

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2.00 pm on 25 JUNE 2014**

Present: Councillor J Cheetham – Chairman.  
Councillors C Cant, J Davey, K Eden, E Godwin, E Hicks, J  
Loughlin, J Menell, D Perry, V Ranger J Salmon and L Wells.

Officers in attendance: N Brown (Development Manager), M Cox (Democratic  
Services Officer), C Oliva (Solicitor), S Heath (Planning Officer), A  
Hutchinson (Planning Consultant) and A Taylor (Assistant Director  
Planning and Building Control).

**PC8 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors R Eastham and K  
Mackman.

Councillor Menell declared a non-pecuniary interest in application  
UTT/14/1385/FUL Great Chesterford as her children had attended the local  
school.

**PC9 MINUTES OF THE PREVIOUS MEETINGS**

The minutes of the meeting held on 4 June 2014 were received, confirmed and  
signed by the Chairman as a correct record.

**PC10 PLANNING APPLICATIONS**

**(a) Approvals**

RESOLVED that the following applications be approved, subject to the  
conditions set out in the officer's report.

**UTT/1385/FUL Great Chesterford** – erection of wooden structure on school  
field – Great Chesterford Primary Academy, School Street for Mr Henry Weir

*The Assistant Director Planning and Building Control left the meeting for the  
consideration of this item.*

**UTT/14/1111/HHF Saffron Walden** – demolition of conservatory, alteration and  
conversion of loft to form first floor accommodation – 31 -33 Thaxted Road for  
Ms Swain and Mr Harvey.

**(b) Planning Agreements**

**UTT/14/0005/OP Flich Green** - Outline application for 98 residential units with  
all matters reserved except access together with earthworks and associated

works. 2. Detailed application with all matters considered for the construction of two football pitches, cricket square, pavilion, neighbourhood equipped play area, multi-use games area, youth shelter, car park, extending and re modelling of nature reserve, landscaping, erection of temporary bridge, erection of permanent footbridge over Stebbing Brook, earthworks and other associated works - Land Off Tanton Road Flich Green for Enodis Limited and Enodis Property Development Limited.

RESOLVED that conditional approval be granted for the above application subject to

- 1 The conditions set out in the report and the following amendments and additions
- 2 a legal obligation as follows
  - (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:
    - (i) Community payment for education, health care services and highways.
    - (ii) Provision of 40% affordable housing;
    - (iii) Transfer of land for education purposes
    - (iv) Provision and transfer of public open space, sports pitches, car park, MUGA, NEAP, Youth shelter, pavilion and maintenance shed.
    - (v) Contribution towards maintenance of open space for 20 years
      - (ii) Pay monitoring costs
      - (iii) Pay Councils' reasonable costs
  - (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
    - i) Delete condition 1
    - ii) Condition 11- Condition 11- amend scheme of biodiversity mitigation/enhancement and future maintenance to Ecological Management Plan for Sports Pitches, Nature Reserve and Residential Development dated 4 June 2014
    - iii) Condition 6 – amend first para to 'No dwelling shall be commenced until'
    - iv) Conditions 12 and 13 – replace the word 'building' with the word 'dwelling'.
    - v) Condition 16 – insert the words 'prior to the commencement of the dwelling'.

- (III) If the freehold owner shall fail to enter into such an obligation, 31 July 2014 by the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:
- (i) Lack of provision of community payment for education, health care services and highways.
  - (ii) Lack of affordable/social housing
  - (ii) Lack of provision of land for education purposes
  - (iv) Lack of provision of community facilities including public open space, sports pitches, car park, MUGA, NEAP, Youth shelter, pavilion and maintenance shed.
  - (v) Lack of contribution towards maintenance of open space for 20 years

*Emma Nicholls (Parish Council) and Jessica Spark (Agent) spoke in support of the application.*

PC11

### **SECTION 106 OBLIGATIONS; FINANCIAL CONTRIBUTIONS HELD BY THE DISTRICT COUNCIL**

The committee received a report on financial contributions held by the district council under planning obligations. The report set out the amount of money held under each obligation. Most financial contributions were due on implementation and usually to be paid back if unspent or uncommitted after a period of 10 years. The planning obligations were monitored by officers to ensure compliance by developers.

In relation to the Stansted Area Housing Partnership it was clarified that Uttlesford held £1.6m, which had been earmarked for the Mead Court Development at Stansted.

It was noted that the ECC was not always a signatory to obligations, which meant the district council could be responsible for collecting education and transport contributions. Details of the money passed on were included in the report. It was confirmed that money collected had to be spent in Uttlesford on projects specified in the S106 agreement.

The report was noted.

PC12

### **TREES IN THE GROUNDS OF SAFFRON WALDEN MUSEUM**

The committee considered a request to fell five trees in the grounds a of Saffron Walden castle. This was to improve the view of the castle as part of the restoration and public access improvement work to the ancient monument.

PC13      **APPEAL DECISIONS**

The committee noted the appeal decisions which had been received since the last meeting.

In relation to the appeal for Wedow Road Thaxted, the Development Manager explained that this application had been refused only for ecological reasons. Since then this issue had been addressed with a suitable biodiversity offsetting the appeal the matter had been resolved by the date of the appeal.

PC14      **EXCLUSION OF THE PUBLIC**

AGREED under Section 100I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

PC15      **LEGAL ADVICE ON APPEALS**

The Committee received legal advice in relation to planning application UTT/13/0808/OP Elsenham.

RESOLVED that the Council does not defend the appeal in relation to application UTT/13/0808/OP Elsenham.

The voting was as follows:

**For the proposal:** Councillors Cant, Cheetham, Eden, Hicks, Menell, Ranger, Salmon, Wells

**Against the proposal:** Councillors Loughlin, Perry

**Abstain:** Councillors Davey, Godwin

The meeting ended at 4. 30 pm

**UTT/14/0356/DFO - (SAFFRON WALDEN)**

(MAJOR)

**PROPOSAL:** Details following application UTT/1252/12/OP (Outline application for the demolition of existing buildings and erection of 24 no. dwellings) - details of layout, appearance, scale and landscaping

**LOCATION:** Tudor Works Debden Road Saffron Walden

**APPLICANT:** Croudace Homes Ltd

**EXPIRY DATE:** 21 May 2014

**CASE OFFICER:** Maria Shoosmith

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**1. NOTATION**

1.1 Within Development Limits, opposite Conservation Area and Grade II Listed Building (Water Tower)

**2. DESCRIPTION OF SITE**

2.1 The application site comprises the current industrial premises of LPA Ltd which fronts onto Debden Road. The premises occupy most of the site and are an amalgam of some fifteen different buildings and structures of varying styles. They are predominantly single storey with a two storey brick office on the frontage and further two storey ones at the rear. The buildings extend up to the boundaries of parts of the site with very limited space around them for servicing and limited car parking available. The site is bounded by the rear gardens of the dwellings on Mandeville Road, Borough Lane and Debden Road. Mount Pleasant Cottages are separated from the site by an access road.

2.2 The ground levels marginally vary within and around the site, with an increase in ground levels north to south on Debden Road, with Mount Pleasant Cottages lying at a lower level and no. 74 at a higher level to the application site. The ground levels abutting the rear gardens of Mandeville Road being at a lower level to Debden Road.

2.3 The dwellings located within the immediate surrounding area vary in design and style, and range from 2 and 2 ½ storeys.







2.4 No 74 Debden Road which lays immediately south adjacent to the application site has a side access door and 2 flank elevation windows are considered to serve non-habitable rooms.

**3. PROPOSAL**


3.1 The application is for the detailed submission of reserved matters following the granting of Outline Planning Permission.

3.2 The proposed detailed scheme indicates the erection of the 24 units. It should be noted that the original application was for the erection of 24 dwellings and not for up to 24 dwellings.

- 3.3 The proposed scheme is for a mixture of 2 and 2 ½ storey dwellings, with off street car parking and garden space which is proposed to be formed around a 'T' shape cul-de-sac. The site area is 0.59hectares and the proposed density for the site would be 40 dph.
- 3.4 As initially indicated and approved the existing vehicular access from Debden Road would be repositioned away from the eastern boundary of the site. This is still proposed together with the siting of a detached dwelling to the south of the access and a terrace of three dwellings to the north of this fronting Debden Road. The existing informal access to the north of the site, off Debden Road, is proposed to be retained and utilised, both by the proposed development and Mount Pleasant Cottages.
- 3.5 Whilst boundary treatments have been indicated this aspect would still need to be further approved through the submission of information at conditions stage (condition 3 of UTT/1252/12/OP).
- 3.6 The below table provides a breakdown of the each of the units;

Unit No.	No. Bedrooms	No. Parking Spaces	Amenity Space (m2)
1	3	2	77.94 =
2	2	2	52.61 
3	3	2	88.87 =
4	2	2	55.5 
5	2	2	56.21 
6	2	2	52.23 
7	2	2	85.74 
8	4	3	77.44 =
9	4	3	86.47 =
10	4	3	90.36 =
11	3	2	86.85 =
12	3	2	85.73 =
13	4	3	80.64 =
14	3	2	75 =
15	3	2	93.74 =
16	3	2	85.3 =
17	3	2	84.2 =
18	3	2	75.3 =
19	3	2	83 =
20	3	2	75 =
21	2	2	71.17 
22	2	2	44.61 =
23	3	2	75 =
24	3	2	88.39 =

**Key:**

-  - Meets Essex Design Guide recommended amenity space standard
- = - Within 25% tolerance of the amenity space standards

#### 4. APPLICANT'S PREVIOUS STATEMENT OF CASE

- 4.1 *"The Tudor Works has serious deficiencies and is virtually at the end of its economic life as a commercial/manufacturing unit. The Building Condition Report submitted with the application supports this fact and demonstrates the problems within the site. The application site cannot be redeveloped for the current occupants as it would cause serious disruption to the business. This together with the cost of the work required would render this option unviable and it is also extremely doubtful that the site would be capable of providing a building of the size required together with parking and HGV manoeuvring space to meet current standards. This combines to make the relocation to modern premises a pressing necessity.*
- 4.2 *The Company have been operating from the site since the 1970's and currently employs approximately 70 people on the site of whom 60 are permanent employees and 10 are on temporary contracts. The Company needs a site of a similar size (40,000 sqft) in Saffron Walden and has identified the Pedley Furniture factory units on Shirehill as being suitable.*
- 4.3 *Following informal consultation with Uttlesford District Council Planning committee, which encouraged the Company to believe that planning permission for change of use for Tudor Works to residential would be forthcoming, the Company has agreed heads of terms subject to contract to acquire these premises. The redevelopment of the Tudor Works for housing will enable the applicant company LPA Ltd to relocate to the Pedley Furniture site and to stay in Saffron Walden and to maintain its employment base in the town."*
- 4.4 A Lifetime Homes Statement has been submitted which outlined how the agreed 6 dwellings would meet the criteria. The Statement identified that units 1-3, 21, 22 and 24 would be the designated Lifetime Homes.
- 4.5 The Design and Access Statement highlights that the scheme follows the principles of the Essex Design Guide. The few existing trees and hedges on site are proposed to be retained.
- 4.6 The proposed materials to be used would be a mixture of red facing brick, under slate or tiled roof, with some finished in boarding or render. The design would vary through the use of porches and front facing dormer windows. Various examples of similar styles within the area have been highlighted within the DAS. Chimneys have been included on the proposed properties which front Debden Road to continue the theme, detail to the windows, finishing and materials have been discussed.
- 4.7 55 car parking space including 3 visitor parking spaces have been provided to meet the schemes needs. 5 additional car parking spaces have been provided since the Outline application in order for the scheme to accord with the amended car parking standards since its approval in 2012.
- 4.8 The submitted Sustainability and Energy Statement states that the dwellings would be designed to Code Level 3 standards as a minimum together with other sustainability measures. The development will utilise improved building materials, solar powered energy, passive solar advantages through design, allowing natural ventilation, high efficiency boilers. The use of low energy lights and rainwater stores or other examples of methods which is proposed to be used to improve energy efficiency of the scheme. .
- 4.9 The development is also stated to be designed to prevent crime and improve security

## **5. RELEVANT SITE HISTORY**

- 5.1 The majority of previous history relates to the current industrial operation at Tudor Works.
- 5.2 The most relevant application was for Outline Planning permission which was granted at the 14<sup>th</sup> November 2012 Planning Committee, for the “demolition of existing buildings and erection of 24 no. dwellings with all matters reserved except access”.
- 5.3 At the time of the outline application a plan had been submitted which showed an indicative layout of groups of terraced and semidetached dwellings with a single detached dwelling on the Debden Road frontage adjacent to the access. The proposal would provide a mix of 2, 3 and 4 bed dwellings, served with a total of 50 parking spaces including garages.
- 5.4 Outline Planning Permission was resolved to be granted without the provision of affordable housing on site but a financial contribution towards this, and no education provision and only 6 units conforming to Lifetime Homes Standards in order to facilitate the retention of an important local employer in the town, of which is in the process of relocating to Shire Hill.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

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

- Policy S1 Development Limits for the Main Urban Areas
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN4 Good Neighbourliness
- Policy GEN6 Infrastructure provision to support development
- Policy GEN8 Vehicle Parking Standards
- Policy ENV1 Design of Development within Conservation Areas
- Policy ENV2 Development Affecting Listed Buildings
- Policy H3 New Houses within Development limits
- Policy H9 Affordable Housing
- Policy H10 Housing mix

### **6.3 Uttlesford District Pre-Submission Local Plan (April 2014)**

- Policy SP1 Presumption in Favour of Sustainable Development
- Policy SP2 Development within Development Limits
- Policy SP6 Meeting Housing Need
- Policy SP7 Housing Strategy
- Policy DES1 Design
- Policy HO1 Housing Density
- Policy HO2 Housing Mix
- Policy HO7 Affordable Housing
- Policy EN10 Sustainable Energy and Energy Efficiency
- Policy HE1 Design of Development within Conservation Areas
- Policy HE2 Development affecting Listed Buildings
- Policy TA1 Vehicle Parking Standards



#### 6.4 Supplementary Planning Documents

- Parking Standards: Design and Good Practice (2009)
- Accessible homes and play space (Nov 2005)
- Energy Efficiency and Renewable Energy (October 2007)
- Uttlesford Local Parking Standards (2013)

### 7. SAFFRON WALDEN TOWN COUNCIL COMMENTS

7.1 No objections.

### 8. CONSULTATIONS

#### **ECC Archaeology**

8.1 The Historic Environment Record shows that the proposed development lies outside any area of known archaeological deposits. Therefore, no archaeological recommendations are being made on this application.

#### **Natural England**

8.2 No objection. Scheme would provide landscape enhancement, may provide biodiversity opportunities

#### **Environment Agency**

8.3 No objection

#### **ECC SUDS**

8.4 No comments provided due to size of site falling below 1 ha.

#### **Affinity Water**

8.5 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Debden Road Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

8.5.1 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

#### **Housing Enabling Officer**

8.6 Confirm that a financial contribution has been agreed towards affordable housing as part of the original outline application and there is no affordable housing provision on site.

## **ECC Highways Authority**

- 8.7 No objections have been raised subject to conditions. Also, no additional comments offered on revised plans.

## **Access and Equalities Officer**

- 8.8 The six dwellings which formed the commitment to Lifetime Homes in the Decision Notice for UTT/1252/12/OP comply with the SPD on Accessible Homes and Playspace.

## **9. REPRESENTATIONS**

- 9.1 The neighbouring residential occupiers have been notified of the application. The scheme has been advertised on site and within the Local Press. As a result 1 letter of support, 13 comments, and 7 letters of objection have been received raising the following points;

### Comments:

- Parking provision is poor which would lead to on street parking;
- No turning space, needs to be widened;
- Tandem parking should be avoided;
- Changing ground levels development would be higher than dwellings on Mandeville Road;
- Height and mass of properties should be reduced;
- Second floor windows should be obscurely glazed to avoid overlooking;
- Wish that the current brick wall which forms the rear boundary of properties on Mandeville Road be retained at least to 2m height protecting the properties due to them being at a lower ground level and stability of the wall;
- Concerned about pedestrian access from site to Mandeville Road;
- Distance of plot 24 to 74 Debden Road looks sited further away than previous plans;
- Issues with light and ventilation to side of property;
- Querying construction of boundary walls;
- Due to difference in ground levels essential to keep or reinstate boundary walls/fences and soil movement does not undermine boundaries;
- Maintenance of boundaries to be taken into account;
- Overlooking of gardens of 76, 78 and 80 obscure glazing should be used;
- Mount Pleasant Cottages access road should be closed off to the development, would result in additional through traffic, could maintain bicycle /pedestrian link instead
- Proposed development is more appropriate to use of the land;
- Density is appropriate;
- Properties would be closer to shared boundary than initially indicated;
- More landscaping should be proposed;
- No provision of affordable housing;
- Concerned about increase in traffic;
- Oppose traffic lights at Debden Rd junction;
- Increase in height overlooking properties;
- Plot 19 would have 2 flank windows which would overlooking property;
- Insufficient details;
- Preventing mud on the roads

Support:

- Development is well thought out and sympathetic to surrounding area;
- Current side access road will provide access to the development providing two-way traffic parking restrictions would be required;

Objection:

- Concerns about public right of way via the creation of a pedestrian access from Mandeville Road and impact upon security contrary to secure by design;
- Concerned about access strip to rear of properties;
- Retaining of the rear wall;
- Existing parking problems in area due to nursing home, access from rear of site would cause additional traffic and highway safety issues;
- Construction management would need to be put into place to minimise disruption during construction;
- Location of tree incorrectly shown on DAS;
- Trespassing right of way; discussing landscaping treatment;

## 10. APPRAISAL

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

- A Whether the design of the development is acceptable
- B Whether there would be impact upon amenity, the adjacent Conservation Area and the Listed Building
- C Parking Standards
- D Other Considerations

### **A Whether the design of the development is acceptable and whether there would be impact upon amenity**

- 10.1 It should be noted that the principle of the scheme and the number of dwellings have already been previously accepted as part of the outline application, therefore the matters for consideration are that purely reserved by the consent in the form of layout, appearance, scale and landscaping.
- 10.2 The proposed density of 40 dph has also in principle been previously accepted, of which in any instances accords with Draft Local Plan Policy HO1 which highlights a density tolerance level of 35-67 dph within the town development limits of Saffron Walden.
- 10.3 The proposed design of the dwellings is considered to be appropriate for the area in terms of the style and mixture of design which already exists. The proposed dwellings would range 8.2 - 8.7 and 2 ½ storey scheme proposed to be 9.7 - 10m in height. The proposed dormer windows would be inward looking with velux windows on rearward roof slopes which are indicated to serve non-habitable rooms to prevent any form of overlooking.
- 10.4 Plot 24 has been designed with a hipped roof and would be set of the shared boundary with no. 74 Debden Road by 1m (2m distance flank to flank) in order to mitigate the impact of light loss and overshadowing to the flank windows of no. 74.
- 10.5 Flank windows at first floor would serve non-habitable rooms such as bathrooms or hall way landing areas. The back to back garden distances would comply with the Essex Design Guide of 25m. Therefore there should be minimal risk of overlooking.

- 10.6 With regards to the rear elevation of the Mount Pleasant Cottages these are located at a slight angle to Plots 4-6 with the access road as separation. This is considered acceptable particularly at 9-14 Mount Pleasant Cottages are at a higher level to the proposed scheme as it is effectively three storeys.
- 10.7 In terms of the provisions of level of amenity space 6 of the 24 units would comply with the Essex Design Guide; the remaining units would fall within a 25% of the amenity space requirement. Whilst there is a significant shortfall in amenity space this is attributed to the amendment in car parking standards since the outline planning application has been granted, thereby creating a conflict between the two aspects. The provision of car parking spaces is considered to outweigh the provision of amenity whilst the scheme is considered to still provide ample and useable amenity within a town centre location.
- 10.8 It has been proposed within the submission of additional information and also conditioned within the outline application that the scheme should achieve at least Code Level 3 of the Code for Sustainable Homes. As stated within Section 4.8 above this would in also involve the inclusion of energy efficient building materials, solar powered energy, passive solar advantages through design, allowing natural ventilation, high efficiency boilers. The use of low energy lights and rainwater stores or other examples of methods which is proposed to be used to improve energy efficiency of the scheme.
- 10.9 The proposed development is considered to accord with Local Plan Policy GEN2 and DES1 of the Draft Local Plan.
- 10.10 The proposed landscaping whilst limited it is considered appropriate due to the nature of the scheme, incorporating and retaining existing trees and hedges. The proposed development would enhance the level of biodiversity of the site, in accordance with Policy GEN7 of the Local Plan.
- 10.11 Policy H10 (Housing mix) of the adopted Local Plan and Policy HO2 of the draft Local Plan seeks a balanced mix of size of units to meet the needs of the local area. The scheme is considered to achieve this by proposing 7no. x 2 bedroom units, 13no. x 3 bedroom units and 4no. x 4 bedroom units. Therefore the scheme accords with Policies H10 and HO2.
- 10.12 No affordable housing has been agreed on the site at outline stage due to the viability of the scheme, of which it had been agreed that a financial commuted sum would be appropriate, the scheme accords with Policy H9 and HO7 in this respect.

**B Whether there would be impact upon the adjacent Conservation Area and the Listed Building**

- 10.13 The Conservation Area is located opposite the application site together with a Grade II Listed Water Tower Building. The design of the Plots 1 to 3 and Plot 24 has been sensitively undertaken and is considered to reflect the local surrounding area in terms of the use of hipped roofs, bay windows, porches, chimneys and soldier coursings. The materials have been conditioned under the outline consent of which would still be the subject of further approval including any boundary treatments. No detrimental impact is considered upon the character and appearance of the Conservation Area or the setting of the Listed Building, and in fact the proposed development is thought to enhance the immediate locality. No objection has been raised by the Conservation Officer.

