

UTT/14/0480/FUL – ELSENHAM

(Referred to Committee by Cllr Morson. Reason: The grounds for this request relates to Crime Prevention and Safety Recommendations which address previous Officer concerns.)

PROPOSAL: Full application for demolition of all existing buildings and change of use of site from B2 light industrial to residential. Proposed erection of 5 dwellings and 2 cartsheds to replace existing commercial buildings, uses and external parking/storage. Provision of new vehicular access to one dwelling. Provision of new pedestrian access to site

LOCATION: Elsenham Sawmill, Fullers End, Tye Green Road, Elsenham

APPLICANT: Mr James Collins

AGENT: Donald Purkiss Associates LLP

EXPIRY DATE: 18 April 2014

CASE OFFICER: Karen Denmark

1. NOTATION

- 1.1 Countryside Protection Zone/Outside Development Limits/Archaeological site/Contaminated land/Within Flood Zones 2 & 3/Within 6km Stansted Airport/Public Right of Way.

2. DESCRIPTION OF SITE

- 2.1 The site extends to 1.1 hectares and is situated in a shallow valley just south of Elsenham below and adjacent to the railway line. There is a pedestrian level crossing immediately adjacent to the site allowing access to Elsenham. Vehicular access is via the small hamlet of Fullers End. The road accessing the site is narrow and single track. The north western edge runs along the railway line.
- 2.2 The site has a number of small, low key commercial uses which occupy several ranges of single storey buildings. There is a brook that runs across part of the site, which has mature trees along its boundaries.
- 2.3 To the west of the site is an area of open meadowland, which rises up steeply from the site. Additionally adjacent to the existing entrance is a bund of raised land separating the site from the railway line.
- 2.4 The site is reasonably level apart from the bund. The front of the site is screened from the road by mature hedging. The land to the north of the railway line is rough, open, grassland. The railway lines are set on higher ground. The land to the north of the proposed pedestrian access gently raises northwards. There is a public right of way that runs parallel to the railway line and is accessed by a stile.

3. PROPOSAL

- 3.1 The proposal is for the demolition of all existing buildings and change of use from B2 use to residential. It is proposed to erect 5 dwellings, 1 x 2 bedroom, 2 x 3 bedroom, 1

x 4 bedroom and 1 x 5 bedroom. It is also proposed to erect 2 cart sheds and create a new vehicular access to serve one of the new dwellings. A new pedestrian access to the north of the railway line, connected to the site via an underpass under the railway, would be provided. The applicant has also agreed to provide a commuted sum for offsite provision of affordable housing.

4. APPLICANT'S CASE

4.1 A Design and Access statement, Transport Assessment, a Bat Survey, Arboricultural Report incorporating a Landscape Assessment and Enhancement Scheme, a Noise Survey, a Contamination Report and a Flood Risk Assessment have all been submitted to accompany the application.

4.2 Summary of Design and Access Statement:

The site is brownfield, damaged land from which a number of un-neighbourly uses operate from buildings and hard standings. The site has continuously resulted in complaints to the Council's Environmental Health Department from near-by residents, and its appearance detracts from the character of the countryside and the CPZ.

The Council has accepted that the site is suitable for development, providing valuable additional housing and meeting all other planning criteria. It also accepts that the site lies in a sustainable location, on the edge of a Key Village, as allocated by the Council in its new local plan, owing to its range of shops, services, facilities, and public transport options. However, it objects to the pedestrian route proposed to access these facilities, rendering the site unsustainable on the grounds of perceptions of crime.

However, this application with the additional details for the path and underpass included, and the correspondence from the Crime Prevention Officer demonstrates that there are no security issues relating to its use, and the Council's objection cannot be substantiated. Furthermore, it is supported by Network Rail, The Parish Council and local residents.

For all of these reasons the Council is requested to grant planning permission.

4.3 Summary of Ecology Report:

Following the survey, the following recommendations have been made to ensure obligations in respect of protected species are met/the site is enhanced for the benefit of biodiversity if developed. The recommendations are considered to be appropriate and in context with the size of the proposals, and based upon the findings of the impact assessment section of the report.

Bats

The survey undertaken in 2012 identified that bats may forage/commute along hedgerows/trees situated on the site boundaries. These features will remain/be enhanced on site as part of the development proposals. However, to minimise the potential impacts of lighting, it is recommended that a bat sensitive lighting scheme be adopted as part of the proposals. As with any demolition works to buildings, contractors should be aware of the high level of legal protection afforded to bats. As part of standard due diligence, if at any time during the works, presence of bats is suspected/identified, works should cease immediately and an ecologist contacted to enable further appropriate steps to be implemented including survey works/European Protected Species License Applications.

