

UTT/12/5513/OP - (Gt Chesterford)

PROPOSAL: Outline application for residential development with all matters reserved except access

LOCATION: Land south of Stanley Road and Four Acres and west of B184, Walden Road, Great Chesterford

APPLICANT: Camilla Fox and Zoe Benyon

AGENT: Bidwells

GRID REFERENCE: 551139 (E) 243118 (N)

EXPIRY DATE: 11 January 2013

CASE OFFICER: Ann Howells

APPLICATION TYPE: Major

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

- 2.1 The application site is located on the edge of the village of Great Chesterford and extends to 1.85hectars. The site comprises undeveloped scrubland to the west of Walden Road (B184) with two sides of residential properties of a mixed nature and design and the final edge has a parcel of open land under different ownership.
- 2.2 There are various trees along the south east edge of the site, mature planting/hedging along the B184 edge, mature trees hedging along the south west edge. The north east boundary has a close boarded fence, some trees and residential gardens.
- 2.3 The site slopes gradually up from the north to the south.

3. PROPOSAL

- 3.1 The application requests outline planning permission for the erection of 50 dwellings with some matters reserved except access.
- 3.2 The proposed access would be along Stanley Road or Stanley Road, The Elms and Four Acres.
- 3.3 The indicative layout indicates 4 No. bungalows upper height limit 6.5m; 10 No. up to two storey dwellings upper height limit 8.5m and 36 No. up to two and a half storey dwellings upper height limit 10.5m.
- 3.3.1 Public Open Space/Local Area of Play
- 3.3.2 Pedestrian and cycle path linkage to land to southwest.
- 3.3.3 Internal estate roads, parking and infrastructure
- 3.3.4 Foul and surface water drainage
- 3.3.5 Associated provision of land for a potential Primary School/Community land on the Applicants' land west of Walden Road which would be secured through a S106 Agreement for future increases in Primary and Pre-school provision in Great Chesterford.

4. APPLICANT'S CASE

4.1 The site has previously been promoted for residential development as part of Uttlesford District Council (UDC) Strategic Housing Land Availability Assessment in 2008, a Site Meeting with UDC Officers was conducted 19 May 2010 and a formal pre-application meeting was held with Planning Officers on 20 February 2012. Also, an Environmental Impact Assessment Screening request was submitted to UDC in January 2012, with a formal decision issued on 9 February confirming that an EIA was not required.

4.2 There are a variety of benefits of the proposed development. In brief these are as follows:

- The proposed development will deliver a mix of 50 high quality new dwellings including affordable housing in a sustainable location with good public transport links helping to meet the housing needs of the settlement within the plan period;
- The proposed development will deliver the infrastructure required in the form of extending existing roads to form the new accesses, internal roads, drainage and utilities;
- The proposed development will provide enhanced pedestrian and cycle linkages, with provision for a new access route through the west of the site to link with paths leading towards the High Street and village centre. This will provide access for new occupiers and the adjacent Four Acres, The Elms and Stanley Road as well as residents of the northern end of Jacksons Lane and Hyll Close and the few residents fronting the B184 Walden Road and considerably shorten walking and cycle journeys helping to avoid unnecessary car journeys, and providing an enhanced public realm;
- The proposed development will make a positive contribution towards the vitality of the village, providing direct and indirect economic benefits to the local economy through increased expenditure on goods and supplies and supporting village services.
- In particular this application also identifies and seeks to provide land adjacent to the Community Centre for future pre and primary school place expansion in the village;
- The planting proposed as part of the scheme will result in an enhancement of the value of the established site boundary planting and the visually important tree belt on the south east corner and provide public open space and play space for use of both new resident and those existing in adjoining areas.

4.3 Cumulatively it is considered that these benefits provide compelling reasons to grant planning permission for these proposals.

