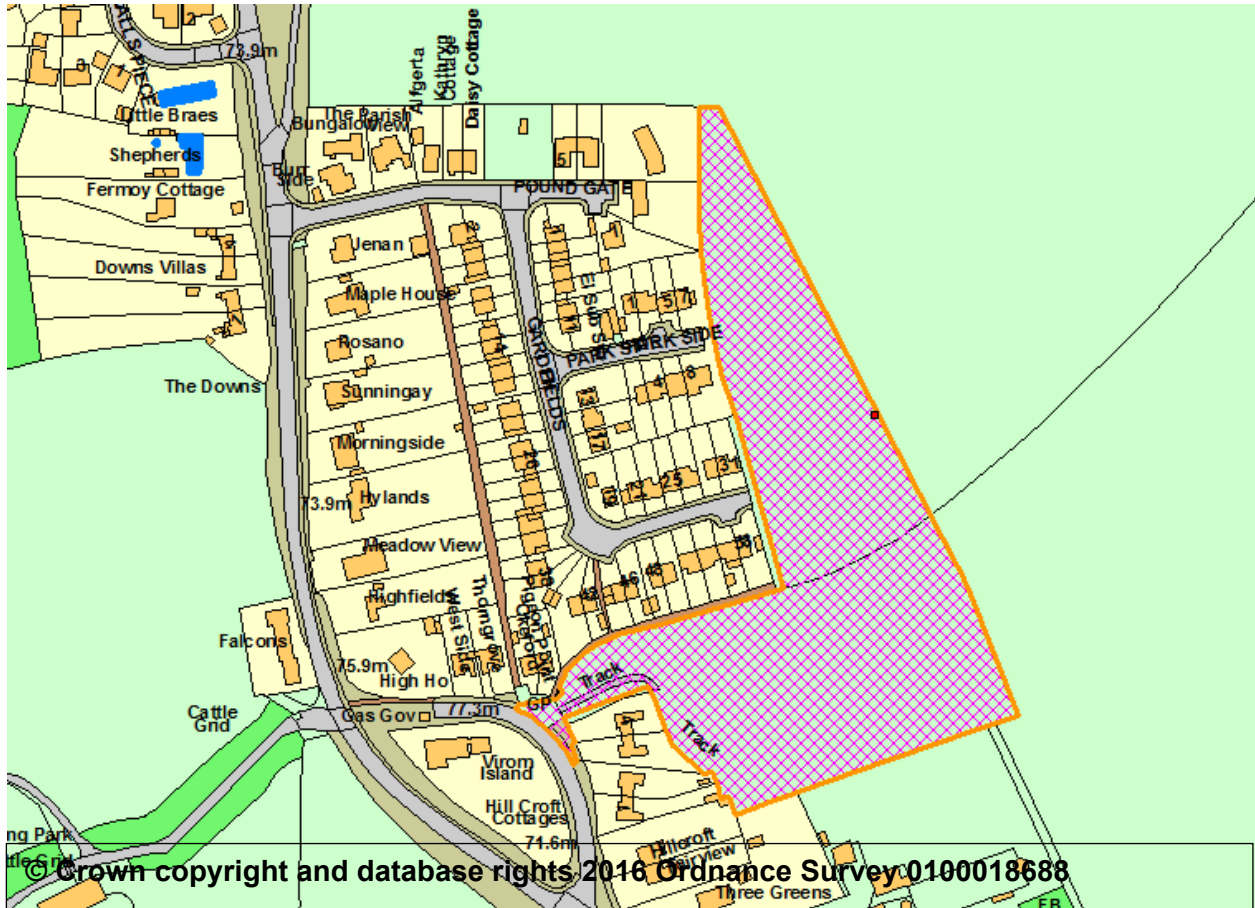
REASON: In the interests of highway safety in accordance with ULP policy GEN1.

- 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