Reptiles

No potentially suitable reptile habitat will be lost to the development and the development will be situated on areas of the site that are currently hard standing/buildings/disturbed ground. However, some rubble materials/scrub located on/adjacent to the embankment may need to be cleared as part of the proposals, and given the presence of nearby railway embankment/semi improved grassland field, a sensible precautionary approach is advised when undertaking these works. It is in the interest of those undertaking clearance works to take reasonable precautionary steps and undertake any works with reasonable effort to ensure no reptiles are harmed during management/clearance works. It is recommended that rubble piles should be carefully de-constructed by hand, and grass/scrub areas of the embankment strimmed carefully. In the unlikely eventuality that reptiles are found during clearance, contractors should halt work, capture the reptile using gloves and store in a provided container. The appointed ecologist should then be immediately contacted to ensure that any reptiles are relocated to a safe, suitable area outside of the area of clearance/disturbance, such as the semi improved grassland area in the south of the site.

Nesting Birds

It should be noted that the main breeding season for birds is between the months of March to September inclusive. Works such as tree works, vegetation and scrub clearance operations should ideally be avoided during the bird breeding season if possible. If this is not possible a search should be undertaken to confirm presence/absence of nesting prior to works being undertaken.

Protection of site features

The stream and associated trees will be protected during the construction phase by tree protective fencing in accordance with British Standard BS5837:2012, 'Trees in Relation to Demolition, Design and Construction. This will ensure that the trees, stream and bank shall be inaccessible during the demolition and construction phases, preventing access by plant and materials storage. In addition, a line of similar fencing should be installed on the southern boundary of the construction zone to prevent vehicles/materials accessing the semi improved grassland field situated in the southern section of the site. Given the presence of a water course, Environment Agency guidelines for working within the vicinity of a watercourse (Pollution Prevention Guidance Note 5 'Construction within and adjacent to watercourses' should be fully adhered to for works within the vicinity of the stream. No materials or materials should be stored within 5m of the bank sides.

Enhancements

The proposed redevelopment presents an opportunity to enhance what is an ecologically poor site through enhancement initiatives. It is recommended that additional ecological enhancements are included as part of the landscaping scheme. This can be through utilisation of native species of tree and shrub in planting, and additional habitat creation through inclusion of bird and bat boxes as considered appropriate throughout the site. Suggested enhancements/planting species and habitat boxes are included as Annex 5. The following management/enhancements are recommended in respect of the stream given the amount of rubbish currently found:

- Removal of rubbish/fly-tipped materials
- Scrub reduction and on-going vegetation management to maintain open water
- Regular clearance/removal of litter to maintain water flow and quality of habitat.

4.4 Summary of Noise Survey:

A noise survey has been carried out which considered both the adjacent railway line and the airport. The report concludes that noise does not represent overriding constraint and through mitigation measures this can be addressed.

4.5 Summary of the Flood Risk Assessment:

The proposed development site has been shown through detailed site-specific 1D-2D flood modelling, undertaken as part of this assessment, not to be at risk of flooding from rivers (the Stansted Brook) in the 1 in 100 year plus climate change design event. This is contrary to, but considered to supersede, the Environment Agency's indicative online flood map which at this location was produced using national scale assessment techniques (JFlow).

The site is considered to have a moderate to high risk of groundwater flooding in the event of heavy prolonged rainfall given the permeable soils and superficial geological deposits likely to be present overlying less permeable bedrock and thus creating a perched groundwater aquifer.

Flood probability

The site is considered to have less than a 1 in 1000 (0.1%) annual probability of flooding from rivers or the sea. The probability of flooding from groundwater is considered moderate to high whilst the probability of flooding from all other sources, including surface and foul water runoff, reservoirs, canals and other artificial features, is considered negligible to low.

Sequential Test

The proposed development is considered to pass the Sequential Test on the basis that, contrary to the Environment Agency's indicative flood map produced using national scale assessment methods, detailed site-specific flood modelling undertaken as part of this assessment has indicated the entire site to fall within Flood Zone 1 with no part at high risk of flooding in the 1 in 1000 or more frequent events.

Exception Test

As, contrary to the Environment Agency's indicative flood map produced using national scale assessment techniques, detailed site-specific flood modelling undertaken as part of this assessment has indicated the entire site to fall within Flood Zone 1 with no part at high risk of flooding in the 1 in 1000 year or more frequent events (i.e. no part within Flood Zone 3), residential development, classified by the National Planning Policy Framework as More Vulnerable development, is considered appropriate without the need to undertake the Exception Test.