5. RELEVANT SITE HISTORY

5.1 UTT/0111/12/SCO – Screening opinion in respect of proposed residential development – Opinion given

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 East of England Plan 2006

Policy H1: Regional Housing Provision 2001 to 2021

Policy ENV7: Quality in the Built Environment
Policy ENG1: Carbon Dioxide Emissions and Energy Performance

6.3 Uttlesford District Local Plan 2005

Policy S7: The Countryside
Policy H10: Housing Mix
Policy GEN1: Access
Policy GEN2: Design
Policy GEN6: Infrastructure Provision
Policy GEN7: Nature Conservation
Policy GEN8: Vehicle Parking Standards
Policy ENV3: Open Spaces and Trees
Policy ENV7: The Protection of the Natural Environment – Designated Sites
Policy ENV8: Other Landscape Elements of Importance for Nature Conservation
SPD: Energy Efficiency and Renewable Energy
SPD: Accessible Homes and Playspace
Parking Standards: Design and Good Practise
Essex Design Guide
Essex County Council Highways – Development Management Policies

6.4 Uttlesford District Emerging Local Plan

Policy SP6 Housing Strategy
Policy SP8 Environmental Protection
Policy SP17 Infrastructure
Policy SP18 Open Space
Policy Great Chesterford Policy 2 – Land south of Stanley Road
Policy HO5 Affordable Housing
Policy H06 Housing mix
Policy EN1 Sustainable Energy
Policy EN2 Environmental and Resource Management
Policy EN4 Surface Water Flooding
Policy EN5 Pollutants
Policy DES1 Design
Policy HE3 Scheduled Monuments and Sites of Archaeological Importance
Policy HE4 Protecting the Natural Environment
Policy HE5 Traditional Open Spaces and Trees
Policy TA1 Parking
Policy INF1 Protection and Provision of Open Space, Sports Facilities and Playing Pitches
Policy INF2 Provision of community facilities beyond development limits

7. PARISH/TOWN COUNCIL COMMENTS

Initial/informal comments Consultation:

7.1 Draft Sec 106:

1.15 mentions 'flats' but there is no mention of flats in the Design & Access statement. I would query whether they are appropriate for this site and surplus to the village 'need' as this will have been largely filled on a separate development.

1.30 talks about maintenance for the Public Open Space but there is no mention of the Local Area of Play (LAP) within it. Schedule 4, point 3 specifically mentions that the

maintenance contribution is for: fencing, gates, trees and plants and there is no mention of play equipment. There is no section for the LAP in this document although the Design & Access statement says there will be a Public Open Space **and** a LAP.

Schedule 6, 11.2.1 Does this mean that the field will be fallow for the 10 year period? It is currently farmed but I am not sure whether it is by a contract or tenant farmer.

According to ECC, the primary/pre-school education contribution from a development of this size would be around £371K. Even allowing an inflated price of £100K max for the land for the school, where is the rest of the contribution? It was always intended that the value of the land would be deducted from the contribution **not** replace it.

Looking at the occupation levels, there will be 27 open market houses and all of the affordable houses (20?) completed/occupied before the open space is completed; this seems very high and late in the development.

Design & Access Statement:

It is a shame that during the design evolution, the road leading to the adjacent field was removed and replaced with a foot/cycle way.

I am very concerned about the max/min dimensions. On the minimum dwelling size, you can't even get a bungalow out of 4mx4m. The max height of 12m (up to 2.5 storeys) seems inappropriate for a rural location and particularly so on the boundary with the existing bungalows in The Elms. Also, the plan show 'up to 1.5 storeys' which would not be 'bungalows'. Without being given a housing mix it is difficult to determine whether the housing mix is appropriate. We requested additional larger private bungalows but cannot tell at this stage whether they have been included.

I am also concerned about the location of the Visitor parking. As it is on the far side of the development, away from the houses and adjacent to the Play area it is more likely to be used by cars from other parts of the village driving their children to use the play area than visitors to the new houses;

Transport Assessment

I have only had a quick look at this but would query whether traffic movements counted during the 8-9am 'peak' time at the Stanley Rd/Jacksons Lane junction have any value as the majority of these properties are bungalows occupied by retired people who have no need to travel at this time of day.

