

**UTT/12/5349/FUL – (HATFIELD HEATH)**

*(Major application)*

**PROPOSAL:** Affordable housing development consisting of 14 no. dwellings and allotments

**LOCATION:** Land at Broomfields, Hatfield Heath

**APPLICANT:** Hastoe Housing Association

**AGENT:** Parsons & Whittley Ltd

**GRID REFERENCE:** 552081/ 215076

**EXPIRY DATE:** 25 December 2012

**CASE OFFICER:** Miss S Wellard

---

## **1.0 NOTATION**

- 1.1 Outside Development Limits, Metropolitan Green Belt, Tree Preservation Orders along the southern boundary

## **2.0 DESCRIPTION OF SITE**

- 2.1 This application relates to a parcel of land of 0.95 hectares situated to the north of the existing housing development of Broomfields. The land is located directly to the north of the development limits of Hatfield Heath, within the Metropolitan Green Belt. It is used mainly as agricultural land with the western part previously being allotments, although it is clear that the land has not been formally used for allotment purposes for quite some time. The site is mainly level. There is a row of mature oak trees along the southern boundary of the site which are protected by Tree Preservation Orders, as well as a ditch. There is also a mature vegetation screen along the western boundary of the plot. There are open fields to the north and east. There are a number of overhead electricity lines across the field.
- 2.2 The dwellings directly to the south of the land are single-storey bungalows. They are situated around an existing open green area. These properties mostly have on street parking provision, although there is an existing informal parking area to the north of the dwellings, adjacent to the application site. Other properties on Broomfields are two-storey, mainly terraced dwellings or flats.

## **3.0 PROPOSAL**

- 3.1 The application proposes the erection of 14 affordable dwellings with associated access and parking arrangements and allotments.
- 3.2 The dwellings would be located at the western side of the plot. The housing mix would consist of 2 x 1 bedroom flats, 9 x 2 bedroom houses (one being shared-ownership) and 3 x 3 bedroom houses. The buildings would be arranged in 4 blocks, two comprising 3 units and two comprising 4 units. All dwellings would face into a central courtyard which forms the access to the site and is defined by an area of public open space.

- 3.3 The proposed buildings would be two-storey with an average ridge height of approximately 9m. The dwellings would be divided in terms of external material. Some would have white rendered walls and some would be finished in timber cladding. The roofs would be finished in dark grey interlocking tiles.
- 3.4 A wide belt of landscaping would be retained and enhanced along the southern boundary of the site. The nearest property would be approximately 10m from the southern boundary of the plot.
- 3.5 Access to the site would be from the existing road that serves Broomfields. It would be widened at its northern end and additional parking provision would be created within the existing Broomfields development on Uttlesford District Council land to provide 12 additional parking spaces for existing dwellings and an enlarged turning head.
- 3.6 Each new dwelling would have two off-road parking spaces with minimum dimensions of 2.9m by 5.5m and some additional visitor parking is proposed. Each dwelling would have a private rear garden area, including sheds, dryers and bin storage. Hard and soft landscaping is proposed along the site boundaries and between the dwellings. The existing overhead electricity lines would be diverted.
- 3.7 It is also proposed to provide allotments to the eastern side of the site. The allotments will be accessed via the same access as the dwellings and a parking area is proposed. The plans indicate that the allotments would cover some 2255sqm, providing 6 plots of 250sqm and 6 plots of 125sqm.

#### **4.0 APPLICANTS CASE**

- 4.1 Design and Access Statement (Summary): A housing needs survey was undertaken and the results have been reflected in the proposed housing mix. The application proposal follows an extensive site selection process. Three sites were considered by the Parish Council who opted for this site as their preferred option. The design and layout of the site has been influenced by the need to avoid harm to the protected trees. The development is proposed to be constructed to Passivhaus standard and the layout accords with Secure By Design. The access arrangements to and within the dwellings are to be provided in accordance with Lifetime Homes Standards. Detailed proposals for the site were developed and a community engagement event organised whereby a significant number of local residents and other interested parties attended. As a consequence some minor revisions were made to the scheme including relocation of the allotments and the widening of Broomfields and the provision of more parking spaces on Uttlesford District Council land.
- 4.2 Housing Needs Survey, June 2009: The survey was carried out in the parish in June 2009. The response rate was 18%. 75% of respondents were supportive of a small scheme of affordable housing for local people if the need was identified. 34 respondents were identified as having a need for affordable housing which led to a recommendation of 14 homes. This took into account that a scheme of 6 shared ownership properties already exist and planning guidance is that half the level of identified need is developed. Although the survey indicated a high need for one bedroom dwellings, a mix of 2 and 3 bedroom houses would help to meet the longer term needs of the local community. Tenure would mostly be rent and intermediate rent.
- 4.3 Ecology Surveys and CfSH, dated 11 September 2012: In carrying out the ecological components of a Code for Sustainable Homes assessment for the proposed