10.14 The proposed development accords with Local Plan Policies ENV1 and ENV2, also Draft Local Plan Policies HE1 and HE2.

### **C Highways**

10.15 Since the initial outline planning consent had been granted in 2012 the Uttlesford Local Parking Standards (2013) which seeks 3 car parking spaces for dwellings which consist of 4 or more bedrooms. The submitted scheme the proposed car parking spaces and garage sizes complies with the Essex Parking Standards (2009) and the 4 bedroom plus units complies with the adopted Uttlesford Local Parking Standards (2013).

10.16 In terms of traffic the number of units has been accepted at outline stage and it is also considered would be far less than created by the existing commercial use. No objections have been raised by ECC Highways Authority subject to conditions. The scheme accords with Local Plan Policies GEN1, and GEN8, also Essex Parking Standards (2009) and Uttlesford Local Parking Standards (2013).

### **D Other Considerations**

10.17 A number of the points raised by third parties in Section 9.1 are either considered to be non-material planning matters, has been previously accepted under the outlined consent, is the subject of conditions or has since been amended through the submission of revised plans.

10.18 It should be noted that an access/alleyway which has been referred to by a number of the third parties has since been omitted from the scheme.

## **10. CONCLUSION**

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

A The proposed height, scale, designs, landscaping and layout of the development is acceptable. No detrimental impact is considered would result in the form of overlooking, or light loss. The density of the development is also acceptable as well as the reduction in the level of amenity space in lieu of achieving car parking standards. The mix of dwellings is also acceptable. The scheme is therefore in accordance with Local Plan Policies GEN2, H10 and GEN7, also Draft Local Plan Policy DES1, HO1 and HO2, and the NPPF.

B No detrimental impact is considered upon the character and appearance of the Conservation Area or the setting of the Listed Building. The proposed development is thought to enhance the immediate locality. No objection has been raised by the Conservation Officer. The proposed development accords with Local Plan Policies ENV1 and ENV2, also Draft Local Plan Policies HE1 and HE2.

C The submitted scheme the proposed car parking spaces and garage sizes complies with the Essex Parking Standards (2009) and the 4 bedroom plus units complies with the adopted Uttlesford Local Parking Standards (2013), also Local Plan Policies GEN1, and GEN8.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

## 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. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with GEN1 of the Uttlesford Local Plan (2005).

3. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with GEN1, and GEN8 of the Uttlesford Local Plan (2005), also Uttlesford Local Parking Standards (2013) and Essex Parking Standards (2009).

4. 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), the garages hereby approved shall be retained for the parking of domestic vehicles in connection with the use of the property and shall not be converted to another use including conversion to habitable accommodation.

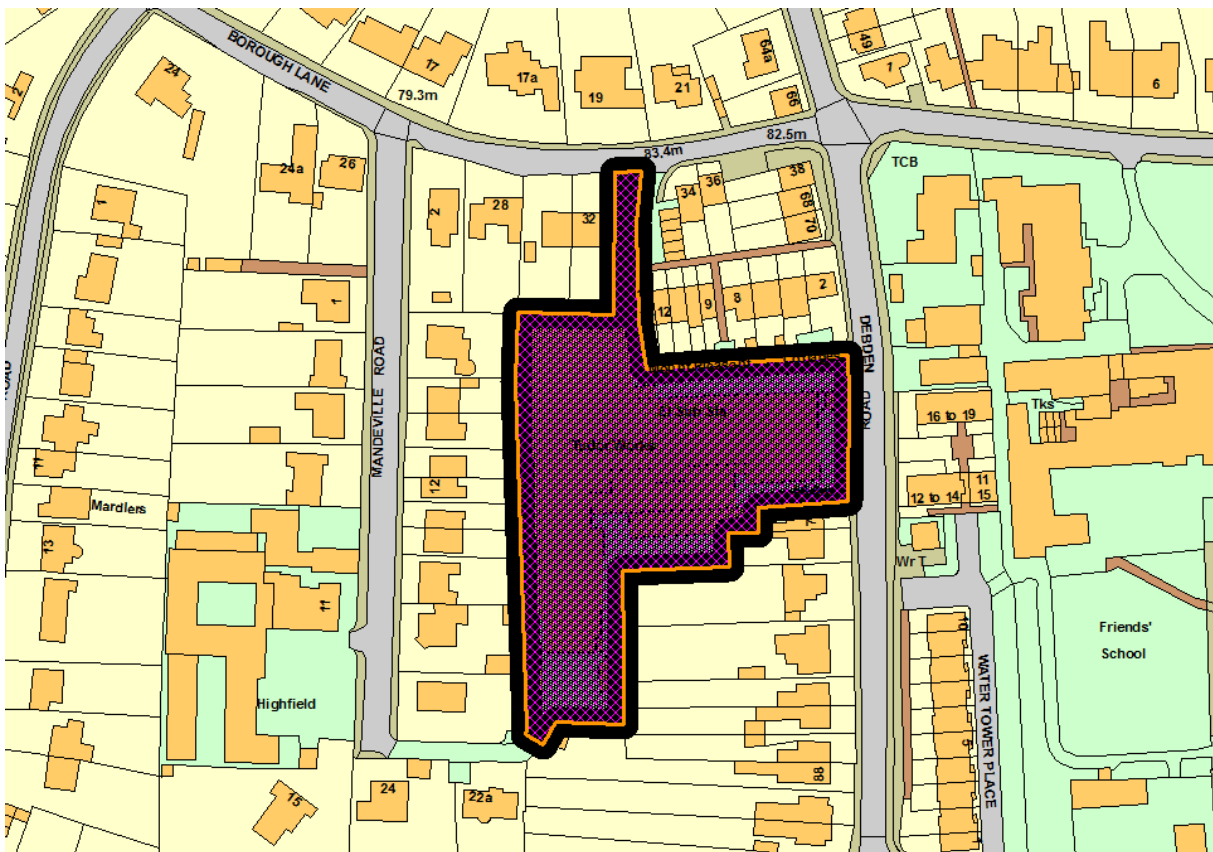
REASON: To ensure that off-road parking is provided and maintained and to avoid the requirement for further buildings for this purpose in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission) without the prior written permission of the local planning authority.

REASON: The gardens for these plots are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in their size in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no: UTT/14/0356/DFO

Address: Tudor Works Debden Road Saffron Walden



Scale 1 : 1250

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Organisation: Uttlesford District Council

Department: Planning

Date: 10 July 2014

SLA Number: 100018688

**UTT/14/0138/FUL – (GREAT HALLINGBURY)**

(MAJOR APPLICATION)

**PROPOSAL:**                **Erection of 6 no. employment units within 3 no. buildings for B1, B2 and B8 use. Associated access, parking and turning facilities. Removal of spoil from site**

**LOCATION:**                **Land south of Dunmow Road, Great Hallingbury**

**APPLICANT:**            **Warbury Limited**

**AGENT:**                 **Pomery Planning Consultants Ltd**

**EXPIRY DATE:**        **1 August 2014**

**CASE OFFICER:**        **Karen Denmark**

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**1. NOTATION**

1.1 Outside Development Limits/Countryside Protection Zone/Adjacent Grade II Listed Building/Adjacent County Wildlife Site.

**2. DESCRIPTION OF SITE**

- 2.1 The application relates to a site located to the south of the B1256, in close proximity to Junction 8 of the M11. The site is rectangular in shape and covers 2.3ha. It has mature screening to the majority of the boundaries, although this is slightly patchy along the eastern boundary. To the north of the site is the B1256 and a property known as Thatch Cottage, a Grade II listed building with a rural setting. Along the eastern and southern boundaries are public rights of way, with the southern forming the Fritch Way Linear Park and county wildlife site. Beyond the Fritch Way is agricultural land. Adjacent to the western boundary is the Stansted Distribution Centre.
- 2.2 There is an existing vehicular access into the site from the B1256 and there is a derelict building within the site. The site is very overgrown with brambles, weeds and shrubs. The land levels within the site are some 4-5 metres above the natural ground levels due to the site being used for the depositing of spoil from other developments.

**3. PROPOSAL**

- 3.1 The proposal relates to the removal of the spoil from the site back to natural ground levels and the erection of 6 employment units within 3 buildings for a mix of B1, B2 or B8 uses, together with associated access, parking and turning facilities.
- 3.2 Unit A would run along the eastern boundary and face into the site. This would be 11.1m to eaves and have a maximum height of 14.2m. Unit B would be located adjacent to the northern boundary and would also face into the site. This would be 5.6m to eaves and have a maximum height of 6.9m. Unit C would be located adjacent to the southern boundary and face towards Unit B. This would be 9.1m to eaves and have a maximum height of 11.5m. These heights are required to meet the needs of potential occupiers.
- 3.3 The buildings are proposed to be constructed using the following materials:



- Insulated profiled metal roof sheeting in Goosewing Grey
- Insulated vertical profiled metal cladding in metallic silver
- Insulated horizontal profiled metal cladding in Merlin Grey
- Flat horizontal metal panel cladding in metallic silver
- Horizontal natural cedar boarding
- Insulated metal panel loading and fire exit doors in Merlin Grey
- Powder coated aluminium rainwater gutters and down pipes in metallic silver
- Clear double glazed coated aluminium windows and doors in Merlin Grey
- Toughened glass canopy with stainless steel supports

3.4 The access would be widened to 9.45m and would run between blocks B and C and to the front of block A. Overall there would be 97 car parking spaces, 19 HGV spaces, 12 powered two wheeler (ptw) spaces and 40 cycle spaces. These would be split between the units as follows:

Unit A1 2,138sqm with 280sqm first floor office	26 car spaces (including 2 disabled spaces) 5 HGV bays 2 ptw spaces 8 cycle spaces
Unit A2 1,449sqm with 145sqm first floor office	17 car spaces (including 2 disabled spaces) 3 HGV bays 2 ptw spaces 6 cycle spaces
Unit B1 905sqm with 96sqm first floor office	11 car spaces (including 2 disabled spaces) 2 HGV bays 2 ptw spaces 5 cycle spaces
Unit B2 905sqm with 96sqm first floor office	11 car spaces (including 2 disabled spaces) 2 HGV bays 2 ptw spaces 5 cycle spaces
Unit C1 1,288sqm with 135sqm first floor office	14 car spaces (including 2 disabled spaces) 3 HGV bays 2 ptw spaces 8 cycle spaces
Unit C2 1,606sqm with 168sqm first floor office	18 car spaces (including 2 disabled spaces) 4 HGV bays 2 ptw spaces 8 cycle spaces

#### 4. APPLICANT'S CASE

4.1 The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Extended Phase 1 Survey (ecology)
- Arboricultural Impact Assessment
- Highway Note
- Flood Risk Assessment
- Environmental Assessment (contamination)
- Reptile and Invertebrate Surveys

## 4.2 Summary of Design and Access Statement:

The detailed application is for a high quality designed commercial development comprising 9,741sqm of B1(c), B2 or B8 use on a 2.3ha site on Dunmow Road, immediately east of the Stansted Distribution Centre, that will bring additional jobs to the local area.

The site is a brownfield site set within the open countryside and on the opposite side of the road to a Grade II listed building.

The site levels have been previously raised by 4.5m with a steep embankment at the edges of the site. The site is very well screened with tree and shrub planting around the edges outside the perimeter of the site along the highway edge and the Flitch Way combined public footpath, cycle route and bridleway to the south.

The proposed development comprises 3 blocks with 2 units within each block. The smallest block (Block B) has been designed to be the lowest height and the shortest in order for it to have minimum impact on the listed building opposite.

Further consideration of the listed building has been taken with a significant distance between Block B and Block B to ensure glimpses through the screening through the site retaining a sense of the countryside nature of the site. Block A has also been designed to have its shortest element, the flank wall, fronting the road to minimise any over dominating impact.

The internal access road has been designed to serve all 3 blocks and utilises the existing site vehicle access point increasing its width, in agreement with Essex Highway Authority.

The appearance of the buildings and the materials used, whilst ensuring a contemporary design, allows for a more 'rural' appearance for this location.

The significant tree and shrub planting at the edges of the site will be augmented with additional planting adding further to the screening of the site and the countryside location.

Accordingly, the proposal scheme provides the highest quality design that respects both the listed building and its setting, together with the countryside setting of this brownfield site, and should therefore be approved.

## 5. RELEVANT SITE HISTORY

- 5.1 UTT/1448/97/FUL – Regrading of existing bunds with associated landscaping. Approved 1998.
- 5.2 UTT/0037/97/FUL – Retention of earth bund. Approved February 1998.

## 6. POLICIES

### 6.1 National Policies

- National Planning Policy Framework

## 6.2 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy S8 - The Countryside Protection Zone
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 - Flood protection
- Policy GEN4 - Good neighbourliness
- Policy GEN7 - Nature conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy E3 - Access to workplaces
- Policy ENV2 - Development affecting Listed Buildings
- Policy ENV4 - Ancient monuments and sites of archaeological importance
- Policy ENV11 - Noise generators
- Policy ENV14 - Contaminated land

## 6.3 Uttlesford District DRAFT Local Plan

- Policy SP1 - Presumption in favour of sustainable development
- Policy DES1 – Design
- Policy SP3 - Employment strategy
- Policy EMP1 - Existing and proposed employment areas
- Policy SP8 - Environmental protection
- Policy EN1 – Pollutants
- Policy EN3 - Contaminated Land
- Policy EN6 - Minimising flood risk
- Policy EN7 - Surface water flooding
- Policy EN10 - Sustainable energy and energy efficiency
- Policy SP10 - Protecting the historic environment
- Policy HE2 - Development affecting listed buildings
- Policy HE3 - Scheduled monuments and sites of archaeological importance
- Policy SP11 - Protecting the natural environment
- Policy EN1 - Protecting and enhancing the natural environment
- Policy SP12 - Accessible development
- Policy TA1 - Vehicle parking standards
- Policy Start Hill, Great Hallingbury Policy 1 – Land south of B1256

## 7. PARISH COUNCIL COMMENTS

- 7.1 The application was studied carefully and no matters of concern were raised. However, we would like to see as a condition of any approval, and in order that the buildings blend into the rural scene comfortably, the outer walls painted/to be forest green.

## 8. CONSULTATIONS

### Airside OPS Limited

- 8.1 The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions relating to the submission of a construction management strategy, obstacle lighting during construction period, control of lighting on the proposed development, height limitation on trees and shrubs, the submission of a landscaping scheme.

## **Environment Agency**

- 8.2 Condition required relating to requirement for surface water drainage scheme and should consider a condition relating to pollution prevention. Suggest a condition relating to water, energy and resource efficiency measures.

## **ECC Archaeology**

- 8.3 Request a condition requiring a programme of trial trenching followed by open area excavation. Section on Heritage Impact is disappointing. No mention of the known archaeological deposits in the area which including the important Thremhall Priory just to the east. Archaeological excavations to the north of the site in Stansted Airport have identified extensive multi-period occupation from the Bronze Age through to the post medieval period. To the rear of the development lies the historic railway line of the Flich Way and there are known cropmarks surrounding the development area. This development area has high potential for surviving archaeological deposits and a programme of investigation will be required in advance of development.

## **ECC Ecology**

- 8.4 Object subject to further information. Further surveys are required for invertebrates, reptiles and a habitat suitability index assessment of ponds for great crested newts. Emergence bat surveys are required and enhancement measures need to be identified.
- 8.5 7.7.14: Bats: No objections. Consider that the mitigation proposed is sufficient to ensure any bats dispersing easily find new roosting sites, and the additional roosting habitat will result in a net gain in available roosting.  
Reptiles: Letter fully justifies the use of the Stow Maries site for the translocation of reptiles. No objections.  
Invertebrates: Await the invertebrate surveys.

## **ECC Education**

- 8.6 Satisfied there are likely to be sufficient places to meet the needs of the employees and we do not require a S106 contribution in this respect.

## **ECC Highways**

- 8.7 11.2.14 – Would wish to raise an objection due to insufficient information being provided to demonstrate that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety, capacity and efficiency.
- 8.8 11.3.14 – No objections subject to conditions.

## **ECC Flood and Water Management Team**

- 8.9 Would look for SuDS to comply with:
- The CIRIA SuDS Manual (C697)
  - Defra's draft SuDS National Standards
  - Essex County Council's emerging Sustainable Drainage Design and Adoption Guide

## **Natural England**

- 8.10 Statutory nature conservation sites – no objection. Refer to standing advice for protected species.

## **Thames Water**

- 8.11 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.

## **Environmental Health Officer**

- 8.12 No objections.

## **Specialist Advice**

- 8.13 The site is opposite a modest single storey and attic thatched cottage of C17 origins, listed grade II. The present setting of the cottage is defined by fast moving principal road framed by verges, hedges and vegetation commonly found in a rural location with wider agricultural land beyond. Clearly this setting would be altered by the proposed development although the scheme aims at the intensification of the present landscape buffer to minimise its impact on the small cottage. As the locality in general has developed in great measure as a mixed employment area I feel that refusal based on the effect on the setting of the listed cottage is unlikely to succeed on appeal.

## **9. REPRESENTATIONS**

- 9.1 This application has been advertised and no letters of representation have been received. Notification period expired 27 February 2014.

## **10. APPRAISAL**

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

- A the principle of development in this location within the Countryside Protection Zone (ULP Policies S7, S8; Draft ULP Policies SP1, SP3, SP9, EMP1, Policy Start Hill, Great Hallingbury Policy 1; NPPF)
- B the design of the proposals and the impact on the character of the rural area and the setting of the listed building and other heritage assets (ULP Policies GEN2, ENV2, ENV, E3; Draft ULP Policies DES1, SP10, HE2, HE3, SP12, EN10; NPPF)
- C the impacts on neighbour's amenity (ULP Policies GEN4, ENV11; Draft ULP Policies SP8, EN1; NPPF)
- D the access and parking arrangements are appropriate for the development (ULP Policies GEN1, GEN8; Draft ULP Policies SP12, TA1; NPPF)
- E the proposals would have an adverse impact on biodiversity and protected species (ULP Policy GEN7; Draft ULP Policies SP11, EN1; NPPF)
- F the proposals would increase flood risks on or off-site (ULP Policy GEN3; Draft ULP Policies EN6, EN7; NPPF)

G the proposals would result in the potential for contamination (ULP Policy ENV14; Draft ULP Policy EN3; NPPF)

**A The principle of development in this location within the Countryside Protection Zone (ULP Policies S7, S8; Draft ULP Policies SP1, SP3, SP9, EMP1, Policy Start Hill, Great Hallingbury Policy 1; NPPF)**

- 10.1 The application site is located outside the development limits in the adopted local plan and therefore the presumption in favour of protecting the character of the countryside for its own sake is applied. The site also falls within the Countryside Protection Zone and development which would result in coalescence will not be permitted. This proposal would result in the loss of a significant gap and result in coalescence between the existing commercial uses at the Stansted Distribution Centre and the small cluster of houses to the east. As such the proposals would be contrary to Policies S7 and S8. An assessment of the compatibility of Policy S7 has found it to be only partly consistent with the NPPF which has a positive approach rather than a protective one.
- 10.2 The NPPF set out the requirement for local authorities to favourably consider proposals for sustainable development. It also has a core principle of ensuring the delivery of employment uses, in particular the delivery of a prosperous rural economy.
- 10.3 The Draft Local Plan has identified the site as the “Start Hill, Great Hallingbury Policy 1” area which is allocated for employment provision made up of business, industry and/or warehousing and/or similar ‘sui generis’ uses. The draft Local Plan also has strategic policies in favour of sustainable development and supporting an economic strategy, which includes the development of this site. Whilst the draft Local Plan has limited weight at this stage the principles of the policies are in line with the NPPF.
- 10.4 The Council has assessed the acceptability of this site in terms of its suitability to be allocated for employment uses in the draft Local Plan. The applicants have submitted information with the application that demonstrates that they have two companies interested in units on the proposed development and as such the requirement to deliver the development early.
- 10.5 The NPPF requires the three strands of sustainability to be delivered by development proposals. These will be assessed in turn:

Economic role: This development would deliver additional employment opportunities. It has been demonstrated that there is early interest in the development and as such it needs to be delivered early. The proposals meet the economic role.

Social role: The development is of a high quality design, having regard to the countryside setting. It is located in close proximity to the M11 and A120 and therefore has good transport links. There are reasonably good public transport links in the vicinity of the site which would enable employees to travel to work by means other than the private car. The proposals meet the social role.

Environmental role: The development has been designed to take into account the impacts on the setting of the adjacent listed building, which will be discussed in more detail below. Impacts on biodiversity have been considered and appropriate mitigation measures have been proposed. The proposals meet the environmental role.

10.6 The proposals constitute sustainable development in line with the principles set out in the NPPF and the proposals are in line with the requirements of draft Local Plan Policy Start Hill, Great Hallingbury Policy 1.

**B The design of the proposals and the impact on the character of the rural area and the setting of the listed building and other heritage assets (ULP Policies GEN2, ENV2, ENV, E3; Draft ULP Policies DES1, SP10, HE2, HE3, SP12, EN10; NPPF)**

10.7 The site currently forms a gap in the built form of the Stansted Distribution Centre and the small cluster of houses to the east. The ground levels within the site are approximately 4-5m higher than natural ground levels due to the site being used for the depositing of spoil from other developments. If development were to be carried out at current ground levels then the proposals would have a significant adverse impact on the character of the rural area. However, it is proposed to reduce the levels back to natural ground level which significantly reduces the potential impacts.

