

UTT/13/1518/FUL (TAKELEY)

(MAJOR APPLICATION)

PROPOSAL: Demolition of existing dwelling and outbuildings and erection of 13 no. dwellings

LOCATION: Chadhurst, Dunmow Road, Takeley CM22 6SL

APPLICANT: Go Holdings Ltd

AGENT: Go Planning Ltd

EXPIRY DATE: 12 September 2013

CASE OFFICER: Katherine Mathieson

1. NOTATION

1.1 Within Countryside Protection Zone (CPZ)

2. DESCRIPTION OF SITE

2.1 The site is rectangular and covers an area of 0.63ha. There is a one and a half storey property located towards the front of the site with single storey outbuildings in the centre of the site. Mature vegetation exists along the western site boundary.

3. PROPOSAL

3.1 The application relates to the demolition of the existing dwelling and the erection of 13 dwellings with garaging. The proposed mix of units would be three x 5 bedrooms, four x 4 bedrooms, four x 3 bedrooms and two x 2 bedrooms. The proposed ridge heights would range between 8m and 8.7m and all properties would be two-storey.

3.2 Plots 1 – 7 would be detached with Plots 8 – 13 being one terrace linked by garages to the north of the site.

3.3 The following table sets out the number of bedrooms, garden size and parking provision for each plot:

Plot	No. of Bedrooms	Garden Area	Parking provision
1	5	260m ²	4
2	4	98m ²	3
3	5	285m ²	3
4	4	219m ²	3
5	4	213m ²	3
6	4	223m ²	3
7	5	237m ²	4
8	3	51m ²	2
9	2	57m ²	2
10	2	63m ²	2
11	3	114m ²	2
12	3	132m ²	2
13	3	168m ²	2

4. APPLICANT'S CASE

- 4.1 A number of documents have been submitted with this application. These are a design and access statement, ecological walk-over survey report, follow up bat survey of the site and correspondence with the local highway authority.
- 4.2 The design and access statement provides details of the site and its context, the proposals and relevant policies.

5. RELEVANT SITE HISTORY

- 5.1 UTT/12/5852/FUL
- 5.2 Application for demolition of existing dwelling and outbuildings and erection of 13 no. dwellings refused in March 2013 for the following reasons:
1. Insufficient survey information has been submitted to demonstrate that the development would not have a detrimental impact on protected species. As such it is contrary to ULP Policy GEN7 and the NPPF.
 2. The development would generate a need for further primary school provision. The application provides no mechanism for addressing or mitigating the need for additional provision in the locality. It therefore fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Developers' Guide to Infrastructure Contributions (Adopted as County Supplementary Guidance).

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

S8 – Countryside Protection Zone

GEN1 – Access

GEN2 – Design

GEN4 – Good Neighbourliness

GEN6 – Infrastructure Provision to Support Development

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

H9 – Affordable Housing

H10 – Housing Mix

SPD – “Accessible Homes and Playspace”

Parking Standards: Design and Good Practice

Uttlesford Local Residential Parking Standards

Essex Design Guide

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Objects to the application.
- The Parish Council is very disappointed in the proposed mix of houses. This proposal does not reflect local housing needs. Executive homes are in ample supply. The Parish Council recommends a higher proportion of smaller 2 & 3 bed homes.

- The site is within the CPZ and therefore Policy S8 should be stringently applied. The application is detrimental to residents of Smiths Green which is a particularly rural and attractive part of Takeley; and includes several listed properties.
- This proposal would completely overshadow existing properties, which are low rise/bungalows, on the western boundary. Despite the proposed boundary treatment/planting the proposed dwellings will be visible to existing residents in Smiths Green and will therefore be detrimental to the rural aspect/character of these properties.
- Photo voltaic roof panels will be unacceptably obtrusive to existing residents.
- The Parish Council objects to an unsightly 1.8m close boarded fence boundary treatment.
- The S106 agreement to provide a financial contribution towards primary education will not resolve the fact that Takeley Primary School (new site) cannot accommodate the demand for places being driven by the continued expansion/housing development within the community. This issue is now critical and renders further development unsustainable.
- The site access is on B1256 Dunmow Road and a bust 'walk to school' route. The Parish Council recommends traffic calming measures to slow traffic at the exit/entry point.

