

UTT/2420/11/FUL (TAKELEY)

(Call-in request by Cllr Mrs J Cheetham if recommended for approval in view of concerns regarding access arrangements, flooding and amenity)

PROPOSAL: Within Development Limits / Local Policy 3 (Priors Green).

LOCATION: Land rear of Nos.1-4 Nursery Cottages, Dunmow Road, Takeley

APPLICANT: Mr K Leung

AGENT: Mr K Leung

GRID REFERENCE: TL 571-212

EXPIRY DATE: 2011

CASE OFFICER: Mr C Theobald

1.0 NOTATION

1.1 Within Development Limits / Local Policy 3 (Priors Green).

2.0 DESCRIPTION OF SITE

2.1 The application site is situated adjacent to No.37 Bennet Canfield within the Priors Green development and comprises a rectangular plot of rough ground formerly comprising part of Takeley Nurseries situated at lower level from the road frontage containing two breeze block and corrugated sheds joined together and having a site area of 403 sqm (0.04 ha). The site is bounded on its western side by a public footpath running due north-south and wooded area to Broadfield Road, on its eastern side by a row of residential properties within Cawbeck Road and to the south by long rear gardens forming Nos.1-4 Nursery Cottages fronting onto the B1256 Dunmow Road. The new Takeley Primary School is nearer completion opposite the site on its northern side across Bennet Canfield. Steps and a rail currently go down onto the footpath adjacent to the site from Bennet Canfield. A detached garage belonging to No.37 Bennet Canfield stands immediately adjacent to the site entrance at higher frontage level at the start of a gradual bend.

3.0 PROPOSAL

3.1 This full application seeks planning permission for the erection of a new two storey 4 bedroomed dwelling and single garage with new vehicle and pedestrian access and would involve the demolition of the existing sheds. The dwelling would measure 9.2 metres deep by 10.3 metres wide and would have a height to the ridge of 8.5 metres. The dwelling would be externally clad with facing brickwork and concrete roof tiles with white uPVC windows. The site would be enclosed with closeboarded fencing.

3.2 Amended drawings have been received since receipt of the application which have reduced the gradient at crossover point from Bennet Canfield, revised the accessible ramp to include both pedestrians and public footpath users and omitted the single garage originally proposed for the scheme in favour of open parking.

4.0 APPLICANT'S CASE

4.1 A detailed Design and Access Statement has been submitted with the application. A summary of the statement is as follows

- The site falls within the Priors Green Masterplan area and is therefore considered appropriate for residential use. Local Policy 3 suggests small pieces of infill land within the masterplan area acceptable for development potential,
- The proposal would maximise the re-use of this underused brownfield site,
- The design of the new house would be complimentary to the surrounding house pattern;
- The layout and parking arrangements would be satisfactory and meet policy standards, whilst the proposal would be acceptable in all other respects.

4.2 A Phase 1 Habitat and Protected Species scoping report has been submitted with the application.

5.0 RELEVANT SITE HISTORY

5.1 No relevant history pertains to the application site.

6.0 POLICIES

6.1 National Policies

- Planning Policy Statement 1- Delivering Sustainable Development
- Planning Policy Statement 3- Housing
- Planning Policy Guidance Note 13 - Transport
- Planning Policy Statement 25 - Development and Flood Risk

6.2 East of England Plan 2006

- Policy SS1 - Achieving Sustainable Development
- Policy H1 - Regional Housing Provision 2001-2021
- Policy ENV7 - Quality in the Built Environment

6.3 Essex Replacement Structure Plan 2001

- None

6.4 Uttlesford District Local Plan 2005

- ULP Policy H4 - Backland development
- ULP Policy Takeley/Little Canfield Policy 3 - Priors Green
- ULP Policy GEN1 - Access
- ULP Policy GEN2 - Design
- ULP Policy GEN3 - Flood Protection
- ULP Policy GEN7 - Nature Conservation
- ULP Policy GEN8 - Access

