

UTT/13/3105/FUL - (LITTLE CANFIELD)
Minor Application

PROPOSAL: **Erection of 7 dwellings and associated infrastructure**

LOCATION: **Site at Warwick Road, Little Canfield**

APPLICANT: **Mr C Hitchcock**

AGENT: **Go Planning Ltd**

EXPIRY DATE: **15th January 2014**

CASE OFFICER: **Madeleine Jones**

1. NOTATION

1.1 Within Development Limits/Takeley/Little Canfield Local Policy 3 – Priors Green.

2. DESCRIPTION OF SITE

2.1 The application site is an island site within the Prior's Green development. It is located to the north of the spine road, known as Honey Road at this point, and to the West of Warwick Road (north), where it becomes a track serving The Nest and Gamecards Cottage. The site is 0.2hectare in size and largely overgrown. The site is relatively flat. There is a hurdle fence to the boundary with Honey Road. Gamecards Cottage lies to the north, modern residential development forming part of the Prior's Green development lie to the West and south. To the east of the track (to the east of the site) is a site of 0.3 hectares which is the process of being developed.

3. PROPOSAL

3.1 The application relates to the development of the site for 7 dwellings. Along the frontage of Honey Road it is proposed to construct 1 detached dwelling and a pair of semi-detached properties. A new road would be formed running from north to south through the middle of the plot.

The development would consist of:

Plot 1 - 3 bedroom - garden size 128 m²

Plot 2 - 3 bedroom - garden size 101m²

Plot 3 - 3 bedroom - garden size 75m²

Plot 4 - 3 bedroom - garden size 75m²

Plot 5 - 4 bedroom - garden size 121m²

Plot 6 - 3 bedroom - garden size 75m²

Plot 7 - 3 bedroom - garden size 90m²

Each dwelling would have a minimum of a garage and a parking space and there would be two visitor spaces provided. Plot 5 would have an additional parking space. It is proposed to use a mix of materials. The proposed density would be 35 dwellings per hectare

4. APPLICANT'S CASE: Design and Access statement (summary)

- 4.1 The details supplied in this design and access statement are intended to advise the reader of the design philosophy that have been adopted within the proposals and will therefore form the basis of the detailed planning application. Consideration has been made for the site in its context and the nature of the neighbouring buildings in these proposals. It is our intention to provide a high quality development which will add character to its surroundings and integrate with the existing streetscape.

The development of this land form within the overall block of sites not only allows the further sites to be developed but actually enhances the likelihood of them coming forward. The minor access to the spine road and associated services and drainage provision allow for ease of future development. This site works on both a standalone basis and as an enabling development for the future. It allows the conclusion of an important street scene joining the boulevard approach through to the existing development beyond. The current site is unsightly and whilst some attempts have been made to screen the public face of the site by hurdle fencing this cannot be considered a long term solution based on sound urban design principles. The proposals are compliant with policy and will enhance the overall character of the locality

Reptile survey and viability statements have also been submitted in support of the application.

5. RELEVANT SITE HISTORY

- 5.1 UTT/1398/11/FUL – neighbouring site for 7 dwellings conditionally approved.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S3- Other Settlements Boundaries
- GEN1 – Access
- GEN2 – Design
- GEN 8 – Vehicle Parking Standards
- GEN7 – Nature Conservation
- H10 – Housing Mix
- GEN6- Infrastructure Provision to Support Development
- ENV4 – Ancient Monuments and sites of Archaeological Importance.

Supplementary Planning Documents:

- Energy Efficiency and Renewable Energy has been adopted (October 2007)
- Essex County Council Parking standards have been adopted (February 2013)
- Accessible Homes and Playspace (November 2005)
- Takeley/Little Canfield Local Policy 3 – Priors Green (The island Sites)
- Essex Design Guide
- Developer Contributions Guidance Document (adopted March 2014)

7. PARISH COUNCIL COMMENTS

7.1 No objections

8. CONSULTATIONS

8.1 ECC Ecology

I refer to the Reptile Survey for this site entitled, *Land At Warwick Road (West), Takeley*, dated October 2013 and to the 'Walkover Survey' letter from AA Environmental Limited to Go Planning Limited in relation to this site, dated 30th September.