Flood risk management measures

Flood proofing to prevent groundwater causing flooding or damp to the proposed properties is recommended to be provided in compliance with the Building Regulations and in line with the guidance provided in "Improving the Flood Performance of New Buildings: Flood Resilient Construction" (Communities and Local Government, 2007). The additional foul water flows generated by the development will require appropriate management either on or off-site however consideration of the detailed proposals for this is considered beyond the scope of this assessment. No other specific flood risk management measures are considered to be required or advisable for the development. Future occupants should however consider registering with the Environment Agency's local Flood Alert service as a precaution. Calculations undertaken as part of the assessment have demonstrated that due to the significant increase in permeable surfaces proposed at the site post-development compared to the existing situation the development is anticipated to result in a decrease in peak surface water runoff rates and volumes from the site and therefore these can continue to be

discharged in the current manner (assumed to be directly to the Stansted Brook) without the need for additional management.

Off-site impacts

The proposed development is not expected to have any off-site impacts on the risk of flooding from any source provided appropriate measures are put in place to manage the anticipated additional foul water generated.

4.6 Summary of the Contamination Report:

With reference to the conceptual site model; based on the information gathered as part of this desk study, additional investigation should be undertaken.

Site Investigation

The objective of additional investigation would be to determine whether elevated concentrations of contaminants are present in the soil and possibly the Brook and groundwater beneath the site and whether any potentially harmful ground gases could affect the receptors identified within the conceptual site model. The site investigation should incorporate the sinking of boreholes such as window sample boreholes, to allow examination of the condition of the soils beneath the site. Samples should be taken for chemical laboratory analysis to confirm whether any contaminants are present. Standpipes should be installed to allow the recovery of groundwater samples for future testing and to allow ground gas monitoring. Consideration may also be given to testing the water quality of the Brook that passes through the site.

Construction Phase Soil Appraisal

During construction works visual and olfactory appraisal of the underlying soils should be made. If during construction works any material is noted to show visual and/or olfactory signs of contamination an environmental consultant should be contacted to supervise/guide further works. This material should be stockpiled separately and tested prior to its appropriate removal off site or re-use as necessary.

Importation of Soil

If any landscaping materials are to be imported on site, such materials should be tested to ensure that they are suitable for the intended use. Clean, uncontaminated rock, subsoil brick rubble, crushed concrete, ceramics and topsoil only should be permitted as infill material. This should be undertaken by an appropriately qualified Environmental Specialist prior to placement of any materials.

4.7 Summary of the Transport Statement:

The site is in a very sustainable location which has good links to buses and trains and there are good facilities such as a post office, local shop and schools all in the local area. It has been shown through the TRICS analysis that the proposed 5 dwellings have the potential to generate significantly fewer trips in the peak hours when compared to the existing potential commercial use. The vehicle trips produced by the residential development would be much better suited to the local roads than the heavier vehicles that serve the existing site. In terms of highways and transportation it is considered that there are no reasons why the scheme should not receive planning approval.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/1983/FUL: Demolition of all existing buildings and change of use of site from B2 light industrial to residential. Proposed erection of 5 dwellings and 2 cartsheds and

external parking/storage. Provision of new vehicular access to one dwelling and a new pedestrian access. Application refused for the following reason:

“The proposal, in order to be considered as a sustainable site, encourages the use of an unmanned railway crossing as a primary pedestrian route or the use of a remote, un-overlooked private access via an underpass under the railway line. These routes would fail to provide an environment which meets the reasonable needs of all potential users or would fail to reduce the potential for crime, or the fear of crime. The proposals would fail to provide a safe route to access services and facilities and therefore would not encourage movement by means other than driving a car. The development is therefore contrary to Uttlesford Local Plan Policies GEN1 and GEN2.”

- 5.2 UTT/13/0255/FUL: Demolition of all existing buildings and change of use of site from B2 light industrial to residential. Proposed erection of 5 dwellings and 2 cartsheds and external parking/storage. Provision of new vehicular access to one dwelling. Application refused for the following reasons:

- “1. The proposal does not provide a significant proportion of market housing comprising small properties and is therefore contrary to Uttlesford Local Plan policy H10.*
- 2. The site by the exclusion of important landscaping areas from the application site results in a contrived form of development under 0.5 hectares. The development would therefore generate the need for the provision of affordable housing. The application provides no mechanism for addressing the need for additional provision. It therefore fails to comply with policy H9 of the Uttlesford Local Plan (adopted 2005)*
- 3. The proposal, in order to be considered as a sustainable site, encourages the use of an unmanned railway crossing as a primary route. This is considered to be unreasonable and would encourage movement by means other than driving a car and also may compromise safety. The development is therefore considered to be contrary to Uttlesford Local Plan policies S8 and GEN1.”*

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7 - The Countryside
- S8 - The Countryside Protection Zone
- GEN1 – Access
- GEN2 – Design
- GEN3 - Flood Protection
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards
- ENV2 - Development affecting Listed Buildings
- ENV10 - Noise sensitive development and disturbance from aircraft
- H9 - Affordable Housing
- H10 - Housing Mix
- ENV3 - Open spaces and trees
- ENV14 - Contaminated land
- SPD2 - Accessible homes and playspace

7. PARISH COUNCIL COMMENTS

7.1 Fully support this application.

8. CONSULTATIONS

Airside OPS Limited

8.1 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.

