

UTT/1380/08/FUL - LANGLEY

Erection of 6 No. terraced houses and 2 No. semi detached houses with associated parking
Location: Land adj to Grange Cottages Langley Upper Green Langley GR/TL 447-353
Applicant: RHT Developments Ltd
Agent: Vohmann Clark Architects Ltd
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 15/10/2008
Classification: MINOR

NOTATION: Outside development limit.

DESCRIPTION OF SITE: The site is situated about 280 metres to the north of the cricket pitch in Langley Upper Green, along the road to Duddenhoe End. To the north of the site is Grange Farm, its listed farmhouse and former agricultural buildings and to the south is a pair of unlisted semi detached dwellings. The site itself is part of an agricultural field with further farmland to the east and west. To the front of the site is a wide grass verge, backed by a field hedgerow and a line of tall Poplar trees. There is significant screening to the northern boundary and a more open boundary with the pair of dwellings to the south. The field access is near to its north eastern corner. The site appears flat although in common with prevailing local topography it falls away to the north.

DESCRIPTION OF PROPOSAL: The application proposes the erection of eight dwellings (six terraced and a pair of semis). The mix of sizes is 5 two bedroomed dwellings and 3 three bedroomed dwellings. A car parking court would provide sixteen spaces, including six in garages, equating to two per dwelling. The parking court would be tucked to the side of the pair of semi detached dwellings and be reached from the existing point of access which would also allow agricultural access to the field behind. The design of the dwellings is traditional – each are largely one and a half storey properties with low eaves but each building has a true two storey element. To the front of the site would be an area of 1500 square metres of open space. The developed part of the site would measure just over 3000 square metres giving a density of almost 27 dwellings per hectare. The site including the open space at the front covers 5900 square metres giving a density of 13 dwellings per hectare. Foul drainage although originally proposed to be dealt with via an on site plant system discharging to a stream is now proposed to use the public main sewer.

APPLICANT'S CASE: A design and Access statement, foul drainage information, draft S106 agreement and traffic survey data, protected species survey and tree report have been submitted.

RELEVANT HISTORY: None

CONSULTATIONS: ECC Highways: Objected originally but has since withdrawn its objection following discussions with highway consultants. Recommend conditions relating to visibility splays, internal road design, use of bound material for access, gradient of access and internal road, drainage near highway, on site turning and provision of parking spaces meeting standard dimensions (4.8 x 2.4 metres).

Thames Water: No objection with regard to sewerage infrastructure.

UDC Drainage engineer: Requires standard conditions relating to foul drainage (C8.27 & C8.27A).

Natural England: No objections

ECC Archaeology: Requests full archaeological condition.

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UDC Building Control: Will require details of compliance with lifetime homes and Code Level 3 by condition.

UDC Housing Strategy: To be reported

PARISH COUNCIL COMMENTS: Requested that the Parish Council not be named as applicant but that it is replaced by the Rural Housing Trust. The Council approved this development subject to certain conditions:

All the surface water flow and treated effluent should be routed directly into the currently existing ditches next to the road and not across or through neighbouring properties.

The Council has strong reservations about the amount of parking allowed for in the development. The development only provides for two parking spaces per dwelling and there is no additional informal hard standing within the site for visitors and service vehicles.

The Developer should be required to put in place hedges of indigenous local species to minimise the impact of the development as viewed from ALL sides. That is the rear, flanks and to the front of the site should all be enclosed as much as possible by such hedging.

REPRESENTATIONS: Cllr Chambers: If this application is to be approved there should be suitable fencing on the boundary between the development and the neighbouring listed building to screen the development from the listed building.

Essex Wildlife Trust: Retract original holding objection.

Fourteen other letters. One in favour the rest raise objection.