Miscellaneous comments

Residents have raised concerns previously about the development just connecting into the existing sewage system increasing the 'load' because of the existing problems in Stanley Rd and further 'downstream' where the sewage pipe crosses the paddock near the Recreation Ground. There are specific locations that 'overflow' when there is a problem.

One of the LDF requirements for this site was the provision of land for allotments, there is no mention of this anywhere.

Residents are keen for the exit road to directly onto the B184. If this cannot be achieved then measures to reduce the speed of the traffic will be required where the

roads leave the development and join existing roads and possibly at the junction of The Elms and Stanley Rd.

Following receipt of revised plans:

7.2 All of the 'estate' development in Great Chesterford has single access points and this development should be the same

Whilst the Planning Dept. cannot take into consideration development which does not currently have planning permission, the Parish Council would be negligent in not commenting on both existing and future problems.

A significant volume of traffic passes along Jacksons Lane - there are issues at peak times and visibility problems on the B184 with school buses collecting/dropping off children. Whilst existing residents want to have a single access from the development to the B184 to reduce the impact on The Elms/Four Acres/Stanley Road/Jacksons Lane, the Parish Council would only support this if there is also an access through Stanley Road to ensure that residents from the new development can access the village without having to join the main road and re-enter the village. It is important that new residents feel integrated and not isolated.

If a decision is made to move the school to the new proposed site, there will be a significant increase in the volume of traffic using Jacksons Lane. If the adjacent plot of land comes forward for development, its only possible exit, due to the access shown in this application, will be through Rookery Close which is unacceptable due to the narrowness of the road and the existing problems caused by insufficient parking allocations.

The ideal solution would be to enable future access from Rookery Close all the way to the B184. This would massively reduce the amount of traffic on Jacksons Lane by allowing cars from Spener Road, The Willows, Rookery Close, Pilgrim Close, Bartholomew Close, Wakefield Close the adjacent plot of land and the new development, Stanley Road, The Elms and Four Acres to exit the village without using Jacksons Lane. The marked pathway to the adjacent plot should be a future road access point and there should be a possible future access point onto the B184.

If an access onto the B184 cannot be achieved, and we would ask that you consider this option fully, then improvement, eg a roundabout at the junction of Jacksons Lane and the B184 need to be investigated/implemented (along with a 40mph speed limit along the village section of the B184.) There should be a singular vehicle access to the development through Stanley Road and the currently marked exit into Four Acres should be pedestrian/cycle only. There is no need to impact existing residents in The Elms and Four Acres as well with increased volumes of traffic.

There should be direct access provided from the B184 for construction traffic.

The roads within the development should be wide enough to accommodate parked cars and passing cars without the need for parking on the pavement (this is a serious problem in other areas in the village). They should reflect the width of the adjoining roads in Four Acres and Stanley Road.

Additional comments:

The Parish Council has asked the applicant on more than one occasion for more bungalow than are currently shown. We have an ageing population and there are many in the village who would like to downsize to a bungalow. The majority of bungalows are in The Elms, Four Acres and Stanley Road and these sell within a few weeks of coming onto the market. Due to the proximity of these bungalows it is unacceptable to have higher dwellings along this boundary. It is also not appropriate to say that bungalows will not be higher than 15 Stanley Road which at 2metres higher than all the other properties is an anomaly (which should not have been allowed) not the norm. Dwellings should increase in height as you move away from the boundary, being mindful that this is a rural location and urban dwelling heights are not appropriate.

With regard to privacy screening and buffer zones, the same consideration should be given to all boundary properties not just those in the Conservation Area. Covenants should prevent their future removal and clarification is required about the definition and maintenance of the marked 'buffer' zone.

The location of the Open Space and LA has clearly been chosen because the area could not be developed for housing. Its location on the furthest boundary is far from ideal and needs to be relocated.

