

UTT/2427/11/FUL (ARKESDEN)

(Referred to Committee by Cllr Menell Reason: Controversial Application)

PROPOSAL: **Erection of 4 no. affordable dwellings. Creation of new vehicular and pedestrian access.**

LOCATION: **Site adjacent to Crathie, Hampit Road, Arkesden**

APPLICANT: **Hastoe Housing Association**

AGENT: **Parsons & Whittleby Ltd**

GRID REFERENCE: **TL 480-345**

EXPIRY DATE: **8 February 2012**

CASE OFFICER: **Miss K Benjafield**

APPLICATION TYPE: **Minor**

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located on the western edge of Arkesden on the southwestern side of Hampit Road. The site currently comprises an area of agricultural land to the north of an existing row of two-storey, semi-detached dwellings. There is an existing field access to the site from Hampit Road and a row of trees along the front site boundary with the road. The land slopes up from the road into the field and the application site.

3. PROPOSAL

3.1 This application relates to the erection of two pairs of semi-detached affordable dwellings. The four dwellings would comprise two x 4 person, 2 bedroom properties, one x 3 person, 2 bedroom property and one x 2 person, one bedroom property.

3.2 The properties would range in height with ridge heights of between 8.6m to 7.6m. The submitted topographical details indicate that although the land slopes up from the road, the ridge heights of the proposed dwellings would be broadly commensurate with those of the adjacent properties.

3.3 The dwellings would have two parking spaces per dwelling located to the front and rear of the properties. The rear gardens would range in area from 180m² to 120m² for the three and four person dwellings and 65m² for the two person dwelling.

4. APPLICANT'S CASE

4.1 A design and access statement has been submitted with the application. This provides details of the proposal, the consultation process prior to the application being submitted, an assessment of the site and relevant policies.

5. RELEVANT SITE HISTORY

5.1 There is no planning history for this site.

6. POLICIES

6.1 National Policies

PPS7 - Sustainable Development in Rural Areas
PPS9 - Biodiversity and Geological Conservation

6.2 East of England Plan 2006

Policy H2 - Affordable Housing

6.3 Essex Replacement Structure Plan 2001

N/A

6.4 Uttlesford District Local Plan 2005

Policy S7 - The Countryside
Policy H11 - Affordable Housing on "Exception Sites"
Policy GEN1 - Access
Policy GEN2 - Design
Policy GEN7 - Nature Conservation
Policy GEN8 - Vehicle Parking Standards

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Over 3 years ago Arkesden Parish Council (PC) decided to investigate the possibility of providing a small development of affordable housing for the village. This was prompted by enquiries from residents to Parish Councillors and by interest shown for affordable housing in the process of producing the Parish Plan. A housing survey was carried out by RCCE in February 2009 and this identified a need for 7 properties in the village for people in housing need with strong local connections.
- 7.2 A housing association (Hastoe) was appointed to look into the viability of a development of 4 houses and the PC identified 7 possible sites. An independent assessment of these sites was carried out together with informal discussions with Hastoe and the planning department to determine the most suitable site for development. Hastoe determined the availability of the preferred site and produced an initial sketch to show a possible site layout for comment. The PC then consulted with affected neighbours and made recommendations to Hastoe about the site layout and changes that could reduce the impact on the affected properties.
- 7.3 Further detailed plans followed, whilst the negotiations on the purchase continued. When the terms of the site purchase had been agreed by Hastoe and the land owner, a detailed layout and house design was presented to the PC for comment. The neighbours were involved with further suggestions and amendments being put to Hastoe and the architect.
- 7.4 The scheme for 4 houses, which incorporated some of the PC's suggestions was presented to the village in an Open Day in July 2011. There was both positive and negative feedback from this meeting. Following on from the Open Day, the PC received a petition asking for the site to be withdrawn.
- 7.5 The PC came to the conclusion that there were many misunderstandings as to the need of affordable housing, the selection of this site, the design of the site, the tenancy agreements plus the consultation process. With this in mind the PC produced a leaflet to answer the concerns of the village and this was sent to every household. The PC also explained that this was the only site that was available. Also following on from

these comments, a new site plan was being prepared which would involve moving the houses forward to be more in line with existing properties.

