

UTT/13/3091/FUL (HENHAM)

(Called in by Cllr Morson: Objecting on the grounds of back fill and outside of the village envelope)

PROPOSAL: Demolition of existing office/storage building and erection of 2 no. dwellings and garages including new access

LOCATION: Land rear of Woodend Cottages, Chickney Road, Henham, Bishops Stortford, CM22 6AY

APPLICANT: Mr JRC Smith

EXPIRY DATE: 13 January 2014

CASE OFFICER: Madeleine Jones

1. NOTATION

- 1.1 Part outside Development Limits/Conservation Area. Adjacent Listed Buildings. Tree Preservation Orders.

2. DESCRIPTION OF SITE

- 2.1 The site is approximately 0.5ha and is located to the north of Henham High Street. The site is accessed by a shared private drive which serves the garages and rear gardens of the 4 terraced cottages that are to the east of the drive. The plot is in two distinct parts. The front of the site forms a redundant builder's yard which consists of a single storey building, set back from the road and constructed of timber and corrugated iron. To the front of the builder's yard building is a triangular shaped piece of land. The land to the rear, which comprises the greater part of the site, is flat grassland and has hedge/trees along its northern and eastern boundaries with agricultural land. This piece of land is outside development limits. The grassland adjoins the residential gardens of properties to the front, west and east of the site. To the west of the access road where it adjoins the road is a large pond and to the east a hedge. The surrounding properties are of mixed design (listed buildings/modern) and comprise terraced, semi-detached and detached properties.

3. PROPOSAL

- 3.1 The proposal is for the demolition of a single storey building and for the erection of two detached dwellings.
- 3.2 The properties would have four bedrooms and be built from traditional materials. The properties would be set back from the access road, behind the row of properties which run along the road frontage. Their dimensions would be 7.2m high, 13m deep (reducing to 5m) and 16m wide.
- 3.3 Revised plans have been received as original plans had been reproduced incorrectly showing a red line crossing part of a building relating to the neighbouring property Dragonholt.
- 3.4 The existing access would be widened to improve visibility.

3.5 The proposal is also for the erection of two cartlodges to serve the two properties.

4 APPLICANT'S CASE

- 4.1 A Design and Access Statement has been submitted with the application, this outlines the design proposal for the site and demonstrates how important guidelines from the Uttlesford District Council and Government design criteria have been addressed. Only a relatively small part of the application site lies within the Conservation Area – the access drive, builder's yard and the existing single storey building. The land to the rear, which comprises the greater part of the site, is flat, open grassland bordered by established hedgerows and mature trees along its northern and eastern boundaries with the adjacent agricultural field.
- 4.2 The proposed development includes the demolition of the existing single storey building on the site, which has no architectural or historic interest in itself, and its removal would not harm the special character or appearance of this part of the Conservation Area. A previous appeal decision (see Supporting Planning Statement) for a similar development concluded that the demolition of this unsightly building would improve the visual appearance of the immediate area.
- 4.3 The proposed new dwellings are located outside the boundary of the designated Conservation Area and would be well-designed with generous plots. Although they would be visible against the backdrop of the village from public footpaths in the countryside beyond the site, they would not have a significant impact on the setting of the Conservation Area. There a number of other small clusters of development behind frontage plots elsewhere in the village and the proposed development would respect that character.
- 4.4 In terms of the impact of the proposals on designated heritage assets, which are considered to be of 'major' significance, the benign nature of the proposals, and their location outside the Conservation Area and behind the general building frontage in this part of the village, means that their impact is considered to be 'neutral'.
- 4.5 The overall scale and layout of the two proposed houses has been designed to minimise any possible impact on the residential amenities of neighbouring properties through overlooking or overshadowing. The orientation of the two houses has also been designed to maximise their outlook over the rear gardens. The position of the two new houses is also influenced by the need to avoid any impact on the root systems of the mature trees on the edge of the site, which would all be retained.
- 4.6 The scale of the houses reflects traditional roof spans and the first floor of each house is contained largely within the roofspace, which allows traditional dormer windows to be used, adding character and providing a traditional feature. This also allows the overall height of the houses to be kept low, in-keeping with their general location behind the established building frontage and on the edge of open countryside. Such a design approach can be found on similar residential developments in the village, such as Highfields. While the site as a whole extends to around 0.5ha, the density of houses in the surrounding area is very low, and this character is reflected in the density of the proposal. The submitted plans show two houses of the same overall design, but it is anticipated that the external materials would varied, giving a distinctive, traditional character to each property.