No reptiles were found on the site but a very small population (of slow worms) is known to be present on the adjacent site and so it is deemed possible that there could be a small population of reptiles on the site of the planning application. The site is likely to support nesting birds.

The desk survey is inadequate as use of the 'Magic' website alone is insufficient as it does not provide an acceptable level of local information including species records. Furthermore, the ecologists did not refer to two other Local Wildlife Sites in the vicinity, ie Fritch Way and Runnel's Hey, which both lie to the south of the site.

Should you be minded to grant planning permission, the recommendations within the above mentioned 'Walkover Survey' letter and Reptile Survey should be adhered to. These include a sensitive approach to reptiles due the possibility of them being present on site; no removal of vegetation during the bird nesting season and 'bat friendly' lighting.

Other recommendations include the protection of -and improvements to- retained habitats for wildlife, in particular boundary features. From the existing information it is not possible to assess how much existing habitat is to be retained and how it could be managed. Finally, inclusion of wildlife friendly habitats into the new development are encouraged, in accordance with the NPPF (National Planning Policy Framework).

There is currently insufficient detail to assess how well might be achieved.

Recommends that conditions should be appended to any planning permission in relation to:

Wildlife Protection Plan

Fixed Lighting

Protection of Breeding Birds

and the following informative:

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 reptiles, bats, or badgers, or evidence of reptiles, bats 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 a relevant ecological consultant.

Essex County Council Community Infrastructure

8.2 Request that a s106 agreement be entered into to include a contribution towards additional education provision calculated in accordance with the formula set out in the SPG

Essex County Council Archaeological Advice

- 8.3 The Historic Environment Management Team of Essex County Council has identified the site as having archaeological potential. Recommend trial trenching and excavation

Essex County Council - Highways

- 8.4 The Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No. 2013-372-002 Rev A subject to conditions

DC Affordable Housing Officer

- 8.5 The houses are not ideal in terms of internal layout, and if I was the developer I would go down the contribution route. However, if he chooses on site delivery, then plot 6 or 7 would be acceptable, and I would suggest that we would ask for Affordable Rent as the tenure. We would have strong demand for a rented unit in that location.

Thames Water

- 8.6 Waste Comments

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.

UDC Access and Equalities Officer

- 8.7 A review of the drawings submitted and attached to the e-mail dated 7 January, supports the requirement for the SPD on Accessible Homes and Playspace.

9. REPRESENTATIONS

- 9.1 75 neighbours were written to. Expiry date 23rd December 2013.
One representation has been received raising the following issues

- i. maintenance of trees to boundaries
- ii. impact on wildlife
- iii. loss of green space

10. APPRAISAL

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

- A Whether the development of this site is acceptable in principle (ULP Policies S3 and Takeley/Little Canfield Policy 3 & SPD: Prior's Green Island Sites);

- B The scale and design of the development is appropriate (ULP Policies H3 and GEN2 & SPD: Accessible Homes and Playspace);
- C Any amenity issues would result from the proposals (ULP Policy GEN2);
- D The access and car parking provisions are acceptable (ULP Policies GEN1 and GEN8)
- E There would be unacceptable impacts on protected species (ULP Policy GEN7).
- F Affordable Housing Contributions

A The development of this site is acceptable in principle (ULP Policies S3 and Takeley/Little Canfield Policy 3 & SPD: Prior's Green Island Sites);