development and comparing the existing situation with that which is predicted after development, it is calculated that a total of five credits can be awarded for; ecological value of the site, positive enhancement of the site ecology, protection of ecological features and two credits in respect of change of ecological value of the site.

- 4.4 Great Crested Newt Survey, dated 12 September 2012: These surveys follow on from a Preliminary Ecological Assessment of the site on 18 June 2012 which identified the presence of habitats on site with the potential to support great crested newts. Given the presence of a low population of great crested newts identified during the survey and the abundance of records from within 500m of the site returned by the data search it is considered that a European Protected Species Mitigation Licence is required prior to the commencement of works on site.
- 4.5 Phase One Desk Study Report, dated August 2012 and Ground Investigation Report by Richard Jackson, dated September 2012: Intrusive ground investigation to assess the prevailing ground conditions. Conventional spread foundations or raft foundations are appropriate, and suspended ground floor construction is recommended. The conditions are not appropriate for the use of infiltration drainage. The site may be developed without the need for contamination remediation.
- 4.6 Archaeological Trial Trenching and excavation at Broomfields, dated August 2012: A series of trial trenches shall be excavated, depending on the results of this work open area excavation across the site may be required.
- 4.7 Utilities Enquires: Information obtained by application with regards to National Grid gas supplies, Thames Water foul sewer, Veolia Water water supply, UK Power Networks electricity supply.
- 4.8 Arboricultural Implications Assessment & Tree Protection Plan, dated August 2012: The design layout has been developed to minimise the impact on the trees. The report is based on the recommendations outlined in the British Standards 5837:2012.

## **5.0 RELEVANT SITE HISTORY**

- 5.1 None relevant

## **6.0 POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework March 2012 – Core principle in favour of sustainable development and positive growth.

### **6.2 East of England Plan 2006**

- Policy SS1 Achieving Sustainable Development
- Policy SS4 Towns other than Key Centres and Rural Areas
- Policy SS7 Green Belt
- Policy H1 Regional Housing Provision 2001 to 2021
- Policy H2 Affordable Housing
- Policy ENV7 Quality in the Built Environment
- SPG Accessible Homes and Playspace (Nov 2005)
- SPG Energy Efficiency and Renewable Energy (Oct 2007)

### **6.3 Uttlesford District Local Plan 2005**

- Policy H11 – Affordable Housing on ‘exception sites’
- Policy GEN1 - Access
- Policy GEN2 – Design
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV15 – Renewable Energy
- SPD Accessible Homes and Playspace
- SPD Energy Efficiency and Renewable Energy

## **7.0 PARISH COUNCIL COMMENTS**

- 7.1 The Parish Council and Hastoe housing Association have consulted extensively within the parish and would appreciate a fast tracked decision of approval so that construction can commence as soon as possible.

## **8.0 CONSULTATIONS**

### **ECC Highways Authority**

- 8.1 No objection. The application site takes access off a part of Broomfields which is not adopted by Essex County Council and therefore ECC has no jurisdiction over it. The proposed layout appears to comply with the Essex Design Guide and we have no highway safety issues.