There must be more than 2 parking spaces provided for houses with more than 2 bedrooms. This is an expensive rural location where people drive to work and children live with their parents for longer because they cannot afford to leave. We do not believe that people will use the Visitor parking as it is too far away from houses.

With regards to sewage and school capacities, this application cannot be considered in isolation from application UTT/12/5687/FUL for 42 dwellings.

With regards sewage, we had already notified Bidwells of problems with the sewage system both in Stanley Road and where the pipes cross the paddock by the recreation Ground. The development cannot just connect into the existing system.

A resident has notified us of a drain running through the site and a well under the top of Stanley road that the applicant needs to be aware of.

Concern has been expressed by adjacent residents about the ground water runoff as they currently experience flooding of garages and patios when there is heavy rain and the ground is saturated; this problem will be made worse by the development.

The Parish Council fully supports the letter submitted by the school with regards to capacity issues.

A full archaeological investigation must be undertaken.

The draft s106 seems to have insufficient support in it.

One of the LDF requirements for this site is land for allotments. If this not provided what will the compensation be?

8. CONSULTATIONS

Essex County Council Archaeology

- 8.1 The Historic Environment Record shows that the proposed development lies in a potentially highly sensitive area of Great Chesterford. Although outside of the nationally protected area of the walled Roman town there is a high potential for Roman deposits surviving in this area. Immediately to the north lies the Scheduled Roman Temple and to the south east known evidence of Roman suburbs. The proposed site lies between two Roman roads. An archaeological desk based assessment and a geophysical assessment have been undertaken. Geophysics, although non intrusive has produced mixed results in the County. Therefore it is recommended that a full archaeological condition be attached to any planning consent to ensure any archaeological deposits can be appropriately dealt with by recording in advance of development.

Essex County Council 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 application as shown in principle on Drawing No. NJP11420-01 Rev H dated October 2012 subject to

conditions including details of preventing surface water runoff; details of the estate roads and footways should accord to Essex Design Guide and Residential Travel Pack.

Additional clarification following further information from Applicant/Agent:

Transport Assessments have to be produced in line with Department for Transport guidelines, the document is available on the internet, which details exactly what should be included. The TA for the above planning application has been produced entirely according to these guidelines and whilst the guidelines do not specify how much baseline data should be produced, this authority has no issues with the data that has been submitted i.e. the morning peak hour traffic for one morning at Jacksons Lane/Stanley Road and B184/Jacksons Lane junctions. Indeed this has been backed up by the TRICS data which this authority has also verified.

PICADY software is used for predicting capacities, queues, delays and accident risk at priority junctions and will show how junctions will operate with the increased traffic volumes the proposed development will generate. The results in this case show that the RFC, ratio of flow to capacity, is well below a level which would indicate that the junctions were near to maximum capacity.

This authority will always require access to any development to be taken from the lowest category of road and we would not find the proposal acceptable if access was proposed from the B184 which is a main distributor on the Development Management Route Hierarchy Plan, policy DM2 applies. Both Stanley Road and The Elms are unclassified roads and both are of adequate width to take the additional traffic generated by such a development.

Essex County Council Ecology

- 8.3 Holding objection due to insufficient ecological information and insufficient consideration of the following points:
Bat Survey
Habitat Survey
Great Crested Newts Survey
Or justification why these are not required although they have been considered.

Veolia Water

- 8.4 No response received - Date of expiry of consultation 13 November 2012

Anglian Water Services

- 8.5 No response received - Date of expiry of consultation 13 November 2012

Essex Police Architectural

- 8.6 Do not object to the outline application but seek a condition when submitting the Details Following Outline application that the design takes into consideration the requirements to fulfil 'Secured by Design Certification'.

Essex County Council Schools Services

- 8.7 Forecasts there should be sufficient primary provision to meet the needs of the development.

With regard to early years and childcare provision ECC Childcare Places in Essex: Availability and Take-up audit published in July 2012 showed that there is no full day care provision in the The Chesterfords ward and that the sessional pre-school provision is running at full capacity.

