

UTT/12/5508/FUL (ELSENHAM)

PROPOSAL: Proposed development of 6 no. new dwellings

LOCATION: Land at Alsa Leys, Alsa Leys, Elsenham

APPLICANT: Mr D Wadhams

AGENT: Wighton Architects

GRID REFERENCE: TL 529-627

EXPIRY DATE: 13 December 2012

CASE OFFICER: Miss K. Benjafield

1. NOTATION

1.1 Outside Development Limits / TPO protected trees

2. DESCRIPTION OF SITE

2.1 The site is located towards the end of Alsa Leys and covers an area of 1580m². It is bounded on three sides by dwellings and an estate road and is covered with trees and vegetation. The neighbouring properties are two-storey dwellings and to the rear is open countryside.

3. PROPOSAL

3.1 This application relates to the erection of six no. two-storey dwellings comprising 2 x two bedrooms and 4 x three bedrooms. There would be a pair of semi-detached dwellings and four detached dwellings. 14 parking spaces are proposed, 2 for each property and 2 for visitors use.

4. APPLICANT'S CASE

4.1 A design and access statement, arboricultural report, Phase 1 Habitat survey and additional protected species survey have been submitted with the application.

5. RELEVANT SITE HISTORY

5.1 None.

6. POLICIES

6.1 National Policies

National Planning Policy Framework (NPPF)

6.2 Uttlesford District Local Plan 2005

Policy S7 – The Countryside
Policy GEN1 - Access
Policy GEN2 - Design

Policy GEN7 - Nature Conservation
Policy GEN8 - Vehicle Parking Standards
Policy H10 - Housing Mix
Policy ENV3 - Open Spaces and Trees
SPD2 - Accessible Homes and Playspace
ECC Parking Standards (Design and Good Practice) September 2009

7. PARISH COUNCIL COMMENTS

- 7.1 The proposal for this development would affect TPO no 8/72 Elsenham, an area and 2 individual oak trees, due care must be taken so as not to cause any damage to the limbs or the root systems. Ash trees are now at risk we should not be getting rid of any healthy specimens.
- 7.2 Although the car parking conforms within the guidelines of UDC formula, the council would like to stress that they do not feel that the development has adequate parking facilities, and that maybe the formula needs to be addressed so as not to cause parking difficulties.

8. CONSULTATIONS

Landscape Officer

- 8.1 The site is covered by a UDC area tree preservation order 8/92 [ref:A1] which protects all trees of whatever species growing at the time the order was made [1992].

There are a number of large mature trees [6 oak, 2 wild cherry, 1 field maple, 1 ash, and 1 birch] along the western edge of the site which are indicated to be retained within the proposed development.

Across the rest of the site are numerous self-set trees consisting of oak, ash, birch, hawthorn, hybrid black poplar, and crack willow all of which are proposed to be removed to accommodate the development. A number of these subjects have become 'leggy' as they have grow up in competition. Whilst these young trees do have some amenity value contributing to this green space and the immediate surrounds they are not considered to be significant in the context of the broader landscape.

No objection is raised to the proposed development subject to the retention of the mature trees along the western boundary of the site; together with the planting of a continuous broad native hedge along the full length of this boundary to provide separation between the development and the open countryside beyond.

ECC Highways

- 8.2 The Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No. 101/03 (02)002 subject conditions relating to the storage of materials and vehicles within the site and clear of the highway, the prevention of surface water flowing onto the highway and the provision of a travel information pack.

Access and Equalities Officer

- 8.3 No irregularities although no through floor lift is shown, confirmation of track and hoist provision is required and steps are shown on the plans and there should be level access into the dwellings.

Natural England

- 8.4 The standing advice indicates that further surveys should be undertaken.
[N.B. Additional surveys have been undertaken and the resultant report has been considered by Officers from ECC Ecology]

ECC Ecology

- 8.5 The site, situated on the edge of Elsenham, contains predominantly secondary woodland which would be lost due to the proposals. The western boundary borders arable land which separates the site from Alsa Wood Local Wildlife Site. This western boundary of the site contains mature trees and these should be retained and protected, as proposed.

The Survey of Trees and Site for Bats advises that no further survey work for is required for bats. I recommend that the other recommendations within the above two reports are undertaken. This includes the incorporation of measures to provide positive opportunities on site.

9. REPRESENTATIONS

- 9.1 Three letters have been received. Period expired 19 November.
Main concerns:

- I would like to see more off road parking or widening of the road to prevent on street parking affecting traffic.
- I would like to see a narrow pathway on the north side of the development for Elsenham residents to still gain access to Alsa Woods.
- Construction traffic will cause major issues
- Construction times will need to be agreed with residents – there is a local byelaw which states that no construction can start until after 8am.
- An additional 6 houses will have a detrimental impact on existing poor water pressure and inadequate sewage provision.
- There was flooding as a result of the construction of the nearby houses built in the 1990s, what measures will prevent this from occurring as a result of this development?
- Previous advice was the trees are protected and nothing could be done to the site, how can it now be the case that permission could be granted for development?
- Parking is an issue and residents will not be able to get in or out of the road if there is any more parking in Alsa Leys.
- The houses will overlook the rear garden and reduce the privacy of properties opposite.
- The houses should not be any taller than dwellings opposite.
- The site is more suitable for bungalows.
- In light of the local building expansion plans, small areas of greenery should be kept as a barrier between estates.
- If the site had been kept neat and tidy it would have been more difficult to obtain planning permission.