- 4.7 The application is supported by an ecology report, a sustainable construction checklist, tree survey, appraisal report and planning supporting statement.

5.0 RELEVANT SITE HISTORY

UTT/ 1027/75: Erection of dwelling on the site forming the access refused and dismissed on appeal.

UTT/1638/00/FUL & UTT/1639/00/CA: Erection of three dwellings and demolition of single storey building. Dismissed on appeal.

UTT/0457/78/CA: Established use as a builders yard

SWR/0051/69: 19 dwellings refused

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 The Countryside
- Policy H4 Backland Development
- Policy GEN2 Design
- Policy GEN1 Access
- Policy GEN8 Vehicle Parking Standards
- Policy GEN7 Nature Conservation
- SPD Developers Contributions – Affordable Housing
- SPD Accessible Homes and Playspace
- SPD Energy Efficiency and Renewable Energy
- Uttlesford Local Parking Standards

7. PARISH/TOWN COUNCIL COMMENTS

Object - back fill. Changing sight lines of existing houses and obscuring countryside views. The proposed entrance widening is within the Conservation Area and removes an established hedgerow and an area of garden. This will change the aspect of the existing dwelling and Chickney Road itself. Additional car movements to the new properties will put pressure on the pond edging which is not constructed to take such weight especially concerned of the impact of heavy construction vehicles. A development on this land has been refused on at least one occasion in the past.

8. CONSULTATIONS

Essex County Council Highways

- 8.1 Highway Authority would not wish to raise an objection to the above application subject to the following conditions:

1. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved

scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

2. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety.

3. There should be no obstruction above ground level in height within the visibility splays as shown on the Promap location plan. Such vehicular visibility splays shall be provided before occupation of the development and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Access and Equalities Officer

- 8.2 I have noted the comments within the Design and Access Statement with regard to Lifetime Homes. All new dwellings are required to comply. As this is design stage it is more than 'practical' to achieve the result. I assume that the position of the WC to the larder, utility room and wet room will allow improvements in the future for adaptation for shower space. Through floor space for potential lift has not been identified

ECC Ecology

- 8.3 I refer to the Ecology Report for this site, dated October 2013. It does not consider that any protected species were likely to use the site, except for hedgerow and tree nesting birds. It advises that, "Development of the site is unlikely to result in significant adverse impacts on nature conservation features provided hedgerows and mature trees that bound the site can be largely retained."

The recommendations within Section 3 of the Ecology Report should be adhered to and I recommend that the following condition and informative should be appended to any planning permission:

Protection of Breeding Birds

No scrub, tree or hedgerow removal shall be carried out on site between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Uttlesford Planning Authority which confirms that no species would be adversely affected by the removal of scrub, trees and hedgerows. 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 local policies informative (recommended by Natural England) Despite ecological surveys being undertaken which suggest that certain protected species are not using the application site, it is possible that protected species may be encountered once works commence. As such Natural England recommends that the following informative should be appended to any such consent: Should any bats, great crested newts or badgers, or evidence of bats, great crested newts or badgers be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of the relevant ecologist.

Thames Water

- 8.4 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

9.0 REPRESENTATIONS

- 9.1 Site Notice displayed and the occupiers of 51 neighbouring properties notified via letter. 34 letters of objection have been received. Expiry date 30th December 2013

This application would still involve substantial alteration to an area that is on a conservation site. In addition the added noise that residents bordering the entrance to this proposal would suffer, must be a serious consideration in refusing this application.