The development falls in the priority admission area of Saffron Walden County High School which has permanent capacity to take 1,882 pupils.

Saffron Walden County High School is over 3 miles from the proposed development and therefore ECC is obliged to provide transport to the school. It is the practise of ECC to seek costs for a five year period.

Landscape Officer

8.8 No response received - Date of expiry of consultation 13 November 2012

Special Verges

8.9 The application site is adjacent to Great Chesterford Special Roadside Verge SRV UTT24a which is also a Local Wildlife Site. ULP Policy ENV7 applies. This verge on the eastern side of the B184 road is rare chalk grassland habitat that is managed to support rare plants. If planning permission is granted a condition needs to be added to prevent the developer undertaking any landscaping or management of the special roadside verge site. This will be especially important if at some stage the vehicular access is changed so that the development connects directly with the B184.

Affordable Housing Consultation Officer

8.10 The affordable housing provision on this site meets the 40% policy requirement and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. The mix and tenure split of the properties would need to be agreed with the strategic housing section at reserved matters stage, and be delivered in clusters of no more than 10. The properties would not necessarily benefit applicants with a local connection as this is not a rural exception site, and no subsidy would be available for the affordable housing element.

REPRESENTATIONS

Initial Consultation comments summarised:

- 8.1 Housing - the proportion of housing should be similar to existing area.
- 8.2 New access from B184
- 8.3 Construction traffic to use entrance from B184
- 8.4 Pedestrian access to B184 should remain
- 8.5 Design of houses to respect privacy of existing dwellings.

Following receipt of Revised plans period expired 26 November 2012: Comments summarised

- 8.6 The assessment of traffic is unrealistic and should be reassessed.
- 8.7 Access should be via Spencer Road
- 8.8 Traffic controls i.e. roundabout/traffic lights at the main Jackson Lane entrance with B184
- 8.9 Vehicular access directly off B184
- 8.10 Road safety concerns of the access through Four Acres/The Elms/Stanley Road
- 8.11 Revised plans indicate a moving target and thus contrary to a fair consultation.
- 8.12 Primary School and Secondary School (catchment area) are both full to capacity.

- 8.13 Method of delivery of sewage to pumping station is at capacity
- 8.14 No facilities at the railway station
- 8.15 Few, if any, jobs in the centre of Great Chesterford
- 8.16 Overlooking of existing properties
- 8.17 Effect on existing properties
- 8.18 Unreasonable noise and disturbance by vehicles or other cause
- 8.19 Density of proposed dwellings
- 8.20 Number of proposed bungalows and position
- 8.21 Screening and maintenance of existing and proposed landscaping
- 8.22 Outside development limits
- 8.23 Maximum heights proposed for bungalows would lead to creation of chalet bungalows or two storey dwellings.
- 8.24 Cycle/footpath leads no where
- 8.25 Road safety concerns for school bus users/vehicular access on to B184.
- 8.26 Quantity of affordable housing – is it required?
- 8.27 Remote visitor parking and recreation areas
- 8.28 Capacity of the Primary school due to filling spaces outside catchment area.
- 8.29 Concerns over reliability of the Flood Risk Assessment
- 8.30 Increase in traffic
- 8.31 Utilities stretched
- 8.32 Potential for crime
- 8.33 Property values
- 8.34 Parking issues
- 8.35 Inaccuracies in documentation
- 8.36 Conditional support – Archaeological condition
- 8.37 Support application
- 8.38 Proposed housing is not affordable.
- 8.39 Potential of traffic barrier to Four Acres to prevent area becoming race track
- 8.40 Current proposal does not meet the village's requirements.

