

**UTT/13/2754/FUL (HENHAM)**

(MAJOR APPLICATION)

**PROPOSAL:** Variation of condition 4 of application UTT/13/0909/OP (Prior to the commencement of development, details of the pedestrian footway shall be submitted to and approved in writing with the local planning authority in consultation with the Highway Authority. The footway shall have a minimum width of 1.8 metres from the site access in a westerly direction to tie in with the existing footway in front of No.17 Chickney Road. The development shall accord with the approved details and be implemented prior to occupation of any dwelling.) To be changed to a footway for residents of the proposed development would be created on the south western side of the land with direct access onto Chickney Road.

**LOCATION:** Land at Chickney Road, Chickney Road, Henham

**APPLICANT:** Mr Tim Smith

**EXPIRY DATE:** 14 January 2014

**CASE OFFICER:** Sam Wellard

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**1. NOTATION**

1.1 Outside Development Limits

**2. DESCRIPTION OF SITE**

2.1 This application relates to a parcel of land to the north west side of Chickney Road which is currently used as agricultural land (Grade 2). The site area is approximately 0.7 hectares, with a frontage to Chickney Road of 88m and a depth of 75m. The field is level. There are residential dwellings to either side of the site and open agricultural fields to the rear. The front of the site is bound by existing hedging as well as a mature ash tree and a ditch runs along the side of the highway. On the opposite side of Chickney Road are allotments and a cemetery.

2.2 Outline planning permission was granted by Planning Committee under reference UTT/13/0909/OP in July 2013 for the erection of 14 dwellings on the site with all matters reserved except for access.

**3. PROPOSAL**

3.1 Condition 4 of UTT/13/0909/OP states;  
*'Prior to the commencement of development, details of the pedestrian footway shall be submitted to and approved in writing with the local planning authority in consultation with the Highway Authority. The footway shall have a minimum width of 1.8 metres from the site access in a westerly direction to tie in with the existing footway in front of No.17 Chickney Road. The development shall accord with the approved details and be implemented prior to occupation of any dwelling.'*

*REASON: In the interests of highway safety and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)'.*

- 3.2 This application seeks permission to vary Condition 4 of application UTT/13/0909/OP. Instead of the construction of a footpath of 1.8m in width from the site access to an existing footpath to the west of the site, the footway would be created within the site and would be accessed from Chickney Road at the south western corner of the plot. The existing hedge to the side of No.17 Chickney Road would be retained.

#### **4. APPLICANT'S CASE**

- 4.1 The owner of No.17 Chickney Road not only maintains the hedge every year but the hedge also provides a welcome wind break in his back garden. The hedge currently protects not only the plants in his garden, but also gives privacy from passing cars. There are NO footpaths on Chickney Road and High Street, and all the villagers walk in the road. There are short sections of pavements here and there throughout the village and creating the small section would cause more harm than good. The development we proposed in UTT/13/0909/OP was intended to be in keeping with the village and as sympathetically as possible. Removing the hedge can be viewed as destroying enhancing features.

#### **5. RELEVANT SITE HISTORY**

- 5.1 SWR/0052/69 Residential development. Refused
- 5.2 SWR/0338/69 Development of land for dwelling. Refused
- 5.3 UTT/13/0909/OP Outline application for the erection of No.14 dwellings with all matters reserved except access. Approved with conditions on 17 July 2013.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework (2012)

##### **6.2 Uttlesford District Local Plan 2005**

- Policy S7 – The Countryside
  - Policy GEN2 – Design
  - Policy GEN1 – Access
  - Policy GEN8 – Vehicle Parking Standards
  - Policy GEN7 – Nature Conservation
  - Policy H9 – Affordable Housing
  - Policy H10 – Housing Mix
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- SPD Accessible Homes and Playspace
  - SPD Renewable Energy

#### **7. PARISH/TOWN COUNCIL COMMENTS**

- 7.1 Comments awaited

## 8. CONSULTATIONS

### Essex County Council Highways

- 8.1 The Highway Authority would not wish to raise an objection to the above application as shown in principle on the altered plan subject to details being submitted to and approved in writing with the local planning authority in consultation with the Highway Authority, prior to the commencement of development and be implemented prior to occupation of any dwelling.