1. I am in favour of affordable housing being built in Langley, for a number of reasons. It would balance the age range of residents in the village. It would enable the longterm viability of the social structure of the village. It would enable younger residents to stay in the village, and not have to move out.
2. Sewage – can the old system cope? Power – frequent power cuts in high winds. BT already struggle with outdated equipment.
3. Believe that the location of this proposal is not suitable.
4. Noise and light pollution in this sensitive area close to a beautiful village green. The number of houses is out of scale to surroundings. Highway is very narrow and there would be danger to children. There is no traffic calming in this village and this straight, narrow road is plagued by speeding motorists. The proposal does not include sufficient off road parking. Effect on adjacent listed Duddenhoe Grange is very undesirable. Lack of sufficient landscaping at rear of proposed development. Proposal as planned would readily allow a 'second phase' and this is surely unacceptable.
5. I am comfortable with the situation in regard to surface and foul water. Seems not to include proper, close boarded, fencing on my boundary. There is no mention of lighting. I hope there is no provision for street lights. I continue in the opinion that this is inappropriate site for such a development. There are no amenity at Langley.
6. I note that the inappropriate manner of sewage disposal has now been amended. I would now seek reassurance that the current infrastructure will be able to support the proposed development.
7. The site under consideration does not 'encourage movement by means other than driving a car' as it has no regular public transport passing. We were led to believe any such

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housing need was solely for those with a connection to Langley, or failing that – Clavering. Now we read that entitlement is being extended to further villages such as Chrishall and Elmdon some of which better meet the criteria, with a village school for example

8. The shelter belt on my land is also attractive particularly in the Spring and Autumn. This will be lost to view. The road between Grange Cottages and the community centre is very narrow, is blind and there is no pavement. The new development will create considerable extra traffic – 16 car parking spaces suggests 32 traffic movements per day without post vans, courier deliveries etc. Eight households will create considerable noise and cause light pollution even if there are no street lights. There is too great a proportion of rented houses – 6 against 2 for shared ownership. There is no provision to fence the boundary of the development where we have a common boundary. It is essential to have a boarded 2 metre fence on the boundary to prevent access by pets and children. The housing trust should provide. Waste water. It should be taken to the roadside ditch or to the main sewer at Upper Green.

9-14. Objection, paragraph 6.33 of the Local Plan addresses Affordable Housing on "Exception Sites" it would seem to me that this proposal fails on all counts. Power cuts are frequent in the village. This scheme shows no respect for the approach to the village of Langley which is entered close to the brow of the hill on the road bend found there. This development moves ribbon development down a narrow lane towards Duddenhoe End and opens the probability of "infill" all round thereafter.

COMMENTS ON REPRESENTATIONS: The issue of whether it is appropriate to develop such a scheme away from a settlement with comprehensive services is addressed later in the report; foul drainage is now proposed to connect to the sewerage system and Thames Water raises no concerns about infrastructure; issues of highway safety have been considered and addressed by the Highways authority;

PLANNING CONSIDERATIONS The main issues are

- 1) **whether the proposal is acceptable in principle (ULP Policies S7 and H11 (Affordable Housing on "Exceptions sites") ;**
- 2) **general layout, design and parking (ULP Policies GEN1, GEN2, GEN8);**
- 3) **accessible homes (ULP Policy GEN2 and adopted Supplementary Planning Document);**
- 4) **energy conservation (ULP Policy GEN2 and adopted Supplementary Planning Document) and**
- 5) **highway safety.**

1) The site lies outside of any development limit (as does the whole of Langley because it does not have a development limit) where policies seek to protect the countryside for its own sake by not normally permitting new development. One of the few exceptions to this general policy of rural restraint is the provision of a scheme of 100% affordable housing subject to Policy H11. Quote Policy H11 (as new paragraph).

The applicant is an RSL to ensure that the benefits of affordability are retained within the scheme for future occupiers. and the scheme is the result of a housing needs survey which identified a requirement in the locality for two and three bedroom family accommodation. There has been the normal difficulty of finding a site that is available for development, suitable and could be acquired sufficiently cheaply to be viable for affordable housing. Several sites around the village were identified; some are inappropriately located and others not available. The applicant has been able to secure this site where a scheme could be developed.

In common with many other small settlements in the District, Langley Upper Green has no services available locally. The explanatory text to Policy H11 (paragraph 6.33) indicates that schemes *are likely to be more appropriate in larger communities providing a basic range of services*. However it does not rule them out elsewhere and affordable housing schemes have been developed at similar settlements – for example at Tye Green Wimbish, Widdington and a recently permitted scheme in Rickling Green. Indeed in other settlements where affordable housing has been permitted their services are still limited. One of the Council's longstanding priorities is to enable the provision of affordable housing. To rigidly require a range of services to be available would limit such schemes to small pockets of the District and therefore frustrate the provision of affordable housing on all but a minimal level and deprive potential occupiers of the chance to live locally. It is the judgement of officers that such an approach would be unreasonable and inconsistent with previous decisions. The other requirements of an acceptable affordable housing scheme – need etc - have been met, subject to other planning requirements. A S106 Agreement will be required to secure the future retention of the dwellings as affordable dwellings where the benefits are passed on past the initial occupants.