10.8 The existing boundaries are mostly screened with mature trees and hedging, although this deciduous and the eastern boundary is slightly patchy in places. The majority of the boundary vegetation is to be retained, although 16 trees on the highway boundary are proposed to be removed. These consist of Silver birch, Laburnum, Wild cherry, Norway maple, Pear, Large leaved lime, Hybrid black poplar, Grey poplar and Ash. In addition a group of trees consisting of Sycamore, Wild cherry and Hawthorn to the rear of the existing dwelling are to be removed in order to facilitate the development. The removal of these trees should not result in significant adverse impacts arising from the development.

10.9 Units B 1 and 2 have been designed to have a lower eaves and ridge height in order to reduce the visual impact of the block where it sits adjacent to the highway. This helps to reduce the impact on the setting on the listed building on the opposite side of the road. Whilst the development would have some negative impacts on the setting of the listed building it is considered that the benefits of the proposals and the fact that the area has been significantly developed commercially over a period of time minimise these impacts. The Council's Conservation Officer raises no objections to the proposals.

10.10 The proposals have the potential to impact on other heritage assets in the form of archaeology. There are no known archaeological sites within the application site but the area is rich in archaeology. No assessment has been made of potential impacts on archaeology within the application and Essex County Council Archaeologist has requested that a condition be imposed on any planning permission for a programme of trial trenching. This would be considered acceptable and in accordance with Policy ENV4 and the NPPF.

**C The impacts on neighbour's amenity (ULP Policies GEN2, GEN4, ENV11; Draft ULP Policies SP8, EN1; NPPF)**

10.11 The nearest residential neighbours to this development are the occupiers of the listed building known as Thatched Cottage on the opposite side of the road and Old Tithe Hall to the east. The front elevation of Thatched Cottage is approximately 20m from the northern boundary of the site. Old Tithe Hall is located approximately 110m to the east of the eastern boundary. The development is unlikely to result in loss of residential amenity due to overlooking, overshadowing or overbearing impacts.

10.12 The proposed use of the site is a mix of B1, B2 or B8 uses. B1 uses are appropriate within relatively close proximity to residential uses. B2 have the potential to cause

some loss of amenity due to noise, fumes or smells. B8 relates to warehousing and is likely to result in larger vehicles calling at the site. Given the separation distance of the site from the closest residential units, and the orientation of the units, it is unlikely that significant loss of residential amenity would result due to noise, fumes or smells, although the final uses of the site is not yet known. A condition preventing outdoor working would help to protect the residential amenity.

**D The access and parking arrangements are appropriate for the development (ULP Policies GEN1, GEN8; Draft ULP Policies SP12, TA1; NPPF)**

- 10.13 There is an existing access onto the B1256 serving the former residential unit on the site, which is now in a derelict condition. It is proposed to widen the existing access to 9.45m to accommodate the size of vehicles likely to be using the site. ECC Highways initially objected to the access proposals due to insufficient information being submitted. Additional information has been submitted and the objection has now been lifted, subject to conditions. It is considered that the proposed access complies with Policy GEN1.
- 10.14 Each unit would have a dedicated service area and parking provision. The parking standards for employment uses are maximum standards and these vary according to the Use Class within which the development falls. Class B1 requires 1 space per 30sqm, Class B2 requires 1 space per 50sqm and Class B8 requires 1 space per 150sqm. Office floorspace is classified as Class B1 and each unit has a first floor office.

Unit	Unit size	Parking requirement	Parking provision
A1	2138sqm + 280sqm office	16-80 spaces	26 incl 2 disabled
A2	1449sqm + 145sqm office	11-53 spaces	17 incl 2 disabled
B1	905sqm + 96sqm office	7-33 spaces	11 incl 2 disabled
B2	905sqm + 96sqm office	7-33 spaces	11 incl 2 disabled
C1	1288sqm + 135sqm office	9-47 spaces	14 incl 2 disabled
C2	1606sqm + 168sqm office	12-59 spaces	18 incl 2 disabled

- 10.15 The parking spaces shown on the submitted drawings are 5m x 2.5m and not the currently adopted standard of 2.9m x 5.5m. However, the size of bays shown on the drawing are considered acceptable in exceptional circumstances. This proposal relates to the erection of business units and the creation of parking spaces in accordance with the adopted sizes would result in less parking spaces being provided. A balance needs to be adopted between parking provision and the potential for parking problems to arise as a result of insufficient parking. ECC Highways has not raised any objections in relation to the size of the parking bays and in this instance it is considered that the provision would be acceptable.

**E The proposals would have an adverse impact on biodiversity and protected species (ULP Policy GEN7; Draft ULP Policies SP11, EN1; NPPF)**

- 10.16 Policy GEN7 seeks to prevent development which would result in harm to wildlife or geological features. The NPPF requires the impacts on biodiversity to be taken into consideration. In addition to biodiversity and protected species being material planning considerations, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 states that *“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 role in the consideration of planning applications. Similarly Regulation 9(3) of the Conservation of



Habitats and Species Regulations 2010 (as amended) states, “A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive and Birds Directive so far as they may be affected by the exercise of those functions.”

- 10.17 An Extended Phase 1 Survey was submitted with the application and this identified that further surveys were required in respect of invertebrates, reptiles, the potential of ponds to provide great crested newt habitat and emergence surveys for bats. An objection was received from the County’s retained ecologist and the further surveys were requested to be completed to enable the Council to adequately consider the potential impacts. Further surveys were undertaken and a Reptile and Invertebrates Survey report was submitted dated 30 May 2014. The surveys identified that the site supported reptiles and as such translocation measures would be required to prevent adverse harm to the species. A translocation site has been identified by the applicant at Stow Maries, approximately 30 miles from Start Hill. The receptor site is larger than the application site and provides opportunities for growth and natural dispersal than on the current site. This would be beneficial to the reptile species. Enhanced habitat by the creation of reptile hibernacula within the Stow Maries site. These mitigation measures are considered to be appropriate and can be secured by way of condition.
- 10.18 With regards to invertebrates, it was considered that the site was likely to have noteworthy invertebrates present including Nationally Scarce or Nationally Rare taxa and further surveys were required. Further surveys are still being undertaken and early indications are that the proposals should not adversely affect protected species due to their location. However, one further survey is required to be carried out in July with the full results being prepared prior to the committee meeting. An update will be given to the committee on this issue.
- 10.19 The additional bat surveys have also been undertaken and these have identified that the derelict house is being used as a bat roost containing a single common pipistrelle which will require a license to close the roost, which is outside the scope of the planning system. In order to mitigate the loss of the roost it is proposed to provide 10 bat boxes on mature trees on the site. There are also measures relating to lighting which would need to be incorporated into any approved scheme in order to minimise impacts on bats using the site.
- 10.20 Whilst the proposals would result in harm to protected species it is considered that the mitigation measures proposed are acceptable and that the benefits of the scheme outweigh the harm to protected species. The proposals are therefore in accordance with Policy GEN7 and the NPPF.

**F The proposals would increase flood risks on or off-site (ULP Policy GEN3; Draft ULP Policies EN6, EN7; NPPF)**

- 10.21 A Flood Risk Assessment has been submitted with the application and this identifies that the site falls within Flood Zone 1, therefore a site least likely to flood. The Assessment concludes that there would be a low risk of groundwater flooding. Sustainable drainage techniques are proposed to be incorporated into the scheme including permeable surfaces. The section at Essex County Council that will be responsible for SuDS have raised some concerns regarding the proposed discharge of surface water into highway sewers. The Environment Agency has requested a condition requiring the submission of a surface water drainage scheme prior to the commencement of development. It is considered that the proposals are in accordance with the relevant policies.

**G The proposals would result in the potential for contamination (ULP Policy ENV14; Draft ULP Policy EN3; NPPF)**

- 10.22 A site investigation has been carried out as part of the development proposals with regards to the potential for contamination. Trial pits were dug across the site down to natural ground levels and these identified various forms of debris which would require appropriate disposal prior to development commencing. It is estimated that between 60,000 and 80,000m<sup>3</sup> of soils will be removed in order to return the site back to natural ground levels. Essex Minerals and Waste department has confirmed that they do not require to be consulted on the application and that this is a matter for the district council to consider.
- 10.23 It is clear that the site needs to be cleared back to natural ground levels given the nature of the development. Whilst there would be some disruption during the removal of spoil this would be a short term nuisance and the site operator should incorporate Good Practice Standards when working on the site, including ensuring that lorries are covered on leaving the site. The Environment Agency has suggested that a condition be imposed to ensure that any unknown contamination is properly dealt with. The proposals comply with policy.

**11. CONCLUSION**

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

- A Whilst the proposed development would be contrary to adopted countryside protection policies the site has been allocated for employment uses in the draft Local Plan. The proposals represent sustainable development and are considered acceptable.
- B The design of the proposals has taken into account the rural location and the setting of the adjacent listed building and they are acceptable.
- C The proposals are not likely to result in loss of residential amenity due to overbearing, overlooking, overshadowing or through noise, smells and fumes.
- D The proposed access is considered appropriate and the parking standards are acceptable.
- E There would be adverse impacts on protected species arising from these proposals but mitigation measures have been identified and are considered to be appropriate.
- F It is not considered likely that the proposals would result in increased flood risks either on or off site, although a condition is required relating to the submission and approval of a surface water drainage scheme.
- G It is unlikely that the proposals would result in risks arising from contamination.

**RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such**

**an agreement to secure the following:**

- (i) The translocation of reptiles to Stow Maries**
  - (ii) Council's reasonable legal costs**
  - (iii) Monitoring contribution**
- (II) In the event of such an agreement 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 agreement by 30 July 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
- (i) The lack of facility to secure the translocation of reptiles to Stow Maries**

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. Prior to the commencement of the development hereby permitted a construction management strategy shall be submitted to and approved in writing by the local planning authority. This shall cover the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- Details of the area(s) subject to construction activity and the storage of materials and equipment
- Details of cranes and other tall construction equipment (including the details of obstacle lighting) – such schemes shall comply with Advice Note 4 'Cranes and other Construction Issues' (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety))
- Control of activities likely to produce dust and smoke etc
- Details of temporary lighting – such details shall comply with Advice Note 2 'Lighting Near Aerodromes' (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety))
- Height of storage areas for materials or equipment
- Control and disposal of putrescible waste to prevent attraction of birds

The approved strategy (or any variation approved in writing by the local planning authority) shall be implemented for the duration of the construction period.

REASON: To ensure that construction work and construction equipment on the site and adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Stansted Airport and endanger aircraft movements and the safe operation of the aerodrome.

3. Obstacle lights shall be placed on any construction equipment extending above 117metres AOD to be used in the development. The obstacle lighting scheme shall be implemented for the duration of the construction period. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric

performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk](http://www.caa.co.uk) ).

REASON: Permanently illuminated obstacle lighting is required for the duration of construction and on construction equipment to avoid endangering the safe movement of aircraft and the operation of Stansted Airport.

4. The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

REASON: To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

5. Prior to the erection of the development hereby approved (not including footings and foundations) full details of hard and soft landscape works and water landscaping works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;

- ii. hard surfacing materials;

- iii. minor artefacts and structures (e.g. refuse or other storage units, lighting, etc.);

- iv. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports

- v. *the species, number and spacing of trees and shrubs* - details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety)).

- vi. *details of any water features*

- vii. *drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety)).*

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site. The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Uttlesford Local Plan Policies GEN3 and GEN7 (adopted 2005)

7. Prior to the commencement of development a detailed scheme of mitigation and a monitoring strategy for bats shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme of mitigation and approved monitoring strategy and shall be retained as such thereafter.

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 Policy GEN7 (adopted 2005) and paragraph 9 of the NPPF.

8. No development shall take place until a detailed mitigation plan for reptiles, in accordance with the recommendations given in the Ecological Appraisal (dated November 2013) and reptile mitigation letter (dated July 2014) has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and paragraph 9 of the NPPF.

9. 1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

2. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

3. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Chapter 12 of the NPPF.

10. Prior to first occupation of the development hereby permitted, the highway works as shown in principle on Intermodal drawing number IT1363/SK/02 Rev B dated October 2013, shall be carried out. These works shall provide a 7.3 metre wide access at right angles to B1256 Dunmow Road with 15 metre kerb radii, visibility splays of 120 metres x 4.5 metres x 120 metres, a 2 metre wide footway on the eastern side and a right turn ghost island on Dunmow Road. Details of the works shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority and shall subsequently be carried out as approved.

REASON: To provide highway safety and 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 Uttlesford Local Plan Policy GEN1 (adopted 2005).

11. Prior to the first occupation of the development hereby permitted the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Uttlesford Local Plan Policies GEN1 and GEN8 (adopted 2005).

12. No development shall take place, excluding the removal of the spoil on site back to natural ground levels, until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).



# Application Number: UTT/14/0138/FUL

Address: Land South of Dunmow Road Great Hallingbury



**Scale:** 1:5,868

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Organisation	UDC
Department	Planning
Comments	
Date	10/07/2014
MSA Number	100018688

## UTT/14/0122/FUL (LITTLE CANFIELD)

(Reason for presentation to Planning Committee: Recommendation is for approval of an application of five dwellings or more)

**PROPOSAL:** Demolition and removal of existing buildings and structures. Redevelopment of site to form 15 dwellings, formation of vehicular access, hardstanding etc.

**LOCATION:** Ersamine, Dunmow Road, Little Canfield, Great Dunmow

**APPLICANT:** Banner Homes and the Bush family

**EXPIRY DATE:** 25 July 2014

**CASE OFFICER:** Luke Mills

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### **1. NOTATION**

1.1 Countryside; County Wildlife Site (adjacent).

### **2. DESCRIPTION OF SITE**

2.1 The application site is located off Dunmow Road in Little Canfield. It accommodates a single dwelling, several outbuildings and an extensive area of rough grassland, scrub and trees.

### **3. PROPOSAL**

3.1 The application is for planning permission to demolish the existing buildings on the site, and to erect 15 dwellings with associated access roads, driveways, garages and gardens.

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

4.1 The applicant's case is presented in the submitted Design and Access Statement, which concludes that the development would be attractive, and that it would represent an efficient use of land in a sustainable location in accordance with the National Planning Policy Framework.

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

5.1 No recent, relevant history.

### **6. POLICIES**

#### **6.1 National Planning Policy Framework (NPPF) 2012**

6. Delivering a wide choice of high quality homes

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

- Policy S7 The Countryside
- Policy GEN1 Access



- Policy GEN2 Design
- Policy GEN6 Infrastructure Provision to Support Development
- Policy GEN7 Nature Conservation
- Policy GEN8 Vehicle Parking Standards
- Policy ENV4 Ancient Monuments and Sites of Archaeological Importance
- Policy ENV7 The Protection of the Natural Environment – Designated Sites
- Policy ENV8 Other Landscape Elements of Importance for Nature Conservation
- Policy H1 Housing Development
- Policy H9 Affordable Housing
- Policy H10 Housing Mix

### 6.3 Guidance

- SPD Accessible Homes and Playspace
- The Essex Design Guide
- Developer Contributions Guidance Document
- Developers' Guide to Infrastructure Contributions
- Parking Standards: Design and Good Practice
- Local Residential Parking Standards

## 7. PARISH COUNCIL COMMENTS

- 7.1 Takeley Parish Council objects to the planning application. It states that the site is in neither the existing or proposed Local Plan, and that the development represents an over-intensification of the site and provides unnecessary additional housing. It also states that the appearance of the dwellings is incompatible with the village.

## 8. CONSULTATIONS

### **Aerodrome Safeguarding (Stansted Airport)**

- 8.1 No objection.

### **ECC Community Infrastructure Planning Officer**

- 8.2 A financial contribution, secured using a S106 agreement, is required to mitigate the impact of the development on primary education provision.

### **ECC Ecology**

- 8.3 No objection.

### **ECC Highway Authority**

- 8.4 No objection subject to conditions.

### **ECC Historic Environment Officer**

- 8.5 No objection subject to a condition.

### **ECC Minerals and Waste Planning**

- 8.6 No comment.

### **Environment Agency**

8.7 No objection.

### **Natural England**

8.8 No objection.

### **NERL Safeguarding Office**

8.9 No objection.

### **Sport England**

8.10 No comment.

### **Thames Water**

8.11 No objection.

### **UDC Access and Equalities Officer**

8.12 One of the proposed dwellings must be wheelchair-accessible, in accordance with the SPD entitled 'Accessible Homes and Playspace'.

### **UDC Housing Enabling Officer**

8.13 No objection. Two of the affordable houses should be 'Affordable Rent', and one 'Shared Ownership'.

### **UDC Landscape Officer**

8.14 No objection subject to conditions.

## **9. REPRESENTATIONS**

9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. Two representations have been received, which raise the following concerns:

1. Too many houses crammed onto a small site.
2. Most of the important trees on the site have been felled prior to the application.
3. The Draft Local Plan should not be applied because it has not been adopted.
4. The distances between the new dwellings and existing boundaries are below the minimum required by 'The Essex Design Guide'.
5. Loss of privacy at Spinney Lodge.
6. The roof form of Plots 12 – 15 would appear over-dominant from the garden of Spinney Lodge and from the Flitch Way.
7. A recreational area should be provided to compensate for the small garden sizes and lack of existing facilities in the area.
8. The affordable housing is segregated from the main development.
9. The proposed landscaped buffer adjacent to the Flitch Way should be protected.
10. No consideration has been given to refuse collection.
11. The area has become one large building site, to the detriment of existing residents.
12. The proposed car park to the front of Plots 1 – 3 is ill-conceived.

13. Errors on the plans regarding brick and plinth detailing.

9.2 Points 1 to 10 have been considered in the below appraisal. The impacts of construction alluded to by Point 11 are not material planning considerations, and are instead controlled by separate legislation. The proposed car park mentioned in Point 12 is considered to be workable and likely to be used for its intended purpose. It is considered that the errors/ambiguities mentioned in Point 13 are not so significant as to affect whether the appearance of the buildings would be appropriate.

## 10. APPRAISAL

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

- A Spatial strategy (ULP Policy S7)
- B Housing land supply (NPPF)
- C Access (ULP Policy GEN1)
- D Design (ULP Policy GEN2; SPD Accessible Homes and Playspace; The Essex Design Guide; Urban Place Supplement to The Essex Design Guide)
- E Infrastructure provision (ULP Policy GEN6; Developer Contributions Guidance Document; Developers' Guide to Infrastructure Contributions)
- F Nature conservation (ULP Policies GEN7, ENV7 and ENV8)
- G Vehicle parking (ULP Policy GEN8; Parking Standards: Design and Good Practice; Local Residential Parking Standards)
- H Impact on archaeological remains (ULP Policy ENV4)
- I Provision of affordable housing (ULP Policy H9)
- J Housing mix (ULP Policy H10)

### A **Spatial strategy (ULP Policy S7)**

- 10.1 Policy S7 seeks to protect the character of the countryside. The application site is located outside the Little Canfield Development Limit, such that a development of the proposed nature and scale would normally be considered inappropriate. However, two material considerations indicate that residential development on the site would be acceptable.
- 10.2 Firstly, other developments have been approved in nearby locations which are also outside the Development Limit. These ensure that residential development is permitted to extend to the east and west of the application site, constrained by Dunmow Road which runs along the northern boundary and the Flitch Way along the southern boundary. Residential development on the application site would therefore be compatible with the character of the surrounding area because it would merely fill a gap within clearly defined boundaries.
- 10.3 Secondly, Takeley/Little Canfield Policy 3 of the Draft Local Plan allocates an area of land for residential development which includes the application site. It is acknowledged that the Draft Local Plan has not yet been examined by a Planning Inspector, and therefore limited weight may be given to its policies. However, together with the above consideration, its support for residential development on the site ensures that the policy objection under Policy S7 is outweighed.

### B **Housing land supply (NPPF)**

- 10.4 Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-

year supply of deliverable housing sites. While the Council has at times been unable to demonstrate a five-year supply, the supply currently exceeds six years.

**C Access (ULP Policy GEN1)**

10.5 Policy GEN1 requires development to meet a number of criteria in relation to access. The proposed dwellings would be accessed via a new junction with Dunmow Road. Taking into account the comments of the Highway Authority, it is considered that, subject to the use of appropriate planning conditions, the proposed access arrangements are acceptable and in compliance with Policy GEN1.

**D Design (ULP Policy GEN2; SPD Accessible Homes and Playspace; The Essex Design Guide)**

10.6 Policy GEN2 requires development to meet a number of criteria in relation to design, and further guidance is contained within the SPD entitled 'Accessible Homes and Playspace' and 'The Essex Design Guide'.

10.7 The proposed houses would be laid out along two cul-de-sacs in a mixture of detached, semi-detached and short-terraced arrangements. There is no strong building line or uniform street scene along Dunmow Road so the staggered layout along the site's frontage is considered appropriate. A range of house types have been built and approved in the surrounding area so the slightly different design of the proposed houses would not appear out of keeping.

10.8 A tree survey has been submitted with the application, which states that there is only one tree on the site of any notable value. Taking into account the comments of the Landscape Officer, it is considered that the existing vegetation on the site is generally of poor quality and limited amenity value, although the mature ash tree to be retained on the road frontage should be protected during construction. This can be secured using a condition, and another condition would also be appropriate to secure a suitable landscaping scheme.

10.9 At the time of writing, information is awaited regarding the one wheelchair-accessible dwelling which is required by the SPD entitled 'Accessible Homes and Playspace'. Members will be provided with a verbal update on the information at the Planning Committee meeting, as well as its implications for the recommendation.

10.10 All dwellings with three or more bedrooms are served by rear gardens which meet or exceed the minimum standard of 100 square metres, and all two-bedroom dwellings are served by rear gardens which exceed the minimum standard of 50 square metres.

