

UTT/13/2917/FUL (ELSENHAM)

(MAJOR APPLICATION)

PROPOSAL: Demolition including site clearance of 32 Hailes Wood and redevelopment of site and land adjacent to provide 32 dwellings, public car park, public play area: all association access, parking, landscaping and highway improvements

LOCATION: Land adj Hailes Wood, Hailes Wood Elsenham

APPLICANT: Charles Church

AGENT: Pegasus Planning Group

EXPIRY DATE: 28 January 2014

CASE OFFICER: Katherine Mathieson

1. NOTATION

- 1.1 No. 32 Hailes Wood is within Development Limits / Majority of the site is outside Development Limits

2. DESCRIPTION OF SITE

- 2.1 The site is located to the east of the Hailes Wood residential estate and to the north of the Crown Public House, north of the High Street. It comprises a two-storey detached dwelling located within the Hailes Wood estate and a rectangular area of agricultural land to the east of that property. There are existing mature trees and vegetation along the north and east boundaries of the agricultural land.

3. PROPOSAL

- 3.1 This application relates to the demolition of the existing dwelling, No. 32 Hailes Wood, the creation of a new access on the site of that dwelling and the erection of 32 dwellings on the agricultural land. A table of the main characteristics of the proposed dwellings is attached at the end of this report.
- 3.2 Additional parking provision for the occupiers of Hailes Wood would be created adjacent to the access to the proposed development from Hailes Wood as well as parking for the proposed dwellings. Landscaping of the site is proposed.
- 3.3 A public play area and a public car park would also be provided on land at the south of the site and to the rear of the Crown PH. Access to the public car park would be provided through the pub car park from the High Street. This access would be one way with no exit from the car park and the development back to the High Street past the pub.

4. APPLICANT'S CASE

- 4.1 The application is accompanied by a number of supporting documents. Details of the application, relevant national and local planning policies, public consultation and site specific survey information and assessments are contained within those documents.

5. RELEVANT SITE HISTORY

5.1 UTT/13/1397/FUL

5.2 Application for “Demolition including site clearance of 32 Hailes Wood. Redevelopment of site and land adjacent to provide 30 dwellings, public car park, public play area; all with associated access, parking, landscaping and highway improvements” refused August 2013.

5.3 The reasons for refusal were as follows:

1. The proposed development is unacceptable and fails to comply with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the Essex Design Guide and SPD "Accessible Homes and Playspace for the following reasons:
 - a) material detrimental loss of privacy and overlooking of existing properties and their private garden areas
 - b) parking court to the rear of Plot 5 would not be adjacent to the dwellings it serves
 - c) The dwelling on Plot 8 would have a poor and unacceptable relationship with the adjacent proposed dwelling and it would result in the rear windows facing the blank side elevation to that adjacent property
 - d) The proposed dwelling on Plot 5 would fail to comply with Lifetime Homes Standards and the application does not contain details of which plots would be fully wheelchair accessible
 - e) the proposed rear elevations would have an unacceptably harsh appearance which would be out of keeping with the surrounding existing development and the public elevations of the proposed development
 - f) the dwellings on Plots 11 - 14 would have steeply pitched gables to the front elevation that would be out of keeping and steeper than the Essex vernacular and would be at odds with the existing and proposed surrounding development
 - g) The garden areas for Plots 1-4 would fail to meet the 50m² minimum standard and there would be no private amenity space for Plot 5.
2. None of the proposed residential parking spaces meet the required dimensions and only 3 of the public car parking spaces meet the dimensions required. The proposed car ports also fail to meet the required standards for garages set out in the adopted standards. In addition to the sizes of the spaces failing to meet the required standards, the proposed parking court to the rear of Plots 1-4 would have an inappropriate location and layout which due to the distance between the parking court and the dwellings it would serve would be likely to give rise to on-street parking closer to the front of those dwellings. As such the proposed development would fail to comply with the requirements of Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the adopted parking standards.
3. The proposed development fails to provide any small 2 bedroom market housing contrary to the requirements of Policy H10 of the Uttlesford Local Plan (adopted 2005).
4. The proposed development would generate a need for further education provision, on-site affordable housing and NHS contributions. 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

- S3 – Other Settlement Boundaries
- S7 – The Countryside
- GEN1 – Access
- GEN2 – Design
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- H9 – Affordable Housing
- H10 – Housing Mix
- ECC Parking Standards (Design & Good Practice) September 2009
- Uttlesford Local Parking Standards
- SPD2 - Accessible homes and playspace
- EDG - Essex Design Guide

7. PARISH COUNCIL COMMENTS

- 7.1 Elsenham Parish Council wishes to object in the strongest terms to the planning application submitted by 'Charles Church' UTT/13/2917/FUL, Land at Hailes Wood, Elsenham.