Impact on protected species that frequent this location and in barn to be demolished

Impact on trees with Tree Preservation Orders

Obstructing views and overshadowing of neighbouring properties

We have properties either side of us as well as trees and in front of us is the pond and main road through the village, if these houses are built we would be totally encircled

The proposed alterations for access to the development could have a detrimental effect visually to the immediate side of our house and area.

This entrance would then mean more traffic passing/pulling out directly next to our house. Our house is very old so we would hear this increased traffic/noise nuisance and vibration. This could have a serious effect on our quality of life within our own house.

Although the speed limit is 30mph, this isn't enforced properly by Uttlesford District Council and another turning opposite our house could create more chance of a serious accident or the possibility of a car crashing into our property if it had to avoid a car pulling out of the new access drive.

If the hedge at the side of the road (1 Woodend Cottages) is moved back, apart from the visual aspect being possibly spoilt, the effect could make that narrow part of the road appear wider and encourage cars to increase speed making the road even more dangerous.

The application is for two four bedroom houses with detached garages and parking. Is this a cast iron guarantee that no other extra houses will suddenly appear on the site? As this has happened at the other end of the village much to many of the villagers dismay. The proposed development falls within a Rural Restraint Area outside the designated development limits for the village of Henham. The proposed new housing development would have a detrimental impact on the character of this rural settlement and the open countryside beyond, and as such is contrary to development plan policy. Furthermore, the site is in an unsustainable location, being reliant on a very infrequent bus service only (by foot), and remote from local facilities and as such is an unsuitable location for new development.

The majority of the village of Henham comprises a designated conservation area and part of the proposed development site is located within the conservation area.

The proposal includes a new access road which entails the loss of existing hedgerow adjoining Chickney Road. The hedgerows are an important character of this part of the conservation area and their removal, together with the laying of a new hard surfaced access road crossing the conservation area to serve the proposed dwellings would be detrimental to the local character and distinctiveness of the conservation area.

Whilst the new houses fall just outside the boundary of the conservation area, their impact on the heritage asset is a material consideration. The new houses would create a hard edge to this part of the village and would interrupt the current open views across rural land towards the village when viewed from the surrounding footpaths and countryside, to the detriment of the rural character and setting of the historic village.

The creation of two large houses set in large domestic gardens with their manicured appearance and hard fencing would introduce an urban character to this end of the village which would be out of keeping with the much smaller houses and plot sizes adjoining the site, all to the detriment of the rural character and local distinctiveness of the conservation area and rural surroundings.

The first floor dormer window proposed on the side elevation to Plot 1 would give rise to unacceptable levels of overlooking to the rear gardens of "The Elms", "Homeleigh", and "Windermere" to the detriment of existing residential amenities and privacy.

The location of the proposed house/ garage on Plot 1 from the protected weeping ash tree in "The Elms", has been scaled from the drawing as 10 metres in length, and it would appear that part of the canopy of the existing large tree may overhang the dwelling & garage, and as such the roots could be affected due to any associated construction works.

I believe that clearly the proposed new housing development would have a detrimental impact on the character of this rural settlement and the open countryside beyond, and as such is contrary to development plan policy.

I believe that this would affect the rural characteristics, of the area abutting the conservation zone as domestic back gardens would be provided in place of the existing open views and field area, with sheds, ponds, fencing, with swimming pools, and horse paddocks proposed in the future (subject to planning permission), all this is possible as these will be marketed as high value houses. All of which would be out of keeping with the surrounding area size houses and plots, and urbanise the area to the detriment of the rural area of this part of the village.

The NPPF requires any new development within or adjoining a conservation area to contribute to its local character and distinctiveness.

The above proposal, if agreed, would impair the views that at least 7 homes already enjoy.