10.11 The nearest neighbours to the application site are the dwellings of Spinney Lodge to the West and New Cambridge House to the east. The first floor windows on the rear elevations of Plots 14 and 15 would have a view of a play room at Spinney Lodge, approximately 22 metres away. 'The Essex Design Guide' recommends a minimum separation distance of 25 metres. However, as the actual distance falls only slightly short of the standard, and the play room is also served by south-facing French doors which could be relied upon for daylight if the curtains were to be drawn at the window, it is considered that the harm to the living conditions of neighbours is not significant in this respect. While Plots 6 and 7 would be positioned adjacent to New Cambridge House, any views of the side-facing play room and study would be oblique because the windows would be approximately at right angles to each other. It is therefore considered that no significant harm would be caused to the living conditions of neighbours.

**E Infrastructure provision (ULP Policy GEN6; Developers' Guide to Infrastructure Contributions)**

10.12 Policy GEN6 requires development to provide, or contribute towards, infrastructure improvements which it necessitates. Taking into account the comments of the Community Infrastructure Planning Officer, it is considered that the proposed development would contribute to an increase in demand for primary education that must be met by increasing the current level of provision. A financial contribution should therefore be secured using a S106 agreement to ensure that the infrastructure can be improved, in accordance with 'Developers' Guide to Infrastructure Contributions'. Subject to this agreement, there is no conflict with Policy GEN6.

**F Nature conservation (ULP Policies GEN7, ENV7 and ENV8)**

10.13 Policy GEN7 seeks the protection of wildlife. The site would be cleared of existing buildings and vegetation, and two ecological reports have been submitted with the application. Taking into account the comments of the Ecological Consultant, it is considered that the development is unlikely to cause harm to protected species. A condition would be appropriate to ensure adherence to the recommendations relating to the clearance of the site, and an informative should be placed on the decision notice to ensure the applicant is aware of their legal responsibilities in relation to nesting birds. A number of enhancements have been identified in the ecology survey, which can be secured using a condition.

10.14 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. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 states, "A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive and Birds Directive so far as they may be affected by the exercise of those functions". Recent case law (Morge, 2011) has established that European Protected species only present a ground for refusal where (i) Article 12 is likely to be offended; and (ii) a Natural England Licence is unlikely.

10.15 Article 12 of the Habitats Directive contains 4 main offences for European Protected Species:

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of an EPS
4. Damage or destruction of an EPS breeding site or resting place

10.16 Taking into account the above assessment in relation to Policy GEN7, it is considered unlikely that the development would result in a European Protected Species offence being committed.

**G Vehicle parking (ULP Policy GEN8; Parking Standards: Design and Good Practice; Local Residential Parking Standards)**

10.17 Policy GEN8 requires development to make appropriate provision for vehicle parking, and the current standards are contained within 'Parking Standards: Design and Good Practice' and 'Local Residential Parking Standards'. Each dwelling would be provided with off-street parking in accordance with the standards, and the necessary four visitor spaces would be provided at the side of Plot 3. It is therefore considered that there is no conflict with Policy GEN8.

**H Impact on archaeological remains (ULP Policy ENV4)**

10.18 Policy ENV4 seeks the preservation or investigation of important archaeological remains as appropriate. The site fronts the Roman road from Braughing to Colchester, while to the rear lies the historic railway line of the Flitch Way. Taking into account the comments of the Historic Environment Officer, it is considered appropriate to require by planning condition that appropriate archaeological investigation is carried out before development commences. Subject to this condition, it is considered that there is no conflict with Policy ENV4.

**I Provision of affordable housing (ULP Policy H9; Developer Contributions Guidance Document)**

10.19 Policy H9 seeks appropriate affordable housing provision, and the 'Developer Contributions Guidance Document' indicates that this should account for 20% of the total number of dwellings proposed in this application on the basis that there would be a net increase of 14 dwellings. The application makes provision for the necessary three affordable units. Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed provision is appropriate and that the tenure mix should be: two affordable rent houses and one shared ownership house. This should be secured using a S106 agreement.

**J Housing mix (ULP Policy H10)**

10.20 Policy H10 seeks a significant proportion of small market houses. Two 2-bed market houses and four 3-bed market houses would be provided, accounting for 40% of the total number of proposed dwellings. This is considered to be a significant proportion, in accordance with Policy H10.

**11. CONCLUSION**

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

- A Taking into account existing and approved development in the surrounding area, and the allocation of the site for residential development in the Draft Uttlesford Local Plan, it is considered that any conflict with the spatial strategy of the adopted Local Plan is outweighed.
- B The proposal does not conflict with relevant policies on access, design, infrastructure provision, nature conservation, vehicle parking, archaeological remains, affordable housing provision or housing mix.
- C There are no considerations that weigh against granting planning permission.

**RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

**(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder 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) secure contribution towards affordable housing**
- (ii) secure contributions towards education**
- (iii) pay the Council's reasonable costs**
- (iv) pay monitoring charges**

**(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 24 July 2014 by the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**

- (i) Lack of contribution towards affordable housing**
- (ii) Lack of contributions towards education**

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. Prior to occupation of any dwelling, the provision of an access formed at right angles to Dunmow Road to include but not limited to: minimum 4.8 metre carriageway width with 2 metre wide footways on both sides and 8 metre junction radii. 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.

3. Prior to commencement of the development, a scheme for the protection of the Ash tree labelled 'T1' in the submitted Tree Report (dated 20 December 2013) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure the protection of a valuable tree in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. Prior to commencement of the development, full details of hard and soft landscaping (including vegetation, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory appearance for the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. Prior to commencement of the development, a schedule of the type and colour of all external materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

REASON: To ensure a satisfactory appearance for the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to commencement of the development, samples of the materials to be used for the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.

REASON: To ensure a satisfactory appearance for the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7. Prior to commencement of the development, a programme of archaeological investigation and recording shall be carried out in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that appropriate archaeological investigation is carried out, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

8. The development shall be carried out in accordance with the recommendations on pages 8 and 16 of the submitted 'Protected Species Survey & Report' (June 2014) and 'Ecology Survey and Report' (December 2013) respectively.

REASON: To protect and enhance protected species and their habitats, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

#### Informatives

1. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.
2. The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
3. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.



4. The parking provision for cars, cycles and powered two wheelers should be in accordance with the Parking Standards Design and Good Practice September 2009 and Uttlesford Local Residential Parking Standards February 2013.
5. Any clearance of scrub and trees should be undertaken outside of the bird nesting season (March – August inclusive).

# Application Number: UTT/14/0122/FUL



Address: Ersamine Dunmow Road Little Canfield Great Dunmow



**Scale:** 1:3,479

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Organisation	UDC
Department	Planning
Comments	
Date	10/07/2014
MSA Number	100018688

## UTT/14/0585/FUL (Takeley)

<b>PROPOSAL:</b>	<b>Erection of 4 no. 2 bed and 2 no. 3 bed terraced houses and 2 detached garages</b>
<b>LOCATION:</b>	<b>Land West Of The White House, Dunmow Road, Takeley, Hertfordshire</b>
<b>APPLICANT:</b>	<b>De Vere Homes Ltd</b>
<b>EXPIRY DATE:</b>	<b>28.04.2014</b>
<b>CASE OFFICER:</b>	<b>Madeleine Jones</b>

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### **1.0 NOTATION**

- 1.1 Outside Development Limits. Tree preservation Orders. Within 2km SSSI. Within 6km of Stansted Airport. Adjacent to Grade II Listed Building. Countryside Protection Zone

### **2.0 DESCRIPTION OF SITE**

- 2.1 The application site is a vacant 0.29 hectares with mature screening to all boundaries and containing vegetation within the site. It was originally part of the curtilage of the White House, a listed building to the east. To the north, the site backs onto the large curtilage of The Croft (another listed building) and to the west is a modern residential estate development. A large pond/ditch is located towards the front of the site, adjacent to the highway boundary.

### **3.0 PROPOSAL**

- 3.1 The proposal is to develop the site with 6 dwellings, in the form of 4 no. 2 bedroom semi- detached dwellings and 2 no 3 bed semi- detached dwellings. Revised plans have been received omitting a parking court and repositioning the parking closer to the properties.

Each dwelling would have two parking spaces and there would be two visitor spaces provided. The proposed density would be 21 dwellings per hectare. A new vehicular access would be created from Dunmow Road and would incorporate an on-site turning area.

### **4.0 APPLICANTS CASE**

- 4.1 This application is accompanied by the following documents:  
Design and Access Statement  
Ecology Report  
Biodiversity Questionnaire  
Completed Sustainable Construction Pre- application Checklist form

### **5.0 RELEVANT SITE HISTORY**

- 5.1 UTT/1140/08/FUL – Refused- Dismissed on appeal

## **6.0 POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework
- Technical Guidance to the National Planning Policy Framework.

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

- S7- Outside Settlement Boundaries
- GEN1 – Access
- GEN2 – Design
- GEN 8 – Vehicle Parking Standards
- GEN7 – Nature Conservation
- H10 – Housing Mix
- ENV2 – Listed Building
- S8- Countryside Protection Zone
- GEN4 - Noise

### **6.3 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)
- Essex Design Guide
- Developer Contributions – Guidance Document (Adopted March 2014)

## **7.0 PARISH COUNCIL COMMENTS**

- 7.1 The proposed access point for this site is on the Dunmow Road along the recently designated walk to school route implemented by Essex County Council - Sept 2012. The proposal completely ignores this important fact.

Any new access will create an additional hazard for pedestrians & cyclists using the walk to school route; and in particular will make the route less safe for children walking to and from school. TPC strongly opposes any development that will compromise the safety of children on a designated route. The proposed access is inappropriate. Therefore, the benefits of the development do not outweigh the potential danger/harm to children on the walk to school route. If permission is to be granted TPC recommend:

- The developer identifies a suitable alternative access
- The affordable unit should be designated for Takeley residents.

## **8.0 CONSULTATIONS**

### **Airside OPS Ltd**

- 8.1 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

### **Specialist Design Advice**

- 8.2 In view of the extent of the vegetation on site the proposal is unlikely to have a detrimental impact on the setting of the Listed Building

### **Specialist Archaeological Advice**

- 8.3 The Historic Environment Record shows that the proposed development lies on the line of the Roman road from Colchester to Braughing (EHER 4698). To the west of the development area archaeological excavations in advance of housing development identified medieval occupation of 12th and 13th century date (EHER 19572). The excavations identified structural remains, comprising beam slots and post holes indicating the presence of timber framed buildings. This occupation is likely to extend into the proposed development area.

Recommends an archaeological condition:

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

### **Essex County Council – Highways**

- 8.4 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

The Highway Authority would not wish to raise an objection subject to conditions.

### **Housing Enabling Officer**

- 8.5 The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more units; 20% on schemes 5-14 units and a commuted sum on schemes of 1-4 units.

The affordable housing provision on this site will attract the 20% policy requirement as the site is for 6 (net) units. This amounts to 1 affordable housing unit and it is expected that this property will be delivered as a 2 bed, 4 person shared ownership dwelling by one of the Council's preferred Registered Providers. The layout of the scheme and plans for the dwellings are generally acceptable although I would expect to see how the Lifetime Homes standard is met. I would also like to see on plot parking for the affordable unit. This I believe would reduce the size of the parking court.

### **NERL Safeguarding**

- 8.6 No safeguarding objection to the proposal

### **Essex County Council Minerals & Waste**

- 8.7 No comments

### **Thames Water**

- 8.8 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.

### **ECC Ecology**

- 8.9 The report identifies that 2 grass snake were found during the reptile surveys and that ecological supervision is required to make sure that any grass snakes found are safely relocated onto suitable habitat. The recommendation is sufficient for the population size.

I recommend that a method statement for reptiles is incorporated into a construction environmental management plan (CEMP) which can be conditioned and an ecological management plan (EMP) is also conditioned to secure the various enhancements set out on page 9 of the reptile survey and lighting details also would need to be conditioned.

Also recommends an informative in relation to nesting birds.

### **Specialist Landscaping Advice:**

- 8.10 A scheme of protective measures to be applied during the course of construction in respect of any vegetation to be retained on the site and vegetation immediately adjacent to the site shall be submitted and approved prior to commencement.

A fully detailed scheme of landscaping shall be required to be submitted and approved prior to commencement.

### **Access and Equalities**

- 8.11 Revised plans have been submitted and the proposal now meets the requirements for the SPD on Accessible Homes and Playspace.

## **9.0 REPRESENTATIONS**

- 9.1 This application has been advertised and five representations have been received. Expiry date 29<sup>th</sup> May 2014 Raising the following issues:

- Impact on wildlife – Deer, great crested newts, woodpeckers, birds, owls, bats trees, etc

- Loss of privacy
- Loss of views
- Outside Development Limits, within Countryside Protection Zone
- The NPPF does not say that just because a site would provide a sustainable scheme and the Council has insufficient land supply, it should over-ride strong policies such as S8 and ignore protective designations in the adopted plan
- It is suggested by the applicants that because the development is next to existing housing and that there is a tree-screen, the development would have no impact on the countryside. This is not the case. A boundary has been drawn in defining both the limits of development and of the CPZ. That boundary was established as a part of an adopted policy and it indicates that there should be no development of this type beyond the area of existing housing to the west.
- The applicants also refer to the scheme as 'infill' development between the St. Valleries development and The White House. It is not. 'Infill' relates to development between two existing developed sites. The White House (together with what is referred to as Sunnyside which was in fact the former coach house to the main building) could hardly be described as development. It is a substantial listed building constructed probably some 200-300 years ago set within an extensive area of land. All of this was considered by the inspector in the 2008 appeal in relation to an earlier application on the site. It is worth considering some of the comments in the inspector's report/decision notice. He stated that 'the site provides an open buffer between the intensely developed new estate and the attractive, spacious and more scattered development around Smith's Green.' He goes on to say that the development of the site 'would be inappropriate and intrusive'. He also deals with the issue of sustainability and states in very clear terms how this cannot justify over-riding the policy constraints: 'it would be in a reasonably sustainable location (but) it would extend the built development onto a site that is not only within the CPZ but forms a valuable break between Takeley and Smith's Green ... I consider that significant weight should be given to retaining the more spacious rural character of the gap between Takeley and Prior's Green'.
- This development, if permitted, would fly in the face of important principles laid down in the appeal decision. Nothing of any significance has changed since that appeal. The fact that there are now 6 proposed units rather than 8 is of no consequence in the context of the inspector's objections to the development. To overturn important protective policies simply to reduce by 6 plots a substantial under-supply of available housing land within the District would be to set a very dangerous precedent.
- Loss of trees
- Noise and traffic
- Loss of one of the few green spaces left in the area.
- Impact on flooding
- Overshadowing- loss of light
- pollution from road and other housing
- The planned area offers tranquility, privacy, a beautiful view and adds to the character and quality of the village
- A break or gap area within housing protects the greenbelt
- Recent additional housing has already provided over 1200 properties (total to be verified, but initial proposals were 851) at Priors Green
- Other previous developments within Takeley have used already destroyed natural environment, this is the only area left along the Dunmow Road for the inhabitants to survive and be admired and of course preserved.
- Additional properties would create additional stress on Sewage systems, soak away and other utilities within the current location
- More cars accessing on already congested roads and volume of traffic



- The privacy of all the houses adjacent to the plans would be intruded upon. All the houses from 1-5 and 15 have large windows some up to 3 floors over looking the grounds. The view of the trees in the distance with the White House silhouette demonstrates one of the few precious buildings Takeley is proud to have - the history of the land once belonging to White House is also historic, surely the need for housing can be considered elsewhere in more appropriate non historic or preserved land
- All these houses in Gorefeld are 4 or 5 bedroom houses, 2/3 bed houses in the near vicinity where this application has been made would considerably lower the value and then force owners to stay without the option to sell at their true value.
- Access from the road to these dwellings creates the following issues for my family; The removal of trees for the access road would open up more noise from the road and from the industrial area opposite. (of which we did not object to when applications to improve the frontage and extend at the rear to enhance business opportunities) The shelter from the established trees currently protects our property coming from the North East during bad weather and winter months without these completed row of trees, this would damage our house, affect our already high heating bills and put us at risk from potential road accidents.
- The trees along no 5 Gorefeld have already died off, they have not been maintained and now caused the stream wall to decay, the ground no longer strong enough and now our fencing has had to be moved nearer to our property to be secure, this concern could lead to more trees deteriorating along the road with additional housing. Vehicles would use this access for turning, along with deliveries etc all more pollution that will affect our wellbeing and safety.
- The open access affects our privacy, not only the occupants from the dwellings would be able to see straight into our kitchen and garden but it also opens up access to people and strangers wandering around the new development
- This in turn effects our security in all the houses adjacent to the proposed planning, opportunists or potential threats from theft allow a quick access out and over the end of the gardens, the road making a quick escape route, whereas currently the stream/ditch is a deterrent along with the brambles and depth of the area and of course established trees. This would effect our house insurance costs too but more at risk and concern are our family and property which would inevitably become vulnerable

## 10.0 APPRAISAL

The main issues to consider in the determination of this application are;

- A The principle of development of the site for housing within the Countryside Protection Zone (ULP policies S8, S7)
- B Highway safety, and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards);
- C Design, scale and impact on neighbours amenity (ULP Policy GEN2, GEN4, H10, ENV2 & SPD Accessible Homes and Playspace, SPD Energy Efficiency)
- D Impact on nature conservation (ULP Policy GEN7)
- E Impact on adjacent listed buildings (ULP policy ENV2)
- F Affordable Housing (Developer Contributions Guidance Document)



## **A The Principle of development of the site for housing**

- 10.1 The site is located outside development limits and is within the Countryside Protection Zone. As such ULP Policy S8 applies which specifies that “*planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new development.*” Development will also not be permitted if new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open characteristics of the zone.
- 10.2 This site is bounded on one side to the west by new housing and to the east by the White House. To the east is Smiths Green with a loose pattern of development and between the site and Smiths Green is a significant amount of existing vegetation and the wide curtilage of The White House. Although the development of this site would fail to comply with the first part of Policy S8 in that it does not need to take place here, the characteristics of this area of Takeley have altered since the previously refused planning application that was dismissed at appeal and the previous appeal decision was made prior to the publication of the NPPF which encourages sustainable development. The appeal decision stated that the site is in a reasonably sustainable location. Since the appeal decision the school and shops at Prior s Green have opened making the site an even more sustainable location (Please see below). The inspector considered that the site formed a valuable break between Takeley and Smiths Green. However, this application is for a lower density of housing to the scheme refused and there would still be an open buffer between the site and the White House to the east. A material consideration is that there has also been a recent approval of a scheme for thirteen houses to the east of Smiths Green. The previously refused scheme was also for three storey properties nearly 12m in height, whereas this scheme the height has been lowered to 8m and is now considered to be in scale with the neighbouring development to the east.
- 10.3 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.
- 10.4 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 new dwellings in this location would constitute sustainable development (please see below).
- 10.5 Paragraph 6.13 of the Local Plan refers to infilling with new houses. It states that infilling will be permitted within settlements subject to safeguards. Some settlements are not included in any boundary. These are settlements where there is no apparent opportunities for infilling, because there are no apparent gaps left for development and, in some case, the approaches to the village are too loose in character for development to be appropriate.

Paragraph 6.14 states that there is no specific policy on infilling outside of development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps of small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the

surroundings and have limited impact on the countryside in the context of existing development. This is not considered to be the case in this application. The erection of dwellings here could not be considered infill since the land does not comprise a small gap in a small group of houses. The site does not constitute substantially built up frontage because of the substantial width of the site. However, it is considered that the development of this site would not result in additional built form in the countryside which would be detrimental to the open and rural character of the surrounding countryside, because the site is enclosed by mature vegetation to its boundaries. The proposal is therefore in accordance with advice contained within the National Planning Policy Framework (2012)

10.6 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. This is a material consideration in this application, as the previous appeal decision was made prior to the publication of the NPPF

10.7 The Council can now demonstrate a deliverable 5 year supply of housing land. Notwithstanding this applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives for the next 20 years.

10.8 This means that applications for sustainable development outside development limits may need to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing.

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. Nonetheless, at the time of assessing the application the LPA has an excess of 5 year housing supply.

10.9 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.

10.10 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. The occupiers of the housing would contribute to the local economy in the long term. This proposal would help deliver an economic role.

10.11 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 small contribution towards the delivery of the housing needed. This proposal would help to deliver a social role in the form of the provision of one affordable housing unit. This is a sustainable site in terms of its proximity to shops, services and facilities as well as transport links.

This area of Takeley is sustainable as it is within walking distance to the shops and services within the centre of the village as well as the Prior's Green development. There are also bus stops within walking distance to enable travel to neighbouring villages and towns.

10.12 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 site is not a small infill site but a large gap between a residential estate and more sporadic housing. It is however, similar in nature to the recently approved scheme for thirteen dwellings at Chadhurst under planning application UTT/13/1518/FUL which is located to the east of the access road of Smiths Green.

In view of the boundary screening it is considered that the visual impact would be reduced and that the development would not be detrimental to the openness of the countryside. The development would not promote coalescence with the airport as there are residential properties between the site and the airport. The presence of mature vegetation would prevent a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. There would not be long views of this site across the countryside. There is an open buffer between the site and The White House to the east. The characteristics of this area of Takeley have altered since the construction of the Priors Green.

10.13 In light of the limited impact on the CPZ and the sustainable nature of the site, it is considered that the residential redevelopment would be acceptable and would comply with the NPPF.