## 9. REPRESENTATIONS

- 9.1 Site Notice displayed and the occupiers of 27 neighbouring properties notified via letter. 3 letters of objection received from 1 and 5 Chickney Road which are summarised as follows:

- It is of great concern that a footpath is to be constructed at a point where the road is quite narrow already.
- A pavement would make the road even narrower
- This construction is again another step towards destroying one of the counties best villages by laying down yet more concrete and tarmac.
- Hedgerows are protected
- The strip of land and hedge running parallel with Chickney Road is protected by covenants.

## 10. APPRAISAL

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

- A Whether the repositioning of the footway would have any adverse impact on access to the site
- B Whether the repositioning of the footway would have any adverse impact on the visual or residential amenity of the area

### **A Whether the repositioning of the footway would have any adverse impact on access to the site**

- 10.1 The original scheme proposed a new pedestrian footpath to be located at the site access and to be situated along the highway verge to join up with the existing footpath to the western side of No.17 Chickney Road. Whilst this would be possible, the established hedge to the southern boundary of No.17 Chickney Road encroaches into the highway boundary and therefore to form a path along this frontage would result in the removal of the hedge. To avoid this, it is proposed that a pedestrian footpath would be provided within the site and for an access gap to be formed to the south west corner of the site to provide pedestrian access from Chickney Road. Residents would need to walk on the road for approximately 30m along the side of No.17 Chickney Road.
- 10.2 It is acknowledged that Henham is a village where there is very little existing pavement and people currently walk in the narrow road to access the services and facilities in the village. They already walk along this specific stretch to access the cemetery and the allotments. Therefore walking for this short distance of 30m in the road to access the site is not unusual in this area. It is not considered that the erection of 14 dwellings would exacerbate this situation to any unacceptable level.

10.3 Essex County Council Highways Authority, who originally requested the footpath be provided, do not raise any objection to the amended scheme subject to the imposition of a condition requesting details of the pedestrian footpath with the site to be submitted to and approved in writing by the local planning authority. Whilst Highway Boundary maps indicate there would be space within the highway boundary to achieve a footpath along the frontage of No.17 Chickney Road, given the existing situation in the village, this is not considered necessary.

**B Whether the repositioning of the footway would have any adverse impact on the visual or residential amenity of the area**

10.4 Impact on visual amenity - The amended scheme would enable the existing hedge to the southern side of No.17 Chickney Road to be retained. The pedestrian footpath would be located within the site and would therefore not be prominent from the highway. It is therefore considered that the proposal would have a positive impact on the existing rural character of the area.

10.5 Impact on neighbouring residential properties - As stated above, the amended scheme would enable the existing hedge to the southern side of No.17 Chickney Road to be retained. It is therefore considered that the proposal would have an improved impact on the amenity of the neighbouring residential property No.17.

**11. CONCLUSION**

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

- A The amended position of the footpath would have no adverse impact on access to the site.
- B The amended position of the footpath would have a beneficial impact on visual and residential amenity.

**RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 OBLIGATION**

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 12 January 2014 the freehold owner enters into a binding obligation 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 obligation to secure the following:**
  - (i) **Affordable Housing provision**
  - (ii) **Education contribution**
  - (iii) **Pay the Council’s reasonable costs**
- (II) **In the event of such an obligation 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 by 12 January 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**
  - (i) **Lack of affordable housing provision**

**(ii) Lack of education contribution**

**CONDITIONS:**

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. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.  
(B) 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. Prior to the commencement of development, details of the access to the site shall be submitted to and approved in writing with the local planning authority in consultation with the Highway Authority. The access shall be formed at right angles to Chickney Road and shall include but not be limited to:
  - a) minimum 4.8 metre carriageway width with a 2 metre wide footway on the western side
  - b) visibility splays with dimension of 90 metres x 2.4 metres x 90 metres as measured from and alongside the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity.The development shall accord with the approved details and be implemented prior to occupation of any dwelling.

REASON: In the interests of highway safety and providing adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

4. Prior to the commencement of development details of the pedestrian footpath shall be submitted to and approved in writing with the local planning authority in consultation with the Highway Authority. The footpath shall be constructed in accordance with the approved details and be implemented prior to occupation of any dwelling.

REASON: In the interests of highway safety and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the local planning authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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).

# UTT/13/2754/FUL

## Land at Chickney Road Henham



Scale: 1:1500

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Department	Planning and Building Control
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