

UTT/2166/11/DFO (Elsenham)

PROPOSAL: Details following outline permission for the erection of 53 no. 2, 3 and 4 bedroom houses plus associated roads, car parking, garages and landscaping.

LOCATION: The Orchard, Station Road, Elsenham.

APPLICANT: Charles Church.

AGENT: JCN Design Ltd.

GRID REFERENCE: TL 531-267

EXPIRY DATE: 7.2.2012

CASE OFFICER: Joe Mitson

APPLICATION TYPE: MAJOR

1. NOTATION

1.1 Outside and within Development Limits, group Tree Preservation Order.

2. DESCRIPTION OF SITE

2.1 The application site is located west of Station Road, ¼ mile south of Elsenham railway station. The site is surrounded along its eastern, northern and north-western boundaries by two storey residential development, the remainder, to the south-west and south adjoins the countryside. There is an area designated as ancient woodlands 140 metres south-west of the site. The majority of the site is located on land classed as countryside, it comprises 1.85 hectares.

3. PROPOSAL

3.1 The application comprises reserved matters pursuant to outline planning permission UTT/1500/09/OP with regard to the creation of 53 no. two, three and four bedroom dwellings plus associated roads, car parking, garages and landscaping. A revised plan has been submitted relating to highway issues and additional information provided in relation to protected species.

4. APPLICANT'S CASE

4.1 The site is to the west of Station Road behind houses that form the frontage onto the highway. Access is from Station Road and requires the existing house to be demolished to make way for an adoptable road to serve the site. Roughly half of the site is occupied by a large bungalow and its grounds whilst the other half contains a storage compound that was, until recently, used to store approximately 100 caravans. The north-western, northern and eastern boundaries of the site are defined by the rear gardens of the existing houses, respectively Alsa Leys, Alsa Gardens and Station Road.

4.2 The houses on Alsa Leys are all two storey with numbers 33 and 35 backing onto the site and no. 37 positioned side on. An unusual form of development has been created

in Alsa Gardens with three terraces of four houses backing onto the site, comprising two storey houses in the middle of the terraces and single storey properties to either end, nos. 25 and 36. The more traditional form of semi detached pairs of two storey dwellings marks the end of the street with numbers 21 and 24 backing onto the site. On the frontage to Station Road, the houses in the south eastern corner all have long gardens running up to the site boundary, with two storey houses closest to the new entrance and bungalows further north. In the north-eastern corner a short drive serves an area of backland development and a bungalow (The Trees) sits quite close to the site boundary. The site is relatively flat with only a slight fall to the west meaning that it is around the same level as the adjoining residential properties.

- 4.3 The site has outline planning permission for residential use with only access approved. Layout, scale, appearance and landscaping were left as reserved matters. The proposed scheme is based on the indicative layout submitted in support of the application. The access to the site from Station Road was approved as part of the outline permission with details of the new road junction secured by condition. The demolition of Oakdene was to make way for a new access road at a width of 5.5 metres with a 1.8 metre wide footway to either side. As soon as the site opens up the road curves to the north in order to avoid entering into the root protection areas of trees on the southern side of the site. The retention of these trees is important and allows them to be the end stop to the site from Station Road, with a house behind, to demonstrate to visitors that the street leads to a residential area.
- 4.4 The curve in the road also means that space is created for houses to be positioned between the road and the site boundary, leaving sufficient space for the existing trees to be retained and a usable garden to be provided. To the right of the entrance road as it enters the site a house is placed alongside and facing the street in order to act as a gate house. All pedestrians, vehicles and cyclists must pass the house on their way into and out of the site, meaning that it will act as a landmark. The road splits in order to form a loop around the centre of the site so the house has a secondary elevation to the estate road in order to turn the corner. On the inside of the loop of the road is an area of public open space in the style of a small village green with houses facing onto it from all sides. The trees to the south of the entrance road and the house to the north serve to frame the approach to the space, with the sense of arrival enhanced by the curve in the entrance road as it reaches the main part of the site. The space is enclosed by detached houses with car parking and garaging in between creating the character of a lower density scheme and emphasising the landscaped character of the development. The use of detached dwellings maximises the potential for on plot car parking leaving the streets free for movement. The open space is the centre piece of the proposed scheme and helps to define the sense of place that is required to differentiate the street from other streets in Elsenham.
- 4.5 The southern leg of the loop road passes between detached houses with different built forms reaching a pinch point defined by screen walls to either side of the street. The walls protect the rear gardens but also define the point where the character of the scheme changes with a more urban form to be found at the western end of the site. To the south of the estate road a short section of private drive serves a group of detached houses that are clustered around the semi private space. As the road turns north the houses are grouped into longer terraces including one single terrace of seven houses to the inside of the loop in contrast to the three detached houses overlooking the open space from inside the loop at the opposite end of the site. Car parking is provided on the edge of the street and forms an important part of the public realm. Street trees would break up the parking area.
- 4.6 To maintain the built frontage a small parking courtyard is proposed to the north-western corner of the site, out of sight from the public realm. The entrance is flanked