## **B Highway safety and parking provision**

10.14 Essex County Council, as the Local Highway Authority, has been consulted and their response raises no objections to the proposals. The proximity of the site to shops, services and public transport would enable residents to access these without a reliance on private vehicles and as such the proposal complies with the requirements of ULP Policy GEN1 – Access. The proposed access would be sufficiently distant from the neighbouring properties that it would not result in any material noise or disturbance to the occupiers of those properties. It would therefore comply with the requirements of ULP Policy GEN4.

10.15 The Parish Council and representation comments regarding the walk to school route have been noted; however it is not considered that this would be a material consideration and not a reasonable reason for refusing the application. The introduction of a new access would not pose unacceptable hazards subject to appropriate visibility splays being provided. This element of the proposal is therefore acceptable and there would be no material adverse impact on highway safety caused. The proposal complies with the requirements of Policy GEN1 of the Local Plan.

10.16 The proposed properties are two and three bedroom houses. Essex County Council parking standards require the provision for two parking spaces per dwelling and additional visitor parking spaces. The proposal has been revised and now meets these standards. Each dwelling would have two parking spaces and there would also be two unallocated parking spaces within the development to provide visitor parking. The Highway's Department raises no objections to the proposals on highway terms, subject to conditions. The proposals therefore satisfy the requirements of ULP Policies GEN1 and GEN8

### **C Design, scale and impact on neighbours amenity**

10.17 The proposed development of this site would be relatively low density at around 21 dwellings per hectare. This site is slightly constrained by the need to retain the trees, pond and vegetation to the boundaries of the site.

10.18 The proposed dwellings would respect the scale of the adjoining development to the west.

10.19 Subject to the use of appropriate materials the proposed development would provide a suitable development for this site

10.20 The dwellings have been designed to comply with the requirements set out in the SPG: Accessible Homes and Playspace

10.21 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. As there is proposed parking to the rear of the site and west of the site, there is the potential for the development to result in noise nuisance to neighbouring properties. However in view of the proposed and existing vegetation to the boundaries of the site, it is not considered that the harmful impact would be to such an extent to warrant refusal.

10.22 The proposed properties do not have any windows to their side elevations, there is a 21m separation distance between the dwellings and the existing properties to the west and in view of the proposed gardens to the rear of the site it is considered that there would be no materially detrimental impact from the development to neighbouring properties.

10.23 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+.and 2 bedroom properties 50 sqm+. The gardens accord with the requirements of the Essex Design Guide.

10.24 Essex County Council archaeology advisers recommend that trial trenching and excavation be undertaken before development takes place. This can be secured by a relevant condition.

10.25 The scheme retains a large amount of landscaping to the front of the site, includes additional planting and taking this in to consideration, together with the reduced height of the proposed dwellings, and their siting further back from the road in comparison to the refused scheme, it is considered that this would result in the proposal having limited impact on the character of the area.

### **D There would be unacceptable impacts on protected species (ULP Policy GEN7)**

10.26 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.

10.27 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.

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".

10.28 A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. Several questions were answered with a yes and as such an ecology report and a reptile survey have been submitted with the application.

10.29 The application site appears to have been scrubland for many years. The site has been assessed as part of an ecology survey carried out in May 2014. Snakes were recorded during this survey and it is likely that the site is used at night by low numbers of pipistrelle bats for foraging. Additionally the site is likely to support nesting birds. The pond area to the front of the site should be retained as a receptor site for the snakes and amphibians. 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.  
No tree subject of a tree preservation order would be harmed by the development.

10.30 The submitted ecology report and the reptile survey information has been considered by the Ecologists at Essex County Council and they have no objections to the proposals subject to the imposition of conditions.

## **E Impact on adjacent listed building (ULP policy ENV2)**

- 10.31 Although the site is adjacent grade II listed buildings to the east and to the rear, it is considered that the development would be sufficiently distant from both properties to avoid harm to the settings of those properties.

## **F Affordable Housing and housing mix (ULP policies H10 and Developers Contributions Guidance Document)**

- 10.32 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. For a number of years UDC had only required the provision of affordable housing for sites of more than 15 dwellings. A viability study of this approach in 2010 & 2012 did indicate that this in itself would not result in a sufficient supply of affordable housing units Hence this is why the Developers Contributions Guidance developments was adopted. In March 2014 the cabinet considered and revised the contributions strategy. It is not justified through the local plan. The approach has been tested and consulted on through the Affordable Housing Viability Assessment Aug 2010 and the update of March 2012.
- 10.33 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 applicant has agreed to the provision of affordable housing and agreed to enter into a legal agreement in this respect
- 10.34 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 four 2 bed dwelling and two 3 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**

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

- A A material consideration is the publication of the NPPF since the previously refused scheme. The principle of the development of this site is acceptable in light of the sites sustainable location and the limited impact the proposal would have on the surrounding countryside by way of the proposed retention and additional landscaping.
- B Access to the site is acceptable. Adequate parking provision would be provided as part of the residential development on the site.
- C The proposed design and layout is acceptable and the application provides an acceptable mix of dwellings on this site. The proposal complies with the Essex Design

Guide and follows the advice given at pre-application advice stage. The proposal would not result in any material, detrimental impact on neighbour's amenity.

- D 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.
- E Although the site is adjacent grade II listed buildings to the east and to the rear, it is considered that the development would be sufficiently distant from both properties to avoid harm to the settings of those properties.
- F The applicant has agreed to the 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) 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) Provision of 20% of affordable housing**
  - (ii) Pay the Council's reasonable costs**
  - (iii) 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 28<sup>th</sup> July 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 provision 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. A scheme of protective measures to be applied during the course of construction in respect of any vegetation to be retained on the site and vegetation immediately adjacent to the site shall be submitted and approved prior to commencement

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

6. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and prior submission of reserved matters.

REASON: The Historic Environment Record shows that the proposed development lies on the line of the Roman road from Colchester to Braughing (EHER 4698). To the west of the development area archaeological excavations in advance of housing development identified medieval occupation of 12th and 13th century date (EHER 19572). The excavations identified structural remains, comprising beam slots and post holes indicating the presence of timber framed buildings. This occupation is likely to extend into the proposed development area to comply with policy ENV4 of Uttlesford local plan (adopted 2005).

7. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: The Historic Environment Record shows that the proposed development lies on the line of the Roman road from Colchester to Braughing (EHER 4698). To the west of the development area archaeological excavations in advance of housing development identified medieval occupation of 12th and 13th century date (EHER 19572). The excavations identified structural remains, comprising beam slots and post holes indicating the presence of timber framed buildings. This occupation is likely to extend into the proposed development area to comply with policy ENV4 of Uttlesford local plan (adopted 2005).

8. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record shows that the proposed development lies on the line of the Roman road from Colchester to Braughing (EHER 4698). To the west of the development area archaeological excavations in advance of housing development identified medieval occupation of 12th and 13th century date (EHER 19572). The excavations identified structural remains, comprising beam slots and post holes indicating the presence of timber framed buildings. This occupation is likely to extend into the proposed development area to comply with policy ENV4 of Uttlesford local plan (adopted 2005).

9. 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 in accordance with Uttlesford. Local Plan policy GEN1.

- 10 Prior to occupation of any dwelling, the provision of an access formed at right angles to Dunmow Road to include but not limited to, minimum 4.8 metre carriageway width with 2 x 2 metre wide footways and 8 metre radii kerbs. 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 Uttlesford. Local Plan policy GEN1.

- 11 The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Uttlesford. Local Plan policy GEN1.

12. Prior to the commencement of site preparation works, details of mitigation and enhancement design shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Environment Management Plan and an Ecological Management Plan. These shall include those mitigation and enhancement measures for habitats and protected species as set out in the Ecology Report prepared by Applied Ecology Ltd (dated May 2014), submitted in support of the planning application.

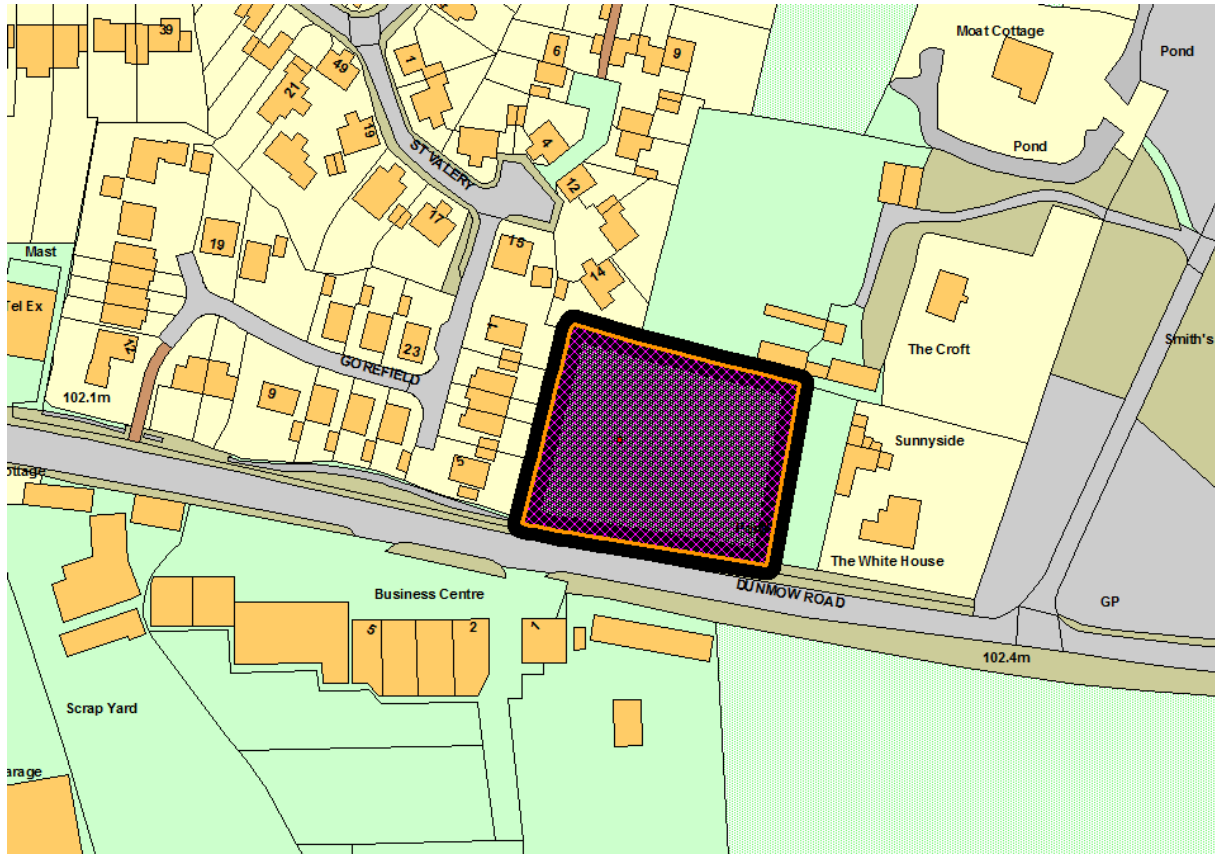
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policy GEN7.

Informative:

- 2 *No removal of trees/hedgerows shall be carried out on site between 1st March and 31st September inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Local Planning Authority which confirms that no species would be adversely affected by the construction/demolition/excavation works and/or removal of trees/hedgerows.*

Application no: UTT/14/0585/FUL

Address: Land West Of The White House Dunmow Road Takeley



Scale 1 : 1250

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Organisation: Uttlesford District Council

Department: Planning

Date: 10 July 2014

SLA Number: 100018688

## UTT/14/0749/OP DEBDEN

Referred to Committee by Cllr Knight if recommended for refusal - Reason: Proposal represents a sustainable form of residential development as an infill rural housing scheme

**PROPOSAL:** Outline application with all matters reserved for erection of 2 No. dwellings with associated access and garaging.

**LOCATION:** Land south-west of Wisteria House, Debden Green, Debden.

**APPLICANT:** Mr H Palmer

**AGENT:** Mrs L Carpenter

**EXPIRY DATE:** 20 May 2014

**CASE OFFICER:** Clive Theobald

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1. The above application proposal was deferred by Members of the Planning Committee at their meeting held on 4 June 2014 to enable officers to request from the applicant an ecology assessment relating to the site as insufficient ecology information had been submitted with the original application submission to show that the proposed development would not have a harmful effect on protected species given the site's physical condition. As such, the proposal was considered in the original officer report to be contrary to ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005). Furthermore, the proposal by reason of the number of dwellings proposed would generate the need for a financial contribution in respect of affordable housing, although the application provided no mechanism for addressing the need for additional provision. The proposal therefore additionally failed to comply with the adopted Developer Contributions Guidance Document (March 2014) which has been adopted by the Council as a 'Material Consideration'.

A copy of the original officer report is appended to this updated officer report for Members' information.

2. Since that meeting the applicant has submitted an Extended Phase 1 Habitat Survey and Report (Preliminary Ecological Assessment) for the site dated June 2014 and also a Unilateral Obligation made pursuant to S.106 of the Town and Country Planning Act (as amended) in relation to affordable housing contributions for the site.
3. With regard to the Extended Phase 1 Habitat Survey and Report, the Survey Findings and Recommendations Summary contained therein state as follows:

"The site is not considered suitable to provide potential habitat for great crested newt, and does not contain water bodies. No further surveys have been recommended in respect of this species. Similarly, the site is not considered to provide good quality habitat for reptiles. Given the density of the vegetation on site, and lower potential presence of the species, further surveys in respect of reptiles are not considered appropriate. In addition, it should be noted that reptile surveys utilising artificial refugia would not be practical or even possible due to the very dense, high growth of vegetation. Therefore, in line with the recommendations relating to site clearance, badgers and nesting birds, it is advised that a careful site clearance be undertaken, under ecological supervision where considered appropriate, given that the presence of a transitory reptile cannot be completely ruled out. Given the density of the vegetation,

it is not possible to identify whether badgers utilise the site. As such, precautionary site clearance methods in line with the recommendations provided in section 5.2 have been made. Appropriate recommendations/due diligence in respect of nesting birds, and ecological enhancements have been made in section 5.2 of the report June 2014, page 4 of 31.

It is concluded that the proposals can proceed without detriment to any legally protected species provided the guidance within this report (section 5.2) is fully adhered to”.

4. ECC Ecology have been consulted on the submitted ecology assessment document and have stated that they have no objections to the proposal based upon its findings subject to suitable conditions relating to bats (lighting), nesting birds, badgers and reptiles and adherence to the recommendations made on page 18 of the assessment relating to site enhancement in order to provide additional habitat for both roosting bats and nesting birds.

Given the response from ECC Ecology in light of the ecology assessment received, the proposal is now considered to comply with ULP Policy GEN7 and, as such, refusal reason 2 of the original officer report as recommended is now removed from the revised recommendation for this updated report.

5. The Unilateral Obligation now received from the applicant’s solicitors states that the applicant agrees to pay the Council affordable housing contributions in the sum of £50,000, index linked, to be paid by the Owner to the Council in accordance with the terms of the agreement and to be applied by the Council towards the provision of affordable housing within its administrative area. The submitted agreement is currently receiving the attention of the Council’s Legal Services in terms of its contents and specific wording. However, refusal reason 3 of the original officer report as recommended is now removed from the revised recommendation for this updated report given the financial undertaking now made by the applicant in relation to the proposal.
6. Notwithstanding the above made changes to the original officer report recommendation as a result of the receipt of these submission documents for consideration, your officers still remain of the view as stated in the original officer report appended that the site represents an unsustainable form of residential development at this ribbon development location. As such, refusal reason 1 of the original officer report still remains in place and is carried forward with a modified officer recommendation, namely:

## **RECOMMENDATION – REFUSAL**

Reason:

The site is situated within an unsustainable settlement location outside development boundaries which does not have access to local services and where it is likely that most trips to and from the site would be generated by motor car. Furthermore, the residential development of this undeveloped site would cause environmental harm where the proposal is not considered to amount to a sensitive infill of a small gap in a small group of existing dwellings within this settlement. The development would detract from the site’s open and spacious appearance, would consolidate development and contribute to the erosion of the loosely knit character of this part of Henham Road to the detriment of the rural landscape. As such, the proposal would be contrary to the sustainability aims of the NPPF and the countryside protection aims of ULP Policy S7.

## Officer report 4 June 2014

### UTT/14/0749/OP

Referred to Committee by Cllr Knight if recommended for refusal - Reason: Proposal represents a sustainable form of residential development as an infill rural housing scheme

<b>PROPOSAL:</b>	<b>Outline application with all matters reserved for erection of 2 No. dwellings with associated access and garaging.</b>
<b>LOCATION:</b>	<b>Land south-west of Wisteria House, Debden Green, Debden.</b>
<b>APPLICANT:</b>	<b>Mr H Palmer</b>
<b>AGENT:</b>	<b>Mrs L Carpenter</b>
<b>EXPIRY DATE:</b>	<b>20 May 2014</b>
<b>CASE OFFICER:</b>	<b>Clive Theobald</b>

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#### **1. NOTATION**

1.1 Outside Development Limits.

#### **2. DESCRIPTION OF SITE**

2.1 The site is situated at Debden Green on the northern side of Henham Road approximately 115 metres from the junction with Bolford Street and comprises an overgrown and undeveloped roughly square parcel of land with road frontage comprising 0.13ha lying between Wisteria House and The Firs. This small hamlet contains a line of dwellings along both sides of the road leading out from Bolford Street where The Firs, a bungalow, represents the last dwelling on the northern side of the road.

#### **3. PROPOSAL**

3.1 This outline application proposal relates to the erection of 2 No. detached dwellings with associated access and garaging with all matters reserved.

3.2 An indicative drawing submitted with the application shows the type of dwellings that could be accommodated on the site where these would be two storey in height, have a traditional design and appearance with L shaped plan form of similar footprint and gabled roofs with a ridge height of 7.5 metres. The dwellings are each shown as four bedroomed. A detached garage for each dwelling is shown to the rear of each plot which it is stated would be served by a single, central access point.

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

4.1 The application is accompanied by a Design and Access Statement which describes the site and its surroundings and the reasoning and policy justification for the proposed development. The conclusions from the statement (summarised) are as follows;

- The site no longer appears as an attractive wooded enclave permeating into the streetscene with a frontage hedgerow previously remarked upon by an appeals Inspector. It is now a scrappy parcel of land with no frontage hedge and no trees with only self-seeded shrubs that is used as a dumping ground for garden rubbish.
- The proposal site comprises a suitable and well defined infill plot within the built up part of the hamlet where the development can be carried out without harm to the rural character of the area.
- There are no material changes in circumstances at the site since the previous appeal decision. The gap between existing development either side of the site has been narrowed from 65 metres to 42 metres due to the 1½ storey garages that have recently been constructed for both the adjoining dwellings. The reduction in the frontage gap of over 30% is considered material ensuring that the site is now a limited gap in a built-up frontage.
- The illustrative layout and elevations demonstrate that two dwellings can be erected without harm to the rural character of the area where they would respect the scale and character of surrounding housing contributing positively to the area. Landscaping would take place to secure further development.
- The site is very well served by local bus services in Bolford Street ensuring the development is sustainable.
- ULP Policy S7 adopts a protective environment stance to the environmental dimension of sustainable development whilst the NPPF takes a more positive approach to development in rural areas where it recognises that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development.

## **5. RELEVANT SITE HISTORY**

- 5.1 Development of land for chalet bungalow at Part OS No 275, Land adj Asmara refused in 1970. Outline application for dwelling and garage and construction of new access refused in 1986. Outline application for a bungalow refused and dismissed on appeal in 2000. Outline application for one dwelling and garage with all matters reserved except access refused in 2006 and dismissed on appeal in 2007 (UTT/1543/06/OP). Outline application for two dwellings and garages with all matters reserved except access refused in 2006 and dismissed on appeal in 2007 also (UTT/1545/06/OP) (joint appeals decision).
- 5.2 Both of the 2006 applications were refused on the grounds that the site was considered to be in an unsustainable rural location remote from local services and that the site is not situated within a substantially built-up frontage and not amounting to a genuine infill plot where the dwelling/s would detract from the site's open and spacious appearance, would consolidate development and contribute to the erosion of the loosely knit character of this part of Henham Road to the detriment of the rural landscape. Additionally, UTT/1543/06/OP was refused as the indicated design and scale of the single dwelling would be out of keeping with those of adjacent dwellings and would represent incongruous development in the streetscene, whilst UTT/1545/06/OP was refused as it had not been demonstrated that the site is capable of accommodating two dwellings and garages without effectively filling the width of the site with built form where the development would appear unacceptably cramped and out of keeping with the more loose-knit pattern of the streetscene and the more open and spacious character and appearance of adjacent plots on the north side of Henham Road.
- 5.3 In the appeal decision letter for both appeals, the Planning Inspector remarked that the site is remote from local services and jobs, albeit acknowledging the details submitted with the application regarding the availability of public transport, and that the site was

therefore within an unsustainable location. The Inspector also remarked that the scale of the gap in the development frontage of the site was substantial and could not be described as small where circumstances had not substantially changed since a previous appeal relating to development of the site had been dismissed in 2001, notwithstanding there had been further development in the vicinity, adding that vegetation had been cleared, but that this had not altered the proportions of the site. To this end, the Inspector stated at para 3 that *"I agree entirely with the previous Inspector and consider that the site represents a large gap in a relatively short length of development frontage. As it does not represent a small gap, its development would be contrary to Policy S7"*. The Inspector agreed with the Council that the development would consolidate built form on the north side of Henham Road, which would be detrimental to the character and appearance of the area. The Inspector noted that there was a dispute over whether the site was previously developed, but added that there was no presumption that such land is necessarily suitable for housing development in any event, concluding that there were not sufficient grounds to outweigh the concerns expressed that the proposals would be harmful to the character of the area.