2) The design of the properties is an attractive mix of one-and-a-half and two storey buildings. The architect's design statement indicates that the dwellings will be built using stock brick, render and plain tiles. It also indicates that the layout and design meets 'Secured by Design' requirements. The proposal meets the Council's parking and garden area standards. The comments in some of the representations about the need to provide greater parking are noted but the committee will be well aware that Government policy discourages higher provision. The rear of plots 7 and 8 would be almost fifteen metres from the edge of the site where there would appear to be a buffer strip before the common boundary with the nearest of the adjacent pair of semi detached dwellings. Furthermore out of six windows on the rear elevation of plots 6-8, three would be to bathrooms, two to landings and only one to a secondary bedroom. Given these factors and that only oblique overlooking could occur except for the extremity of the existing gardens, material overlooking would not occur. The proposal plan shows little boundary planting, relying instead on low chain link fencing. Planting of a native species hedge along the southern and western boundaries should be required by condition and may require the realignment of a few parking spaces. There has been a request for fencing along the northern boundary but this would it is not clear what the planning justification is for as it is already well screened and this request appears to aim to protect private interests not matters of public interest. The committee is aware that the planning system operates in the public interest. While officers are not suggesting such a condition, the committee will be able to assess whether it believes there is a need for such fencing during its site visit.

3) Further information is required to show compliance with the Council's adopted requirements on Lifetime Homes. This can be covered by planning condition.

4) The applicant has stated that the energy assessment of the scheme would achieve Level 3 on the Building Research Establishment's six level ranking of energy efficiency. It will therefore meet the Authority's adopted Supplementary Planning Document (SPD) on energy efficiency. Details of such measures to be incorporated into the design will be required by condition.

5) The Highways Authority has removed its original objections subject to conditions relating to matters of detail.

CONCLUSIONS: The proposal complies with the Development Plan policies concerning the provision of affordable housing on exceptions sites outside development limits.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO A S106 AGREEMENT TO SECURE THE OCCUPATION OF THE DWELLINGS AS AFFORDABLE DWELLINGS

1. C.2.1. Time limit for commencement of development.
2. Submission of landscaping scheme: No development shall take place until full details of both hard and soft landscape works have been 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) means of enclosure (including a 2.0 metre wide planting strip along the south and west boundaries of the site - as marked A-B-C-D on the 1:200 Proposed site plan - protected by a post and rail fence on the 'inside' of the adjacent gardens) b) revised car parking layout to take into account the planting strip c) existing trees, hedges or other soft features to be retained d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
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.
3. Implementation of landscaping scheme: 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, 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.
4. Retention of trees: (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work). (b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. (c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 1772 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs. In this condition "retained tree or shrub" means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.
REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity.

5. Details of bin storage and collection points: Prior to the commencement of the development hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.
REASON: To meet the district council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.
6. C.8.28. Energy Efficiency measures for dwelling house.
7. C.28.2. Accessibility – further submission.
8. C.16.2. Archaeological investigation.
9. C.8.27. Foul drainage condition.
10. C.8.27A Surface water drainage condition.
- 11-17. Highway conditions relating to visibility splays, internal road design, use of bound material for access, gradient of access and internal road, drainage near highway, on site turning and provision of parking spaces meeting standard dimensions (4.8 x 2.4 metres).
REASON: In the interests of highway safety

Background papers: see application file.

The minutes of the meeting recorded the committee's decision:

(c) Planning Agreement

1380/08/FUL Langley – 6 terraced houses and 2 semi detached houses and associated parking – land adj to Grange Cottages, Langley Upper Green, Langley for RHT Developments Limited.

RESOLVED that the Interim Director of Development, in consultation with the Chairman of the Committee, be authorised to approve the above application, subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the occupation of the dwellings as affordable dwellings.

Mr Reardon spoke against the application, Clare Denyer (parish Council) made comments in relation to the application and Ann Bishop spoke in support of the application.