7.6 This plan was presented to the village on 21st November 2011 in an Open Afternoon. There followed the November PC meeting at which several villagers attended and the general feedback was positive.

7.7 Finally the PC believes it has followed the correct process to reach this point and is now in a position to support this planning application with some local neighbours concerns listed below:

1) The planting of the ecological area should be agreed with the PC and the residents of Reeds Cottage.

2) The proposed tree surgery submitted by Haydens for the area next to the adjoining property should be done by agreement with the residents of the adjoining property, Reeds Cottage, as this will have a considerable affect on their privacy and garden.

3) The downstairs kitchen window on Plot 4 will overlook the adjoining property. The residents of Reeds Cottage would welcome frosted glass on this windows or a boarded fence between the property and the windows to retain their privacy.

4) Security lighting only, ie no permanent external lighting.

8. CONSULTATIONS

Landscape Officer

8.1 The proposed development would require the felling of 3 Cherry trees of the frontage of the site. These subjects are of moderate-low quality. In addition, there is a dead elm on the site frontage which would need to be felled. The proposals also include the coppicing of existing group of Field Maple, Hawthorn, Elm [G1]. There would be no objection to this coppicing.

A detailed scheme of soft landscaping should be sought which should including the provision of native hedging and tree planting in order to help assimilate the development in to the surrounding rural landscape.

Building Control

8.2 Access satisfactory.

Access and Enabling Officer

8.3 No objection. The design will comply with SPG on Lifetime Homes.

ECC Highways

8.4 No objection subject to conditions.

Housing Enabling and Development Officer

8.5 The need for a small development of affordable housing for those with a local connection has been demonstrated through the Housing Needs Survey and the housing mix proposed meets this need. The Council's Strategic Housing section have been involved in discussions with the Registered Provider and are satisfied that sufficient consultation with the Parish has taken place, so are therefore in support of this application.

Drainage Officer

8.6 Contrary to the statement in the Design and Access Statement this proposal is located in FRZ1, i.e. at low risk of flooding. Page 3

The application states that surface water drainage will be to a sustainable system. The landscaping plan indicates permeable surfacing for vehicle access/hardstandings and footpaths. Some further information is required to support this. Requests that conditions are imposed.

ECC Ecology

- 8.7 No objection subject to a condition that the development is carried out strictly in accordance with the details provided in the application; specifically the 'key recommendations' (page 11) and para 5.2 (page 16) of the Ecology Assessment dated November 2011.

Veolia Water

- 8.8 You should be aware that the proposed development site is located within an Environment Agency defined Groundwater Protection Zone (GPZ) corresponding to Wenden pumping station. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater protection risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

9. REPRESENTATIONS

- 9.1 Nine representations have been received, four of which are in support of the scheme and five of which raise objections or concerns. Period expired 31 January.

- 9.2 Comments submitted in support of the proposal:

- There is a definite need for these houses to give local families a chance to remain and hopefully bring back some of the facilities we have lost.
- The general level of property prices in the village has become prohibitive to the great majority of people, especially youngsters.
- The Parish Council and Hastoe have striven hard to meet local concerns in relation to the precise siting of the houses as originally proposed.
- Good house design on the proposed plan.

- 9.3 Concerns/objections submitted in relation to the proposal:

- This development would be better places elsewhere in the village.
- The proposal would overshadow the existing ancient cottages on Hampit Lane.
- I have concerns about traffic safety at this location and I would question whether the road can safely support the extra traffic.
- The development would fundamentally alter the 'separate' nature of Hampit Lane from the rest of the village.
- Affordable housing should be secured from existing housing stock.
- This site is unsustainable, with no regular public transport, occupants will almost certainly have to drive to access employment, schooling, health-care and most entertainment.
- Plot 4 has a raised elevation of 1.5m over Reeds Cottage and the windows on the west aspect of this property would overlook the garden of Reeds Cottage.
- The kitchen of Plot 4 will be in full view of our back garden and kitchen.
- The dwellings would not be conducive to the piece of history which exists in the form of listed buildings along Hampit Lane.
- There are plans for external lights, could these be security lights to prevent light pollution?
- Suggestions have been made regarding the extent of the tree works to retain the elms at a higher height. Page 4

