

UTT/12/5142/FUL - (TAKELEY)

PROPOSAL: Erection of 6 no. dwellings and associated infrastructure

LOCATION: Land adjacent to the Olivias, Dunmow Road, Takeley, Bishops Stortford

APPLICANT: Mr Keith Price

AGENT: Go Planning Ltd

GRID REFERENCE: TL 572211

EXPIRY DATE: 31.10.2012

CASE OFFICER: Mrs M Jones

1.0 NOTATION

- 1.1 Outside Development Limits. Adjacent to County Wildlife Site. Public right of way to rear of site.

2.0 DESCRIPTION OF SITE

- 2.1 The site (0.32 hectares) is located on the southern side of the B1256 and is at present vacant land. The boundaries to the site have mature trees and shrubs. To the rear of the site is the Flitch Way which is a County Wildlife site. To the east of the site, the property has been demolished following planning approval for a replacement dwelling (this site is enclosed by timber fencing) Opposite the site is a new estate, with properties that are side onto the road. These houses are red brick with tiled roof and are 2 and half storey high.

3.0 PROPOSAL

- 3.1 The proposal is for the erection of 6 residential dwellings and associated development.
The proposed development would provide 6 houses comprising
3 x 3 bedroom houses
3 x 4+ bedroom houses
Access to the site would be via a shared access road. There would be 17 (although application form states 14) parking spaces provided (minimum of two for each dwelling and two visitors' parking spaces)
The provision of a footway link to the Flitch Way.

4.0 APPLICANTS CASE

- 4.1 Submitted with the application are the following documents:
Ecology survey.
Design and Access Statement - incorporating Transport Assessment

5.0 RELEVANT SITE HISTORY

- 5.1 UTT/1286/11/FUL - Adjacent site Spinney Lodge - Replacement dwelling. Conditionally approved.

6.0 POLICIES

6.1 National Policies

- NPPF- National Planning Policy Framework

6.2 East of England Plan 2006

- Policy H1 - Regional Housing Provision
- Policy SS1 - Achieving sustainable Development
- Policy ENV7 - Quality in the Built Environment
- Policy ENG1 - Carbon Dioxide Emissions and Energy Performance

6.3 Essex Replacement Structure Plan 2001

- Policy N/A

6.4 Uttlesford District Local Plan 2005

- Policy S7: The Countryside
- Policy H10 - Housing Mix
- Policy GEN2: Design
- Policy GEN4: good Neighbourliness
- Policy GEN1: Access
- Policy GEN8: Vehicle Parking Standards
- Policy GEN7: Nature Conservation
- Policy ENV3: Open spaces and Trees
- Policy ENV7- The protection of the Natural Environment - Designated Sites.

Draft Local Plan (2012)

Supplementary Planning Documents:

- Energy Efficiency and Renewable Energy has been adopted (October 2007)
- Essex County Council Parking standards have been adopted (January 2010)
- Accessible Homes and Playspace (November 2005)
- Urban Place Supplement to the Essex Design Guide (March 2007)

7.0 PARISH COUNCIL COMMENTS

- 7.1 In the interests of safety, a suitable pedestrian footway should be provided at the front of the site to allow pedestrian access along the B1256.

8.0 CONSULTATIONS

ECC Archaeology

- 8.1 The Historic Environment Record shows that the proposed development lies adjacent to an area in which multi-period archaeological deposits have been identified (HER 46298). During the development of Priors Green a large medieval field system and settlement and prehistoric occupation has been identified. The northern edge of the development is formed by the line of the original road from Braughing to Colchester (HER 4697) Elsewhere along this road evidence of both Roman and medieval

settlement has been found. As such a trial trenching and excavation is recommended.

ECC Highways.

- 8.2 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway. The highway Authority would not wish to raise an objection to the above application subject to conditions.

Thames Water:

- 8.3 Surface water drainage: with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground water. Where the developer proposes to discharge to a public sewer, prior approval from the Thames Water Developer Services will be required. With regard to sewerage infrastructure we would not have any objection.

9.0 REPRESENTATIONS

- 9.1 One letter of objection has been received:
Olivias
On viewing the site plan it appears that the proposed buildings which run along the side of our property are within close proximity to our boundary, which may interfere with light and enjoyment of our property.