Please find enclosed a report commissioned by Elsenham Parish Council from its planning consultant (Hives Planning Ltd), setting out the objections and comments with regards to this application.

Elsenham Parish Council would also like to make the following comments/objections regarding this proposal:

Access; the access is totally unacceptable as it fails to comply with GEN 1 in terms of access and safety.

Proximity; the proximity to the existing homes will have a materially adverse effect on existing residents in terms of loss of privacy, overbearing impact, parking, noise, safety, outlook and overlook, contrary to LP6.15 Policy H4.

Drainage; the elevation of the development is higher than existing properties in Hailes Wood and will lead to a natural run-off from heavy rain into neighbouring properties.

Wildlife; the development is not contained within the arable field as stated in the Phase 1_Habitat Survey and will lead to the destruction of the northern and western perimeters which are natural habitats for various species of animals.

- 7.2 Summary of report submitted on behalf of Elsenham Parish Council:

"This Report is the objection on behalf of Elsenham Parish Council to the Charles Church planning application for a development including 32 houses at Hailes Wood.

The application focusses entirely on dealing with the detailed objections to the earlier application. Circumstances have changed e.g. housing land supply is much improved because of recent permissions and is not materially below a five year supply, even on UDC's untested figures. The Emerging Local Plan has advanced since the last application was considered - the site is again excluded from those identified as suitable for development. These fundamental issues should be addressed by UDC when determining the application. Consideration is not to be limited to 'patching up' a previous scheme.

Elsenham has accommodated significant development in recent years, including the 53 dwellings at The Orchard now under construction. The Emerging Local Plan (June 2012) seeks to allocate a further 425 dwellings, even without the controversial major development for 2,100 dwellings now proposed (November 2013). Elsenham has around 900 existing dwellings and just does not need and cannot support any more.

This is an opportunistic planning application which is contrary to the Development Plan and is being submitted on the eve of the production of the Emerging Local Plan in a clear attempt to bypass the 'plan-led' system. The primacy of the Development Plan is recognised in statute and in the Framework. Moreover, the exclusion of the site from Emerging Local Plan (both June 2012 and November 2013) should be given significant weight. This entire process cannot be lightly set aside.

The Emerging Local Plan has a sustainable strategy which involves the concentration of most new development at or adjoining the main towns of Great Dunmow and Saffron Walden with all their services (including schools, retailing and community facilities) readily accessible (even by walking or cycling) and served by a proper road system. This contrasts sharply with the inadequacies of seeking to 'bolt-on' another development onto Elsenham.

There is no adequate reason to consider the site outside of the Framework's proper "*plan-led*" system which "*empower[s] local people to shape their surroundings*". Indeed this important principle seems to be ignored in the planning application documents. Although hampered by the tortuous process of the East of England Plan revocation, UDC are making progress on preparation of the new Local Plan and there is a trail of public expectation through consultation that this site should be rejected.

The main justification put forward for this application to be permitted now is the allegation that there is not a 5 year housing land supply. This ignores a reasonable assessment of housing land supply which is substantially improved since the proposals were last considered such that the reality is that there is at worst only a tiny shortfall, or at best that there is a real-world supply for at least 6 years. There are major permitted sites in Uttlesford which are fully available to meet and housing demand within the five years, but are underperforming. Thus a decision on the new Hailes Wood application should be taken in the context that the housing land supply position is not such that it represents a material consideration which overrides determination other than it is not accordance with the Development Plan.

The provision of 40% affordable housing may be an illusion. No viability assessment has been submitted, contrary to advice in the Framework to show how (or if) this would be achieved.

Other proposals are claimed as 'benefits' but actually only serve the development proposed.

The road system serving the site has previously been a reason for rejecting the site in the SHLAA and there are serious doubts about the ability of the local highway system to accommodate the additional vehicle movements.

The loss of this attractive, open, tree-lined field adjoining the village would be a loss of valuable countryside which would harm the setting of the village and adversely impact on the amenities of existing residents.

The application should be refused planning permission because:

- It is contrary to the development plan thus failing the first test of the legislation,
- It is contrary to the provisions of the Emerging Local Plan which must be given 'weight'
- There are inadequate 'material considerations' to set aside these principal considerations.
- There are many detailed objections as set out in this Report - the already congested Hailes Wood cannot support more traffic; open space will be lost; threat to ecology and wildlife."