ECC Archaeology

8.2 The Historic Environment Record shows that there are no known archaeological sites directly affected by the proposed development. Therefore, no archaeological recommendations are being made on this application.

ECC Highways

8.3 Would not wish to raise an objection subject to conditions.

Environment Agency

8.4 Contaminated Land

Previous use of the site includes industry and vehicle repair and a Phase 1 Desk Study, by AGB Environmental Ltd, has been submitted in support of the application. However, we consider that the water environment at this site is of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to the water environment from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

8.5 Foul Water Disposal

Section 11 of the application form indicates that foul water disposal will be via a package treatment plant. A private means of foul effluent disposal is only acceptable when foul mains drainage is unavailable. Our records show the site is at least 450m from the public sewer network. If our records are correct, the use of non-mains drainage would therefore appear to be appropriate in this instance

8.6 Flood Risk

A Flood Risk Assessment (FRA) by Potamus Consulting, referenced 0052/LH/12-2012/0048 and dated December 2012, has been submitted. Our flood maps show that an area of Flood Zone 2 and 3 runs through the site surrounding Stansted Brook. However, as we do not hold any modelled flood data for the Stansted Brook in the vicinity of the site, the FRA indicates that a hydrological assessment has been undertaken to determine the likely flows in the Stansted Brook in a range of events. These flows have then been used in hydraulic modelling to determine the likely flood extent and flood risk associated with these events. This detailed site-specific flood modelling has indicated that the entire site falls within Flood Zone 1. We therefore have no objection to the proposal in relation to flood risk.

8.7 Natural England

Statutory nature conservation sites – no objection. We have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice to this application.

8.8 NERL Safeguarding

No safeguarding objection to the proposal.

8.9 Network Rail

The safety of the operational railway and of those crossing it is of the highest importance to Network Rail and railway crossings are of a particular interest in relation to safety. The most effective way of reducing level crossing risk is to eliminate the crossing completely. Where required, alternative ways of crossing the railway can be provided. This development will lead to an increase in usage at Fullers End public footpath level crossing. Accordingly, while Fullers End level crossing remains open, Network Rail objects to the planning application 14/0480/FUL. However, the Council should be aware that Network Rail is currently working with the developer and other landowners in an attempt to create a public footpath diversion underneath the railway line, to the south of the level crossing. If a diversionary pedestrian route underneath the railway line and the closure of Fullers End crossing is agreed to by all parties (Network Rail, the developer, and the highway authority), Network Rail would look to remove its current objection.

8.10 Thames Water

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

8.11 Environmental Health

General

The site has been the subject of complaints to the Environmental Health section over the last 30 years concerning such matters as noise, fumes, smoke and dust due to the various activities which have taken place and the associated heavy vehicle movements, onsite and accessing it. Redevelopment to a use which will reduce the loss of amenity to residents would therefore be welcomed.

Noise

The site is subject to railway noise day and night, including diesel engine pulled heavy goods trains. A noise assessment has been submitted in support of the application. The surveyed noise levels submitted with the application are broadly in line with measurements taken at comparable locations along the railway. Daytime levels have been assessed at 59 LA eq and night-time at 57 LA eq. Maximum noise levels at night for single events have been assessed as 75 dBA, a level which has been exceeded at other locations, however it is acceptable as a level which is not normally exceeded. In the absence of other guidance, reference can be made to now withdrawn PPG 24 which places the measured noise levels in the upper end of NEC category B for night-time railway noise (45-59 LAeq), and centrally in category B for day-time railway noise (55-66 LAeq), and mitigation measures should be conditioned in the event of approval. Measures to achieve a reduction of 30dB would reduce levels to the acceptable standard for single events (45dBA) and the WHO good standard for noise levels within a bedroom. Construction details submitted conclude that sound attenuation of noise

levels of at least 30 dB can be achieved. A condition to require this level of insulation is recommended and all works completed before any dwelling is occupied.

The survey concludes that levels of vibration at the site are less than the threshold of human perception and no additional protection measures are needed. However, it is recommended that a condition is applied to require isolation of foundations to protect structures, in the event that all types of passing rolling stock were not included in the survey, and may increase in the future.

Land contamination

The site is contaminated due to historic and more recent use of the land, and site specific conditions as set out below, should be applied to ensure risks to all receptors on and off site including human health, controlled waters and building services, are minimised. In addition the Environment Agency must be consulted to address the risks to controlled waters.