by two houses that follow the same gate house principle as the property at the front of the site with the houses providing surveillance. The form of the space also creates a transition back to the detached form of the eastern half of the site with detached houses to either side of the road and a shared surface road between to emphasise the informality of the public realm and the lack of defined space for pedestrians, cyclists and vehicles.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0948/89 – outline application for residential development and alteration to access was refused.
- 5.2 UTT/1231/94/OP – outline application for the erection of four detached dwellings was also refused. This application was the subject of an appeal which was dismissed on 23 January 1996 on the grounds of the harm caused to the character and appearance of the area and the aim of the development plan to protect the rural area.
- 5.3 UTT/0568/97/CL granted a certificate of lawfulness application for an existing use for storage of private caravans.
- 5.4 UTT/1500/09/OP granted permission for residential development appeal. This was subject to a unilateral undertaking relating to affordable housing and highway contributions.

6. POLICIES

6.1 National Policies

NPPF

6.2 East of England Plan 2006

H1 – Regional Housing Provision.

6.3 Essex Replacement Structure Plan 2001

No policies relevant.

6.4 Uttlesford District Local Plan 2005

Policy ENV3 - Trees
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN4 - Amenity
Policy GEN7 – Nature Conservation
Policy GEN8 – Parking
Policy H3 – New Houses within Development Limits
Policy H4 – Backland Development
Policy H9 – Affordable Housing
Policy H10 – Housing Mix
Policy H11 – Affordable Housing
Policy S3 – Other Development Limits
Policy S7 – The Countryside

7. PARISH/TOWN COUNCIL COMMENTS

7.1 In relation to the application as originally submitted Elsenham Parish Council made the following comments:

Public Open Space: the developer has not stated who will be responsible for the ownership and maintenance following completion of the development. No deliberation appears to have been given to the future upkeep of this area. Would be appropriate that proper provision be made (either transfer of ownership to the Parish Council or Resident's Association and a sum of money towards future upkeep and maintenance).

Types/Numbers of Housing: no two bedroom private houses have been provided which will exclude any first time, lower income buyers. Also four bedroom dwellings form the majority of the private housing with only a small provision given to 3 bed homes. No four bedroom affordable dwellings have been provided, it is suggested that one or two 4 bed units would offer a better mix of affordable houses.

Highway Visibility: the proposed sight line into Station Road in the southerly direction towards Ridley Gardens from the entrance of the development will be obstructed by thick vegetation, this runs for a distance of some 35 metres. It is strongly recommended that this scrub vegetation be removed or severely cut back to improve visibility onto the highway. Ownership of the land accommodating the scrub hedge is possibly with Essex County Council.

Commuter Parking: currently takes place along a section of the western side of Station Road and causes visibility and traffic flow problems in Station Road and it is essential that appropriate parking restrictions and traffic calming measures will be put in place by the local highway authority/developer as part of the scheme.