8. CONSULTATIONS

Sport England

8.1 Sport England does not wish to comment on this particular application.

ECC Archaeology

8.2 The Historic Environment Record and the desk based assessment provided with the planning application shows the presence of important archaeological sites in the immediate area of the development site. To the east of the site multi-period deposits of Palaeolithic to early medieval date are recorded, found during quarrying activity (EHER 4610-4614). To ensure that archaeological deposits are appropriately recorded as part of the development a phased programme of archaeological investigation will be provided.

Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation.

Natural England

8.3 Statutory nature conservation sites - no objection. Based on the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

ECC Ecology

8.4 No objections subject to the imposition of appropriately worded conditions. The site boundaries (hedgerows and trees) support legally protected slow worm and foraging and commuting bats. The hedgerows have been assessed as valuable at a local scale and they must be protected from direct and indirect (including lighting) impacts of development. To prevent harm to legally protected species and ensure no-net-loss of biodiversity, suitable conditions are recommended.

ECC Highways

- 8.5 The applicant's transport consultant Wormald Burrows Partnership Ltd has undertaken extensive pre-application discussions with the highway authority and has now produced an overly robust Transport Statement in support of the proposal for 32 dwellings with trip rates based on 40 dwellings rather than 32. The Transport Statement has been amended to include recently committed development in Elsenham. This authority is satisfied that there will be no significant impact on the highway network in terms of highway safety and capacity and the assessed junctions will continue to operate with spare capacity. The public footpath no. 21 in the vicinity of the site will be widened where possible and cleared of vegetation so that the location is accessible by more sustainable modes of transport than the private car. The applicant's agent has also undertaken a parking survey in Hailes Wood to assess the extent of parking relating to the primary school and is providing a privately run car park to ease this existing issue. There will also be additional parking spaces provided within the development for Hailes Wood residents again to ease the existing on street parking. The Highway Authority would therefore not wish to raise an objection to the application.

Further comments received:

I have had further discussions with the applicant's highway consultant, Wormald Burrows Partnership Ltd, regarding the operation of the proposed public car park. I understand that one way traffic enforcement alligator jaws plates are to be placed between the proposed car park and the housing to prevent residents exiting the development through the pub car park and on to the High Street. However the entrance into the proposed car park from the pub car park will have no such one way plates, only advisory one way signs, possibly only operational between 7am and 6pm, therefore resulting in no physical measures to prevent drivers exiting the car park through the pub car park. Furthermore, the proposed car park could also be used for visitors to the new play area.

The highway authority would wish to see **no** increase in the level of traffic movements using the pub car park to get on to the highway network as the visibility at the pub access is restricted and would not meet our requirements for further intensification of its use. We would therefore request that **all** vehicles using the proposed car park should exit through the development and into Hailes Wood to prevent any additional use of the sub standard pub access.

NHS Property Services

- 8.6 In light of the applicant's proposal to include "the provision of an appropriate financial contribution towards the provision of enhanced healthcare facilities in the local area" as part of a planning obligation linked to the grant of any planning permission for the proposed development, NHSPS has no objection to the proposed development, subject to suitable Heads of Terms Agreement being drafted and agreed to secure the required healthcare contribution of £9,600.

Highways Agency

- 8.7 No objection. This proposal is unlikely to have a material impact upon the A120 or M11 Junction 8, on its own however Junction 8 is near capacity and the cumulative impact of this and other small developments could be enough to result in the junction going over capacity in the near future.

You will appreciate that the site is adjacent to the M11 motorway and therefore could suffer from issues regarding noise and air quality.

In our response to the Uttlesford Local Plan consultation we requested that a cumulative impact assessment be carried out to determine the impact of all proposed development and if necessary to find a suitable funding source for any required mitigation, has any progress been made.

The Highways Agency does not intend to issue a direction and I enclose a form to this effect.

Stansted Airport Aerodrome Safeguarding

- 8.8 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal. We would however make observations regarding the use of cranes.

ECC Education

- 8.9 This development falls in the priority admissions area of Elsenham Church of England (VC) Primary School which has permanent capacity to take 180 pupils. According to the latest forecasts that are published in the document 'Commissioning School Places in Essex 2012-2017' 193 places will be required at the school by 2017. It is therefore clear that additional provision will be needed at primary level and that this development will add to that need.