Supplementary Planning Guidance

6.5 - SPG: Priors Green (The "Island Sites")

7.0 PARISH COUNCIL COMMENTS

7.1 Object:

- This proposal represents over-intensification of the site;
- The access point indicated on the layout plan belongs to Countryside Properties (confirmed 13/01/12);
- The site area indicated on the plan includes encroachment onto public footpath 43 that has already been reported to Essex County Council PROW and UDC Planning

Enforcement. Essex County Council should assess access and footpath alignment as a priority in their consultation response;

- There is a ditch running along the western boundary with a spinney adjacent to the site and the area is prone to flooding;
- The plan does not accurately represent the line of public footpath 43, the access staircase or the culvert, nor the ditch on the western boundary;
- The proposed access point will create a serious safety hazard with the footpath, staircase and culvert being immediately to the west of the access area, which will be restricted in width;
- The Parish Council requests that this application is determined by the Planning Committee and recommends a Members site visit.

8.0 CONSULTATIONS

Name of Consultee

8.1 Thames Water:

No objections with regard to sewerage infrastructure and surface water drainage.

Name of Consultee

8.2 ECC Countryside and Ecology Officer:

This recommendation supersedes the previous advice dated 23 January 2012. Having reviewed the Phase 1 Habitat and Protected Species Scoping Report, I can confirm that I have no further objection to the proposal subject to the development being carried out in strict accordance with the recommendations contained within the report, specifically those set out on pages 9-10 of the report.

8.3 Name of Consultee

ECC Highways:

This recommendation supersedes the previous advice dated 9 January 2012. The Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No.TK01/P04 Rev B dated November 2011 subject to highway conditions.

Name of Consultee

8.4 UDC Engineer:

The application states that surface water drainage will be to soakaway subject to a satisfactory percolation test. This test should be carried out before development commences to determine whether this is a feasible drainage system. It is important in this location that surface water is retained and disposed of within the site. Vehicular access and hardstandings are stated to be of tarmac/concrete/block paved. These should be of a designed permeable construction to allow the storage and dispersal of rainwater into the ground or by means of a separate soakaway. Apply sustainable drainage conditions.

Name of Consultee

8.5 Building Control:

No adverse comments.

8.6 Name of Consultee

Climate Change Manager:

Apply conditions SUS6 (Energy efficiency) and SUS7 (Water efficiency).

9.0 REPRESENTATIONS

9.1 Notification period expired 18 January 2012. Site notice expired 26 January 2012.

Countryside Properties: Object: The vehicular access shown for the application is to be taken over our land without our approval. Countryside Properties have no interest in selling the land and it would have expected the planning agent to have formally contacted its offices as part of the application process.

9.2 Representations have also been received from local residents. A summary of these representations is as follows:

- Loss of privacy, loss of sunlight, overlooking
- Development would disturb local deer, including a rare albino deer
- The loss of this open land to further development at Priors Green is unnecessary
- Large colony of Great Crested Newts living amongst the rubble on site, whilst Pipistrelle bats roost behind the tin sheets on the old sheds
- The land is classed as amenity land when we moved to our property
- Construction works on the new dwelling if approved will lead to excessive noise and disturbance and disruption at point of access onto Bennet Canfield
- Will reduce value of our property
- Potential for parking along Bennet Canfield in view of the proposed access arrangements
- More congestion along Bennet Canfield Road later this year when the school opens
- Have rights of way onto the public footpath and question the plan to build the access is questioned.

10.0 APPRAISAL

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

- A Principle of residential development / Design and amenity
- B Whether the proposal would harm any protected species
- C Whether access and parking arrangements would be satisfactory
- D Drainage

A) Principle of residential development / Design and amenity

10.1 The site is located within the masterplan area for Priors Green, although is not shown to be one of the "Island Sites" as identified on the SPD Priors Green plan, being instead a left-over parcel of land which used to form part of Takeley Nurseries. The site is defined as a backland site having no road frontage and it represents a landlocked plot of land from when the internal Bennet Canfield loop road was built at slightly higher land level. The SPD Priors Green document states with regard to island sites that "*There may be potential for some infill development in these locations that would make a contribution to the total number of dwellings. Development of these locations will need to respect the provision of the approved Master Plan*". It is considered that this provision also applies to the application site with regard to future use potential.