- Suggestions have been made regarding the ecological area and the length of time that it would take to provide adequate screening.
- Request that close boarded fencing is utilised between plot 4 and the ecological area.
- Concerns raised regarding headlights shining into neighbouring property when cars enter the site.
- Question whether there is a need for affordable housing in Arkesden; since the initial survey carried out over two years ago, circumstances have changed.
- Arkesden is unable to offer the amenities and services that neighbouring villages can and this necessitates car travel out of the village to find them.
- The development does not fit in with the style of housing in the village and there is a lot of parking set aside to each property.
- Serious consideration should be given to neighbouring residents being given a strip of land to screen and protect their privacy and tranquillity.

9.4 In relation to the majority of the concerns raised, these are address in the appraisal of the proposal in section 10. This application must be determined as it has been submitted unless there are conflicts with the Development Plan policies and revisions are made to address these.

9.5 If the application is approved, it would be subject to conditions regarding various matters. One of these would relate to landscaping of the site. It is not possible to involve local residents in the process of discharging conditions however the applicant may wish to consult with residents when formulating the details required for the conditions. The forms of boundary treatment that would be acceptable would be those appropriate to a rural area, this may not include closeboarded fencing.

9.6 It is not possible to allocate land to adjacent residents as part of the consideration of planning applications as buffers or areas of screening.

10. APPRAISAL

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

- A Principle of affordable housing on this site
- B Design and Amenity
- C Access
- D Vehicle Parking Standards
- E Nature Conservation

A Principle of affordable housing on this site

10.1 The site is located outside the Development Limits for Arkesden where ULP Policy S7 applies. This specifies that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. In addition, development will only be permitted if its appearance protects or enhances the particular character of the part 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 order to comply with this policy, the proposal would need to protect or enhance the character of the surrounding countryside or need to take place in this location.

10.2 Notwithstanding the requirements of the above policy which aims to prevent new building in the countryside, ULP Policy H11 allows for the construction of affordable housing on sites outside the defined Development Limits, subject to proposals complying with specified criteria contained in the policy. These criteria are that:

- a) 100% of the dwellings are affordable and provided through a Registered Social Landlord (RSL)
- b) the development will meet a particular local need that cannot be met in any other way
- c) the development is of a scale appropriate to the size, facilities and character of the settlement; and
- d) the site adjoins the settlement.

10.3 This application has been submitted by a registered social landlord and all 4 units would be affordable. The design and access statement, in addition to the comments from the Council's Housing Enabling and Strategy Officer and the Parish Council, indicate that a housing needs survey for Arkesden has been undertaken and that there is a need for affordable housing within the village for those with close connections to the village.

10.4 Arkesden is not a large village and its facilities are now limited to just one Public House. It has a large proportion of listed and historical properties with traditional characteristics. The proposed development of 4 units is considered to be appropriate compared to the size of the settlement and the proposed dwellings would be well related to the existing linear development along Hampit Road adjacent to the site. The location of the proposal is therefore considered to be acceptable.

10.5 The Council's Landscape Officer has been consulted with regard to the submitted tree survey and arboricultural impact assessment. There are no objections to the proposed however it is recommended that an appropriate soft landscape scheme should be provided if the application is approved.

10.5 Hastoe Housing Association has provided information in the design and access statement regarding the site selection process for the proposal. This information indicates that Hastoe have been working with the Parish Council since October 2009 to identify and bring forward a suitable site.

10.6 As this site is located outside the Development Limits for Thaxted and is only acceptable for affordable housing in association with a Registered Social Landlord, it will be necessary for the applicants to enter into a S106 legal agreement to ensure the housing remains as 'affordable' housing and is not offered for sale on the open market.