With regard to early years and childcare provision, Essex County Council's Sufficiency Assessment published in November 2012 found that nursery provision was 85% full and that there was no pre-school provision resulting in parents having to drive to Henham which was proving difficult for parents without transport. Essex County Council's Sufficiency Team has confirmed that this position remains today and that they are continuing to explore opportunities for developing additional childcare in Elsenham.

At the current time, a development of this size is unlikely to trigger the need for additional places at Forest Hall School to meet the needs of the development. The route to Forest Hall School was previously designated as an unsafe route for children to walk but following highway works the route will be re-designated as safe. In the circumstances we will not require a contribution for school transport.

It is thus clear that additional provision will be needed at early years and childcare and primary school level and that this development will add to that need. I must therefore request on behalf of Essex County Council that any permission for this development is granted subject to a S106 agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developers' Guide to Infrastructure Contributions, 2010 edition. Our standard S106 agreement clauses that give effect to this formula are stated in our Education Contributions Guidelines Supplement, published in July 2010. For information purposes only, should the final development result in the suggested net increase of 31 houses with two or more bedrooms, the early years and childcare contribution sum would be £33,103 and the primary school contribution sum would be £96,962 making a total contribution sum of £10,065. The amounts are linked to costs as at April 2013 and would be index linked from this date using the PUBSEC index.

Thames Water

- 8.10 With regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

Thames Water have reviewed the documents submitted and acknowledge the proposals as acceptable, pursuant to the developer discharging surface water to soakaways, as stated in the Flood Risk Assessment (dated March 2013).

Anglian Water

- 8.11 Although Anglian Water own the sewer adjacent to the site, the flows then discharge into a Thames Valley owned sewer and Sewage Treatment Works (STW). Therefore we can confirm acceptance of a connection, however for comments regarding downstream impact and treatment capacity, the views of Thames Valley should be sought

Housing Enabling Officer

- 8.12 Consultation response received with regard to affordable housing provision, discussions are ongoing with regard to the proposed mix of units.

ECC SUDS

- 8.13 Standing advice has been received from the proposed SUDS Approval Board.

Environment Agency

- 8.14 We have reviewed the application and would advise the Council that we have no objection. The following comments are offered:

Flood Risk – Surface Water Drainage

The Flood Risk Assessment (FRA) prepared by Wormald Burrows Partnership Ltd dated October 2013, reference E3018-ELS-FRA Report-Rev 1 states at paragraph 6.4.9 that the 'use of SuDS drainage principals (sic) is encouraged throughout this assessment', which we are in agreement. On this point we note that paragraph 6.4.8 advises that finalised drainage proposals, including the layout of additional SuDS be conditions, along the lines set out, in the event of planning permission being granted.

Access and Equalities Officer

- 8.15 Review of Design and Access Statement and Plans submitted show that all dwellings are compliant with the Lifetime Homes requirements as set out in the SPD on Accessible Homes and Playspace. In addition both the Blickling and the Copwood meet the layouts required for Appendix 2 of the document, Wheelchair Accessible Housing. Please ensure that the parking spaces adjacent to these properties are covered. Any playspace, should have sufficient space next to a bench for seating, for a wheelchair user or pram. If the grass area is too close it creates a problem.

Landscape Officer

- 8.16 The submitted Landscape and visual Appraisal has been prepared in accordance with the guidance set out in Landscape Character Assessment Guidance for England and Scotland (Countryside Agency and Scottish Natural Heritage, 2002) and the baseline studies of Guidelines for Landscape and Visual Impact Assessment 2nd Edition (The Landscape Institute and Institute of Environmental Management and Assessment, 2002). I concur with the appraisal and its conclusions.

The site is relatively flat and contained by the residential development of Hailes Wood to the west; The Crown PH and The Stores and House to the south; a small woodland

area to the north; and a line of mature trees along the eastern boundary. There are no important landscape features within the site; all important vegetation is restricted to the site boundaries. The visual impact of the proposed development on the wider landscape is considered to be limited.

Any approval should be made subject to conditions requiring and submission and approval of a detailed scheme of landscaping.