- 10.2 ULP Policy H4 states that development of backland sites will be permitted providing that (a) there is significant under-use of the land and that development would make more efficient use of it, (b) there would be no material overlooking or overshadowing of nearby properties, (c) development would not have an overbearing effect on neighbouring properties and (d) that access would not cause disturbance to nearby properties. The site at present is being underused in view of its historical land use and represents a visual eyesore in terms of the corrugated sheds which remain on the land. It is therefore considered that the principle of residential development of this site is acceptable and that the proposal would comply with criterion (a) of ULP Policy H4 where the re-use of the site through residential development as proposed would make more effective use of it.
- 10.3 The design and appearance of the proposed dwelling is considered acceptable in relationship to adjoining dwellings given the varied design and house type mix of dwellings within the immediate locality and of Priors Green in general, whilst the private garden amenity area for the dwelling shown at 200sqm would be standard compliant. In terms of scale and impact on neighbouring properties, the new dwelling would be set centrally within the plot with frontage orientation onto Bennet Canfield and would have a separation distance of 2 metres from the side (east) boundary with dwellings of Cawbeck Road situated adjacent. The dwelling would not result in any material overlooking on this side given that only a single obscure glazed window is shown for this elevation, whilst any loss of natural daylight/overshadowing of these properties would be acceptable being within the guidelines set out within the Essex Design Guide regarding daylight and sunlight standards and would also be in compliance with the BRE 25° angle test for daylight calculation. It is accepted that the height of the new dwelling at 8.5 metres is high, although the dwelling would have a ridge height consistent with those dwellings within Cawbeck Road where ground levels are the same. It is therefore considered that the dwelling would not have an undue overbearing effect on adjacent properties. As such, it is considered that the proposal would not have an adverse effect on the reasonable occupation and enjoyment of these properties and would comply with ULP Policies H4 and GEN2. Whilst the comments made by residents regarding outlook is noted, a right to a view is not in itself a planning consideration.

B) Whether the proposal would harm any protected species

- 10.4 The Phase 1 Habitat and Protected Species scoping report states that an ecological survey carried out of the site in February 2012 showed that suitable habitat for amphibians on the application site is presently non-existent as there are no breeding areas within the confines of the site and that the adjacent shallow ditch is leaf clogged offering limited habitat for breeding amphibians, including Great Crested Newts. The survey report states that the site offers no opportunities as a foraging habitat, but that the edge of the adjacent woodland offers suitable foraging for species such as Common Pipistrelle, Soprano Pipistrelle, Brown long-eared bats and bats from the genus *Myotis*. The site edge containing two trees were found to have negligible potential for roosting bats. No evidence of badgers was found. The report states, however, that the site is suitable for Common Lizard and Slow worm solely in view of suitable hibernacula and refugia having been created. The report concludes that habitats on the site are of minimal ecological interest, but that the mature broad-leaved plantation immediately adjacent is an ecologically important habitat in the local area and recommends suitable ecology protection conditions to prevent the mortality of reptiles from the proposed development should these be found.
- 10.5 The County Ecology Officer has not raised any objections to the proposal following a previous holding objection subject to the proposed development being carried out in strict accordance with the recommendations contained within the Phase 1 Habitat Report, which should be conditioned. The proposal would in these circumstances comply with PPS9 and ULP Policy GEN7.