Flood Risk: During periods of heavy, sustained rainfall, significant amounts of surface water run off are seen to occur along the whole length of Station Road from the surrounding land and fields, including the application site. Hard surfacing will increase as a result of the development and the amounts of surface water run off to a level where infiltration methods and soakaways will prove to be inadequate and will lead to additional flooding risks elsewhere. It is therefore requested that a proper ground water drainage system is installed in order to properly channel the groundwater runoff. A surface water drainage scheme should be submitted for approval as part of the application.

Parking within the Development: No provision appears to have been made for additional visitor parking facilities, without this it is likely – if not inevitable – that on street parking will occur which will obstruct the access to public service and emergency vehicles. Also concerned about residents and commuters parking along the access road given the proximity to the railway station.

Roads and Footways within the development: the type, form and construction of the roadways do not appear to be of a standard that will lead to the roadways being adopted. The Parish Council is therefore concerned that this will lead to ongoing problems regarding responsibility for maintenance. The sharing of access by pedestrians and vehicles will be made worse by on street parking. This is considered to be a dangerous concept and strongly believe that pedestrians must be provided with dedicated pathways to separate them from vehicular traffic.

Construction Traffic: a significant number of heavy construction vehicles will be entering/exiting the site and all measures should be taken to ensure that vehicles and

others associated with the site are instructed to follow the prescribed route to Elsenham i.e. B1256, B183.

- 7.2 Following re-consultation the Parish Council confirm that the revisions do not overcome the comments previously made.

8. CONSULTATIONS

- 8.1 Housing Enabling and Development Officer states the affordable housing provision of the site meets the 40% requirement equating to 21 properties and the housing mix is acceptable to the Council's strategic housing section.
- 8.2 Natural England originally stated that it would appear there is limited potential for adverse impacts on the statutory designated sites in the locality. However, the proposals do have the potential to impact on protected species and possible BAP species/habitats and therefore expect ecological surveys and appropriate mitigation measures. However, following the submission of further information no objection is raised.
- 8.3 Drainage Engineer has no objections.
- 8.4 Essex Wildlife Trust does not anticipate any adverse impact from this proposal on any designated habitats or landscapes. However, agree that there is potential for adverse impacts on protected species and therefore recommend the appropriate ecological surveys are carried out prior to permission being granted.
- 8.5 Environment Agency has no objections.
- 8.6 Anglian Water does not object and recommend a condition.
- 8.7 Access and Equalities Officer does not object subject to a financial contribution for conversion to wheelchair accessible dwellings.
- 8.8 Uttlesford Ramblers Association object on the grounds that the size of the development will be out of keeping with the surroundings and will change completely the character of that part of the village which provides an area to walk. The increase in traffic will lead to unacceptable levels on the existing roads which already have problems. The village services are limited and the proposal is not needed.
- 8.9 Environmental Health does not object subject to conditions.
- 8.10 County Ecology objects to the original submission on the grounds that up to date surveys are required.
- 8.11 Highways Authority originally objected on the grounds that the proposal did not comply with the Essex Design Guide. However, revised plans have now been submitted and no objection is raised subject to conditions.
- 8.12 Street Services do not object.

9 REPRESENTATIONS

- 9.1 Two letters received objecting on the following grounds:

- Introduction of overlooking as a result of the sight lines created;

- The density around the terracing is too much and will result in parking problems, there is insufficient parking for visitors;
- Increase in traffic on Station Road will be a problem, without restriction additional parking will take place on Station Road and the access road;
- Insufficient water supply pressure, drainage and electricity supply;
- There is potential for surface water to flow onto the adjacent property and main drains should be installed;
- Need provision for future open space maintenance;
- Shared surface would affect safety;
- No provision of lighting.