B Design and Amenity

10.7 The site is located adjacent to a line of two-storey semi-detached dwellings and a grade II listed, detached cottage. Opposite the site are a number of modern agricultural buildings. As a result of this mix of buildings, there is not a distinctive traditional character with regard to the design and appearance of buildings close to the site. In light of this, the proposed materials, design and appearance of the dwellings would be appropriate.

10.8 The proposed dwellings would be located sufficiently far enough away from the existing properties to the northwest and southeast of the site (approximately 33m and 26m respectively) to ensure that there would be no materially detrimental impacts to the occupiers of those properties as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. In addition there would also not be any materially detrimental impacts occurring between the proposed dwellings.

10.9 The compatibility of the proposal with regard to Lifetime Homes Standards contained within the adopted SPD - "Accessible Homes and Playspace" has been assessed and the scheme meets the required standards.

10.10 With regard to energy efficiency and renewable energy, the plans indicate that photovoltaic cells would be installed on the southern facing roof slopes. If the

application were to be approved, it would also be conditional on the dwellings being constructed to meet the equivalent of Level 3 of the Code for Sustainable Homes.

C Access

10.11 The existing field access to the site would be retained and two additional accesses would be created to serve the proposed dwellings. The local highways authority has been consulted and has no objection to the development and new accesses subject to the imposition of conditions. The proposal would therefore comply with the requirements of ULP Policy GEN1.

D Vehicle Parking Standards

10.12 The dwellings would have two parking spaces per property with sufficient turning area adjacent to the parking spaces. This amount of parking provision would comply with the requirements of the current parking standards. In addition, the sizes of the spaces would also meet dimensions identified in the current parking standards.

E Nature Conservation

10.13 An ecology area is adjacent to the dwelling on Plot 4. The ecology assessment has been considered by ECC Ecology Officers and they have recommended that if the application is approved, a condition be imposed requiring the recommendations in the report to be implemented. The proposal would therefore result in a benefit to the ecology of the area.

11. CONCLUSION

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

- A There is a demonstrated need for affordable housing within Arkesden and the proposal complies with the relevant policy requirements.
- B The proposal would have a satisfactory design, would meet the lifetime homes standards and would not result in any detrimental impact on the amenity of neighbouring residential properties.
- C The proposed access to the site would be satisfactory.
- D The proposal would provide sufficient parking spaces for the property and these would meet the required dimensions of the parking standards.
- E The proposal would provide enhancements for biodiversity in the area.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 8 August 2012 the freehold owner enters into a binding obligation 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 Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
 - (i) provision of affordable housing
 - (ii) pay the Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning 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 and Building Control shall be authorised to refuse permission for the following reasons:
- 1) No provision of affordable housing

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

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. The development hereby permitted shall be implemented in accordance with the scheme of enhancement submitted with the application, specifically the 'key recommendations (page 11) and para 5.2 (Page 16) of the 'Ecology Assessment' dated November 2011 and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the enhancement of the wildlife value of the site in accordance with Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).

4. Notwithstanding the submitted details, before the commencement of development details of surface water drainage works, including full construction details of paved areas, shall be submitted to and approved in writing by the local planning authority. Subsequently the drainage shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

5. Before the commencement of the development of the dwellings hereby permitted, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at their junction with the highway shall not be less than 5.5m, shall be retained at that width for 6m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. Before the commencement of development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. Before the commencement of development, the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel cleaning facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in development the site shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be implemented in accordance with the approved details.

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

9. Notwithstanding the landscape details submitted with the application, prior to the erection of the development hereby approved (not including footings and foundations) full details of both 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 finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
 - vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.);
 - ix. retained historic landscape features and proposals for restoration, where relevant.
- Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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).

Note: The submitted landscape details are not acceptable for this rural location. The applicant is advised to contact the Council's Landscape Officer to discuss an acceptable scheme of landscaping that would be appropriate for this development and location.