C) Whether access and parking arrangements would be satisfactory

- 10.6 The applicant has submitted amended drawings showing how vehicular access would be gained down into the site and how the existing public footpath running parallel with the site's western boundary with steps up onto Bennet Road would be retained and improved for users of the footpath. The access would involve a ramp with landing stage and Essex County Council Highways in their highways response have not raised any highway objections to the access design after initially raising safety concerns on the original drawings subject to appropriate highway conditions and three informatives (the informatives address specifically the modified ramp and step arrangements and how these proposed works should be properly implemented in terms of highway requirements and public interest). It is considered in view of this revised approval recommendation that it would be difficult for the local planning authority to sustain a highways objection to the proposal under ULP Policy GEN1.
- 10.7 Officers have noted the various concerns raised by third parties with regard to land ownership rights and the impact of the proposal on the adjacent footpath/steps, including those representations made by the Parish Council and Countryside Properties in this respect. However, the application indicates that appropriate notice was given by the applicant of the proposed development and it is a third party matter as to whether or not the applicant has total control or ownership of the land forming the application site, whilst the footpath/steps safety issue has been addressed above.
- 10.8 The proposed dwelling would have 3 (No.) parking spaces available within the front of the site with adequate turning area to enable vehicles to be driven out of the site in forward gear onto Bennet Canfield. This provision would comply with Essex County Council parking standards and would therefore be compliant with ULP Policy GEN8.

D) Drainage

- 10.9 The Council's Drainage Engineer has been consulted on this application, who has raised no objections in principle to the development of this undeveloped site subject to demonstration of suitable surface water disposal arrangements and use of permeable surface treatment through the implementation of sustainable drainage conditions. The comments made by the Parish Council that the adjacent ditch is prone to flooding has been noted, although the site is situated in a low flood risk area (Zone 1) and the Drainage Engineer has not raised flooding as a particular issue with regard to this application.

11.0 CONCLUSION

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

- A The principle of residential development of this underused and neglected plot of former nursery land is considered acceptable in the context of the Priors Green Masterplan/SPG and would comply with design and amenity criteria under ULP Policies H4 and GEN2;
- B The proposal would not be harmful to protected species under ULP Policy GEN7 providing that the recommendations of the submitted habitat survey report are adhered to;
- C Access and parking arrangements for the proposed dwelling are considered satisfactory following amended access design details which Essex County Council have found to be satisfactory;
- D The proposal would not exacerbate any localised flooding of the adjacent ditch providing that recommended drainage conditions are complied with.

RECOMMENDATION – CONDITIONAL APPROVAL

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 not be carried out except in complete accordance with the plan details and reference numbers as listed on this decision notice.

REASON: In the interests of the appearance of the development and the amenity of surrounding residential properties in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

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

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).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning

authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7. Before development commences details of surface water drainage works 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 prior to first occupation of the new dwelling hereby permitted. 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 Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

8. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement prepared by JD Ecology Ltd submitted with the application and shall observe and properly implement the recommendations as set out in pages 9 and 10 of that report 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 protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

9. If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and a species survey, together with an amended mitigation

strategy as appropriate, shall be submitted to and be approved in writing by the local planning authority and implemented as agreed.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

10. The development hereby permitted shall incorporate all the measures set out in the drawing showing compliance with Lifetime Homes which accompanied the application.

REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with national and local planning policies in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. Prior to commencement of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 2.4 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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).

12. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres 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).

13. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway (public footpath) 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).

14. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

15. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that appropriate loading/unloading facilities are available so that the

highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

16. The public's rights and ease of passage over public footpath no 43, Takeley shall be maintained free and unobstructed at all times.