- 10.1 The application site falls within the policy area Takeley/Little Canfield Policy 3 and forms an island site within the Prior's Green development. The Supplementary Planning guidance (SPG): Prior's Green (The Island Sites) states that new development is acceptable in principle subject to the normal development control policy considerations. The SPG also states that the retention of trees and hedgerows of amenity value should be achieved. This can be achieved by an appropriate landscaping condition.
- 10.2 The proposed development site is located to the west of the unmade track Warwick Road and to the north of Honey Road, an internal estate road. The proposal would provide an access road from Honey Road which achieves the second requirement of the SPG for all new development to gain access from the approved internal road network.
- 10.3 The SPG requires new proposals on island sites to be compatible with the Prior's Green development as a whole. The proposed scheme has been negotiated to secure an appropriate form of development for the site. The frontage dwellings would reflect the large properties on the adjacent site to the east. The dwellings to the rear would be of a similar character to other development within the Prior's Green development and, subject to the use of appropriate materials, would appear in keeping with the overall development.
- 10.4 A further requirement of the SPG is for financial contributions payable per proposed dwelling. Therefore, if the proposal is considered to be acceptable in policy terms, as discussed below, the approval would need to be subject to a S106 Agreement.

B The scale and design of the development is appropriate (ULP Policies H3 and GEN2 & SPD: Accessible Homes and Playspace)

- 10.5 The proposed development of this site would be relatively low density at around 35 dwellings per hectare. This site is slightly constrained by the need to provide a development that adequately reflects the character of existing development in this prominent location.
- 10.6 The proposed dwellings would respect the scale of the adjoining development to the east, west and south.
- 10.7 Four of the proposed dwellings of the site would incorporate living accommodation within the roof space, similar to other properties within the Prior's Green development. These would also respect the scale and character of surrounding development.

10.8 Subject to the use of appropriate materials the proposed development would provide a suitable development for this prominent site adjacent to the main spine road through the Prior's Green development.

10.9 The dwellings have been designed to comply with the requirements set out in the SPG: Accessible Homes and Playspace. A condition can be imposed to ensure that this compliance is met during construction.

C Any amenity issues would result from the proposals (ULP Policy GEN2);

10.10 The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking.

10.11 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+. The gardens do not accord with the requirements of the Essex Design Guide, however, properties on neighbouring sites also do not meet the requirement and as such the proposal would be compatible with the layout of surrounding buildings and it is therefore considered that adequate provision for the future occupiers of the dwellings. In view of the proposed garden sizes in order to prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings permitted development rights should be removed.

D The access and car parking provisions are acceptable (ULP Policies GEN1 and GEN8)

10.12 The Highway's Department raises no objections to the proposals on highway terms, subject to conditions. The proposals therefore satisfy the requirements of ULP Policy GEN1.

10.13 The proposed development would provide at least 2 parking spaces per dwelling in the form of a garage and parking space. Plot 7 would have 4 parking spaces as this would be served by a double garage and two parking spaces. The plans indicate that plots 1 and 2 would be served by a double length garage, but this would be of insufficient dimensions internally to provide two parking spaces. Two visitor parking spaces are proposed adjacent to plot 7. The proposal therefore satisfies the proposed parking standards and ULP Policy GEN8.

E There would be unacceptable impacts on protected species (ULP Policy GEN7 and PPS9).

10.14 The application site appears to have been scrubland for many years, and certainly for the past four years and whilst development has been taking place on the Prior's Green development as a whole. The site is closely located to Jacks Lane and has the potential to provide suitable refuge for reptiles. This site fell outside of the original Prior's Green development site and as such the potential for the presence of reptiles has not been fully established. The site has been assessed as part of a reptile survey carried out in October 2013. No reptiles were recorded during this survey. However, slow worms were found on the adjacent site to the east. It is therefore possible that a low number of this species do occur at the surveyed site. Additionally the site is likely to support nesting birds. Therefore it is recommended that a search for reptiles is carried out by an ecologist immediately prior to site clearance and further conditions attached to protect birds. Provided that these mitigation measures and those recommended within the submitted reptile survey are carried out the proposal is acceptable.