10. LA4 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

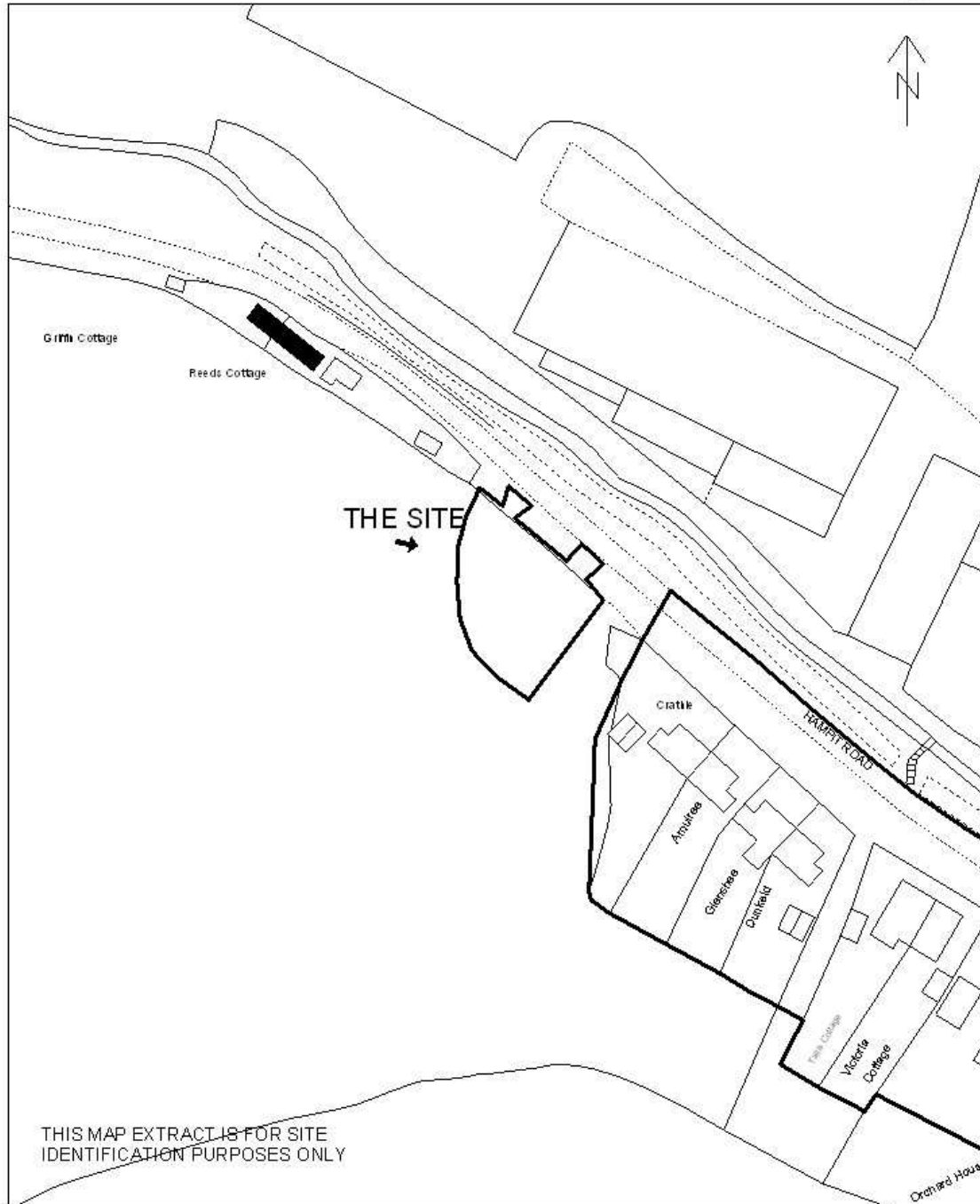
11. SUS6 The development as designed, specified and built shall achieve the equivalent of a 'Code for Sustainable Homes' rating of 'Level 3', namely the dwelling emissions rate (DER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L1A SAP methodology, and will incorporate other water saving and environmental features agreed with the local planning authority.

The applicant will provide the planning authority with a design SAP rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. The applicant will provide a SAP rating of the as-built development and details of water saving and other environmental features incorporated once the development within four weeks following its completion.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

12. Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces 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 Uttlesford Local Plan (adopted 2005)



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