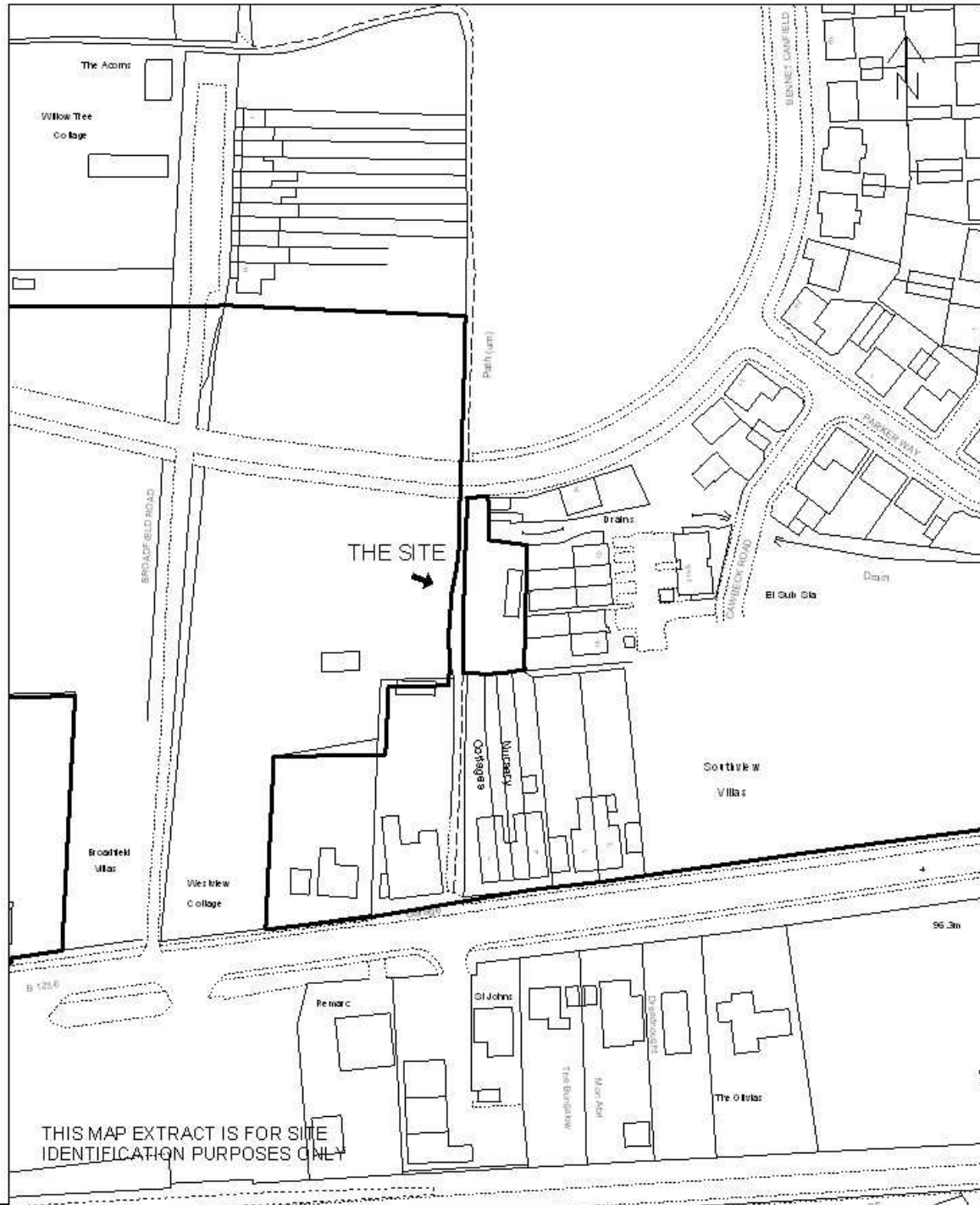
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy DM11 Public Rights of Way contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1 Access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Informative

i All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631. It should be noted that Bennet Canfield is in the process of being adopted by the highway authority and until this has been completed, contact should be made with Countryside Properties.

li Following the highway authority comments dated 9 January 2012 recommending refusal, extensive discussions have taken place between the applicant and the highway authority in particular, the Public Right of Way Engineer. This has resulted in the applicant modifying the access arrangements so that users of public footpath 43, Takeley who are unable to negotiate the steps leading up to Bennet Canfield are able to use his ramped access. The applicant is also proposing further improvements to footpath 43 details of which can be obtained from the West Area Office, Harlow.

iii The applicant should be advised that, should it be necessary to realign the existing pedestrian crossing point in the vicinity of the proposed vehicular access, it should be carried out at no expense to Essex County Council.



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