### **ECC Infrastructure Funding Officer**

- 8.2 The development falls in the priority admissions area of Hatfield Heath Community Primary School. The latest data shows that the school is currently full in all year groups and out forecast which are about to be published in the document ‘Commissioning School Places in Essex 2012 to 2017’ show that the position will remain unchanged for the forecast period. It is thus clear that additional provision will be needed at primary level and that this development will add to the need.
- 8.2.1 With regard to early years and childcare provision and secondary provision the latest Essex County Council forecasts show that there will be sufficient places to serve the needs of the development. We can also confirm that it is anticipated that there will be sufficient school bus places to transport children to Mountfitchet Maths and Computing College.
- 8.2.2 I must therefore request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on primary education. The formula for calculating education contributions is outlined in our Developers’ Guide to Infrastructure Contributions, 2012 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2012. For information purposes only, should the final development result in the suggested net increase of 12 houses and 2 flats with just the housing having two or more bedrooms, the sum would be £39,118 index linked to April 2012 costs.
- 8.2.3 If your Council were minded to turn down the application, I would be grateful if the lack of education provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to this site.

## **ECC Archaeology**

- 8.3 Archaeological condition recommended. The Historic Environment record shows that the proposed development lies in close proximity to the recorded site of a moated settlement (HER 4419-20). This was a moated enclosure which had been abandoned by the 19<sup>th</sup> century, but has records of a building present within it during the 18<sup>th</sup> century. Many of these moats in north west Essex have their origins in the 12<sup>th</sup> or 13<sup>th</sup> century. The most likely access to route to the moat would have been along the edge of the heath which borders the proposed development area. The HER also records archaeological deposits of earlier field systems recorded from aerial photographs.

## **Thames Water**

- 8.4 With regards to sewerage infrastructure we would not have any objection. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. The applicant should confirm location and levels of the foul sewers by site survey before finalising the design of the proposed drainage system.

## **Environment Agency**

- 8.5 The application falls outside of the scope of matters for which we are statutory consultee and therefore we will not be issuing a response.

## **9.0 REPRESENTATIONS**

- 9.1 2 site notes were displayed in Broomfields and 38 adjacent properties were notified by letter. Notification period expired 1 November 2012. As a result of the consultation two letters have been received;

79 Broomfields – Main concern is increased traffic

7 Wagon Mead – Supports the application. The site will help house local people of Hatfield Heath. It is a nice looking development, out of the way and will not affect the villagers in any way but for the better.

## **10.0 APPRAISAL**

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

- Principle of the development
- Design and Layout
- Impact on amenity and locality
- Impact on Highways
- Other materials planning considerations

### **Principle of the development**

- 10.1 The proposal site falls outside of the defined development limits of Hatfield Heath within the Metropolitan Green Belt as defined within Uttlesford Local Plan, which states that development will only be permitted if it accords with national policy on Green Belts. Any development should preserve the openness of the greenbelt and its scale, design and siting should be such that the character of the countryside is not harmed.

- 10.2 The National Planning Policy Framework (2012) attaches great importance to Green Belts whereby a fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence (Paragraph 79). Paragraph 81 states that landscapes should be retained and enhanced, and paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved. Paragraph 89 stated that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt however an exception to this is limited affordable housing for local community needs under policies set out in the Local Plan. Paragraph 54 states that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.
- 10.3 The proposed housing would be 100% affordable, and as such the proposal would be viewed as an exception site as defined by Local Plan Policy H11 which states that development of affordable housing will be permitted outside settlements on a site where housing would not normally be permitted if it would meet all of the following criteria; (a) 100% of the dwellings are to be affordable and provided through a registered Social landlord; (b) The development will meet a particular local need that cannot be met in any other way; (c) The development is of a scale appropriate to the size, facilities and character of the settlement; and (d) The site adjoins the settlement.
- 10.4 It is considered that the scheme accord with all aspects of the abovementioned policy. The scheme is 100% affordable and this would be secured via the legal obligation of a section 106 agreement. Hatfield Heath Parish Plan produced in May 2005 identified provision of affordable housing as a key issue in the village. A Housing Needs Assessment has been undertaken in Hatfield Heath and survey submitted. The Councils Housing Officer has been consulted on the application and has stated that 'The need for affordable housing for those with a local connection has been demonstrated through the Housing Needs Survey and the housing mix proposed meets this need. The Council's strategic housing section have been involved in discussions with Hastoe for some time and have been working jointly on parking proposals to benefit current residents. We are satisfied that sufficient public consultation, in conjunction with the Parish, has taken place, so are therefore in support this application'. The development is low key, considered to be of an appropriate scale to respect the size and character of the settlement. Allotments would be provided that would provide an additional facility for the local area. The design and scale of the dwellings is discussed below. The site adjoins the existing Hatfield Heath settlement area.
- 10.5 A survey of possible sites was undertaken. Alternative option sites have been investigated. Given development obstacles at the other sites, including ecology and access problems, it was considered that this site was the most developable. The site is partly ex-allotment (now unused) and partly agricultural. It forms a corner part of a larger field and this, coupled with its proximity to the existing settlement, offers the opportunity for development to provide land for demonstrated need for affordable housing without a significant loss of agricultural production.
- 10.6 The proposal also provides the additional benefit of allotments, a community use for the local residents. Allotments are an important component of open space which provide recreational value, support biodiversity and contribute towards healthy lifestyles through physical exercise and the change to grow fresh produce. The