8. CONSULTATIONS

ECC Archaeology

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

ECC Highways

- 8.2 The Highway Authority would not wish to raise an objection to the above application as shown in principle subject to the imposition of conditions.

ECC Ecology

- 8.2 No objection subject to the imposition of appropriately worded conditions relating to a bat protection plan and the implementation of the mitigation measures outlined in the submitted survey report.

Access and Equalities Officer

- 8.3 The drawings submitted support the SPD on Accessible Homes and Playspace but as there are 13 dwellings, it should be noted that one dwelling to meet the requirements of Appendix 2 of the Wheelchair Accessible Housing Standard is required. A plot needs to be designated and adherence with that design needs to be met. A requirement to market the dwellings with the relevant condition for a wheelchair user is required.

[N.B. Since the consultation response was received, the applicant has identified Plot 13 as the appropriate wheelchair designated unit and this has been confirmed as acceptable by the Access and Equalities Officer]

ECC Education

- 8.4 This development falls in the priority admissions area of Takeley Primary School which has permanent capacity to take 315 pupils. According to the latest forecasts published in the document "Commissioning School Places in Essex 2012-2017" 369 places will be required by 2017. Pressure is also mounting across the district on secondary school places and our forecasts suggest that by September 2016 the number of children reaching secondary school age will exceed the number of places in Year Seven. It is, therefore, clear that additional school places will be needed and that this development will add to that need. According to our forecasts there should, however, be sufficient early years and childcare provision.
- 8.5 In view of the above, I request that any permission for this development is granted subject to a section 106 agreement in Essex County Council's favour (acting as the Education Authority) to mitigate its impact on education. Should the final development result in the suggested net increase of 12 houses with two or more bedrooms, the relevant formulas would produce a total education contribution of £88,652 (including secondary school transport), index linked to April 2013 costs.

Thames Water

- 8.6 No objection

Landscape Officer

- 8.7 The amendments to this scheme do not alter my previous comments:
"A protected tree has been removed from the site at a point on the eastern boundary. This will be required to be replaced however this can be achieved and would not be affected by the proposed development.

The proposed landscape buffer should comprise a broad agricultural type hedge interplanted with native species trees. A maintenance/management plan for the buffer strip will be required and the new planting strip should be adequately fenced.

All of the above to be to a specification to be approved."

9. REPRESENTATIONS

- 9.1 Five objections have been received. Period expired 12 July. Main points raised:
- Nothing has changed since the previous application was refused.
 - Negative impact on house prices surrounding the development
 - Loss of privacy
 - Noise from the occupiers of proposed dwellings
 - Light nuisance
 - Too many houses proposed on the site
 - Insufficient details of the proposed landscape buffer have been provided
 - Disruption from construction
 - Added pressure on oversubscribed local schools – unclear how a payment to ECC would address this
 - There are sufficient developments in Little Canfield and further residential development is not required
 - Detrimental impact on local wildlife
 - Would erode the buffer that Chadhurst provides between Smiths Green and Priors Green
 - The ecology report ignores a number of different birds and wildlife that visit the site

- There are existing, empty properties on Priors Green
- Requests a larger buffer between existing properties and the proposals if it does go ahead

9.2 Comments on representations:

- The previous application was refused solely on the grounds of insufficient ecological information and the need for a financial contribution towards education provision. The applicant has provided additional information with regard to these matters.
- Noise from occupiers of properties is dealt with by Environmental Health legislation if it constitutes a statutory nuisance; it is not possible to take into account normal domestic noise when determining planning applications.
- Property values are not a material consideration when determining planning applications.
- Ecology reports are required to assess a site for the presence of protected species and as such will focus on species such as bats. They are not required to assess all forms of wildlife on and around a site.

For other points, see Appraisal below.