9.2 One letter of concern seeking assurance that the condition relating to the demolition of the dwelling is adhered to.

9.3 Following the submission of revised plans further consultation has taken place. Four letters have been received objecting on the grounds of noise pollution, traffic pollution and congestion, cannot see how permission can be granted until decisions on housing numbers is made overall, lack of privacy, impact on wildlife, removal of trees, the flooding situation will worsen and state comments from previous letter remain valid.

10 APPRAISAL

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

- A The principle of development (ULP Policies S3, S7, H3, H4, NPPF);
- B The visual impact and residential amenity (ULP Policies GEN2 & GEN4);
- C Access and parking (ULP Policies GEN1 and GEN8);
- D Energy Efficiency and Renewable Energy and Lifetime Homes (SPD).
- E Ecology (ULP Policy GEN7).
- F Other Issues.

A The principle of development (ULP Policies S3, S7, H3, H4, NPPF).

10.1 Outline permission has been granted for the erection of residential development on the site together with the demolition of a dwelling to provide suitable access. Access was approved at the outline stage with appearance, landscaping, layout and scale reserved. Since the granting of outline permission the NPPF has come into force; however, its provisions do not alter the support in principle for this development. The principle of development therefore remains acceptable and issues of design, amenity, ecology, access and parking must be satisfactorily addressed in this submission.

B The visual impact and residential amenity (ULP Policies GEN2 & GEN4).

10.2 The proposed layout comprises a narrow access into the site with a loop road within the site. Dwellings are sited on the outer side of the loop road with a central area providing further housing and an area of open space. On the outer

loop gardens are to the rear with existing and proposed landscaping along the southern and western boundaries.

- 10.3 Within the site there would be a strong sense of enclosure with the built form of housing dominating the street scene. Parking would generally be to the side of dwellings to reduce the visual impact and to accentuate the built form of the dwellings. The sense of enclosure would be further enhanced by the terracing on the western part of the site. An area of parking would be in the north-western corner of the site.
- 10.4 The housetypes proposed are a mix of detached, terrace and double fronted properties on corner plots. All are two storey and would comprise pitched roofs and gables fronting onto the highway together with a mix of materials including brick, render and weatherboarding. A materials schedule has been submitted detailing brick and tiles and is considered acceptable. The design would result in a cohesive overall appearance with satisfactory variations on a theme.
- 10.5 In terms of residential amenity garden lengths are generally longer than 10 metres depth with many gardens being significantly in excess of this. The gardens that back onto existing residential development are generally more than 10 metres and generally the existing properties also have significant rear garden lengths. The dwellings proposed would also ensure adequate amenity for future occupants. The layout, orientation and fenestration has been designed to maximise privacy and any first floor windows serving habitable rooms are set a sufficient distance from boundaries to prevent any undue overlooking or loss of privacy.
- 10.6 The submitted landscaping scheme shows existing trees to be retained together with new planting. The scheme provides for the retention of principle trees of amenity value on the site including trees protected by a tree preservation order on the southern edge of the site. The proposed planting scheme and plant schedule are considered satisfactory.

C Access and parking (ULP Policies GEN1 and GEN8).

- 10.7 The access was approved at the outline stage and comprises a single access point off Station Road with a loop road serving the dwellings within the site. The Highway Authority initially raised an objection which has led to the submission of revised plans. No objection is now raised, subject to conditions, to the proposal on the basis that the unilateral undertaking from the outline application remains sufficient to ensure future maintenance as a public highway.

D Lifetime Homes (ULP Policy GEN2 and SPD).

- 10.8 The Access and Equalities Officer supports the provision of a financial contribution for conversion of three dwellings to wheelchair accessible dwellings as necessary through a s.106 agreement.

E Ecology (ULP Policy GEN7).

- 10.9 Natural England raises no objection regarding the additional ecological report and mitigation strategy for legally protected species. A condition can be imposed to ensure that development is carried out in accordance with the submitted mitigation strategy.