9. REPRESENTATIONS

9.1 114 objections received. Period expired 28 November. Main points:

- Loss of agricultural land
- access to car park would be damaging to the listed buildings
- query whether acceptable to utilise pub car park in long term when it is not supported by the landlord and landlady
- the site has been discounted as an option in the SHLAA
- the site is outside development limits and would result in unacceptable development in the countryside
- unsafe to have an access through the pub car park
- Hailes Wood as an access is unsafe due to the zebra crossing and parents picking up and dropping off their children from school
- Houses would be too close to existing properties
- Development would result in loss of amenity as a result of loss of light, loss of privacy, overbearing impact and overshadowing
- local facilities and resources are unable to cope with the demand
- Hailes Wood was not designed for large lorries and machinery which would be required for the construction
- Noise and exhaust fumes would be detrimental to neighbouring properties
- Noise and disturbance during construction is a concern
- insufficient boundary treatment would be provided between the car park and existing properties
- concerns regarding changes in levels and the possibility of flooding from surface water run-off
- contrary to local plan policies and the NPPF
- not an allocated site in the draft local plan
- 5 year housing supply figures relied upon are not accurate
- the site is situated on top of an aquifer
- query whether a new car park is needed?
- would result in a loss of views
- concerns regarding protected species on the site
- proposed trees on the boundaries would result in loss of light to existing properties
- possibility of subsidence from tree roots in addition to piling during construction
- existing dwellings are incorrectly shown on the submitted plans
- the village school is full
- the doctor's surgery is oversubscribed
- water pressure is already low
- public transport links are not as good as indicated in the submitted documents
- play area next to a pub car park is not appropriate
- the development is not sustainable
- solar panels are proposed which Stansted Airport object to
- restrictive covenants on Hailes Wood properties would prevent No 32 being demolished

- proposed speed limit signs would be located outside the windows of existing dwellings
- affordable housing should be in groups of no more than 10
- inadequate "material considerations" to warrant approval of the proposals

A Highway response document has been submitted by a number of objectors with their representations. Points raised in relation to the planning application in this document:

- Hailes Wood is used locally as additional parking for the school, both in relation to the school and when the school is used for community uses. This parking provides natural traffic calming.
- Hailes Wood currently has insufficient parking provision which would be made worse by the proposal.
- Additional traffic and street furniture (for example highway signs) would have a detrimental impact on the amenity of existing occupiers of Hailes Wood.
- The proposed public car park would reduce the parking provision available to customers of the Crown PH.
- People using the public car park would exit the site using Hailes Wood.
- The car park at the Crown PH is not constructed to standards required for the level of traffic.
- Access to the pub cellar would prevent access to the public car park.
- There are insufficient sight lines when exiting the pub car park.
- The proposal is not supported by the landlord and landlady of the pub.
- The junction outside the pub is dangerous.
- If the pub closes and passes into private ownership the management of the car park could be in jeopardy.

9.2 Elsenham C of E Primary School Governing Body:

Object on the basis of the safety implications of lorries and additional traffic using Hailes Wood in conflict with cars and children arriving and leaving the school.

Request conditions restricting access for construction vehicles through Hailes Wood and to use the pub access instead, no parking for construction workers on Hailes Wood and barriers preventing access between the site and Hailes Wood. If these are not possible request no parking for construction workers on Hailes Wood during construction process, no access to or from the site via Hailes Wood between 8am - 9.30am and 2pm - 4.30pm. The roads also to be swept daily between 2pm - 2.30pm.

Also request a designated enforcement officer to deal with any breaches of the above requested conditions.

9.3 Uttlesford Access Group has raised concerns regarding the following: unclear whether all dwellings would comply with Lifetime Homes Standards; the fully wheelchair accessible units do not show a wheelchair accessible shower within the bathroom; no clarity that the playspace would be inclusive to the needs of all children.

9.4 Objection received from Cllr Parr:

"Dear members of the planning committee,
I write to you today to oppose this development. The changes they are proposing are simply inadequate, they have made superficial changes without addressing the fundamental changes to the planning framework which have occurred since this application was last submitted. Not only does it fail to take into account these changes, but it is contrary to the development plan and there are no material considerations which justify putting aside these principle considerations.

Elsenham is a small village which consists of around 900 homes, planning permission has recently been granted for 425 homes, which 53 currently being built at The Orchard site. Elsenham simply cannot take anymore development when it is accepting nearly a 50% increase already. There is also the threat of 2,100 homes on the Fairfield site.

This opportunistic plan seeks to undermine the Development Plan and Local Plan process, which is a clear attempt to bypass the plan-led system, and flies in the face of localism. Opportunistic developers should not be sent the message that UDC will allow them to get away with this, and should use this application to set a precedent to other developers.

In the SHLAA (strategic housing land availability assessment) the road system which serves the site was rejected, and there are serious doubts about the ability of the local highway system to accommodate the additional vehicle movements.

The loss of this land will have a significant impact on the community. I use this field to walk my dogs and go through to the sandpits, and I see many other dog walkers on this route. Whilst I appreciate that this isn't a material planning consideration, I feel it's important the committee are aware of the overall effect this development will have.