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework (NPPF).

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

- ULP Policy S7 – The Countryside
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy H10 – Housing Mix

### **6.3 Uttlesford Local Plan – Pre-Submission Consultation, April 2014**

- Policy SP1 – Presumption in Favour of Sustainable Development
- Policy DES1 – Design
- Policy SP7 – Housing Strategy
- Policy HO5 – Residential Development in Settlements without Development Limits
- Policy SP8 – Environmental Protection
- Policy EN10 – Sustainable Energy and Energy Efficiency
- Policy SP9 – Protection of the Countryside
- Policy SP11 – Protecting the Natural Environment
- Policy NE1 – Protecting and Enhancing the Natural Environment
- Policy SP12 – Accessible Development
- Policy TA1 – Vehicle Parking Standards

## **7. PARISH COUNCIL COMMENTS**

7.1 Comments not received.

## **8. CONSULTATIONS**

### **National Grid**



- 8.1 The site is in proximity to National Grid apparatus which may impact and possibly prevent the proposal for safety and/or legal reasons (Overhead Lines).

#### **Fisher German LLP**

- 8.2 Our client, GPSS, do not have apparatus situated within the vicinity of the proposed development and as such do not have any further comments to make (Pipelines).

#### **ECC Highways**

- 8.3 No highway objections. Informative: Should permission be granted for this outline application, the applicant should note that when submitting the reserved matters application for access that it will be necessary to include speed survey data that demonstrates that the appropriate visibility splays can be achieved for the speed of the road.

#### **Access and Equalities Officer**

- 8.4 Reserved matters application will need to meet the requirements of the SPD on Accessible Homes and Playspace. Entrance level WC's will need to meet the requirements for Lifetime Homes if approved.

### **9 REPRESENTATIONS**

- 9.1 6 representations received; 5 object, 1 neither for nor against. Notification period expired 19 May 2014 (extended). Site Notice expired 25 April 2014.
- Permission has been refused on three separate occasions for residential development at this location. Do not understand what has changed this time to grant approval to undermine the previous decisions where the evidence put forward by the applicant is not persuasive;
  - The site does not represent sustainable development. There are no local shops or recreation facilities within the hamlet. Debden Green is not well served with public transport. Route 312/313 runs a maximum of six services on weekdays reducing to three on a Saturday and no services on a Sunday. The limited public transport will encourage additional car use within the area;
  - The land, although cleared of woodland in 2005 following the wholesale clearing of the site by the owners has now naturally regenerated with an ecology base;
  - The site represents a natural break in housing on the north side of the road. The proposed access would potentially necessitate the removal of the remaining frontage hedgerow;
  - The proposed dwellings would be out of context in terms of scale and proportion with surrounding dwellings and create overlooking of opposite properties which are situated at lower level;
  - The road at this point is narrow without any footpath and any additional vehicular access points on the road will be unsafe for both drivers and pedestrians;
  - Insufficient parking has been shown for the proposed dwellings. The proposal could therefore lead to on-street parking where this would not be desirable.
  - Mains sewerage and gas are not available in Debden Green and large tankers have to collect waste and deliver fuel;
  - Drainage from existing properties on the north side of Henham Road is inadequate. Proposed dwellings would exacerbate the drainage problem;

- The assessment to flood risk asks if the proposal is within 20m of a watercourse, which the site is and there is no mention of how surface water would be disposed of. Local flooding occurs, which would increase if the frontage ditch is removed;
- Disruption to daily lives during building construction if approved;
- The accompanying biodiversity questionnaire is factually incorrect as it states that the development is not in a setting which features woodland, scrub, ponds or ditches, when in fact it is. It states that the development would not involve the removal of scrub or trees and it would. It also states that the proposed development is not adjacent to an area of rough grassland when in fact it is adjacent to the green of Debden Green;
- Proposal would set a local building precedent;
- The only purpose for this development is for personal gain through speculative development for the applicant who now owns this plot of land after purchasing it for a very low price in the hope of a return on his investment;
- Applicant's agent states that local opinion is in favour of development on the site, but no local canvassing has taken place to demonstrate this.

## 10. APPRAISAL

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

- A Principle of development (NPPF and ULP Policy S7);
- B Whether the proposal would be harmful to bio/diversity/protected species (ULP Policy GEN7);
- C Access, design and parking (ULP Policies GEN1, GEN2 and GEN8);
- D Housing mix (ULP Policy H10).
- E Other Matters: Affordable housing financial contributions.

### A Principle of development (NPPF and ULP Policy S7).

10.1 The site lies outside development limits where Debden Green represents a hamlet comprising effectively a single stretch of dwellings along 250 metres of Henham Road along both sides of the road leading out from the Bolford Street junction where the most number of dwellings lie on its south-eastern side. There is a distinction between the tighter-knit pattern of development on the southern side of the road compared to the northern side where the site is located where this side contains a dispersed row of just six dwellings and where the site forms a green overgrown space between Wisteria House and The Firs.

10.2 There are no local services or facilities within the hamlet and the site is therefore regarded as being in an unsustainable location for new housing where this view was previously held by the appeals Inspector for the two 2006 refused applications for one dwelling and two dwellings at the site respectively (see Planning History above). Since the refusal of those applications, Planning Policy Statements and Planning Policy Guidance Notes under which those applications were considered have been replaced by the National Planning Policy Framework (NPPF) (2012), which has a presumption in favour of sustainable development at its heart and, most recently, National Planning Policy Guidance (NPPG) (2014). The NPPF has three strands of sustainability under which application proposals are required to be assessed, namely economic, social and environmental.

10.3 It is accepted that the site proposal does not represent a pair of isolated dwellings in the countryside needing exceptional justification in this regard. The site lies equi-distant approximately 2.7 kilometres between Debden to the north and Thaxted to the south, both which enjoy a relatively high level of local service provision and where Thaxted is identified as a Key Rural Settlement in the current local plan. However, whilst it is acknowledged that bus services run along Bolford Street at the bottom of Henham Road where a bus stop is within walking distance of the site (115 metres to the junction), the site is located more than 1 kilometre from these villages and not within walkable distance of them and the proposal would be contrary to the sustainability aims of the NPPF in terms of both social sustainability where there would still be reliance upon the motor car at this rural location and under the environmental test where the residential development of the site would cause environmental harm contrary to the environmental strand of the NPPF.

10.4 The site consists of a green gap between the penultimate and last dwellings on the northern side of Henham Road leading out and it is considered that this gap provides a natural break between built form along this section of the road. Furthermore, it is maintained as before that the site does not represent a *sensitive* infill of a small gap in a small group of houses as described by para 6.14 of the Housing Chapter of the local plan where this view was previously held by the Inspector for the 2006 appeals where he remarked that the scale of the gap in the development frontage of the site was substantial and could not be described as small. The comments from the applicant's agent are noted with reference to the fact that a 1½ storey garage outbuilding now exists along the road frontage to the side of Wisteria House on the right hand side of the site and that a storage/workshop outbuilding has very recently been constructed with planning permission on the flank boundary of The Firs on the left hand side of the site where it could be argued that the perception of space has slightly lessened because of this. However, the width of the proposal site itself has not been reduced since the 2006 appeals where this measures 38 metres across when scaled off the applicant's Block Plan drawing and it is considered that the previous comments by the Planning Inspector regarding both the size and appearance of the site are as relevant today as then. As such, it is considered that the proposal is contrary to ULP Policy S7, which seeks to protect the countryside for its own sake where the development would detract from the site's open and spacious appearance, would consolidate development and contribute to the erosion of the loosely knit character of this part of Henham Road to the detriment of the rural landscape.

**B Whether the proposal would be harmful to bio-diversity/protected species (ULP Policy GEN7).**

10.5 The site currently comprises an overgrown regenerated parcel of land where the Council understands it had been previously more wooded prior to the 2006 applications. The majority of the site now appears to be self-seeded containing sapling trees and thick vegetation. The applicant has completed a bio-diversity questionnaire, which infers from the responses that the proposal would not have a harmful effect on protected habitats and species where "No" has been stated to the questions in the section where potential for habitats could arise, including to the question "*Does the development site affect, or is adjacent to, an area of rough grassland, scrub or derelict land.*" Whilst it may be the case that a site walkover was conducted, there is no supporting statement to this effect and the applicant has not submitted a Preliminary Ecological Assessment to show that the site does not provide a natural habitat for protected species where it could be for example that the site contains suitable hibernacula for reptiles etc given its present condition. Given the absence of such supporting details, it is considered that the proposal would be contrary to ULP Policy GEN7 based upon the precautionary principle.

## **C Access, design and parking (ULP Policies GEN1, GEN2 and GEN8).**

- 10.6 Matters relating to access, layout, scale, appearance and landscaping have all been reserved for detailed application stage where the plans submitted for the current outline application are for indicative purposes only. However, due consideration has to be had to these matters to establish whether the proposal would be acceptable were Members to agree to the principle of residential development at this rural site.
- 10.7 It is indicated that vehicular access into the site would be via a shared access point albeit that details are not shown where the introduction of a single access point onto this Class 3 road would be preferable than two separate access points if this could be avoided. Site visibility in both directions along Henham Road is reasonable and no highway objections have been received in principle from ECC Highways subject to speed data being submitted at reserved matters stage to show that required visibility can be achieved.
- 10.8 In terms of design, the proposal still indicates two storey development for the site where two storey dwellings were shown for the 2006 refused applications where the ridge lines for those dwellings would have been just below the ridge line of Wisteria House situated to the right. The current proposal shows the ridge line of the proposed dwellings to be consistent with the ridge of Wisteria House. The group of dwellings at Debden Green is mixed incorporating both single storey and two storey scale, although with a propensity for single storey towards the end of the dwellings on the south side of the road and with a bungalow at the end on the north side (The Firs). It is considered that Plot 1 nearest to The Firs should be 1½ storey rather than two storey to provide a graduation in scale from The Firs to Wisteria House and to continue this mix of styles, although in other respects the design of the dwellings would be acceptable where they would follow a traditional style. Scale could be negotiated at reserved matters stage should planning permission be granted for the proposal. Lifetime Homes requirements would need to be considered at detailed stage also. The rear garden amenity areas for each dwelling would as indicated comply and exceed Essex Design standards. The dwellings by their frontage positioning are unlikely to have an adverse effect on adjacent residential amenity. As such, the proposal would comply with ULP Policy GEN2 in this respect.
- 10.9 Levels of parking and size of garaging for each dwelling would be required to meet currently adopted parking standards. The indicative site layout would appear to show that this could be achieved. The proposal would therefore comply with ULP Policies GEN1 and GEN8 in this respect.

## **D Housing Mix (ULP Policy H10).**

- 10.10 The site marginally exceeds 0.1 of a hectare (0.13ha) and strictly requires to be considered under the provisions of ULP Policy H10, which states that all developments on sites of 0.1ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. However, given that the site is only just over the size threshold and that the proposal involves the erection of only two dwellings, it is considered that the application of ULP Policy H10 would not be appropriate in this instance.

## **E Other Matters: Affordable housing financial contributions.**

- 10.11 This proposal for two new dwellings attracts a financial contribution towards affordable housing where the Developer Contributions Guidance Document (March 2014) has

been adopted as a 'Material Consideration'. However, no agreement has been entered into between the applicant and the Council whereby the applicant has agreed to pay a financial contribution for the proposed development.

## **11 CONCLUSION**

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

- A The site is situated within an unsustainable settlement location outside development boundaries and the residential development of this undeveloped site would cause environmental harm where the site is not considered to amount to a sensitive infill of a small gap in a small group of existing dwellings within this settlement. As such, the proposal would be contrary to the sustainability aims of the NPPF and the countryside protection aims of ULP Policy S7.
- B Insufficient information has been submitted with the application to demonstrate that the proposed development would not have a harmful effect on protected species given the site's condition. As such, the proposal would be contrary to ULP Policy GEN7.

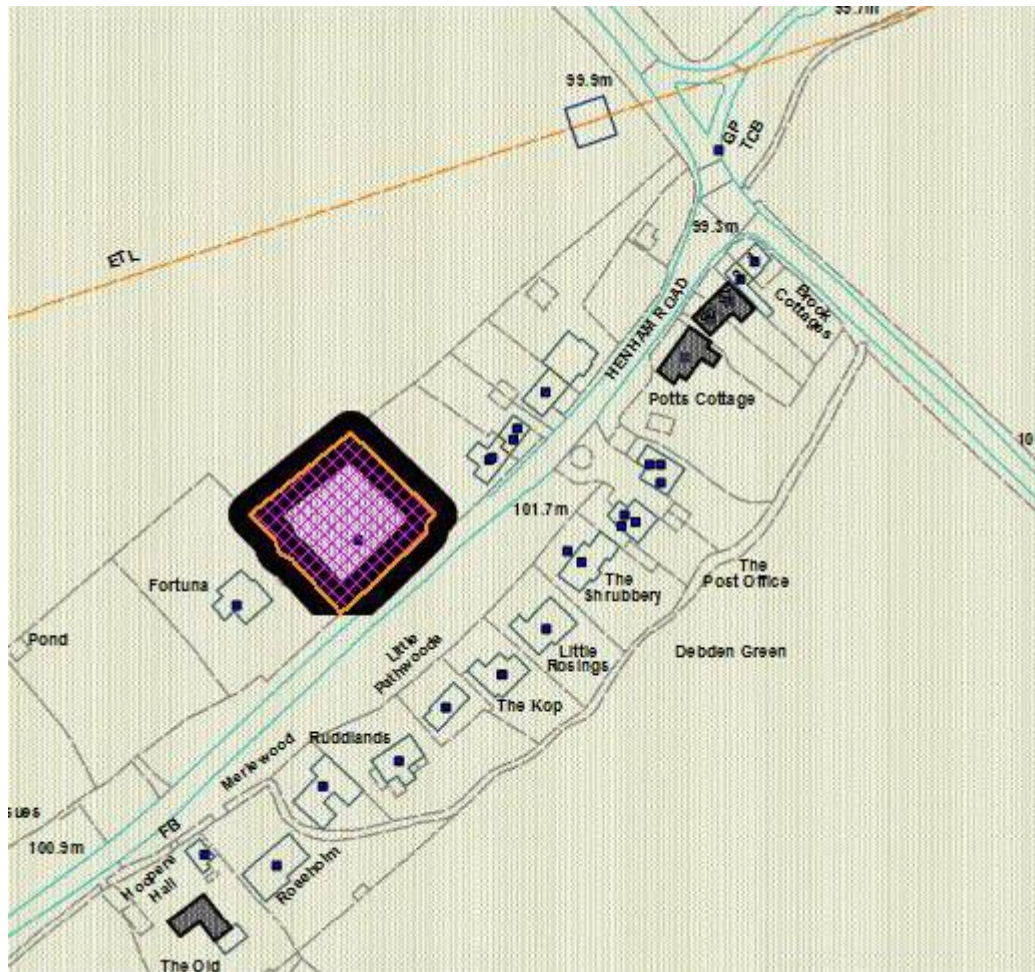
### **RECOMMENDATION – REFUSAL**

#### Reasons

1. The site is situated within an unsustainable settlement location outside development boundaries which does not have access to local services and where it is likely that most trips to and from the site would be generated by motor car. Furthermore, the residential development of this undeveloped site would cause environmental harm where the proposal is not considered to amount to a sensitive infill of a small gap in a small group of existing dwellings within this settlement and where the development would detract from the site's open and spacious appearance, would consolidate development and contribute to the erosion of the loosely knit character of this part of Henham Road to the detriment of the rural landscape. As such, the proposal would be contrary to the sustainability aims of the NPPF and the countryside protection aims of ULP Policy S7.
2. Insufficient information has been submitted with the application to show that the proposed development would not have a harmful effect on protected species given the site's condition. As such, the proposal would be contrary to ULP Policy GEN7.
3. This proposal would generate the need for a financial contribution in respect of affordable housing. The application provides no mechanism for addressing the need for additional provision. The proposal therefore fails to comply with the adopted Developer Contributions Guidance Document (March 2014) which has been adopted as a 'Material Consideration'.

Application no: UTT/14/0749/OP

Address: Land South West of Wisteria House, Debden Green, Debden



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**Scale:** 1:1,567

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

**UTT/14/1445/FUL (BARNSTON)**

(MAJOR APPLICATION)

**PROPOSAL:**                **Erection of 2 no. workshop storage buildings to replace buildings 1 & 2 on extant scheme reference UTT/1667/07/FUL**

**LOCATION:**                **Mawkinherds Farm, High Easter Road, Barnston**

**APPLICANT:**            **Anglian Land Drainage**

**AGENT:**                 **Andrew Stevenson Associates**

**EXPIRY DATE:**         **11 August 2014**

**CASE OFFICER:**        **Katherine Mathieson**

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**1. NOTATION**

1.1 Outside Development Limits

**2. DESCRIPTION OF SITE**

2.1 The application site is located adjacent to the hamlet of Wellstye Green and forms part of Mawkinherds Farm. The western site boundary is formed by a belt of mature trees and vegetation with access to the site through this from the north from High Easter Road. The eastern site boundary is also formed by vegetation however this is lower and provides less screening than the western boundary.

2.2 There are a range of buildings on the site including a long storage building located adjacent to the western site boundary with a weighbridge in front. These were granted planning permission in 2007. To the northern area of the site there is open storage in association with the commercial activity on the site.

**3. PROPOSAL**

3.1 This application relates to the erection of 2 new buildings on the site in conjunction with the existing uses. The buildings are proposed to be located in the central area of the site and are numbered as Building 2 and Building 4. Building 2 would be located parallel to the existing Building 3, which is adjacent to the western site boundary, but 35m to the east of it. Building 4 would be positioned approximately level with the southern elevations of Buildings 2 and 3 but at a 90° angle to them.

3.2 Building 2 would have dimensions of 44m x 20m with eaves height of 6m and a ridge of 8.8m. Building 4 be open fronted with an asymmetric roof and dimensions of 30m x 9.2m, front eaves height 4.5m, rear eaves height 3m and a ridge height of 5.5m.

3.3 It is proposed that Building 2 would be used for storage and workshop with the potential for a future mezzanine floor area while Building 4 would be used for vehicle storage.

**4. APPLICANT'S CASE**

4.1 A planning statement has been submitted with the application, full details of this are available to view on the application file.

- 4.2 “The proposed building (2) is required for alternative storage to 1 and 2 and building 4 for the storage of vehicles connected with the business again due to expansion. The fleet has increased from 7 HGV vehicles to 13 since 2012, 7 of the HGVs are 32 ton grab lorries which are required to cover Anglian Land Drainage’s 24/7 utility support contracts and need to be parked under cover so as to prevent the controls freezing up during the winter months. Two of the vehicles are 44 ton articulated lorries that are used for transporting topsoil and bulk materials, 1 lorry is rated to Category 2 which is used to transport our heavy plant, where 1 is a 7.5 ton ridged plant lorry. There are 2 gritting lorries, one purpose built and the other is a 15 ton tipper lorry with a demountable body which is utilised for road gritting and material deliveries. It is essential that these vehicles that are of high value are kept under cover and for the operative reasons as set out above. There are also attendant benefits of the expansion of the company in terms of employment provision. The company has seen an increase to 36 full time staff and 7 self-employed, a further 6 full-time staff since 2012 that achieves the aims of local and national planning strategies.

#### Summary

Overall in terms of the principle, the development proposed can be justified against more recent planning policies as supporting an expanding rural based business, and not adversely affecting the countryside, the design and siting of the proposal better than open storage. There are benefits to the functioning of the business by providing storage for both materials and machinery.”

## 5. RELEVANT SITE HISTORY

- 5.1 UTT/1764/00/CL - Certificate of Lawful Use for agricultural storage, agricultural contracts, forestry, (sale of logs), amenity, landscaping and land drainage works/road gritting granted October 2001.
- 5.2 UTT/0743/06/OP - Demolition of existing buildings (total 7 including portacabins), erection of workshop and storage buildings and the retention of a bunded enclosure for fuels and oils conditionally approved August 2006.
- 5.3 UTT/1667/07/FUL - Erection of three industrial units as approved under planning approval UTT/0743/06/OP conditionally approved December 2007.

## 6. POLICIES

### 6.1 National Policies

- National Planning Policy Framework

### 6.2 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy GEN1 – Access
- Policy GEN2 - Design

## 7. PARISH COUNCIL COMMENTS

- 7.1 The Councillors commented on the amount of Planning Applications that have been submitted for this premises. We should be grateful if details could be forwarded listing outstanding plans.



- 7.2 The Councillors would further like to make the following comments on the above scheme.

Whilst it is unclear, the storage buildings shown on the plans are very large and the Councillors assume large vehicles and equipment will be stored within them. As you are aware the roads around Mawkinherds Farm are very narrow and frequently it is difficult to pass when a large lorry comes from the opposite direction. Furthermore, with the development of homes due opposite Hillcrest the problem can only get worse.

## **8. CONSULTATIONS**

- 8.1 ECC Highways - No objections to this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

## **9. REPRESENTATIONS**

- 9.1 One representation received. Period expired 16 June 2014.
- 9.2 "As neighbours of the development, we would like to make it clear that we think the current trees and hedging that screen the proposed buildings is retained and/or increased slightly for further concealment on the west perimeter of the business."