- 9.2 In relation to the above points:

- There is no public footpath through the site and as a result there is no obligation to continue to provide an access to the land beyond.
- Noise and disturbance generated by construction is dealt with by Environmental Health Legislation if it constitutes a statutory nuisance. It is not a matter that can be dealt with under planning legislation when other legislation already exists to control it.
- Water pressure and sewerage provision is a matter for the relevant statutory undertaker responsible.
- It is unclear what caused the previous flooding during construction of the neighbouring properties however drainage matters are dealt with under Building Regulations.
- The application is for the erection of two-storey properties rather than bungalows and must be determined as submitted.

For other points, see Appraisal below.

10. APPRAISAL

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

- A The principle of the development of this site
- B Impact of the development on open spaces and trees
- C Access to the site
- D The design of the proposal and impact on the amenity of neighbouring properties
- E Impact on protected species
- F Vehicle parking standards

A The principle of the development of this site

10.1 The site is located outside the development limits for Elsenham and as such is within the Countryside where ULP Policy S7 applies. This is a restrictive policy which seeks to protect the character of the countryside for its own sake and planning permission will only be granted for development that needs to take place there or is appropriate to a rural area.

10.2 However, the Council is currently unable to demonstrate a five year land supply of deliverable sites for residential development. In such circumstances the NPPF specifies 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”*.

10.3 This area of Elsenham is sustainable as it is within walking distance to the railway station and there are shops in the centre of the village. There are also bus stops within walking distance to enable travel to neighbouring villages and towns.

10.4 The character of this area of the village is that of dwellings within a residential estate with more modern properties adjacent. There is residential development adjacent to two boundaries and the estate road bounds the third. The construction of dwellings on this site would not extend built form into the countryside and would appear as a natural extension of the surrounding residential development.

B Impact of the development on open spaces and trees

10.5 The Council’s Landscape Officer has assessed the proposal and the impact that it would have on the existing trees and vegetation on the site. It is considered that the mature trees along the western boundary should be retained and the proposed plans indicate that

this would be the case. The site overall however does not have sufficient amenity value to warrant the retention of all of the trees and vegetation and the proposal would not result in the loss of a visually important group of trees. The proposal therefore complies with the requirements of Policy ENV3.

C Access to the site

10.6 The proposal and access to the site has been considered by the Essex County Council, as the local highway authority, who has no objections to the proposals. As stated above, the site is within walking distance to the railway station, bus stops and local shops and services. As such the proposal would not have a detrimental impact on highway safety and is in a sustainable location in accordance with Policy GEN1.

D The design of the proposal and impact on the amenity of neighbouring properties

10.7 The proposed dwellings would have broadly traditional design, scale, appearance and form and would not be out of keeping with that of the surrounding properties. The positions of the dwellings on the site, in addition to the distances which would exist between the dwellings and existing properties, would prevent any loss of amenity to the occupiers of neighbouring properties as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. The layout and distances between existing and proposed dwellings would meet the standards set out in the Essex Design Guide.

10.8 The proposed amenity space to the proposed dwellings would meet the requirements of the Essex Design Guide and would range from 66m² to 160m². The smallest gardens would be associated with the two-bedroom properties and would both exceed 50m² which is considered to be the smallest garden size that would be appropriate for such a dwelling.

10.9 The submitted plans broadly indicate compliance with Lifetime Homes Standards and the agent has been requested to provide clarification of the remaining issues. These matters could be dealt with by condition should the application be approved.

E Impact on protected species

10.10 The application was submitted with a Phase 1 habitat survey which indicated that further surveys should be undertaken. Following discussions with the Agent for the application, additional surveys have been undertaken of the site and these have identified that no protected species would be affected by the proposal. The proposal would not have a detrimental impact on protected species and complies with Policy GEN7.

F Vehicle parking standards

10.11 Each dwelling would have two car parking spaces with dimensions to meet the requirements of the adopted parking standards. An additional two parking spaces would also be provided for visitor parking. The provision indicated for the development complies with the adopted standards. The proposal complies with the requirements of Policy GEN8.

11. CONCLUSION

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

A The principle of development is acceptable in light of the site's sustainable location, the lack of 5 year land supply and the limited impact that the proposal would have on the surrounding countryside.

- B The development would not result in the loss of an important group of trees or open space.
- C Access to the site is acceptable.
- D The design and layout of the proposed dwellings is acceptable.
- E The development would not have a detrimental impact on protected species
- F The development would have sufficient parking provision in accordance with adopted standards.

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. The development shall be implemented in accordance with the protective measures shown on the Tree Protection Plan submitted with the application.
REASON: In the interests of protecting the trees covered by the Tree Preservation Order in accordance with Policy ENV3 of the Uttlesford Local Plan (adopted 2005).
4. Prior to the erection of the development hereby approved (not including footings and foundations) details of the 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. Development shall be carried out in accordance with the approved details.
REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
5. The landscaping of the site and erection of boundary treatment shall be undertaken in accordance with details shown on drawing no. 101/03 (02)002 received 18 October 2012.
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and ENV3 of the Uttlesford Local Plan (adopted 2005).
6. 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).

7. Before development commences cross-sections of the site indicating details of proposed levels around the buildings hereby permitted, together with the proposed floor levels within the buildings, shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).