9. APPRAISAL

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

Whether development of the land for housing is acceptable in principle having regard to policy seeking protection of the character and appearance of the countryside and Government advice which seeks deliver of new homes (NPPF; ULP Policy S7 Adopted Plan)

- 9.1 The land is outside of any development limits for the purposes of the Uttlesford Local Plan (ULP) adopted 2005.
- 9.2 The emerging local plan is still only in draft form and has yet to be tested at Examination by an independent Inspector and may still be subject to change it can therefore only be afforded little weight.
- 9.3 Policy S7 of the adopted ULP states that *'the countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sale, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. 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'*. New dwellings outside of

- development limits do not normally meet the exceptions of ULP Policy S7 and would fail to protect the character and appearance of the countryside.
- 9.4 This site is beyond development limits where residential development would normally be refused. However, the Council is, at the moment in a position where it cannot demonstrate a 5 year supply of housing land.
- 9.5 The NPPF sets a presumption in favour of sustainable development which means approving development which accords with the development plan; and where the relevant policies in the development plan are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 9.6 The NPPF retains the requirements for the Local Planning Authorities to have a 5-years worth of housing against their housing requirement but with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The buffer is increased to 20% where there is a record of persistent under delivery. It is currently considered that the Council would fall within the category where a 20% buffer would be applied.
- 9.7 Because there is currently a shortage of housing land when measured against the five year land supply any application would have to be considered in this context and the contribution of delivery 50 homes could make to this shortfall.
- 9.8 Great Chesterford is a village with a good range of facilities including a school, a shop, pubs, recreational facilities etc. A development of 50 would deliver 40% affordable housing and would be capable of providing a range of house types and sizes.
- 9.9 In terms of location, Great Chesterford is one of Uttlesford larger villages and has been identified as a key rural settlement.
- 9.10 In summary, it is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal can, in principle, outweigh the harm in relation to rural restraint set out in ULP Policy S7 subject to detailed considerations.

Whether the proposed housing would be acceptable in detail having regard to highway safety, the character and appearance of the area, amenity of neighbouring properties and affordable housing provision (NPPF, GEN1, GEN2, GEN6, GEN8, SPD Accessible Homes and Playspace, Essex County Council Highways – Development Management Policies)

- 9.11 It is recognised that development on previously undeveloped land is a significant change in character and so opportunity must be taken to integrate and minimise impact. The proposed dwellings would range from single storey bungalows (with a maximum height of 6.5m) through two storey dwellings (max.height of 8.5m) and two and half storey dwellings (max. height 10.5m) and this would impact on the countryside. The layout seeks to reduce the impact by adding additional planting to the established boundaries and utilising the existing accesses. The immediate presence of dwellings would therefore be reduced and additional planting agreed in a detailed application could support this transition.
- 9.12 The layout has been designed in a manner which includes two bungalows adjacent to the entrance to the site and adjoining the existing bungalows. The proposed dwelling directly behind the existing bungalows along The Elms would be max. 2 storey whilst the rest of the site would have dwellings to a maximum of 10.5m two and a half storey. The dwellings spread around the outside of the site with a corner set aside for the open space/local area of play (LAP). With a proportion of the dwellings in the centre of the site facing out. A later, detailed application can agree appropriate planting for this green and LAP. The Essex

Police Architectural Officer has commented that there are no objections to the outline but consideration should be given to preventing crime when submitting a detailed application at a later time.