F Other issues

- 10.10 The Parish Council raise the issue of the future ownership and maintenance of the open space following completion of the development. This is important to ensure that the amenity space is adequately maintained going forward. The Parish Council have suggested that the amenity space could be transferred together with suitable contributions toward maintenance to either themselves or a residents association. This approach is supported by the district Council and provision is made for this through the completed S106 Agreement/Unilateral Undertaking.
- 10.11 Notwithstanding the Parish Council's comments relating to a lack of private two bedroom houses a significant number of two bedroom houses would be provided as affordable units. It is therefore considered that a suitable mix of housing would be provided within the site. In relation to flood risk the Environment Agency raise no objection and it is considered that the issue has been satisfactorily addressed. With regard to the highway issues raised the Highway Authority no longer object to the scheme subject to conditions. This includes an acceptance of the provision of visitor parking.
- 10.12 Notwithstanding the objections raised by neighbouring properties it is considered that the residential amenity of existing and future occupants would be satisfactorily protected through the layout and design of the proposal. The density of development is considered acceptable and the Highway Authority raised no objection regarding parking, traffic generation and congestion. Furthermore, issues of flooding, drainage and ecology are considered to have been satisfactorily addressed.

CONCLUSION

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

- A The layout, design, materials, access, parking and landscaping are acceptable and would result in a satisfactory scheme.

RECOMMENDATION – CONDITIONAL APPROVAL

- 1) Prior to the commencement of any works a Construction and Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details relating to: the control of noise and vibration emissions from construction and demolition activities including groundworks and infrastructure and including arrangements to monitor noise emissions from the development during the construction phase; the control of dust including arrangements to monitor dust emissions from the development site during the construction and demolition phase; methods to reduce mud deposition offsite from vehicles leaving the site; arrangements for deliveries to the site. Development shall be carried out in accordance with these approved details.
REASON: In the interests of residential amenity and to comply with policies GEN2 and GEN4 of the Uttlesford Local Plan.
- 2) No development shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details relating to the efficiency of use of building materials, provision for recycling of materials off site, and re-use of materials on site and arrangements

for the disposal of materials which cannot be re-used or recycled. Development shall be carried out in accordance with these approved details.

REASON: In the interests of residential amenity and to comply with policy GEN2 of the Uttlesford Local Plan.

- 3) The side facing windows at first floor level serving bathrooms and ensuite bathrooms shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity and to comply with policy GEN2 of the Uttlesford Local Plan.

- 4) The development shall be carried out in accordance with the mitigation measures contained in the submission including the biodiversity statement.

REASON: To mitigate against potential impacts to protected species and ecology and to comply with policy GEN7 of the Uttlesford Local Plan.

- 5) Prior to the commencement of the 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 and to comply with policy GEN1 of the Uttlesford Local Plan.

- 6) Prior to the commencement of development, details of the estate roads and footways, including layout, levels, gradients, surfacing and means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety in accordance with a timetable to be agreed in writing by the Local Planning Authority and shall be retained at all times.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety and to comply with policy GEN1 of the Uttlesford Local Plan.

- 7) Prior to the commencement of any 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 the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

REASON: In the interests of highway safety and efficiency and to comply with policy GEN1 of the Uttlesford Local Plan.

- 8) The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to

ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of each dwelling.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety and to comply with policy GEN1 of the Uttlesford Local Plan.

- 9) 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.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and to comply with policies GEN1 and GEN8 of the Uttlesford Local Plan.

- 10) 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 5837:2005 (Trees in relation to construction) 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 and to comply with policy GEN2 of the Uttlesford Local Plan.

- 11) 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 and to comply with policy GEN2 of the Uttlesford Local Plan.

Informative

- 1) This permission shall be read in conjunction with the outline approval granted under UTT/1500/09/OP, the unilateral undertaking relating to that approval and the s.106 agreement/unilateral undertaking relating to a financial contribution for the conversion of units to wheelchair accessibility and the transfer and maintenance of the open space.
- 2) Road surfaces will need to be suitable for a 32 tonne vehicle for refuse collection.



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