10. APPRAISAL

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

- A Principle of Development within the Countryside Protection Zone
- B Access
- C Design
- D Nature Conservation
- E Vehicle Parking Standards
- F Affordable Housing
- G Housing Mix
- H Infrastructure Provision to Support Development

A Principle of Development

- 10.1 The site is located outside development limits and is within the Countryside Protection Zone. As such ULP Policy S8 applies which specifies that "*planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new development.*" Development will also not be permitted if new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open characteristics of the zone.
- 10.2 This site is bounded on two sides to the north and east by new housing as part of the Priors Green development. To the east is Smiths Green with a loose pattern of development and between the site and Smiths Green is a significant amount of existing vegetation. Although the development of this site would fail to comply with the first part of Policy S8 in that it does not need to take place here, the characteristics of this area of Takeley have altered significantly since the construction of the properties to the north and east and the openness of this site is at odds with the neighbouring development.
- 10.3 A recent appeal to the north of Priors Green, but within the CPZ, was allowed for the construction of two new dwellings. The Planning Inspector considered that development of that site would not have a detrimental impact on the CPZ due to the relationship to the existing Priors Green development which bounds that site and the absence of long views of the site through the presence of mature vegetation which would prevent a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. The Inspector also did not consider that the

proposed dwellings would result in coalescence between the existing development and the airport.

- 10.4 Although this site is in a different location from the appeal site, which is to the north of Priors Green, there are similarities between the sites in that the character of the area surrounding them both has been altered significantly as a result of the Prior Green development. In addition there would not be long views of this site across the countryside and the dwellings at Smiths Green are separated by existing mature vegetation which it is intended to retain as a landscape buffer between them and the proposals.
- 10.5 It should also be noted that 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*".
- 10.6 This area of Takeley is sustainable as it is within walking distance to the shops and services within the centre of the village as well as the Prior's Green development. There are also bus stops within walking distance to enable travel to neighbouring villages and towns. In light of the limited impact on the CPZ and the sustainable nature of the site, it is considered that the residential redevelopment would be acceptable and would comply with the NPPF. In addition, the lack of five-year land supply, the change in the character of the area as a result of the Priors Green development and the limited views of the development from long views across the CPZ would amount to sufficient material considerations to outweigh the policy objection contained within Policy S8. The principle of the development is therefore acceptable.

B Access

- 10.7 Essex County Council, as the Local Highway Authority, has been consulted and their response raises no objections to the proposals. The proximity of the site to shops, services and public transport would enable residents to access these without a reliance on private vehicles and as such the proposal complies with the requirements of ULP Policy GEN1 – Access. The proposed access would be sufficiently distant from the neighbouring properties that it would not result in any noise or disturbance to the occupiers of those properties. It would therefore comply with the requirements of ULP Policy GEN4.

C Design

- 10.8 The design of the proposed development would respect the surrounding development on Priors Green and would have broadly traditional proportions, scale, size and appearance and reflect design advice contained within the Essex Design Guide.
- 10.9 Each dwelling would have an amenity area which would meet the standards set out in the Essex Design Guide. In relation to Plots 9 and 10, the garden areas would be at the smaller end of the standards and Plot 8 would have a garden area that would not meet the standard. On balance it is not considered that a refusal of this application based on Plot 8 not meeting the amenity area standards would be defensible at appeal. If the proposal is considered to be acceptable, it is recommended that permitted development rights for extensions and outbuildings should be removed by way of a condition.
- 10.10 The proposed development has been designed to have sufficient distance between the dwellings and the existing neighbouring properties in order to prevent any loss of

amenity as a result of loss of privacy, loss of light, overlooking, overshadowing or overbearing impacts. The distances meet the standards set out in the Essex Design Guide and as a result there would be no materially detrimental impact from the development to neighbouring properties.

- 10.11 The dwellings have been designed to meet Lifetime Homes Standards as required by SPD "Accessible Homes and Playspace" and the dwelling on Plot 13 would be fully wheelchair accessible.

D Nature Conservation

- 10.12 The previous application was primarily refused for a lack of information with regard to protected species. This revised application is accompanied by the results of the original walk-over survey in addition to a more detailed bat survey of the site. The survey information has been considered by the Ecologists at Essex County Council and they now have no objections to the proposals subject to the imposition of conditions. The additional information now overcomes the previous reason for refusal and the proposals comply with the requirements of ULP Policy GEN7 and the NPPF.