addition of allotments contributes to one of the Key Themes of Staying Healthy in the Uttlesford Sustainable Community Strategy. This element of the proposal contributes to other objectives of the Local Plan. The Parish Council have agreed to enter into a legal agreement for the maintenance of the land.

- 10.7 The principle of this form of development, in this location accords with National and Local Plan Policy. Subject to the detail of the development proposals meeting the criteria of other policies in the Local Plan this development is considered to be appropriate.

### **Design and layout**

- 10.8 Broomfields comprises an array of dwelling type, including two-storey terraces and semis, flats, and the properties closest to the application site are semi-detached bungalows. Given this variety of existing dwelling type, it is considered that the proposed development would not have any adverse impact on the character of the layout or arrangement of the existing locality. The dwellings would be two-storey and therefore differ from the adjacent bungalows, however they would be divided by mature existing vegetation and proposed landscaping. The closest new building would be 10m from the southern boundary, well divided from the existing bungalows and therefore would not have a jarring appearance. The slab levels are proposed to be approximately 0.2m higher than the existing ground level and the heights of the proposed dwellings are not excessive.
- 10.9 The dwellings are proposed to be constructed of external materials that are appropriate in the locality, comprising a mixture of render and timber weatherboarding, under an interlocking tiled roof.
- 10.10 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+ and 1 to 2 bedroom dwellings (not including flats) should have areas of 50sqm+. The application has been slightly amended to ensure that all of the gardens are of a size that accord with requirements of the Essex Design Guide, and provide an adequate provision for the future occupiers of the dwellings.
- 10.11 The development has, in my opinion, an attractive layout, comprising a central courtyard with a central public open space feature.
- 10.12 The site has been designed so that the development does not have any negative impact on the TPO trees along the southern boundary. The houses are an adequate distance from the trees and further landscaping is proposed along this boundary. An Arboricultural Implications Assessment & Tree Protection Plan has been submitted as part of the application. The Council's Landscape Officer has commented that 'The mature oak trees along the southern boundary of the site are subject to UDC TPO 12/94. These trees are show to be retained as part of the proposals. Some crown lifting will be required to accommodate pedestrian and vehicular access, but this will not adversely affect the amenity value of these trees or their long-term health. An ash, and a field maple and elm tree are required to be felled to accommodate the proposed development. Whilst the ash is of some amenity value, its loss is not considered to be significant in the context of broader landscape. The proposed protective measures for trees shown to be retained are considered appropriate. In the circumstances of planning permission being granted it is recommended this is conditional requiring the submission of a detailed scheme of landscaping for the development'.

- 10.13 The proposed dwellings have been designed to Passivhaus standards which means they will be low energy dwellings incorporating good levels of insulation, air tightness, passive solar gain and the inclusion of solar shading. The building would be in accordance with Policies GEN2 and ENV15 of the Local Plan. Implementation of such measures would be secured by Building Control.
- 10.14 The Design and Access Statement confirms that the proposed development would accord with Secure by Design and Lifetimes Home Standards. Plot 1 would be wheelchair accessible as required. The Council's Access and Equalities Officer has confirmed that the scheme is acceptable in this regard.
- 10.15 The scheme is situated within Flood Zone 1 where there is little or no risk (<0.1%) chance of flood risk. A Phase One Desk Study Report, dated August 2012 and Ground Investigation Report by Richard Jackson, dated September 2012 have been submitted with the application that state that the ground conditions are not appropriate for the use of infiltration drainage and therefore an appropriate scheme of drainage should be drawn up. Implementation of a suitable scheme would be secured by Building Control.