8.12 Housing Enabling Officer

The affordable housing provision on this site will attract the 20% policy requirement, which amounts to 1 affordable housing unit. I suggest a 2 bed house with on plot parking and amenity space delivered as a shared ownership property and it is expected that this property will be delivered by one of the Council's preferred Registered Providers.

9. REPRESENTATIONS

9.1 This application has been advertised and 13 letters of representation have been received. Notification period expired 27 March 2014.

- Fully support
- We have been polluted by the heavy goods vehicles on Tye Green Road along with the noises and smells from the Sawmill site
- Appearance of site has deteriorated significantly
- In favour of change of use to residential
- Residential use will reduce HGV traffic on the road
- Anti-social commercial noise should be eliminated and the smells from fires and paint smells should disappear
- Site has attracted a high level of crime involving regular break-ins
- There is a comprehensive landscaping scheme which will improve the appearance of the site
- Note the last application was refused on the grounds that the site was not sustainable as its railway crossing underpass would become a crime risk. Believe that the opposite would be true, particularly as the site in its current form has had a constant record of both petty and serious crime. The plans clearly show that the access to the underpass will be left clear, it will be overlooked by at least one house, equipped with mirrors and lit at night.

10. APPRAISAL

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

- A The principle of the development of this site (ULP Policies S7, S8, GEN3, NPPF);
- B Access to the site and Vehicle Parking Standards (ULP Policy, GEN1, GEN8 and ECC Parking Standards);

- C Design, scale, impact on neighbours and amenity (ULP Policy GEN2, GEN4, ENV14, & SPD Accessible Homes and Playspace);
- D Impact on adjacent listed building (ULP policy ENV2)
- E Nature Conservation (ULP Policy GEN7)
- F Affordable Housing and housing mix (ULP policy H9, H10)

A The principle of the development of this site (ULP Policies, S7, S8, H3, NPPF);

- 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 previously argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has had a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. Members will be aware that the Council issued a press release after the 12 February 2014 meeting confirming that it had achieved a 5 year land supply.
- 10.5 Notwithstanding the above, 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.

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. Additional residents living in this location would contribute to the viability of the local economy of Elsenham. This proposal would help deliver an economic role.

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. Landscaping would be used to reduce the visual impacts. The proposed development would eliminate the un-neighbourly uses and unsightly buildings and outdoor storage. Redevelopment to this use would reduce the loss of amenity to residents. This proposal would help to deliver a social role.

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. The meadowland is excluded from the gardens, but will be landscaped as part of the proposals. The amount of hard surfaced areas will be dramatically reduced. The resultant reduction in the amount of built form and hard surfaced areas, enabling land to be restored to green space, planting trees and will improve the openness of the Countryside Protection Zone. The existing traffic would be replaced by less and lighter vehicles. This proposal would help to deliver an environmental role.

- 10.6 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.
- 10.7 The site is also located within the Countryside Protection Zone (CPZ) surrounding Stansted Airport. Local Plan Policy S8 relates to the CPZ and specifies that planning permission will only be granted for development that is required to take place there or is appropriate to a rural area and that there will be strict control on new development. In addition, if new buildings or uses would promote coalescence between the airport and existing development in the countryside or it would adversely affect the open characteristics of the zone, development will not be permitted.
- 10.8 Elsenham is considered to be a sustainable location. The applicant has provided a comprehensive supporting statement detailing public transportation links and details of services and facilities in the nearby area. There are also bus stops within walking distance to enable travel to neighbouring villages and towns and to Stansted Airport where there is ease of access to London and beyond. The site is within walking distance to the centre of the village (although this involves using a pedestrian crossing point across the railway line or via the new pedestrian link path) where there are shops and services. The site is separated from the main village by the railway line and there is no vehicular access across the line. The pedestrian access to the village and its facilities is via an unmanned gated crossing and the gates do not lock when a train passes, safe crossing times are indicated by a green light. Paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Additionally paragraphs 34 and 35 state that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Developments should be located and designed

where practical to give priority to pedestrian and cycle movements and have high access to high quality public transport facilities.

10.9 In this respect, although the number of houses being proposed is small and taking into account that the transport assessment report indicates that the vehicular trips are likely to be significantly fewer in the peak hours when compared to the existing commercial use change of use proposed, the pedestrian link to the villages services (including the primary school) is via the railway crossing and also via the provision of a new private pedestrian access to the north of the railway line (connected to the north west of the site via an under pass under the railway) . In view of the recent deaths involving this type of crossing, and that the crossing is unmanned and does not have locking gates, it is considered highly likely that parents would prefer to drive into the village via Tye Green Road and Hall Road, which would make this location less sustainable than it would have been if the railway line did not separate it from the rest of the village.