The Ecology report does not indicate if the pond, which is located at the side of the proposed access site, has protected species in it, or that may visit this pond. Clearly, if this application is approved the increase in traffic using this access site, would have a detrimental effect on the animals that live and use this pond.

This planning application states that the impact of the proposed changes to the part of the land that is on a conservation site is considered as "neutral". Yet the proposal is to widen the existing access entrance and remove an existing hedge at the front of 1 Woodend Cottages. These are hardly "neutral" and I submit should be refused. This is a conservation area and as such should be protected.

As mentioned the proposal is for the removal of the existing hedge at the front of 1 Woodend Cottage in order to provide an adequate visibility splay. Does the applicant own this hedge in order for this to be completed?

There are Pipistrelle Bats (they roost in the building that is proposed being demolished), Grass snakes, and Great Crested Newts which I have saved from my swimming pool on more than one occasion this summer!!!!. In addition to these we have Greater Spotted Woodpeckers, Sparrow hawks, Kestrels, a Little Owl, also there is a Buzzard that roosts in the Ash Tree on the edge of this site. These are just a few of the birds and wildlife that I see regularly while working on my vegetable plot. I would also like to point out that I have greenhouses in my garden in which I grown fruit/vegetables/flowers etc all year round and this is on the western side of the garden and would be shaded by the proposed new house and perimeter fence which I assume will also be erected.

In the proposal it states that there would be no visual impact on neighbouring properties, I find this extremely difficult to understand when from my rear bedroom I can currently see the cars park that belong to cottage residents, and under these plans I will be looking at two large detached houses of modern design. These will be in a rural environment and appear to be designed for an urban environment.

The increased volume of vehicle activity also if this proposal is allowed would be substantial

I object to the hedgerow being ripped out for access as this is a well-established hedgerow

The proposed dwellings would in scale and style conflict with the surrounding properties, particularly the Edwardian cottages and houses which sit between them and our house, Dragonholt. It is difficult to ascertain, but it would appear that one of the proposed dwellings could appear to loom over adjacent houses when viewed from Chickney Road. The laying of a hard-surfaced road in this area will also alter the rural character of this part of Henham. Although a relatively small area, this field is important, because the surrounding area is intensively farmed and, as a consequence is of little use to wildlife.

Access to the site will be from the narrowest part of Chickney Road and will increase the risk of a collision occurring when traffic pull out into the road. Visibility will still be impaired even if the hedge is removed. The removal of the hedge will again destroy some more of the natural environment which encourages wild life, especially birds and insects. This area of the village is also prone to being very damp which may be due to a high water table. Reducing the amount of grassland and wooded areas and replacing with concrete will only exacerbate the problem as there will be less drainage for surface water. The road at this point also is susceptible to ice during the winter and is not gritted another hazard for vehicles.

The proposed alterations for access to the development could have a detrimental effect visually to the immediate side of our house and area. This entrance would then mean more traffic passing/pulling out directly next to our house.

If the hedge at the side of the road (1 Woodend Cottages) is moved back, apart from the visual aspect being possibly spoilt, the effect could make that narrow part of the road appear wider and encourage cars to increase speed making the road even more dangerous.

10.0 APPRAISAL

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

- A The principle of development of the site for housing (ULP policies S7 and H4)
- B The proposed access to the site and parking provision and highway issues (ULP Policy, GEN1, GEN8 and ECC Parking Standards);
- C Design, scale and impact on neighbours' amenity (ULP Policy GEN2, ENV2& SPD Accessible Homes and Playspace, SPD Energy Efficiency)
- D Impact on nature conservation (ULP Policy GEN7)
- E Affordable Housing (Developer Contributions Guidance Document)

A The principle of development of the site for housing (ULP policies S7, H4)

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 Henham 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	410	577	751	547

10.7 It is estimated that 2513 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 92% of the requirement which is equivalent to 4.6 years. There is therefore a shortfall of 233 dwellings as set out in the table below.