#### **Impact on residential amenity**

- 10.16 The scheme is for residential dwellings and allotments. Given the nature of the development, number of units and its layout, the proposal would have no long-term adverse impact in terms of causing undue noise or disturbance on the surrounding residential dwellings in accordance with Policy GEN4 of the Local Plan.
- 10.17 The properties have been located at a good distance from the existing dwellings to ensure that they would not be unduly overbearing or lead to any material loss of the light. The mature vegetation screen to the southern boundary, as well as the layout of the properties ensures there would be no loss of privacy. The site has been designed and orientated so that the properties would not adversely affect one another in the above ways.

#### **Highways issues**

- 10.18 All of the dwellings would have two usable car parking spaces which would have minimum sizes that would comply with current Essex County Council Parking Standards (adopted 2009). Four visitor parking spaces are proposed which accords with Parking Standards of 0.25 spaces for dwelling. Parking provision is also proposed for the allotments.
- 10.19 Essex County Council Highways Authority have been consulted on the proposal and have raised no objection. The application site takes access off a part of Broomfields which is not adopted by Essex County Council and therefore ECC has no jurisdiction over it. The proposed layout appears to comply with the Essex Design Guide and there are no highway safety issues. The proposed access is considered to be appropriate.
- 10.20 Following concern at pre-application stage from local residents, the applicant has proposed to provide additional parking spaces within the existing Broomfields development for the existing local residents, as well as an enlarged turning head. Since the majority of existing parking provision is on-road, these additional spaces are welcomed. UDC Housing Estates Surveyor has confirmed that UDC will be responsible for maintaining the additional parking and the improved road within the curtilage of the original estate, which is within UDC land ownership.

## **Other materials planning considerations**

- 10.21 Ecological Surveys have been undertaken at the site. The presence of a low population of great crested newts was identified during the survey and there are an abundance of records from within 500m of the site returned by the data search. Therefore the survey concludes that a European Protected Species Mitigation Licence is required prior to the commencement of works on site. A condition should be attached to any permission to ensure the development is carried out in line with the recommendations of the ecological surveys.
- 10.22 Essex County Council have requested financial contributions towards primary education in the area, which shall be secured via a s106 agreement.

## **11.0 CONCLUSION**

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

- The proposal meets all of the requirements outlined in Policy H11 for housing on exception sites and therefore is acceptable in principle.
- The design and layout are appropriate, having no adverse impact on the wider visual or residential amenities of the locality, in accordance with Policies GEN2 and GEN4.
- The proposed parking and access meet current adopted Parking Standards and policies to ensure highway safety (policies GEN1 and GEN8).

## **RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 AGREEMENT**

- (I) The applicant be informed that the committee would be mindful 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 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
- (i) The provision and retention in perpetuity of all 14 units as affordable dwellings, administered by a Registered Social Landlord.
  - (ii) payment of contributions towards education provision
  - (iii) pay the Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) No affordable housing
  - (ii) No contributions towards education provision

## CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.  
REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.
3. The development hereby permitted shall be constructed entirely of the materials details as shown on the schedule of materials the planning application form and as per the samples submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
4. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.  
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
5. All hard and soft landscaping 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 occupation of the buildings, the completion of the development, or in agreed phase, 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 a similar size and species, unless the local planning authority gives written consent to any variation. All landscaping works shall be carried out in accordance with the guidance contained in British Standards and the Arboricultural Implications Assessment and Tree Protection Plan Drawing Number 17635/901.  
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted and the TPO trees to the southern boundary need to be protected, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
6. The dwellings hereby approved shall not be occupied until the roads and parking spaces have been constructed and surfaced in accordance with details which have been submitted to and approved in writing by the local planning authority.  
REASON: IN order to ensure that adequate vehicular and pedestrian access is provided in the interest of highway safety in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

7. The works shall be carried out in accordance with recommendations of Great Crested Newt Survey, dated 12 September 2012 which states that a European Protected Species Mitigation Licence is required prior to the commencement of works on site.  
REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).
  
8. 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 by the applicant and approved by the planning authority. All works shall be carried out in accordance with the approved scheme.  
REASON: In the interests of archaeological protection in accordance with the NPPF and Policy ENV4 of the Uttlesford Local Plan (adopted 2005).