10.10 This revised proposal now includes a new pedestrian access, providing an alternative route to the railway crossing. In addition it is proposed that there would be the following safety features:

- The path will sweep outward to the right on the final approach to the underpass
- A stainless steel or other durable, vandal resistant mirrored surface treatment to the underpass entrance, to eliminate any blind spots
- The underpass to be fully rendered inside and painted white
- A decision was made not to light the footpath
- The underpass should be lit from dusk to dawn using LED lighting operating at around 50% until movement is detected, whereupon it switches to 100% brightness
- Path to be demarked by post and rail fencing with a gate at the entrance
- Signs saying “no admittance” and “private property”

10.11 These proposed amendments to the scheme have been presented to the Senior Architectural Liaison Officer at Essex Police who confirms that they see no reason as to why the scheme should not secure a “Secured by Design” accreditation.

10.12 However, it should be noted that, in response to the issue of lighting the footpath the following comment was made:

“It was suggested that you should not light the footpaths at all, which would discourage use after dark. Not only would this reduce the probability of anti-social behaviour, but if not in use during the dark winter months, it would also reduce the opportunities for other crimes to be committed.”

10.13 Without lighting along the footpath it is highly unlikely that this route would be used as an alternative to driving into the village for access to the services including the village school, shops, public transport and doctor’s surgery etc.

10.14 Whilst the Design and Access Statement refers to there being no lighting along the footpath, the plans do indicate that lighting would be included. This would be LED bollard lighting at 5 meter intervals which would operate at 50% brightness. No details of the proposed lighting have been submitted and therefore it is unclear how much lighting would be provided. However, this is an intrinsically dark area and the path crosses a paddock. There is no form of lighting along this end of Robin Hood Road or

Tye Green Road, the two roads either side of the railway line. The introduction of lighting within this area would be harmful to the character of the rural area. In addition, this runs counter to the advice of the Police who advise against lighting in order to reduce the potential for anti-social behaviour. On that basis it is considered that the introduction of lighting is likely to increase the risk or perception of crime.

10.15 Notwithstanding the comments from the police about the scheme being suitable for "Secured by Design" accreditation without lighting, it is considered that the proposals do not adequately offer a safe and accessible route to the local services. Policy GEN2 states that development will not be permitted unless it helps to reduce the potential for crime. This alternative pedestrian access is remote from the site and un-overlooked from any residential homes or passing traffic. Additionally the design and access statement states that this access would be a private access for residents. The fear of crime is likely to reduce the likelihood of this alternative access being used instead of the unmanned railway crossing or using a motor vehicle. Therefore, after careful consideration of all aspects of this proposed access, it is considered that the scheme still does not overcome the previous reasons for refusal, either with or without the lighting scheme along the length of the path.

10.16 The character of this area of the village is that of a small number of dwellings with large separation gaps between them. The locality has a distinctly rural character. This site is adjacent to residential properties. The existing buildings and low key uses are not visually intrusive. Given its location and existing use it is not considered in this instance that the proposal would have such an adverse impact on the rural character of the countryside that it would outweigh the need for additional housing in the district. The number of housing has been reduced since the previous appeal decision refusing the erection of eight dwellings on the site under UTT/0567/96/OP and it is considered that at the present time greater weight should be given to the presumption in favour of sustainable development.

B Access to the site and Vehicle Parking Standards (ULP Policy, GEN1, GEN8 and ECC Parking Standards);

10.15 The objectives of the Council's Transport Strategy is to increase the proportion of journeys made by rail or bus, on foot and by cycle, to reduce the number and length of motor vehicle trips by the location of development. Policy GEN1 also states that development will only be permitted if it meets all of the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.

10.16 As stated earlier for the development to encourage movement by means other than driving a car, the use of the railway crossing would be upgraded to a primary route rather than a recreational route. It is reasonable also to expect that where a crossing of this nature is used on a regular basis, it is likely that less care may be taken when using the crossing and therefore may compromise safety. In view of the type of housing proposed on the development (although quite small in number) they are likely to be

occupied by families with children who would attend the local primary school which would entail crossing the railway using the unmanned pedestrian crossing or by driving into the village via Tye Green Road and Hall Road via country lanes. It is considered to be unreasonable to encourage a development that would encourage the use (especially by children) of a relatively unsafe means of access for the site to be regarded as sustainable and to meet the criteria of GEN1 sections c) and e).

10.17 The highways authority has no objections to the proposal subject to appropriate conditions. However, in order for this site to be regarded as sustainable access to facilities by means other than the motor car should be available. The site is located near to existing public bus stops and within walking distance to Elsenham railway station, shops, health service and primary school and other facilities. As stated above, the access to these facilities other than by motor car, is not considered to be of a standard to be encouraged to be used as a primary route. As stated above the new pedestrian access is not considered to be an appropriate alternative.