10.0 APPRAISAL

- 10.1 The issues to consider in the determination of the application are:
- A Whether the development of this site is acceptable in principle (ULP Policies S7 and Draft Uttlesford Local Plan);
 - B The scale and design of the development is appropriate (ULP Policies H10 and GEN2 & SPD: Accessible Homes and Playspace and SPD: Energy Efficiency and Renewable Energy);
 - C Any amenity issues would result from the proposals (ULP Policies GEN2);
 - D The access and car parking provisions are acceptable (ULP Policies GEN1 and GEN8)
 - E There would be unacceptable impacts on protected species (ULP Policy GEN7 and ENV7).
 - F Other material planning considerations.

A Whether the development of this site is acceptable in principle (ULP Policies S7);

The site is located outside of Development Limits and as such the relevant policy is S7 which seeks to protect the countryside for its own sake and to restrict development to that which is needed in the countryside or is appropriate to the rural area. The current local plan states that there will be strict control on new building outside developments, however if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development. The character of the development to the South of the Dunmow Road is sporadic, low density, residential development. A material consideration is that since the Uttlesford Local Plan was adopted in 2005, the housing development known as Priors Green has been built opposite the site, changing the character of the area. The density of the housing is higher on the northern side of Dunmow Road. This site, in view of the new development opposite, is close to a settlement, whilst is too large, due to the considerable width, to be regarded as an infill site but the site is now considered to be in a sustainable location. Additionally since the adoption of the local plan, national policy has changed. The National Planning Policy Framework states that policies in Local Plans should follow the approach of the presumption in favour of sustainable development. Another material consideration is that the council cannot demonstrate a deliverable 5 year land supply for residential development.

The National Planning Policy Framework requires the Council to identify a 5 year supply of housing against our housing requirement with an additional buffer of 20% moved forward from later in the plan period.

The most recent 5-year land supply statement (dated 14th September 2012) shows that the Council has 70% or 3.5 years supply of committed sites against the requirement of the East of England Plan. When an additional 20% is frontloaded the percentage of the plan target on deliverable sites falls to 58% which is equivalent to just under 3 years worth of supply.

It is predicted that the current year (2012/13) will see a slight shortfall in completions to just below the regional requirement.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites

As the site is considered to be in a sustainable location (it is within walking distance of the community buildings, the new school at Priors Green and there is a bus stop to the sites frontage), the site is considered to be a suitable location and as such any development of the site would make a contribution towards meeting the 5 year land supply requirement. A further consideration (although limited weight can be attached) is that the site is part of Policy Area 5 within the current Draft Local Plan document, where a minimum of 30 dwellings have been allocated. Additionally works have commenced on the adjacent site (also within the area identified as Policy Area 5) for a replacement dwelling which may prevent the whole of the Area 5 site from coming forward for development.

The Historic Environment Record shows that the proposed development lies adjacent to an area in which multi-period archaeological deposits have been identified (HER

46298). During the development of Priors Green a large medieval field system and settlement and prehistoric occupation has been identified. The northern edge of the development is formed by the line of the original road from Braughing to Colchester (HER 4697) Elsewhere along this road evidence of both Roman and medieval settlement has been found. As such a trial trenching and excavation is recommended and can be achieved by the relevant condition.

It is not considered that the proposal would cause any significant harm to the character and appearance of the area. The proposal is therefore considered on balance to be acceptable in principle in this location.

B The scale and design of the development is appropriate (ULP Policies H3 and GEN2 & SPD: Accessible Homes and Playspace and SPD: Energy Efficiency and Renewable Energy);

The design of the site has taken into account the heights of the neighbouring properties. The proposed buildings are all two storey and in keeping with surrounding properties. The character of the street view will be maintained. The properties to the west of the site are mainly located to the front of their sites (although they are set back from the road) Plots 1,2 and 3 are roughly in line with the properties to the west, allowing the introduction of significant landscape area to be maintained at the front of the site and thus maintaining the character of the street scene as far as possible. The character of the development to the South of the Dunmow Road is sporadic, mainly linear, low density, residential development. The properties to the south of Dunmow Road are a mixture of designs. The Olivias is a one and a half story building, with an integrated garage, with rendered walls and tiled roof. The replacement dwelling that has been approved at Spinney Lodge (the site to the east) is of similar height to those proposed in this application. The design of the site is therefore a balance between the character of the north and south of Dunmow Road, but maintains some of its openness, additionally many of the existing trees are being retained. Immediately to the south of the site is the Flitch Way which is a public bridleway and county wildlife site and part of a linear park. Policy ENV7 states that development proposals likely to affect local areas of nature conservation significance will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the district. The design has incorporated a landscaping scheme to act as a buffer to the Flitch Way and a new access to the Flitch Way has been provided.

The site has several mature trees, that contribute to the character of the area, however the design has incorporated these trees into the proposed layout of the new dwellings. are to be retained.