E Vehicle Parking Standards

- 10.13 Each dwelling is proposed to have a minimum of 2 parking spaces with the 4 and 5 bedroom properties having a minimum of 3 parking spaces. There would also be 4 unallocated parking spaces within the development to provide visitor parking. The spaces, including garages and car ports, would all meet the dimensions set out in the adopted parking standards and as such the proposal would comply with ULP Policy GEN8 and the adopted parking standards.

F Affordable Housing

- 10.14 During the consideration of the previous application, it was accepted that although the site area would trigger a requirement for affordable housing provision, the provision of a landscape buffer along the western site boundary would result in the net developable area of the site falling below the 0.5ha threshold for such a requirement. Having accepted that in that instance the provision of affordable housing would not be required, and as the current proposal is not materially different from the previous scheme, it would not be reasonable to now require the provision of affordable housing as part of this proposal.

G Housing Mix

- 10.15 Six of the thirteen dwellings proposed would have 2 or 3 bedrooms. This would meet the requirements of ULP Policy H10 that a significant proportion of the dwellings comprise small 2 or 3 bedroom properties. The Parish Council's comments are noted with regard to the mix of dwellings however there is no policy basis to require a higher proportion of 2 or 3 bedroom properties than currently proposed.

H Infrastructure Provision to Support Development

- 10.16 ECC Schools service has provided a consultation response that the latest school places forecast document indicates that by 2016 additional primary and secondary school places will be required and the proposed development will add to that need. As such, a request for a financial contribution of £75,548 has been made in order to address this. This figure does not include the request for a financial contribution for secondary school transport as this is not normally considered to be reasonable. Subject to the developer entering into a S106 obligation to provide the above contribution, the proposal would comply with the requirements of ULP Policy GEN6.

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 Access to the site is acceptable.
- C The proposed design and layout is acceptable and comply with Essex Design Guide principles.
- D The proposal would not have a detrimental impact on protected species.
- E Adequate parking provision would be provided as part of residential development on the site.
- F The net developable area of the site is below the threshold for requiring affordable housing.
- G The proposed mix of houses has been demonstrated to be appropriate.
- H The applicant has indicated a willingness to enter into a S106 obligation to provide a financial contribution for education provision.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A SECTION 106 LEGAL 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 by 12 September 2013 the 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) Financial contribution towards primary and secondary education provision
- (ii) 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) Lack of 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission) or freestanding buildings erected on any part of Plots 8, 9, 10 without the prior written permission of the local planning authority.
REASON: The gardens for these plots are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable

reduction in their size which would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. 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).

4. Prior to the erection of the development hereby approved (not including footings and foundations) 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. These details shall include:-
 - i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. refuse or other storage units, signs, lighting, etc.);
 - vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.);
 - viii. details of the management of the landscape buffer along the western site boundary.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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 landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
6. Before any development or preliminary groundworks of any kind commence the applicant shall secure 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 local planning authority.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).
7. No development shall take place until a Bat Protection Plan for the site has been submitted to and approved in writing by the local planning authority. The details shall include how mitigation measures for legally protected bats will be

implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include a Method Statement. The development shall thereafter be carried out in accordance with the approved Bat Protection Plan in all respects.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

8. The development hereby permitted shall be implemented in accordance with the 'Conclusions and Recommendations' of the Ecological Survey Walkover Report (Letter from Julian Thornber, Ref: 123237/JDT, dated 29th October 2012) in all respects unless otherwise agreed in writing by the Uttlesford Planning Authority. The mitigation measures shall be permanently maintained and retained.
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).
9. The existing eastern access as shown on the site layout plan shall be suitably and permanently closed in accordance with details that shall be submitted to and approved in writing by the local planning authority. The closure of the eastern access shall be carried out in accordance with the approved details immediately the proposed new access is brought into use. The details submitted for approval shall include: the reinstatement to full height of the highway verge/footway/cycleway/kerbing
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).