10.18 Adequate parking provision has been provided for the size of the proposed dwellings, in accordance with Supplementary Planning Document – Parking Standards and Uttlesford Local Plan Policy GEN8.

C Design, scale, impact on neighbours and amenity (ULP Policy GEN2, GEN4, ENV14, & SPD Accessible Homes and Playspace, SPD Energy Efficiency);

10.19 The proposed scheme is a low density and the design of the properties would be in keeping with the surrounding character of the area. The inclusion of the meadow within the application site and would contribute positively to the rural character of the area. As the site is located within the Countryside Protection Zone, it is considered that only low density development would be suitable on this site so as to ensure as much open space is retained.

10.20 In terms of the amenities of future residents, the application site is located close to the main line railway and also close to the airport. Both have the potential to have an adverse impact upon the amenities of future residents and measures will need to be put in place for mitigation against noise.

10.21 In view of the separation distances from neighbouring properties there would be no issues of overlooking or loss of amenity.

10.22 Due to the previous uses of the site, there is contamination on the site, however it is considered any issues can be overcome by the use of relevant conditions.

D Impact on adjacent listed building (ULP policy ENV2)

10.23 In view of the distance between the site and the adjacent listed building the proposal is unlikely to have a detrimental impact on the character and setting of the listed building.

E Nature Conservation (ULP Policy GEN7)

10.24 An ecological assessment of the site has been undertaken and submitted with the application. This information has been considered by the ECC ecologists previously and found to be acceptable (although they have not commented on this latest application) subject its recommendations and enhancements being incorporated into any planning permission through appropriate conditions.

10.25 The presence of protested species does not present any overriding constraints to development and subject to appropriate mitigation measures; the proposed development would not adversely affect the ecological interests of the site.

F Affordable Housing and housing mix (ULP policy H9, H10)

10.26 The explanatory text to policy H9 states that up to 40% affordable housing will be sought on sites of 0.5 hectares or of 15 dwellings or more. The site is 1.03 hectares and as such the provision of one affordable housing unit is required. In view of the previous inspectors comments regarding the proposal of eight dwelling on the site as being unsuitable, and taking into account that the site is only likely to be considered suitable to be developed on the lack of the council five year land supply, then rather than the provision of affordable housing (which may lead to the requirement of more dwellings on the site) a suitable fee should be made in lieu of the affordable housing provision. The applicant has agreed to the payment of a commuted sum for the off – site provision of one affordable housing unit and agreed to enter into a legal agreement in this respect.

10.27 Policy H10 requires that all developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of 3 or more homes must include a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home. The proposal is for one five bed dwelling, one 4 bedroom dwelling, a pair of semis, one 2 bedroom and one 3 bedroom and a further 3 bedroom dwelling. It is therefore considered that the application does now provide an acceptable mix of dwellings on this site and that the proposal does comply with policy H10 of the Local Plan

11. CONCLUSION

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

- A) It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7 and policy S8. The principle of the development of this site is acceptable
- B) It is considered to be unreasonable to encourage a development that would encourage the use (especially by children) of a relatively unsafe means of access for the site to be regarded as sustainable and to meet the criteria of GEN1 sections c) and e). The new pedestrian access is not considered to be an appropriate alternative. Policy GEN2 states that development will not be permitted unless it helps to reduce the potential for crime. This alternative pedestrian access is remote from the site and un-overlooked from any residential homes or passing traffic. Additionally the Design and Access statement states that this access would be a private access for residents. Notwithstanding the comments from Essex Police in relation to “Secured by Design” accreditation, it is still considered that the fear of crime is likely to reduce the likelihood of this alternative access being used instead of the unmanned railway crossing or using a motor vehicle. Furthermore, should the lighting indicated on the plans be included, this would be harmful to the character of the rural area and would, in the view of the Police, increase the risk or perception of crime.
- C) The design of the proposed dwellings is acceptable. The proposal would not result in any material, detrimental impact on neighbours amenity.