## **10. APPRAISAL**

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

- A The principle of the development in the countryside
- B The design of the proposed buildings

### **A The principle of the development in the countryside**

- 10.1 The site is located within the open countryside where Policy S7 aims to protect the countryside for its sake and restricts development to that which needs to take place there or is appropriate to a rural area. The NPPF also aims to protect and enhance the natural environment however it recognises the importance of the well-designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. The planning permission for 3 new buildings which was granted in 2007 has been partially implemented with Building 3 having been erected on the application site. The permission is extant and the remaining 2 buildings that formed that permission could be erected at any time. As such this is a material consideration for the determination of this application. Also of relevance is the 2006 outline planning permission which established the principle of a single large building with approximately the same footprint as the 2 buildings consented in 2007.
- 10.2 Although Building 2 would have a greater bulk than the 2 buildings previously approved, by virtue of it being a single building, it would have a similar footprint and size as the buildings would have combined. The principle of a single building in this position was also established in 2006 and the overall impact of this single building would not be materially greater than the buildings that could be erected under the 2007 permission.
- 10.3 The position of Building 4 would be well related to the existing Building 3 and proposed Building 2 and would also provide a visual barrier between the activities on the site and

the residential properties to the south. The supporting information submitted with the application indicates that the business has expanded since 2012 and the number of HGVs owned has increased from 7 to 13. These are high value vehicles which need to be kept under cover to prevent the controls freezing up in winter and therefore there is a need for Building 4 in association with the existing business.

10.4 The proposed buildings would be constructed from a steel frame with profiled sheeting to the walls and roof and would have an appearance similar to modern agricultural buildings which are commonly found in the countryside. Although they would be visible within the countryside, the current and previous applications have demonstrated that there is a need for the structures in association with the existing business on the site and the buildings would not be unduly detrimental to the open and rural character of the surrounding countryside. The principle of the proposed buildings on this site is therefore acceptable.

## **B The design of the proposed buildings**

10.5 The proposed buildings would have proportions and appearance similar to modern agricultural buildings and in this respect would be acceptable and compatible with the existing Building 3. The proposed buildings would not, as a result of their position away from any neighbouring residential property, result in any materially detrimental loss of privacy, loss of daylight, overbearing impact or overshadowing. Building 4 would also provide a screen between the activities on the site and the residential properties to the south of the site. The proposed buildings would have an acceptable design and appearance and the development complies with ULP Policy GEN2.

## **11. CONCLUSION**

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

- A The proposed development is acceptable in relation to the needs of the existing business
- B The design of the proposed development is acceptable

## **RECOMMENDATION – CONDITIONAL APPROVAL**

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no extensions or alterations shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site whether externally or internally without the prior written permission of the local planning authority.

REASON: Further expansion may be detrimental to the open and rural character of the surrounding countryside contrary to Policy S7 of the Uttlesford Local Plan (adopted 2005).

# Application Number: UTT/14/1445/FUL



Address: Mawkinherds Farm High Easter Road Barnston



**Scale:** 1:6,958

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Organisation	UDC
Department	Planning
Comments	
Date	10/07/2014
MSA Number	100018688

## UTT/14/1549/FUL (STANSTED)

(Referred to Committee by District Councillor Rich as inappropriate backland development, over development and inappropriate access)

**PROPOSAL:**                    **Erection of 2 no. semi-detached and 1 no. detached dwelling with associated access, parking and landscaping.**

**LOCATION:**                    **Yuva, 21 Cambridge Road, Stansted Essex CM24 8BX.**

**APPLICANT:**                **Mr Harun Khan**

**AGENT:**                      **Mr David Harmon**

**EXPIRY DATE:**            **17 July 2014**

**CASE OFFICER:**          **Samantha Heath**

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### **1. NOTATION**

- 1.1 Within development limits; affects the setting of a listed building; Groundwater protection zone.

### **2. DESCRIPTION OF SITE**

- 2.1 The Yuva restaurant is located on the northern side of Cambridge Road in the local commercial centre of the village. The building is a mid 19th Century Grade II listed two storey brick built building with a 17th Century timber framed and plastered range to its rear. To its rear is a hard standing car park with access from Cambridge Road. Beyond this is a fenced area subject of this application that borders open space and a substation to the northwest, the rear gardens of dwellings to the south and commercial premises to the north. The land is features unkempt grass and dilapidated unused play equipment.

### **3. PROPOSAL**

- 3.1 It is proposed to erect one detached dwelling and a pair of semi-detached dwellings on this site. The detached dwelling would have maximum dimensions of 6.9m in width and 10.5m in depth. It would have an eaves height of 5m and a maximum ridge height of 9.2m. The semi-detached pair would be 12.2m in width and 10.5m in depth with the same eaves and ridge height as the detached unit. They would have two-storeys and 3 bedrooms. The external materials of the building would be render and brick with clay plain tiles and upvc fenestration
- 3.2 Access to the site will be from Cambridge Road and there will be two parking spaces will be provided to the front of the dwellings for each unit.

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

- 4.1 See Design and Access Statement.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/1167/12/FUL Erection of 9 No. chalets. Approved 23.08.12.
- 5.2 UTT/14/0064/FUL Erection of 3 no. detached dwellings with associated access, parking and landscaping. Refused due to the absence of any legal agreement to address the need for affordable housing market type and tenure across the district, contrary to the Developer Contributions Guidance Document adopted as a material consideration March 2014.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (2012)

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

- Policy S1 - Development limits for the Main Urban Areas
- Policy GEN2 – Design
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy H3 - New houses within development limits
- Policy ENV2 - Development affecting listed buildings
- UDC Parking Standards
- Developer Contributions Guidance Document

## **7. PARISH COUNCIL COMMENTS**

- 7.1 This is a substantial development, and a substantial change to Cambridge Road. The Parish Council believes that this application constitutes inappropriate backland development, overdevelopment of the site and an inappropriate access road through a car park. This would set a dangerous precedent for the village as a whole and the centre of the village in particular. We are also not aware of any "legal agreement" being in place, as is claimed in the decision notice when the previous application was refused, relating to affordable housing contribution on or off the site.  
Expired 25.06.14

## **8. CONSULTATIONS**

- 8.1 ECC Archaeology – RECOMMENDATION: Archaeological trial trench and excavation "No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority."  
Reason: The Essex Historic Environment Record shows that the proposed development lies in a sensitive area within the core of part of the historic settlement at Stansted Mountfitchet. The area is shown on the first edition Ordnance Survey map as a concentration of settlement on the main London to Cambridge Road. The house on the road frontage is grade II listed dating to the 17th century (EHER 36481). It was originally constructed as the Bell Public House. There is the potential for earlier structures set back from the road frontage.  
Expired 18.06.14.

## **Essex County Council - Highways**

- 8.2 No objection subject to the conditions.

### **Affinity Water**

- 8.3 Proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Stansted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

### **Thames Water**

- 8.4 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

## **9. REPRESENTATIONS**

- 9.1 28 Neighbours were notified. Consultation expired 18.06.14.  
4 letters of objection received– loss of privacy, overlooking, block natural light in garden, increase in noise and traffic congestion along Cambridge Road.

## **10. APPRAISAL**

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

- A The principle of development of the site. (NPPF and ULP Policies S1 and H3).
- B Design and visual impact / adjacent listed buildings (ULP Policies H3, GEN2 and ENV2).
- C Impact on residential amenity (ULP Policies H3 and GEN2)
- D Whether parking provision and access is satisfactory (ULP Policies GEN1 and GEN8 and UDC Parking Standards)
- E Impact of the proposal on Protected Species (ULP Policy GEN7)
- F Affordable Housing Contributions (Developer Contributions Guidance Document)

### **A The principle of development of the site**

- 10.1 The site is located within the development limits for Stansted and as such ULP Policies S1 and H3 apply. These are permissive policies where planning permission will be granted for development that is compatible with the settlements character. The land in question appears associated with the use of the building as a public house. There is no planning policy that protects public houses from change of use or their gardens within

development limits of towns and as such no objection in principle to the re-use of associated land or garden.

## **B Design and visual impact / adjacent listed buildings**

- 10.2 The character of this area of the village is that of two storey dwellings which are a mix of period and modern properties, there are dwellings either side and to the rear of this plot.

The character of this area of the town is generally that of semi-detached pairs of two storey dwellings of a uniform style, the buildings proposed would be two storey and would not have a significantly high pitch. Therefore, although closer to boundaries of neighbouring properties on the southern side, it is considered that the buildings would not be of uncharacteristic scale. The materials proposed are appropriate in relation to the setting of the listed building and can be controlled by condition. The Councils' Conservation Officer considers that the setting of the listed building would be satisfactorily preserved. The erection of dwellings on this site would be compatible with the settlements character.

- 10.3 The proposed design is relatively small in scale with a footprint of approximately 72m<sup>2</sup> for the detached dwelling and approximately 64m<sup>2</sup> for the semi-detached dwellings. It is not considered that the proposal would be unduly out of keeping with the character of the existing dwellings in this locality. Parking provision is proposed to be to the front of the dwelling, this is not considered to be out of keeping with the local area. Garden sizes fall just short of the recommended 100sqm for three bedroom dwellings however given the site's location in the near vicinity of green spaces and public amenity land this is considered to be acceptable in this instance. The design of the proposed dwelling follows the vernacular characteristics of houses typical of this region and uses traditional materials commonly seen in Essex.

Taking all of the above into account, in this instance, it is not considered that the impact of the proposal on the visual amenities of the locality would be so great that permission could be refused on this basis.

## **C Impact on residential amenity**

- 10.4 With regard to impact on residential amenity, the proposal has been revised from UTT/14/0064/FUL which originally proposed three detached dwellings so that the dwellings could be moved further away from the southern boundary with properties located on Bentfield Gardens.

At its closest point, the south side elevation of the dwelling would be located approximately 2m from the side boundary and approximately 10m from the rear elevation of the houses to the south. With regard to the distance from the proposed dwellings to the north-east boundary while this closer at 1m, the neighbouring site is commercial and it is the parking area for this property that is adjacent to the site. It is considered that there will be no significant over-bearing or over-shadowing impact on neighbouring dwellings.

The proposal does include windows on the side elevations however those at first floor level are proposed to be obscure glazed. Any potential overlooking from front or rear windows would be at an oblique angle and more than 10m away therefore not significant enough to warrant refusal. It is therefore considered that there will be no significant overlooking impact to immediate neighbours.

In consideration of the above therefore, it is believed that there would be no material significant overlooking, overshadowing or over bearing effect.

No other residential properties would be affected by the development.

- 10.5 The amenity of neighbouring residents is to be considered with regard to traffic movement, associated noise and disturbance. The land appears to be currently unused but could be used in association with the restaurant with associated activity and disturbance. The introduction of new dwellings would result in vehicle movements would closer to neighbouring properties, however, vehicle movements are already associated with the existing car park close by. No objection is therefore raised.

#### **D Whether parking provision is satisfactory**

- 10.6 Access would be shared with the existing car park onto Cambridge Road. There appears to be no conflict with means of access through this car park and existing parking provision considering the submitted layout. The Highway Authority has no objection to the proposal. Adequate parking provision is provided as two spaces per unit of dimensions to meet the parking standard.

The site is sustainable with regard to the availability of public transport and services within walking distance. The erection of three dwellings would not generate a volume of traffic that would impact on the surrounding transport network.

- 10.7 Neighbours comment on the congestion and parking issues that exist currently on Cambridge Road, this is an existing situation that the developer cannot address or indeed be expected to. It is considered that the parking provision provided on site is sufficient and that the provision of additional dwellings in this location will not exacerbate this existing situation.

- 10.8 Furthermore, it is considered that the remaining parking provision for the restaurant is sufficient given its central location in the village, the fact that many customers would be local and therefore walk, the nearby public carpark and availability of public transport. In addition it is proposed to remove the sheds to the rear allowing more space for parking.

#### **E Impact of the proposal on Protected Species**

- 10.9 With regard to ecology, the answers to the submitted biodiversity checklist and the Officer's site visit have shown that the proposed development would not have any impact on any protected species.

#### **F Affordable Housing Contributions**

- 10.10 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. It states that on a 3 unit development a contribution that equates to 60% of the cost of 1 affordable unit for the locality should be made i.e. £75,000. The applicant has agreed to pay this contribution and a unilateral undertaking has been signed.



## 11. CONCLUSION

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

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

### **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

**(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder 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) secure contribution towards affordable housing**
- (ii) pay Council's reasonable costs**
- (iii) pay monitoring costs**

**(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 7 August 2014, the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**

- (i) lack of contribution towards 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. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out unless the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected

contamination shall be dealt with and obtained written approval for this from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

4. Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan adopted 2005.

5. 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) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

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 Policy GEN2 of the Uttlesford Local Plan adopted 2005.

6. 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 in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005

7. 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 5 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.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

8. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

9. 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 in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

10. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

# Application Number: UTT/14/1549/FUL



Address: Yuva 21 Cambridge Road Stansted Essex CM24 8BX



**Scale:** 1:1,610

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Organisation	UDC
Department	Planning
Comments	
Date	10/07/2014
MSA Number	100018688

## UTT/14/1709/FUL (Great Chesterford)

(Councillor interest - Councillor Redfern)

**PROPOSAL:** Erection of dwelling with triple detached garage (alternative scheme to that approved under planning permission UTT/1615/12/FUL).

**LOCATION:** Site adjacent to The Delles, Carmen Street, Great Chesterford

**APPLICANT:** Mr A Redfern

**EXPIRY DATE:** 13 August 2014

**CASE OFFICER:** Clive Theobald

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### **1.0 NOTATION**

1.1 Outside Development Limits / Within Conservation Area.

### **2.0 DESCRIPTION OF SITE**

2.1 The application site comprises part of the extensive lawned grounds of The Delles, a large mid-Victorian dwelling, albeit not listed, on the corner of Carmen Street and Jackson's Lane measuring approximately 0.3 ha. The site is physically enclosed along its frontage boundary onto Carmen Street and along its north-eastern boundary with Jacksons Lane by continuous 2m high flint curtilage walling and is further screened at the front of the site and along Jacksons Lane by extensive tree cover. Open amenity/pasture land exists to the rear of the site. Vehicular access to The Delles is gained via a gated entrance onto Carmen Street through the boundary wall opposite School Street with secondary courtyard access being gained on the dwelling's western flank. The trees on the site collectively form a TPO grouping.

### **3.0 PROPOSAL**

- 3.1 This revised proposal relates to an alternative scheme for the erection of a 4 bedroomed detached dwelling with basement with detached triple bay garage block positioned to the front. The new dwelling would have an overall span of 15 metres, a maximum depth of 13 metres and maximum height to the ridge of 8.5 metres and would incorporate a Georgian period style front façade incorporating a 5 window range with centrally positioned front portico porch with side lean-to utility. The proposed garage would have a height to the ridge of 6.5 metres. The new dwelling would have either a plain clay tiled or slated roof and be externally clad with brick and render. The dwelling would be served by the existing vehicular access onto Carmen Street, whilst the existing internal drive through to the Delles would be closed off with access to that property being subsequently gained via the existing courtyard access.
- 3.2 It should be noted that the design for the proposed triple garage does not alter from the 2012 approved scheme, namely that it would have a gabled roof with small front dormers in the roofspace.

#### **4.0 APPLICANT'S CASE**

- 4.1 The application is accompanied by an updated Design and Access Statement which describes the reasons and justification for the design changes to the approved dwelling scheme for this site.

#### **5.0 RELEVANT SITE HISTORY**

- 5.1 Planning permission granted in 2012 for the erection of a two storey detached dwelling in period style with forward projecting detached triple garage within the grounds of The Delles (UTT/1615/12/FUL) following refusal of permission for the same said development earlier in that year (UTT/0579/12/FUL). The officer report for the approved application commented that the applicant had suitably addressed the previous sole reason for refusal relating to UTT/0579/12/FUL in respect of landscape impact and biodiversity enhancements and that the proposed development now represented an appropriate form of sustainable development at this village location which would not harm the setting and character of the conservation area.

#### **6.0 POLICIES**

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

- National Planning Policy Framework.

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

- ULP Policy S7 - The Countryside
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN7 - Nature Conservation
- ULP Policy GEN8 - Vehicle Parking Standards
- ULP Policy ENV1 - Design of development within Conservation Areas
- ULP Policy ENV3 - Open Spaces and Trees
- ULP Policy ENV4 - Archaeological Sites

##### **6.3 Uttlesford Local Plan – Pre-Submission Consultation, April 2014**

- Policy SP1 - Presumption in favour of Sustainable Development
- Policy DES1 – Design
- Policy SP8 - Environmental Protection
- Policy SP9 - Protection of the Countryside
- Policy HE1 - Design of Development within Conservation Areas
- Policy SP11 - Protecting the Natural Environment

##### **6.4 Other documents referred to:**

- Great Chesterford Conservation Area Appraisal and Management Proposal document adopted 2007.

#### **7.0 PARISH COUNCIL COMMENTS**

- 7.1 (To be reported).



## 8.0 CONSULTATIONS

### Essex County Council Highways:

- 8.1 No highway objections. Informative: The highway authority has concerns over the restricted visibility at the existing site access and it is likely that any further intensification of the access would attract a recommendation of refusal.

### Specialist Design on Listed Buildings and Conservation:

- 8.2 I have no objections to this alternative dwelling scheme where the proposal would have no greater impact on the character and appearance of the conservation area than the previously approved scheme where it is noted that the siting for the proposed dwelling would be in the approximate position of the previously approved dwelling.

## 9.0 REPRESENTATIONS

- 9.1 (To be reported). Notification period expired 14 July 2014. Advertisement expires 24 July 2014. Site Notice expires 24 July 2014.

## 10.0 APPRAISAL

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

- A Countryside protection / whether the proposal would constitute sustainable development by reason of its location (NPPF, ULP Policy S7)
- B Whether the proposal would be harmful to bio-diversity, including protected species (ULP Policy GEN7)
- C Design / whether the proposal would preserve or enhance the character and appearance of the conservation area, including open spaces and trees (ULP Policies GEN2, ENV1 and ENV3)
- D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).

### **A Countryside protection / whether the proposal would constitute sustainable development by reason of its location (NPPF, ULP Policy S7)**

- 10.1 The application site falls just outside development limits for the village where ULP Policy S7 states that the countryside will be protected for its own sake and where permission will only be granted for development that needs to take place there or is appropriate to a rural area, adding that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set. Strictly, therefore, the proposal would be contrary to rural constraint policy. However, the site forms part of an established large residential curtilage in an otherwise built up frontage along Carmen Street/Carmel Street and does not because of this have the appearance of countryside at this just north of village centre location where its rear boundary borders onto pasture/amenity land beyond and which is clearly more open in character. Furthermore, the site is considered by its location to be within a sustainable location close to village services, including the village post office and primary school and where the NPPF states that there will be a presumption in favour of sustainable development where a proposal is in all other respects in

accordance with the development plan for the area. As such, it is considered that the proposal would not conflict with the countryside protection aims of ULP Policy S7 on this basis where this view was similarly expressed for the officer report for the previously approved scheme.

**B Whether the proposal would be harmful to bio-diversity, including protected species (ULP Policy GEN7)**

- 10.2 The application site currently comprises a large and established domestic grassed tennis court area set between two belts of site perimeter tree vegetation. Standing advice from Natural England states that ecology surveys may be required in such situations subject to site specific conditions. However, the officer report for the previously submitted application identified that there were no protected species recorded for the site or within its immediate vicinity where the site area for the proposed development is of low ecological habitat value given its domesticated nature. Given this, it is considered that the proposal would not be harmful to local bio-diversity or protected species under ULP Policy GEN7 where an officer site visit has shown that there have not been any changes on the site since to influence the previous assessment where this has been confirmed by the applicant.

**C Design / whether the proposal would preserve or enhance the character and appearance of the conservation area, including open spaces and trees (ULP Policies GEN2, ENV1 and ENV3);**

- 10.3 As previously stated for the 2012 approved application, the proposal would represent a large dwelling containing an imposing neo-classical design principal façade with detached frontage triple garage. The frontages along Carmen Street contain properties of a varied built form and it is considered that the design of the proposed dwelling would represent an appropriate frontage continuum where the development would not have a material adverse impact upon either the setting or the reasonable enjoyment of The Delles or the character and appearance of the conservation area where the proposed garage block would be subservient in scale to the proposed dwelling
- 10.4 The design of the dwelling varies from the approved scheme insofar as the rear elevation would now have a less vernacular style where this previously incorporated a ground floor bay window and would have instead a more modern style incorporating sliding doors on the ground floor and a balcony with full height windows to the first floor for the master bedroom with the substitution of a two window range previously shown between the two rear projecting gables on the rear elevation with a single window at first floor level. The revised dwelling scheme also varies from that approved insofar as the roof would have a central flat roofed element with flat roof lantern and would incorporate internal room layout changes. Additionally, the dwelling would be sited further back into the site by approximately 2 metres from that as previously approved, whilst the garage block would be very slightly re-oriented on the site boundary. In all other respects, including footprint and external profile, the design of the dwelling would remain the same as previously approved.
- 10.5 Whilst the dwelling as modified for this alternative scheme would have contrasting styles between the principal and rear elevations, the retention of the period style front facing elevation would ensure consistency with the previous application submission, whilst the rear facing more contemporary elevation would face onto fields, albeit still within the conservation area, separated from the site by a tree screen. In the circumstances, the proposal alternative design is considered acceptable in design



terms for its location and setting in accordance with ULP Policies GEN2, ENV1 and ENV3.

**D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8)**

- 10.6 As with the previous application submission, the proposal would utilise the existing and established entrance at the south-east corner of the site which comprises a 3.4m span gap between brick piers within the existing 2 metre high front boundary flint wall where the existing driveway through to The Delles would be sealed off where the and for vehicular access to that property to be served instead by the existing access on the courtyard side of the existing dwelling. As such, the proposal would not give rise to any intensification of the existing use of the eastern access point and ECC Highways have not objected on this basis as previously notwithstanding that visibility outside the site at the corner junction is considered to be restricted. No highway objections are therefore raised on this basis under ULP Policy GEN1.
- 10.7 The triple garage proposed for the front of the dwelling would provide covered parking, whilst further parking would be available on the front hardstanding area. On-site vehicle manoeuvring would be satisfactory. The parking provision shown where this does not vary from the previously approved dwelling scheme would comply with adopted parking standards and no parking objections are raised under ULP Policy GEN8.