	Housing Requirement
Annual requirement	523
Total supply on deliverable committed sites	2513

Requirement years 1-5 plus 5% frontloading	2746
% of requirement available on deliverable sites years 1-5	92%
Supply in Years	4.6
Shortfall (dwellings)	233

- 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. . On a small scale this development would also contribute to the 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. By adding to the supply of housing this proposal would perform a social role. The applicant has agreed to a financial contribution in respect of Affordable Housing Landscaping would be used to reduce the visual impacts and some landscaping . 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.

- 10.15 The NPPF encourages sustainable development. Paragraph 7 defined sustainable development as having three dimensions, economic, social and environmental. In accordance with this description it is considered that the proposal is relatively sustainable.

The site is located within walking distance to the village shop, sub post office and primary school. As a result the residents would not be wholly reliant on car trips to meet their needs. Facilities include a village hall, public house and church. The village is also served by public transport (routes 1,7 and 7a) including a bus service providing a link to nearby railway stations. The construction of a two dwellings in this location would make efficient use of the site without materially impacting upon the street scene or neighbouring residents.

Paragraph 17 of the NPPF requires that planning decisions should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Planning should contribute to conserving and enhancing the natural environment. It is considered that development on this site would not have a detrimental impact on the landscape of the area providing that permitted development rights are removed to prevent any built form being built in the gardens of the properties.

Although they would be visible against the backdrop of the village from public footpaths in the countryside beyond the site, they would not have a significant impact on the setting of the Conservation Area.

The proposal is of a design that would be compatible with and complementary to the surrounding development in the village. Highfields to the west has five back land dwellings, and the Chase, six detached houses. Additionally to the east a planning application has recently been approved for a development for 14 dwellings and the layout consists of two rows of housing. It is considered that the construction of two dwellings on this site of the size, scale and form proposed would be compatible with the surrounding pattern of development. The hedgerow and trees bordering the site would provide screening of the site and lessen its visual impact on the surrounding countryside. It is considered that this backland development would not intrude into the countryside to such an extent to cause harm that would outweigh the benefits of the need for additional housing.

The built form would align with these backland developments and as such the intrusion into the countryside would be less prominent than that refused previously on appeal. The NPPF has also come into being since that planning appeal decision and this as stated above encourages sustainable development.

The building to be demolished is unsightly and the demolition of it would improve the visual appearance of the immediate area. The inspector in his appeal statement stated that "while the presence of a small business use of this type can contribute to the quality of an area, in this instance any benefits in terms of local employment are, in my opinion significantly outweighed by its unsightly and dilapidated appearance."

Additionally policy H4 states that development of parcel of land that does not have a road frontage will be permitted, if all of the following criteria are met:

- a) There is significant under-use of land and development would make more effective use of it.

- b) There would be no material overlooking or overshadowing of nearby properties.
- c) Development would not have an overbearing effect on neighbouring properties.
- d) Access would not cause disturbance to nearby properties.

The proposal is considered to meet these criteria. Neighbours' comments regarding overlooking have been noted but it is not accepted, due to the distance of the built form from the neighbouring properties, that this proposal would result in any detrimental material overlooking, overshadowing or have an overbearing effect on neighbours' amenity.

As such the principle of the development is considered on balance to be acceptable as a backland development site that is sustainable.

B The proposed access to the site and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards)

10.16 The proposal is would reuse an existing access point. This access would be widened to improve visibility. Essex County Council Highways have no objections to the proposal in this respect

10.17 The adopted vehicle parking standards require that new four bedroom properties have three parking spaces. Each property has a cart lodge for parking two cars and an additional two parking spaces to the front of these buildings. As such the proposal is in accordance with the requirements of policies GEN1 and GEN8 of the Local Adopted Plan.

C Design, scale and impact on neighbours' amenity (ULP Policy GEN2 & SPD Accessible Homes and Playspace, SPD Energy Efficiency)

10.18 The properties are set back from the road and the size, scale and form of the dwelling is compatible with surrounding properties.