Elsenham are looking at a 50% increase in the amount of houses in the village, we simply do not need this development. What Elsenham needs are open spaces for people to walk their dogs, exercise and be able to enjoy living in a village replacing a field with houses cannot achieve this."

- 9.5 14 objections to revised plans showing one way traffic enforcement method for car park. Period expired 10 January 2014. No new comments have been raised.

10. APPRAISAL

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

- A Principle of development
- B Access
- C Design
- D Ecology
- E Flood Protection
- F Infrastructure
- G Affordable Housing
- H Housing Mix
- I Vehicle Parking Standards

A Principle of development

- 10.1 The draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development.
- 10.2 The application site is located outside the development limits of Elsenham within open countryside and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there

or is appropriate to a rural area. 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. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.

10.3 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.

10.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need.

10.5 The 5-year land supply update statement (published Wednesday 9 October 2013) considers the supply of housing against the Council's objectively assessed need which is based on the SNPP-2010 projections of 523 dwellings a year. The information below has been updated since to take into account any recent approvals.

10.6 The estimated number of completions each year is shown in the table below.

Year	13/14	14/15	15/16	16/17	17/18	18/19
	Current Year	Year 1	Year 2	Year 3	Year 4	Year 5
Dwellings on committed Sites	391	228	397	577	748	551

10.7 It is estimated that 2500 dwellings on committed sites will be built during the 5 year period, whilst the requirement is for 2746 dwellings to be built. This relates to 91% of the requirement which is equivalent to 4.6 years. There is therefore a shortfall of 246 dwellings as set out in the table below.

	Housing Requirement
Annual requirement	523
Total supply on deliverable committed sites	2500
Requirement years 1-5 plus 5% frontloading	2746
% of requirement available on deliverable sites years 1-5	91%
Supply in Years	4.6
Shortfall (dwellings)	246

- 10.8 As a consequence the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable.
- 10.9 Councillors are reminded that even when the Council has a 5 year land supply it will be important for the Council to continue to consider, and where appropriate, approve development which is sustainable. This is especially true for proposals on draft allocation sites, but others as well, to ensure delivery in the future and to ensure that the level of housing supply is robust.
- 10.10 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 10.11 Economic role: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. This proposal would help deliver an economic role.
- 10.12 Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district. This proposal would help to deliver a social role.
- 10.13 Environmental role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. This proposal would help to deliver an environmental role.
- 10.14 The proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. I attach significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan. The development is considered to be sustainable development and therefore the principle of the proposal is acceptable.

B Access

- 10.15 In order to create an access to the agricultural land for the development, it is proposed to demolish the dwelling located at No. 32 Hailes Wood and create access through that site from Hailes Wood. This would result in traffic from the proposed development travelling through Hailes Wood to access the surrounding road network.

- 10.16 The application and supporting documents have been assessed by Essex County Council as the Local Highway Authority (LHA). Their response indicates that an overly robust transport statement has been produced for the application which demonstrates that the development would not have a significant impact on the highway network in terms of highway safety and capacity and the assessed junctions would continue to operate with spare capacity. Proposed improvements to the public right of way would also increase the accessibility of the site.
- 10.17 Following the submission of the application documents, concerns have been raised regarding the use of the access to and from the High Street to the proposed public car park. The LHA has indicated that they would not wish to see any increase in the level of traffic movements using the pub car park to get on to the highway network due to restricted visibility at the pub access. The applicant has submitted revised plans in response to these concerns which indicate a one-way physical traffic enforcement measure at the entrance of the proposed car park from the pub car park. This measure appears to address the LHA's concerns however their consultation response is awaited and will be reported to Members.
- 10.18 In light of the LHA having no objections to the proposal and as the site is sustainable with regard to access to local shops and services, the proposed development would comply with the requirements of ULP Policy GEN1.