**11.0 CONCLUSION**

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

- 11.1 The revised design for this new dwelling scheme would be acceptable under ULP Policy GEN2 where the principle of a dwelling at this sustainable location just outside developments, but within the conservation area has previously been accepted under planning approval UTT/1615/12/FUL.

**12.0 RECOMMENDATION – CONDITIONAL APPROVAL**

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. The development shall be carried out in complete accordance with the landscaping enhancement measures identified in the Landscape Impacts Statement, Five Year Management Plan and the Biodiversity Enhancement Scheme, together with other relevant landscaping details included in these measures accompanying the application. Any proposed planting scheme forming part of these measures shall be carried out within one planting season of the completion of the development hereby permitted, 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 seek a positive landscape enhancement of the site in order to justify the development hereby permitted in accordance with ULP Policies GEN2, ENV1 and ENV3 of the Uttlesford Local Plan (adopted 2005).

3. 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 satisfactory standard of development in the interests of visual amenity in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

4. 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 visual amenity in accordance with ULP Policies S7, GEN2, ENV1 and ENV3 of the Uttlesford Local Plan (adopted 2005).

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

6. The development hereby permitted shall be implemented in accordance with the scheme of mitigation and bio-diversity enhancement measures 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 bio-diversity value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

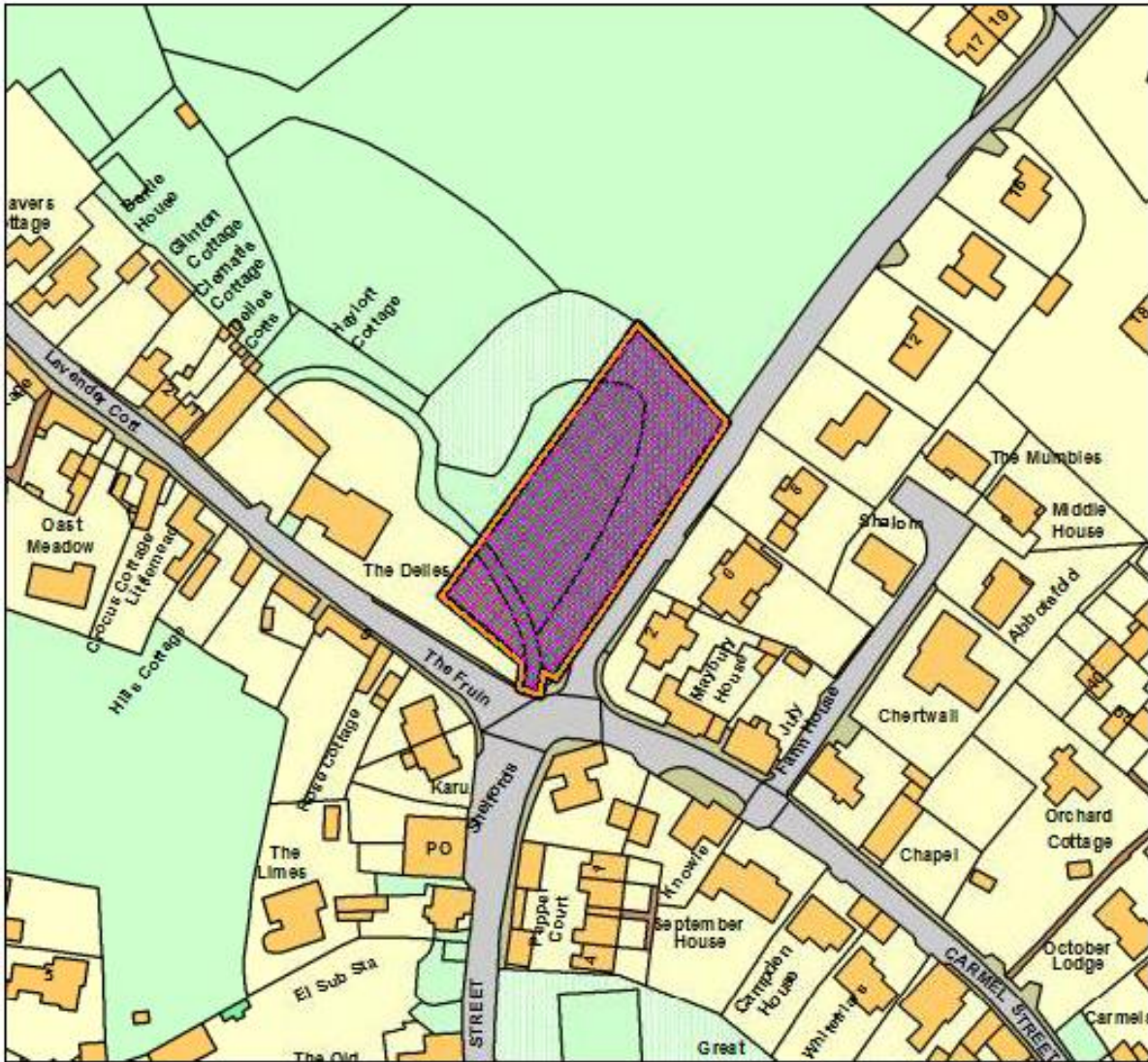
7. The development hereby permitted shall incorporate all measures set out in the accessibility statement which accompanied the application.

REASON: To ensure that the new dwelling can be readily used by people with physical disabilities in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

# Application Number: UTT/14/1709/FUL



Address: Site Adj to The Delles Carmen Street Great Chesterford



Scale: 1:1,410

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Organisation	UDC
Department	Planning
Comments	
Date	10/07/2014
MSA Number	100018688

**Committee:** Planning

**Agenda Item**

**Date:** 23 July 2014

**5**

**Title:** UTT/13/2917/FUL Elsenham

**Author:** Nigel Brown  
Development Manager

Item for decision

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### Summary

1. At the meeting of 12 February 2014, the Planning Committee considered planning application UTT/13/2917/FUL related to site Land Adjacent Hailes Wood, Elsenham. The application considered the demolition of 32 Hailes Wood and the redevelopment of the site and land adjacent, to provide 32 dwellings, public car park, and public play area. Members resolved to approve the application subject to conditions and a Section 106 Obligation. This Section 106 Obligation has now been sealed.
2. The determination of this application at Planning Committee followed the application's deferral from Planning Committee on 15 January 2014. The Committee of 12 February 2014 considered an amendment to the proposed scheme.
3. Concerns have been raised by third parties as to whether the officer's report to the Planning Committee specifically considered the impact of the revised scheme upon the property 59 Hailes Wood. Additionally concerns have been raised as to whether the impact upon the amenity of homes in Hailes Wood from increased use of the access road had already been considered.

### Recommendations

4. It is recommended that the planning permission be issued in accordance with the details previously agreed by the Planning Committee.

### Financial Implications

5. None. There are no costs associated with the recommendation.

### Background Papers

6. Reports to Planning Committee 15 January 2014 & 12 February 2014  
Planning File UTT/13/2917/FUL

### Impact

- 1.

Communication/Consultation	Representations received from third parties
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	subsequent to the Planning Committee's resolution of 12 February
Community Safety	
Equalities	
Health and Safety	
Human Rights/Legal Implications	None
Sustainability	
Ward-specific impacts	Elsenham
Workforce/Workplace	

### Situation

7. At the meeting of 12 February 2014, the Planning Committee considered planning application UTT/13/2917/FUL related to site Land Adjacent Hailes Wood, Elsenham. The application considered the demolition of 32 Hailes Wood and the redevelopment of the site and land adjacent to provide 32 dwellings, public car park, public play area. Members resolved to approve the application subject to conditions and a Section 106 Obligation. This Section 106 Obligation has now been sealed.
8. Since the Planning Committee's resolution to approve on 12 February 2014, there have been various representations to the local authority from third parties related to the decision of Planning Committee.
9. The Chief Executive and Assistant Chief Executive-Legal have been variously involved in exchanges with third parties and their representatives. Two principal issues have arisen that require some clarification
10. The first issue relates to the consideration of the revision of the planning application following its deferral from Planning Committee on 15 January 2014. This revision related to the redesign and alteration of Plot 22, its relationship to the existing property 59 Hailes Wood, and the relocation of two affordable units to reduce a cluster of thirteen. Two affordable units were relocated adjacent to the garden of 59 Hailes Wood. It is not explicitly discussed within the officer's report how this revision impacted upon 59 Hailes Wood, and therefore it cannot be demonstrated whether this point was specifically considered by members.
11. Officers' recollection is that this relationship was considered by members, but accepts it is not mentioned within the report. It is considered that the relocated units do not result in direct overlooking from the units to the existing property 59 Hailes Wood.

12. The second issue relates to the impact of the amenity of the existing residents from the increased traffic flow from the proposed units through Hailes Wood. Hailes Wood is an existing adopted public highway, and it is considered that the development would not result in an unacceptable amenity impact upon the residents of Hailes Wood over and above the level normally attributable from an estate road.

### Conclusion

13. Confirmation is sought of the Committee's original decision to approve from 12 February 2014.

### Risk Analysis

2.

Risk	Likelihood	Impact	Mitigating actions
None	N/A	N/A	N/A

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Committee: Planning**

**Agenda Item**

**Date: 23 July 2014**

**6**

**Title: UTT/14/0480/FUL Elsenham**

**Author: Karen Denmark**

Item for decision

**Development Management Team Leader**

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## Summary

1. At their meeting on 9 April 2014 Members considered planning application UTT/14/0480/FUL relating to a site known as Elsenham Sawmill, Fullers End, Tye Green Road, Elsenham. Members resolved to approve the application subject to conditions and a S106 requiring a financial contribution for affordable housing and the provision of a footpath link. Subsequently the Council has received a letter querying the need to provide a “public right of way”. This report seeks clarification as to what basis Members required the provision of the footpath link.

## Recommendations

2. It is recommended that the application be approved subject to conditions and S106 Legal Obligation as previously with clarification as to whether the footpath link is for public use or private use for the occupiers of the dwellings approved under UTT/14/0480/FUL.

## Financial Implications

3. None.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Report to Planning Committee on 9 April 2014 for UTT/14/0480/FUL

Planning file UTT/14/0480/FUL

Letter from Trowers and Hamlins dated 13 June 2014

## Impact

- 5.

Communication/Consultation	
Community Safety	
Equalities	

Health and Safety	
Human Rights/Legal Implications	
Sustainability	
Ward-specific impacts	
Workforce/Workplace	

## Situation

6. Planning application reference UTT/14/0480/FUL relates to a “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” for a site known as Elsenham Sawmill, Fullers End, Tye Green Road, Elsenham.
7. The application site is located at the end of Tye Green Road adjacent to the railway line. In order to access the services and facilities in the village it is required to cross the railway line via a pedestrian crossing. This crossing does not have locking gates but does have lights and audible warnings when trains are approaching.
8. The application stated the following in relation to the provision of the new pedestrian access:
  - 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”
9. Network Rail made the following comments in respect of the application:

“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.”

10. The application was recommended for refusal 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. 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.”

11. The proposal was fully supported by local residents and Members may recall during the site visit residents had banners stating that they wanted the underpass. The proposal was also supported by Councillor Morson and Elsenham Parish Council who spoke at the Committee meeting. During the public speaking it was apparent that the support for the application was partially on the basis of the provision of the underpass.

12. After lengthy debate Members resolved to grant planning permission subject to conditions and a S106 Legal Obligation, to be agreed with the Chairman. The S106 Legal Obligation required the provision of a financial contribution for affordable housing and the provision of a footpath link and, if appropriate, the payment of a maintenance fee (eg if it is considered appropriate for the Parish Council to take over responsibility for this.”

13. The drafting of the S106 Legal Obligation has a requirement for the pedestrian access to be available for public use. However, we have received a letter from Trowers and Hamlins (see attached) stating that this is not the intention of the application and that the proposal only relates to a pedestrian access for the occupiers of the development.

14. The provision of a “private” pedestrian access would result in Network Rail maintaining their objection to the proposal. However, if the pedestrian access were available to the public to use then the level crossing could be closed and Network Rail would lift their objection.

15. It would appear that there is confusion as to the requirements of the Council. The applicant appears to believe that we are requiring the diversion and creation of a public right of way. What we are requiring is the provision of the pedestrian access which is available for public use so that residents of Tye Green and other pedestrians requiring to cross the railway line can do so in safety.
16. The letter also refers to the fact that planning permission was granted under reference UTT/13/0177/OP for the erection of up to 130 dwellings on land to the north east of the Sawmill site. It is considered that this development would significantly increase the use of the level crossing but has no requirement to provide alternative means of crossing the railway line. It should be noted however that this development has an alternative means of accessing facilities via Hall Road. Indeed access via the level crossing would be considerably longer than the Hall Road route.
17. It is therefore requested that Members clarify the basis for the approval in relation to the pedestrian access. There are two options:
- a. The pedestrian access is for the occupiers of the site only, which would mean that Network Rail would maintain their objection and approval would be contrary to the advice of a statutory consultee.
  - b. The pedestrian access is available for use by the public, but is not a designated public right of way, which would enable Network Rail to close the level crossing and lift their objection.

## Risk Analysis

18.

Risk	Likelihood	Impact	Mitigating actions
1	N/A	N/A	N/A

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

**Title:** Appeal Decisions Committee 23<sup>rd</sup> July 2014

**Item 7**

**Author:** Nigel Brown –

SITE ADDRESS	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION	DECISION BY OFFICER/OVERTURNED BY COMMITTEE
1 Chickney Hall Villas Chickney Road Chickney Great Dunmow	UTT/13/0685/CLE	Use of Land adj. 1 Chickney Villas for domestic purposes such as parking and recreation	Appeal Dismissed 02.07.2014	The Inspector concluded that the evidence submitted in support of the application was too general to support the grant of the Certificate of Lawfulness. The appellant failed to discharge the burden of proving that, on the balance of probability, the use of the land for domestic purposes was lawful.	<b>Refuse</b>
Motts Hall Green Street Elsenham Bishops Stortford Hertfordshire CM22 6DS	UTT/13/1589/FUL	Formation of a maximum 7 metre high x maximum 25 metre wide Acoustic Earth Bund to the Southern and Western boundaries of the site	Appeal Dismissed 01.07.2014	<p>The Inspector concluded that the proposed bunding would be harmful to the landscape of the area and the setting of the Grade 2 listed Motts Hall. Furthermore she did conclude that no evidence was put forward to demonstrate that the bund would provide any benefits in terms shielding the residential property from noise from the airport.</p> <p>On an additional point the Inspector considered the impact of the proposed tunnelling of the public right of way through the bund. She concluded that the tunnel could detract from the enjoyment of the public right of way there would no effect on the safety of people using it.</p>	<b>Refuse</b>

<p>Land At The Vineyard Cole End Lane Sewards End Saffron Walden</p>	<p>UTT/13/1655/OP</p>	<p>Outline application for the erection of 3 No. dwellings and associated garages with all matters reserved except access</p>	<p>Appeal Dismissed 23.06.2014</p>	<p>The Inspector concluded that the development of this site resulted in a more built up appearance, taking this beyond the existing limits of the village. As a result, the rural character of the area would be harmed.</p> <p>The Inspector considered that development in this location would be unsustainable due to its distance from the nearest local services within Saffron Walden. Although bus services did exist he was not convinced that it would fundamentally change the travel choices of those with a car.</p> <p>He did raise concerns over the status of the affordable housing contributions, and whether it had been through any formal consultation process.</p> <p>The Inspector was content with Council's five year land supply calculations, and considered that the five year land supply was currently in place.</p>	<p><b>Conditional approval – overturned at Committee</b></p>
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Land At The Vineyard Cole End Lane Sewards End Saffron Walden	UTT/13/2741/OP	Outline application for the erection of 1 no. dwelling with all matters reserved except access	Appeal Dismissed 23.06.14	As above	<b>Refuse</b>
Land to rear of 22-30 Bolford Street Thaxted	UTT/13/2975/OP	Outline application for the erection of 5 no. dwellings with all matters reserved except access	Appeal Dismissed 23.06.14	<p>The Inspector considered that the introduction of a small cluster of new dwellings to the rear of existing frontage development would appear incongruous and wholly at odds with the established pattern of development. As such, the development would have a significant, harmful impact upon the Thaxted Conservation Area.</p> <p>He did raise concerns over the status of the affordable housing contributions, and whether it had been through any formal consultation process.</p> <p>The Inspector was content with Council's five year land supply calculations, and considered that the five year land supply was currently in place</p>	<b>Refuse</b>

Land Rear Of 22-30 Bolford Street Bolford Street Thaxted		Outline application for the erection of 13 no. dwelling with all matters reserved except access	Appeal Dismissed 23.06.14	As above	<b>Refuse</b>
Little Blossom Braintree Road Stebbing Dunmow	UTT/13/2833/FUL	Proposed Farm shop and cafe (A1 and A3).	Appeal Dismissed 24.06.14	Due to its location the shop and café would be almost entirely reliant on car borne customers and whilst some of the trade may be from passing traffic much could be from additional journeys. This would be contrary to LP Policy GEN1 (e) which seeks to ensure development encourages movements by means other than driving a car.	<b>Refuse</b>

**Committee:** Planning  
**Date:** 23 July 2014  
**Agenda Item No:** 8  
**Title:** PLANNING AGREEMENTS  
**Author:** Christine Oliva (01799 510417)

The following table sets out the current position regarding outstanding Section 106 Agreements:-

No.	Planning Current Ref.	Approved by Committee	Applicant	Property	Position
1.	UTT/13/1670/OP	31/07/2013	Mr & Mrs C Olley	Plot 1 land to rear of Highviews, 6 Cole End Lane, Swards End, Saffron Walden	Unilateral Undertaking completed
2.	UTT/13/1652/OP	31/07/2013	Mr & Mrs C Olley	Plot 2 land to rear of Highviews, 6 Cole End Lane, Swards End, Saffron Walden	Unilateral Undertaking completed
3.	UTT/13/2121/OP	25/09/2013	Mr J Davey	Land adjacent to Tower House, St Edmunds Lane, Dunmow	Agreement sealed
4.	UTT/13/1684/OP	23/10/2013	Crest Nicholson (Eastern) and Great Dunmow Estates Ltd	Land at Smiths Farm, Chelmsford Road, Dunmow	Negotiations continuing
5.	UTT/13/2912/FUL	11/12/2013	Mr A Hugo	Land adjacent to Village Hall, Dunmow Road, High Roding	Draft unilateral undertaking sent 24.3.2014
6.	UTT/13/2678/2013	11/12/2013	Mr G Dodds and Mr D A Moody	Radwinter Mushroom Farm, Bent Road, Wimbish	Unilateral Undertaking completed

7.	UTT/13/3084/FUL	16/01/2014	Ms Vanessa Day	Land Chickney Road, Henham,	Draft sent to applicant 3.4.2014
8.	UTT/13/2839/FUL	16/01/2014	M and Mrs M Jones	Silverdale, The Street, Takeley	106 prepared and sent to applicant for comments
9.	UTT/13/2917/FUL	12/02/2014	Charles Church	Land adjacent to Hailes Wood, Elsenham	Agreement sealed
10.	UTT/13/1981/OP	20/11/2013	Countryside Properties PLC	121 Radwinter Road, Saffron Walden	Agreement sealed
11.	UTT/13/3406/FUL	12/02/2014	Countryside Properties PLC	121 Radwinter Road, Saffron Walden	Agreement sealed
12.	UTT/13/3091/FUL	12/02/2014	Mr JRC Smith	Land to rear of Woodend Cottages, Chickney Road, Henham	Unilateral Undertaking completed
13.	UTT/13/2107/OP	12/02/2014	Barratt Homes, Mr CJ Trembath, Buildings Farm Partnership	Land West of Woodside Way, Dunmow	Negotiations continuing
14.	UTT/13/2340/OP	12/03/2014	Dunmow Skips Ltd	Dunmow Skips Site, station Road, Felsted	Agreement drafted negotiations continuing
15.	UTT/14/0174/FUL	09/04/2014	New World Timber Frame Ltd	New World Timber Frame/Gravel dene Nurseries, London Road, Great Chesterford	Draft sent to applicant 14.5.2014
16.	UTT/14/0480/FUL	09/04/2014	Mr James Collins	Elsenham Sawmill, Fullers End, Tye Green Road, Elsenham	Application returning to Committee
17.	UTT/13/3467/OP	30/04/2014	Manor Oak Homes	Land South of Radwinter Road, Saffron Walden	Negotiations continuing
18.	UTT/13/2423/OP	30/04/2014	Ridgeon Properties Ltd	Ashdon Road, Commercial	Negotiations continuing



				Centre, Saffron Walden	
19.	UTT/14/0127/FUL	07/05/2014	Taylor Wimpey, Ms Mortimer, Ms Staines Ms Stoneman	Land South of Ongar Road, Dunmow	Negotiations continuing
20.	UTT/14/0481/FUL	07/05/2014	Mr O Hookway	Land adjacent to Warwick Road, Little Canfield	Negotiations continuing
21.	UTT/13/3105/FUL	04/06/2014	Mr C Hitchcock	Warwick Road, Little Canfield	Agreement sealed
22.	UTT/14/0005/OP	26/06/2014	Enodis Ltd and Enodis Property Development Ltd	Land off Tanton Road, Flitch Green	Draft agreement sent 9.7.2014

Background Papers:                      Planning Applications  
Files relating to each application

FOR INFORMATION