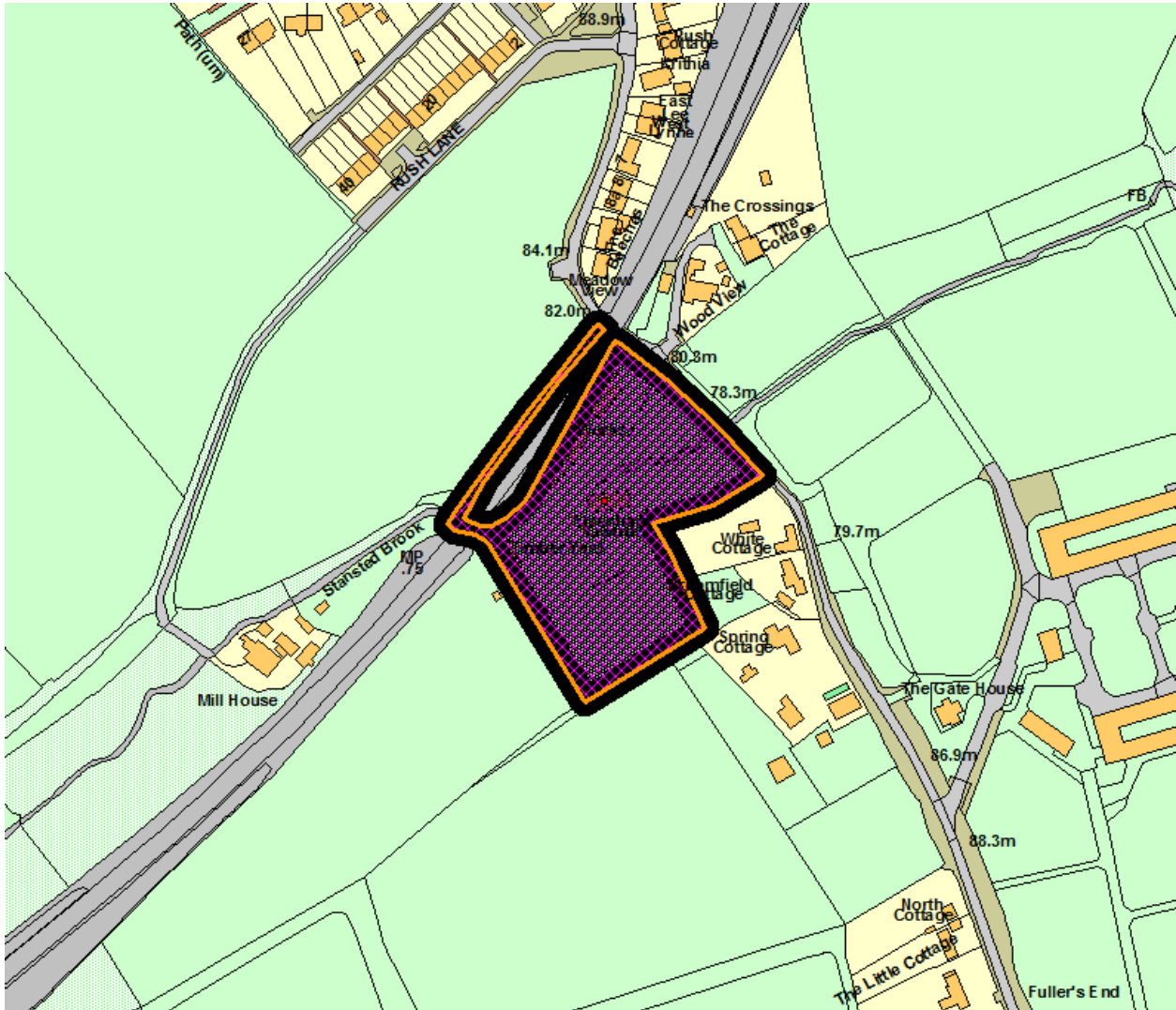
- D) In view of the distance between the site and the adjacent listed building the proposal is unlikely to have a detrimental impact on the character and setting of the listed building.
- E) The presence of protested species does not present any overriding constraints to development and subject to appropriate mitigation measures; the proposed development would not adversely affect the ecological interests of the site.
- F) The application does now provide an acceptable mix of dwellings on this site and that the proposal does comply with policy H10 of the Local Plan. The applicant has agreed to the payment of a commuted sum for the off – site provision of one affordable housing unit and agreed to enter into a legal agreement in this respect.

RECOMMENDATION - REFUSAL

- 1 The proposal, in order to be considered as a sustainable site, encourages the use of an unmanned railway crossing as a primary pedestrian route or the use of a remote, un-overlooked private access via an underpass under the railway line. The Design and Access Statement indicates that the footpath would not be lit. These routes would fail to provide an environment which meets the reasonable needs of all potential users or would fail to reduce the potential for crime, or the fear of crime. The introduction of lighting, as shown on drawing no 1132/23B, would be harmful to the character of the rural area and would be likely to increase the risk of or the fear of crime. The proposals would fail to provide a safe route to access services and facilities and therefore would not encourage movement by means other than driving a car. The development is therefore contrary to Uttlesford Local Plan Policies GEN1 and GEN2.

Application no.: UTT/14/0480/FUL

Address: Elsenham Sawmill Fullers End Tye Green Road Elsenham



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