Policy H10 requires that all developments of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The application is for 3x3 bedroom and 3 x 4 bedrooms dwellings. The proposed development of this site would be relatively low density at around 18 dwellings per hectare. The proportion is a 50:50 split and is considered to be acceptable.

The private amenity space requirements for 3 bed plus dwellings should be at least 100 square metres all properties have sufficient amenity areas.

The dwellings have also been designed to meet the Life Time Homes criteria.

C Any amenity issues would result from the proposals (ULP Policies H3 and GEN2);

The proposed dwellings have been designed to minimise overlooking and overshadowing issues. A representation has been received from the occupiers of the neighbouring property to the west, however it has been demonstrated that the design

and layout of the proposal meets the criteria requirements of the BRE standards of daylight and would not result in overshadowing and loss of light to the neighbouring property. The 45% angle BRE rule would be complied with. Therefore, the proposal is compliant to the provisions set out in the Essex Design Guide.

The replacement dwelling approved on the Spinney Lodge site (under planning permission UTT/1286/11/FUL) has windows at first floor level and ground floor levels facing the site, however the proposed layout would not result in any overlooking or overshadowing of these windows.

As such it is considered that there would be no material overlooking caused by the development and no detrimental impact to neighbours amenity caused.

Therefore, it is considered that no adverse amenity issues would result from the proposals.

D The access and car parking provisions are acceptable (ULP Policies GEN1 and GEN8)

Essex County Council Highways authority have no objections to the proposal subject to a size 3 turning head being provided and the footways at the access to be continued into the site to join the paths which serve properties 1,2 and 3. Both of these can be achieved within the current layout of dwellings and the revisions have been agreed by the agents. Revised plans have now been received.

The development would create a new access point, however provided that the existing access is closed then this would be acceptable. Adequate visibility site splays are shown on the site layout

The proposals therefore satisfy the requirements of ULP Policy GEN1.

The proposed development would provide at least 2 parking spaces per dwelling and two visitors' spaces. The proposal therefore satisfies the proposed parking standards and ULP Policy GEN8.

E There would be unacceptable impacts on protected species and biodiversity (ULP Policy GEN7)

Under section 40 (1) of the Natural Environment and Rural Communities Act 2006, duty is placed on local planning authorities to have regard to biodiversity in exercising their functions.

The site is adjacent to the Flitch Way which is a designated County Wildlife Site.

Additionally the site has been vacant for a number of years and as such the proposed development may have possible impacts on wildlife and biodiversity

An ecology report has been submitted with the application and states that no evidence of protected species was recorded during the survey and that therefore there are no ecological constraints to the proposals. The majority of the site has been recently cleared and there were no water bodies on site and therefore no breeding opportunities for amphibians. The site is dominated by bare earth and therefore does not provide suitable habitat for reptiles. No follow up surveys or specific mitigation is recommended, however there are other measures recommended that should be implemented which can be achieved by a suitable condition.

To the rear of the site is the Flitch Way which is a designated County Wildlife site. The ecologist states that the Flitch Way should remain dark to maintain its corridor value for a range of wildlife. The existing mature oak tree at the rear of the site is to be retained and an additional landscape buffer to the Flitch Way is to be created by the additional planting with native species.

7.0 CONCLUSION

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

- The site is located outside developments and the proposal is therefore contrary to countryside policy under policy S7. However, as the councils cannot demonstrate a five-year supply of deliverable housing sites and that the site is in a sustainable location the principle of development is considered to be acceptable.
- The development is considered to be of appropriate scale and good design
- The development would not cause any material detrimental impact to neighbours amenity
- Adequate car parking is provided and the proposal would cause no harm to issues of highway safety
- The proposal would not have any detrimental impact on protected species

RECOMMENDATION – CONDITIONAL APPROVAL

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. 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) .

4. The development as designed, specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3'. The applicant will provide the planning authority with a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

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

5. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 6 Prior to occupation of the development the access arrangements and visibility splays as shown in principle on Drawing No. 2012-254-002 Rev A dated August 2012 shall be implemented.

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

- 7.. The development hereby permitted shall be implemented in accordance with the recommendations submitted with the application within the Ecologist report, dated 4th September 2012 in all respects 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 Uttlesford Local Plan policy GEN7.

8. 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 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 Uttlesford Local Plan policy GEN1

9. Any redundant vehicular access shall be permanently closed to the satisfaction of the Local Planning authority incorporating the reinstatement to full height of the highway verge/footway/kerbing, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Uttlesford Local Plan 2005.
