

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

**PROPOSAL:**           **Erection of 4 no. 2 bed and 2 no. 3 bed terraced houses and 2 detached garages**

**LOCATION:**           **Land West Of The White House, Dunmow Road, Takeley, Hertfordshire**

**APPLICANT:**       **De Vere Homes Ltd**

**EXPIRY DATE:**     **28.04.2014**

**CASE OFFICER:**    **Madeleine Jones**

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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.

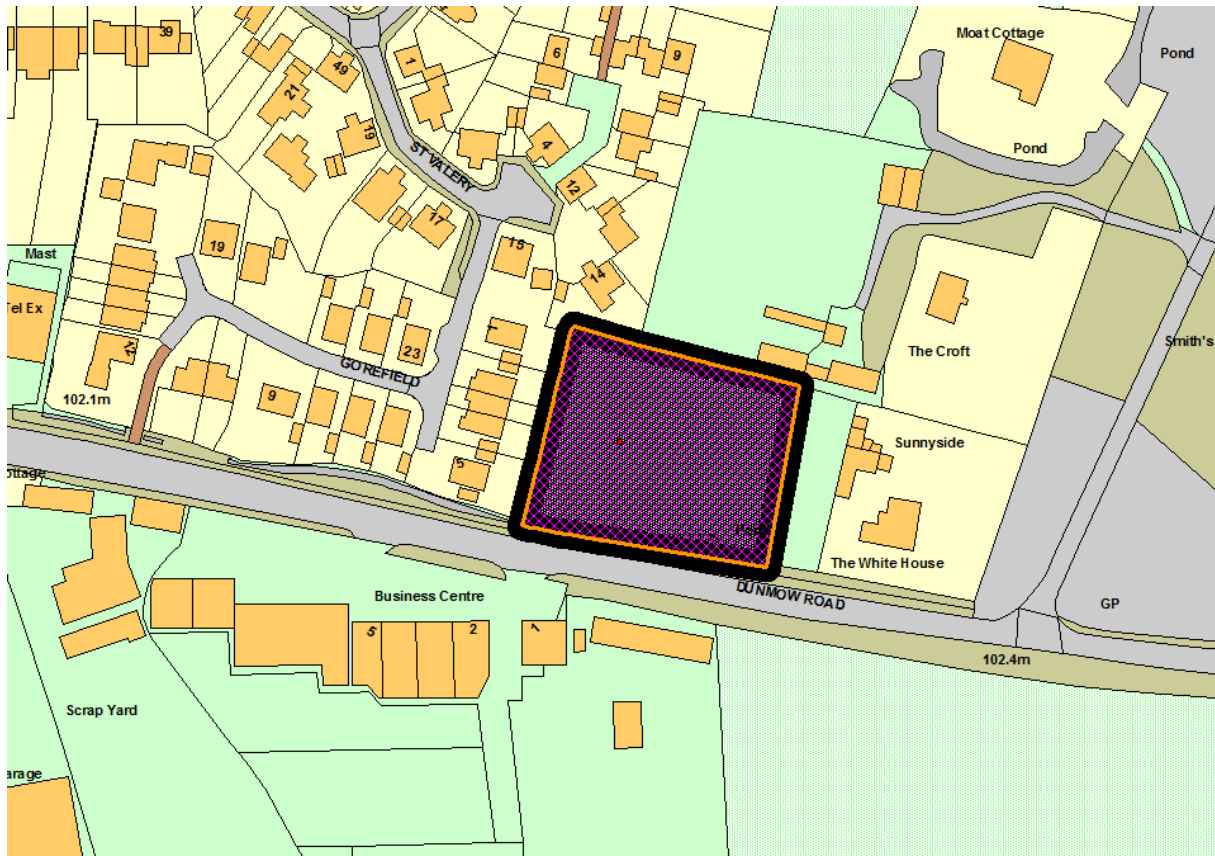
Informative:

- 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