C Design

- 10.19 Following the refusal of the previous application, the applicant has revised the design and layout of the proposal. The design revisions have addressed the inaccuracies of the previous proposal and the current proposal would now have an acceptable design, scale and form with both the public and private elevations respecting the Essex vernacular.
- 10.20 With regard to the proposed layout, the proposed dwellings would have sufficient distance between them and the existing properties on Hailes Wood to meet the Essex Design Guide (EDG) standards and prevent any material loss of amenity in relation to overlooking or loss of privacy. In addition, the position and orientation of the proposed dwellings would prevent any materially detrimental overshadowing or overbearing impacts from occurring to the occupiers of existing neighbouring properties.
- 10.21 The proposed dwellings would have private amenity areas which meet or exceed the standards set out in the EDG with the exception of 4 plots which would have dwellings with 4 and 5 bedrooms. Of these 4 plots, plots 28, 30, 31 and 32 would have a shortfall of 7m², 11m², 14m² and 14m² respectively. On balance, it is considered that the shortfall in garden sizes for these dwellings would not warrant refusal of the application and the overall layout is acceptable. Where the gardens to dwellings would be lower than the minimum standard, permitted development rights for extensions and outbuildings should be removed to ensure that adequate garden areas are retained for the dwelling and it is recommended that this be undertaken by way of a condition.
- 10.22 The Council's Access and Equalities Officer has confirmed that all of the proposed dwellings would meet the Lifetime Homes Standards as set out in SPD "Accessible Homes and Playspace". In addition, two of the proposed dwellings on plots 13 and 18 would be fully wheelchair accessible. The proposed development therefore complies with the requirements of the SPD.

10.23 The revised proposals therefore comply with the requirements of ULP Policy GEN2 and the SPD, have overcome the previous reasons for refusal with regard to design and layout and are acceptable.

D Ecology

10.24 The application is accompanied by an extended Phase 1 Habitat Survey and Natural England and the Council's retained Ecologists have been consulted on the application documents. The consultation responses from both Natural England and the Council's Ecologists indicate that there is no objection to the proposals subject to the imposition of appropriate conditions. As such it has been demonstrated that the proposed development would not have a detrimental impact on protected species and it would comply with the requirements of ULP Policy GEN7 and the NPPF.

E Flood Protection

10.25 The application is accompanied by a flood risk assessment (FRA) which indicates that the site is at little or no risk of flooding and the proposed development would incorporate SuDS principles. The application and accompanying documents have been assessed by the Environment Agency, Thames Water and Anglian Water, none of which have any objections to the proposals. The Environment Agency has recommended conditions to be imposed if planning permission is granted. Therefore, subject to the imposition of appropriate conditions as requested by the Environment Agency, the proposal would not result in the flooding of land outside the site and would comply with ULP Policy GEN3.

F Infrastructure

10.26 The applicant has indicated that they are prepared to enter into a S106 legal obligation in order to provide 40% affordable housing, maintenance of play area and the public car park, off-site highway works to improve the junction of Hailes Wood/High Street and the public right of way beside the Crown PH and financial contributions towards education and healthcare provision. Subject to this agreement being completed, the proposal would comply with the requirements of ULP Policy GEN6.

G Affordable Housing

10.27 The size of the site and the number of dwellings proposed would result in a requirement for 40% affordable housing within the development. The applicant has indicated a willingness to enter into a S106 legal obligation to provide 13 units of affordable housing and the relevant units have been incorporated into the proposed design and layout. Subject to a S106 legal obligation being completed, the proposal would comply with the requirements of ULP Policy H9.

H Housing Mix

10.28 One of the reasons for refusal for the previous scheme was in relation to the proposed mix of dwellings failing to provide any 2 bedroom market properties. This proposal would provide 9 x 2 bedroom and 3 x 3 bedroom market properties in addition to 7 x 4 and 5 bedroom market dwellings. The proposed mix of 12 x 2 and 3 bedroom dwellings satisfies the requirement of ULP Policy H10 for a significant proportion of market dwellings to be small properties. The current proposal overcomes the previous reason for refusal and complies with the requirements of ULP Policy H10.

I Vehicle Parking Standards

10.29 The adopted parking standards require parking spaces to have dimensions of 2.9m x 5.5m. The submitted plans indicate that the proposed parking provision would meet these required dimensions. The dwellings would have sufficient parking provision with regard to the number of spaces allocated for each plot and the development would provide additional parking for Hailes Wood and a new public car park. In this respect the parking provision would meet the required standards and is acceptable with regard to ULP Policy GEN8.