The dwellings are proposed to be constructed of external materials that are appropriate in the locality, using white render and, slate roof tiles.

The proposed dwellings would have adequate amenity spaces.

10.19 Given the nature of the development, the proposal would have no long-term adverse impact in terms of causing undue noise or disturbance on the surrounding residential dwellings in accordance with Policy GEN4 of the Local Plan.

The properties have been located at a good distance from the existing dwellings to ensure that they would not be unduly overbearing or lead to any material loss of the light. The mature vegetation screen, as well as the layout of the properties (all primary windows would be located in the front and rear elevations of the proposed dwelling) ensures there would be no material detrimental loss of privacy to neighbouring properties.

10.20 Both properties would have private gardens in excess of the 100m² recommended in the Essex Design Guide.

D Impact on nature conservation (ULP Policy GEN7)

10.21 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes

protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

10.22 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

10.23 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

- The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
- There must be "no satisfactory alternative"; and
- The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"

10.24 In this particular instance an ecology survey report has been submitted with the application, it states the site does not support habitats of biodiversity or nature conservation importance and with the exception of hedgerow and tree nesting breeding birds, is unlikely to support protected animal species. They advise that the development of the site is unlikely to result in significant adverse impacts on nature conservation features provided hedgerows and mature trees that bound the site can be largely retained.

In addition to the ecology survey report an arboricultural impact assessment report has also been submitted in support of the application and provided that the recommendations in that report are implemented it is considered that the proposal is acceptable.

In view of the representations received, despite ecological surveys being undertaken which suggest that certain protected species are not using the application site, it is possible that protected species may be encountered once works commence as such an informative has been added to the report.

Therefore the application would comply with Policy GEN7.

E Affordable Housing (Developer Contributions Guidance Document)

10.25 In June 2013 the Council adopted a guidance document in respect of developer contributions. The Council has adopted a Housing Strategy (2012) which sets out the Councils approach to housing provision over the next three years. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the district. The Strategic Market Area Assessment supports the provision of a range of affordable housing and suggests that a financial contribution should be made on sites of 1-4 dwellings. The

proposal would result in two new dwellings. It states that on a 2 unit development a contribution that equates to 40% of 1 full plot value for the locality should be made. The land value must be provided by an independent valuer on a site specific basis. This valuation has been carried out and the financial contribution can be secured by a S106 agreement.

11. CONCLUSION

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

- A Taking into account the lack of the Councils five year land housing supply and the sites sustainable location, the principle of the proposal is on balance acceptable.
- B Adequate parking provision and access can be provided.
- C The design, scale and form of the development is acceptable
- D The proposal would not have any material detrimental impact on biodiversity.
- E The affordable housing contribution can be secured by a Section 106 should the application be recommended for approval.

RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 OBLIGATION

- 1 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) Affordable Housing Financial Contribution
(ii) Pay the Council's reasonable costs**
- 2 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.**
- 3 If the freehold owner shall fail to enter into such an agreement by 13th February 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 financial Contribution**

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. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the

access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Uttlesford Local Plan policy GEN1

- 3 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 development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings in accordance with Uttlesford Local Plan policy GEN2

- 4 The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement within the ecology report and tree survey report submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Uttlesford Local Plan (adopted 2005) policy GEN7

5. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety.

6. There should be no obstruction above ground level in height within the visibility splays as shown on the Promap location plan. Such vehicular visibility splays shall be provided before occupation of the development and retained free of any obstruction at all times.

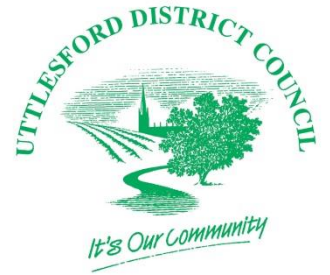
REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Uttlesford Local Plan (adopted 2005) policy GEN1

7. No scrub, tree or hedgerow removal shall be carried out on site between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Uttlesford Planning Authority which confirms that no species would be adversely affected by the removal of scrub, trees and hedgerows.