F Affordable Housing and housing mix (ULP polices H10 and Developers Contributions Guidance Document)

- 10.15 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. In March 2014 the cabinet considered and revised the contributions strategy.
- 10.16 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 on sites between 0.17ha and 0.49 ha that a provision of 20% of affordable housing on sites of 5-14 dwellings or an equivalent financial contribution as advised by the District Council should be made. As such there is a requirement for contribution for 1 affordable housing unit. The applicants have stated that this provision together with the financial contribution required in respect of the SPD Priors Green Island site payable per proposed dwelling would make the proposal unviable. Additionally, the adjacent site of seven dwellings did not require provision of affordable housing. The local plan policy in respect of affordable housing states that up to 40% affordable housing will be sought on sites of 0.5 hectares or of 15 dwellings or more. (i.e the application site would not require the provision of affordable housing under policy H9) The applicants have submitted a viability statement and the Council have sought the advice of a viability consultant. Following discussions, it has been negotiated that it would be acceptable in this instance to accept a financial contribution in respect of affordable housing in the sum of £65,000. The applicant has agreed to this payment for the offsite provision of affordable housing and agreed to enter into a legal agreement in this respect
- 10.17 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 six 3 bed dwelling and one 4 bedroom dwelling. It is considered that the application provides an acceptable mix of dwellings on this site and that the proposal does comply with policy H10 of the Local Plan.

11. CONCLUSION

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

- A The principle of the development of this site is acceptable
- BI The design (on balance) of the proposed dwellings is acceptable.
- C The proposal would not result in any material, detrimental impact on neighbours amenity.
- D The presence of protected 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.
- E The application 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 affordable housing and agreed to enter into a legal agreement in this respect.

12 RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 12 January 2014 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:
- (i) Payment of Island Sites financial contribution to the sum of £65,000.
 - (ii) Payment of financial contribution in respect of affordable housing
 - (iii) Pay the Council's reasonable costs
 - (iv) Pay monitoring charge
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation by 13th June 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 payment of Island site financial contribution
 - (ii) Lack financial contribution in respect of affordable housing

Conditions/reasons

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. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.
REASON: To ensure a higher quality of development this is compatible with the character and amenity of its surroundings in accordance with Uttlesford Local Plan policy GEN2.
3. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) proposed finished levels [earthworks to be carried out]
 - b) hard surfacing, other hard landscape features and materials

- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- g) location of service runs
- h) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Uttlesford Local Plan (adopted 2005) policy GEN2

4. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005)

5. Before the commencement of development details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. Subsequently the drainage shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan

for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land.

6. Before any development or preliminary groundworks of any kind commence the applicant shall secure the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
REASON: The Essex Historic Environment Record shows that the proposed development lies in a sensitive area of known archaeological deposits. Large scale excavations have previously been undertaken in the area surrounding the development area. During these excavations multi-period archaeological deposits were identified. Large scale excavations in advance of the Priors Green development identified occupation from the Iron Age and medieval periods. A large medieval field system and settlement were identified close to the development area in accordance with policy ENV4 of the Uttlesford Local Plan (adopted 2005)
7. Before the commencement of development details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. Subsequently the drainage shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.REASON: To control the risk of flooding to the development and adjoining land.
- 8: 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 on plots 3, 4, 6 and 7 as shown on plan 2013-372-002 REVA 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 policy GEN2 of the Uttlesford Local Plan (adopted 2005)
9. The development hereby permitted shall be implemented in accordance with the recommendations submitted with the application within the ecological reptile report

dated October 2013 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 policy GEN7 of the Uttlesford Local Plan (adopted 2005).

10. No development shall take place until a Wildlife Protection Plan for the site has been submitted to and approved in writing by Uttlesford Planning Authority. The details shall include how mitigation measures for Legally Protected Species and/or Priority Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements where appropriate. Should pre-construction inspections identify the presence of Legally Protected Species and/or Priority Species, construction works shall cease immediately until such time as further surveys have been completed (during the appropriate season) and mitigation measures have been agreed in writing with Uttlesford Planning Authority and Natural England where necessary.

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

12. 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.

13. Prior to occupation of any dwelling, the provision of an access formed at right angles to Stokes Road to include but not limited to:
 - a. minimum 4.8 metre carriageway width
 - b. visibility splays with dimensions of 33 metres x 2.4 metres x 33 metres as measured from and alongside the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity.

Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.

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

Application no: UTT/13/3105/FUL

Address: Site at Warwick Road, Little Canfield



Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale: 1:973

Organisation	UDC
Department	Planning
Comments	Not Set
Date	22/05/2014
MSA Number	100018688