11 CONCLUSION

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

- A The proposal comprises sustainable development and is acceptable in accordance with the NPPF.
- B The proposed access is acceptable and complies with the requirements of ULP Policy GEN1.
- C The design of the proposed development complies with the Essex Design Guide and ULP Policy GEN2.
- D The application has demonstrated that there would not be any harm to protected species as a result of the proposals in accordance with ULP Policy GEN7 and the NPPF.
- E The application contains sufficient information to demonstrate that there would be no off site flooding as a result of the proposals in accordance with ULP Policy GEN3.
- F The applicant has agreed to enter into a S106 agreement to provide affordable housing provision, contributions to education and healthcare provision, off-site highway works to improve the junction of Hailes Wood/High Street and the public right of way beside the Crown PH, maintenance of public car park and play area in accordance with ULP Policy GEN6.
- G The proposed affordable housing meets the requirements of ULP Policy H9
- H The proposed development would have an acceptable mix of small market housing of 2 or 3 bedrooms and larger properties in compliance with ULP Policy H10.
- I The proposed development would have sufficient parking provision with an acceptable layout that would comply with the adopted parking standards and ULP Policy GEN8

RECOMMENDATION – CONDITIONAL APPROVAL – SUBJECT TO S106 LEGAL 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 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) **Financial contribution towards primary and secondary education provision**
 - (ii) **Financial contribution towards healthcare provision**
 - (iii) **Provision of affordable housing**
 - (iv) **Maintenance of public car park and play area**
 - (v) **Provision of off-site highway works to improve the junction of Hailes Wood/High Street and the public right of way beside the Crown PH**
 - (vi) **Pay the Council's reasonable costs**

(vii) Pay monitoring charge

(II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an obligation by 28th 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 education provision**
- (ii) Lack of healthcare provision**
- (iii) Lack of affordable housing provision**
- (iv) Lack of provision of public car park and play area**
- (v) Lack of provision of off-site highway works to improve the junction of Hailes Wood/High Street and the public right of way beside the Crown PH**

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 28, 30, 31 and 32 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) 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.);

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).

4. 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).

5. No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted, and mitigation for impacts upon identified protected species, in accordance with the general principles outlined in the following reports:
 - Section 5 'Findings and Recommendations' of the Extended Phase 1 Habitat Survey Revision B (dated October 2013);
 - Section 7 'Findings and Recommendations' and Section 8 'Conclusions' of the Reptile Presence/Likely Absence Survey Revision B (dated October 2013);
 - Section 4 'Findings and Recommendations' of the Bat Activity Survey (dated October 2013);
 - Landscape Masterplan drawing JBA 12/01 - 01 rev A. (dated 1st October 2013)
 - Proposed drainage strategy drawing number E3018/12/C dated 25th September 2012

and shall, without prejudice to the foregoing, include:

- (i) Aims and objectives of mitigation;
- (ii) Extent and location of proposed works;
- (iii) A description and evaluation of all features to be managed;
- (iv) Sources of habitat materials;
- (v) Timing of the works;
- (vi) The personnel responsible for the work;
- (vii) Disposal of wastes arising from the works;
- (viii) Selection of specific techniques and practices for preparing the site and creating and establishing vegetation;
- (ix) Appropriate management options for achieving aims and objectives;
- (x) Prescriptions for management actions;
- (xi) Personnel responsible for implementation of the Plan;
- (xii) The Plan shall include demonstration of the feasibility of the implementation of the Plan including details of funding for delivery of the Plan and long-term management of the habitats.

The development hereby approved shall thereafter be implemented in accordance with the approved Biodiversity Mitigation and Enhancement Plan.

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 the NPPF and Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, both on and off site in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

7.
 - A) No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
 - B) No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
 - C) The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance by the local planning authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Characteristics of Plots for Land adj. Hailes Wood, Elsenham

Plot	No of bedrooms	Parking spaces	Garden area (m ²)	Affordable/market
1	2	2	73	Market
2	2	2	53	Market
3	2	2	51	Affordable
4	2	2	53	Affordable
5	2	2	74	Affordable
6	2	2	87	Affordable
7	2	2	56	Affordable
8	2	2	56	Affordable
9	2	2	81	Affordable
10	2	2	121	Affordable
11	2	2	116	Affordable
12	2	2	120	Affordable
13	3	2	144	Affordable
14	2	2	124	Affordable
15	3	2	131	Affordable
16	5	4	100	Market
17	3	2	108	Market
18	4	4	122	Market
19	4	4	108	Market
20	2	2	92	Market
21	2	2	88	Market
22	3	2	163	Market
23	2	2	105	Market
24	2	2	51	Market
25	2	2	119	Market
26	2	2	99	Market
27	2	2	75	Market
28	4	4	93	Market
29	3	2	75	Market
30	5	4	89	Market
31	5	4	86	Market
32	5	4	86	Market

In addition to the above, the following would also be provided:

- 7 visitor parking spaces
- 7 additional parking spaces for use by Hailes Wood houses
- 16 parking spaces within proposed public car park