- 9.13 Concern by third parties with regard the amount of proposed bungalows has also been raised. Third Parties consider that there is a greater need for bungalows than the applicant is proposing to deliver. The current Local Plan does not stipulate amount of bungalows which need to be delivered within an application. The emerging local plan – which can be afforded little weight, states that there is a requirement to provide ‘5% older persons 1 and 2 bed bungalows across tenure.’ The indicative plans show that there is a proposal of 4 which exceeds 5% by 1.5 bungalows. The residents/Parish Council have not produced evidence to support their claim that there is a need for more bungalows.
- 9.14 The density of development would be approx 30 dwellings per hectare. Acknowledging the layout provides for appropriate amenity space, parking provision and local area of play, this amount is considered to be appropriate density so as to result in a layout with character appropriate to its context.
- 9.15 Policy H10 of ULP requires that the site provides a significant proportion of housing as ‘small properties’. Small properties are defined as two and three bed homes. No details have been included within the application therefore these details will be required as part of a later application to include - a mix of house types and sizes for both affordable and market housing.
- 9.16 Each dwelling would be provided with a private rear garden of adequate size in proportion to the dwelling. It may be necessary to restrict permitted development rights to some of the smaller dwellings so as to protect garden as useful amenity space for occupiers.
- 9.17 Concern from third parties and the Parish have indicated that the dual access on to the site does not respect that of the whole of Great Chesterford where there is one entrance on to each estate/development. In addition there is concern that access is not directly on to the B184 Walden Road.
- 9.18 The Council have to assess the application as submitted and whilst taking into consideration comments from Parish and third parties the Highways Authority comments hold significant weight.
The Highway Authority has assessed the scheme as the application requests that access be considered in this outline application. They have no objection and therefore find the access arrangements satisfactory from an accessibility and safety point of view subject to conditions. In response to neighbour concerns Highways have commented that ‘*This authority will always require access to any development to be taken from the lowest category of road and we would not find the proposal acceptable if access was proposed from the B184 which is a main distributor on the Development Management Route Hierarchy Plan, policy DM2 applies. Both Stanley Road and The Elms are unclassified roads and both are of adequate width to take the additional traffic generated by such a development.*’
Therefore the access on to the site is considered appropriate and in accordance with ULP GEN1 and Essex Standards etc.
- 9.19 Parking has also been raised as a concern. Parking will be considered at a later stage however it should be noted that the Councils adopted standards are a minimum of 2 spaces per dwelling for 2+ bedroom properties.
- 9.20 There is a requirement for 40% of the total dwellings to be delivered as affordable housing in accordance with ULP Policy H9. The Housing Officer has confirmed that ‘*The affordable housing provision on this site meets the 40% policy requirement and it is expected that these properties will be delivered by one of the Council’s preferred Registered Providers. The mix and tenure split of the properties would need to be agreed with the strategic housing section at reserved matters stage, and be delivered in clusters of no more than 10. The properties*

would not necessarily benefit applicants with a local connection as this is not a rural exception site, and no subsidy would be available for the affordable housing element.' This can be secured by legal agreement.

9.21 In addition the Supplementary Planning Document (SPD) Accessible Homes and Playspace states that 'In developments of 20 units and over at least 5% should be built to wheelchair accessible standards.' This will need to be addressed in any later applications and a condition included to that effect.

9.22 Screening and landscaping will form part of a reserved matters application but the comments from third parties is duly noted.

9.23 Education contributions – The forecasts indicate that there should be sufficient primary provision to meet the needs of the development.

With regard to early years and childcare provision ECC Childcare Places in Essex: Availability and Take-up audit published in July 2012 showed that there is no full day care provision in the The Chesterfords ward and that the sessional pre-school provision is running at full capacity.

The development falls in the priority admission area of Saffron Walden County High School which has permanent capacity to take 1,882 pupils.

Saffron Walden County High School is over 3 miles from the proposed development and therefore ECC is obliged to provide transport to the school. It is the practise of ECC to seek costs for a five year period this could be secured by way of a legal agreement. Concern from third parties and the School Head Teacher indicate that the figures from Education are not accurate. The Head Teacher indicates that they accept applications for children to attend the school from outside of the village. The school policy is however not a planning concern and the expertise of the Education Department are supported and therefore it is considered that the contributions of the land for Education/Community use and education contributions secured by legal agreement meet the requirement of the policy.

9.24 Whether there would be any harm to the residential amenity of neighbouring properties as a result of overlooking, overshadowing or overbearing impact, noise or disturbance (ULP Policies GEN2 and GEN4)

9.25 The submitted layout plan is indicative but illustrates that the site can accommodate the 50 dwellings for which planning is sought. Issues have been raised by third parties regarding potential overlooking and overbearing as well as noise/disturbance concerns. Most of these are issues that would be dealt with at the reserved matter stage and relate to matters of design. However, it is not considered, that based upon the indicative layout, there would be any significant adverse overlooking or overbearing issues. It is considered therefore that the proposals comply with Policy GEN2.