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 Uttlesford Local plan (adopted 2005) policy GEN7

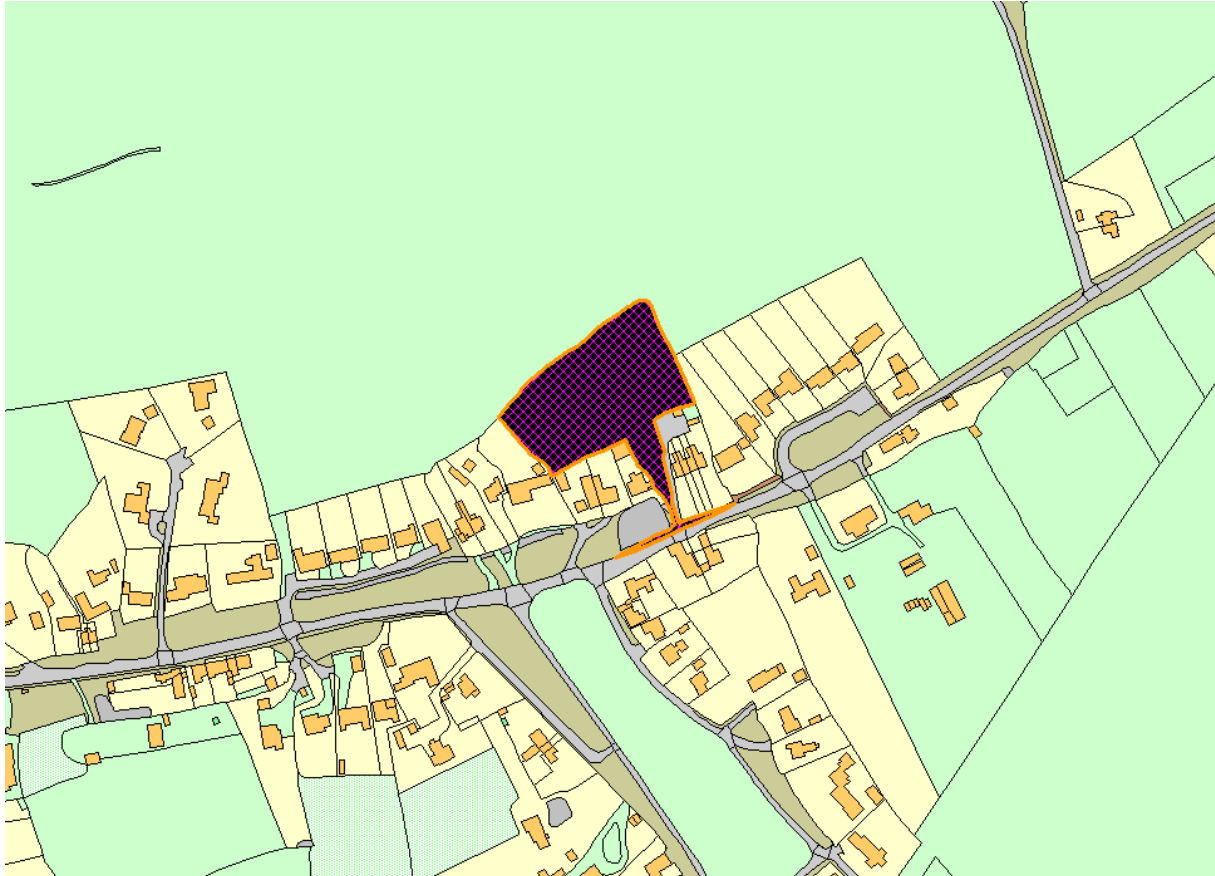
8. Before the development hereby permitted commences, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.



Application no.: UTT/13/3091/FUL

Address: Land rear of Woodend Cottages, Chickney Road, Henham



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Organisation: Uttlesford District Council

Department: Planning

Date: 3 February 2014

SLA Number: 100018688