9.26 With regard the issue of noise/disturbance third parties are concerned that the increase in vehicles will increase the noise and disturbance, especially those in Four Acres. It is acknowledged that there will be an increase in vehicular movement in the area however it is unlikely to have any significant impact. The road widths and design are considered sufficient to take the vehicular movements and therefore the proposal complies with ULP Policy GEN”.

9.27 Whether there would be harm to wildlife and protected species (NPPF and ULP Policy GEN7)

- 9.28 The application has been submitted with an ecological survey. This identified that there was a recommendation for additional species surveys for Reptiles and Nesting birds.
- 9.29 Mitigation for birds would be site clearance outside of the nesting season and this is considered appropriate. Various mitigations measures were recommended for any reptiles which may be present.
- 9.30 However, given the nature and location of the site further surveys were required in respect of bats, great crested newts and habitats and to date no GCN, bat or detailed habitat survey have been undertaken. In addition there is no justification within the application as to why there is no requirement for further surveys.

All competent authorities, when exercising their functions must have regard to the requirements of the Habitats Directive (See Regulation 9(5) of the 2010 Habitats Regulations). Planning authorities are competent authorities and are exercising a function in deciding whether or not to grant planning permission. The judgement in the recent case of Morge (FC) (Appellant) v Hampshire County Council [2011] UKSC 2 considered the application of this duty. It came to the conclusion that, "if the Planning Authority concludes that the carrying out of the development for which permission has been applied for even if it were to be conditioned, would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, then it must consider the likelihood of a licence being granted." In this particular instance there is insufficient information for such an assessment to be carried out with regard bats, Great Crested Newts and habitats.

Therefore if the information is not received and satisfactorily assessed as acceptable the application must be refused on the basis of insufficient ecological information provided which would be contrary to the NPPF and Policy GEN7. The lack of ecological information would outweigh the benefits of the contribution the development would make towards the Council's 5 year land supply.

NOTE: Due to the comments received from ECC Ecology further details have been requested from the applicant/agent. To date (27 November 2012 the information was being compiled but had not been received. Therefore the recommendation may need to be re assessed at Committee once the information has been received and considered.

11.00 CONCLUSION

- 11.1 Providing the information regarding the Ecology details are received and are satisfactory the application is recommended for conditional approval.

It is considered that the weight to be given to the requirement to provide a 5 year land supply and the market and affordable house provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7 and the NPPF. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development of this site.

RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 LEGAL AGREEMENT

- (1) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (iii) unless within 6 months of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1999, as amended by the Planning and Compensation Act 1991, in a form be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
- a. Payment of contributions towards education provision
 - b. 40% affordable housing provision provided in blocks of no greater than 10.
 - c. Provision of Local Area of Play and Public Open Space and contributions of maintenance for 20 years.
 - d. Provision of at least 4 single storey 1 or 2 bed bungalows
 - e. A provision of at least 5% or minimum of 3 dwellings which are built to wheelchair accessible standards
 - f. The provision of 2.1ha Community Use Land/Education Land next to the Community Centre
 - g. Prior to development payment towards early years and childcare provisions
 - h. Provision of footpath/cycle path through the development towards Stanley Road (the vacant site) and they will not object or seek payment to future scheme linking to it.
 - i. Meet Council's reasonable legal costs.

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 2 years from the date of this permission. The development hereby permitted shall not be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development shall take place within the area indicated until the applicant or their agents or successors in title 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) and NPPF.

4. No demolition or site clearance works or removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect roosting birds which use the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

5. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application 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 Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).

6. Flood risk management measures identified in the approved Flood Risk Assessment are to be incorporated into the development.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

7. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:

(a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.

(b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [*the date of the occupation of the building for its permitted use*], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

(c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition (), at such time as may be specified in writing by the local planning authority,.

(d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).