

UTT/ 14/1688/FUL (WIMBISH)

(MAJOR APPLICATION)

PROPOSAL: **Erection of Affordable Housing Development consisting of 11 dwellings, 3 of which to be “open market”.**

LOCATION: **Land at Mill Road, Mill Road, Wimbish, Essex**

APPLICANT: **Hastoe Housing Association.**

AGENT: **Mr John Retchless**

EXPIRY DATE: **10th August 2014**

CASE OFFICER: **Emmanuel Allanah**

1. NOTATION

1.1 Exception Sites; Archaeological Site and within Debden Radar Area.

2. DESCRIPTION OF SITE

2.1 The application site is located adjacent to Mill Road in Wimbish. It is situated in the south-east of an arable field with residential properties and gardens to the east and the site of the Old Corn Mill to the south. And access is through an existing field entrance to the south, and a new residential access/highway will be formed utilising the existing access position. The boundaries consist of an existing ditch and tree belt along the south-western boundary, with an existing hedge and close boarded fence to the north-eastern boundaries. Where the site abuts the existing development along Mill Road, the northern boundary which is defined with post and wire fencing.

3. PROPOSAL

3.1 The erection of affordable Housing Development consisting of 11 dwellings, 3 of which to be “open market”.

3.2 Given that this is an exception site the Council have commissioned KIFT Consulting for the validation of the financial viability assessment for the proposed development of 11 residential dwellings; eight as affordable rent and three as open market sale. This is because Hastoe Housing Association (HHA) has indicated that the scheme is not viable without the three open market sale units to cross subsidise the affordable housing.

4. APPLICANT'S CASE

4.1 Applicant's supporting statement include that the proposed 11 residential dwellings of which eight would be for affordable rent and three for open market sale is not considered to be viable; in addition with design and access statement.

5. RELEVANT SITE HISTORY

- 5.1 UTT/12/5473/OP – Outline proposal for the erection of 11 no. detached and semi-detached, dwellings of which 6 are affordable with all matters reserved except access. The proposed planning application was withdraw.
- 5.2 UTT/1469/01/OP – Erection of one house and garage and creation of vehicle access. Refuse.
- 5.3 UTT/1474/01/OP – Erection of two houses with garages and creation of vehicular. Refuse.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- GEN1 -Access
- GEN2-Design
- GEN6-Infrastructure Provision to Support Development
- GEN7-Nature Conservation
- GEN8-Vehicle Parking Standards
- S7-The Countryside
- ENV4-Ancient Monuments and Sites of Archaeological Importance
- ENV5-Protection of Agricultural Land
- ENV8-Other Landscape Elements of Importance for Nature
- H4-Backland Development
- H9-Affordable Housing
- H11-Affordable Housing on “Exception Sites”

6.3 Uttlesford Local Plan-Pre-Submission Consultation, April 2014

- SP6- Meeting Housing Need
- HO2-Housing Mix
- HO8-Affordable Housing on “Exception Sites”
- SP12-Accessible Development
- TA1-Vehicle Parking Standards
- SP14-Infrastructure

- 6.4 **Uttlesford Council Housing Land Supply for 6.2 Years** undergoing public consultation since June 2014.

7. PARISH COUNCIL COMMENTS

- 7.1 Comments to be reported.

8. CONSULTATIONS

Environment Agency

- 8.1 As this application is for a site under a hectare in size, located in Flood Zone 1, no comment to make.

SuDS

8.2 No comment to make.

NERL Safeguarding Office

8.3 Proposal did not have conflict with their safeguarding criteria.

ECC Archaeology

8.4 No objection although recommended appropriate archaeological trial trench and excavation planning condition.

ECC Education

8.5 The above pre-application enquiry has been passed to me to comment on any possible s106 contributions for pre-school and school purposes. We understand that the development is to be 100% affordable, therefore exempt in terms of our policy Education Contributions Guidelines. No education contribution would be required on the understanding that the development would be on a 'not for profit' basis, however if this is to change in the future please contact me to discuss.

ECC Highways

8.6 No objection and recommended appropriate planning conditions

Ecological Consultant

8.7 I note that the ecology report states that a 'Phase 2 botanical survey' should be undertaken. We would currently object to the application on the basis that this information is absent. Please let us know when this survey has been undertaken and we will send a formal response.

9. REPRESENTATIONS

9.1 The application has been advertised on site and within the local press. Neighbouring occupiers have been consulted of the application. As a result one letter of concern and one letter of support have been received raising the following points:

- The Parish Council fully approve and support this application as there is a proven affordable housing need in the village, which was proven by a recent housing survey that was carried out.
- We draw your attention to the issue of surface drainage water being dealt with properly and as the adjacent farmer we would prefer there is a ditch dug along the north boundary.

10. APPRAISAL

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

- A The principle of the proposed development.
- B Whether the proposed residential dwelling houses in terms of their scale, form, layout, appearance and design would harm the character of the area or the living condition of the adjoining occupiers.

- C The ecological impact
- D Impact on heritage asset
- E Traffic Impact
- F And the impact on local infrastructure

A The principle of the proposed development.

10.1 In land use terms the application site is an existing arable field which can be described as part of the open countryside or outside development limits which policy S7 applies and it has also been current considered as an exception site where the development of affordable housing will be permitted outside settlements on a site where housing would not normally be permitted subject to the evaluation of the following policy criteria.

10.2 *Affordable Housing on "Exception Sites" affirms that "development of affordable housing will be permitted outside settlements on a site where housing would normally be permitted, if it would meet all the following criteria:*

- (a) 100% of the dwellings are to be affordable and provided through a Registered Social Landlord;
- (b) The development will meet a particular local need that cannot be met in any other way;
- (c) The development is of a scale appropriate to the size, facilities and character of the settlements; and
- (d) The site adjoins the settlement.

10.3 Policy S7 seeks to protect the Countryside for its own sake and strictly controls development there. Paragraph 215 of the NPPF advises that due weight should be given to relevant policies according to their degree of consistency with it. A review of the Council's adopted policies advised that Policy S7 is only partly consistent with the NPPF. Nevertheless, it is your Planning Officer's view that the aim within Policy S7 of protecting or enhancing the character of the countryside is consistent with the NPPF, which at paragraph 7 seek to protect and enhance the natural, built and historic environment.

10.4 In policy terms 100% of the dwellings proposed within this exception site would be secured for affordable housing through a local registered social landlord (ie, Hastoe housing Association) subject to the completion of Section 106 Agreement. At the time of assessing the proposed development applicant supporting statement argued that if all the proposed dwellings are secured for affordable housing it would not make the proposed scheme viable. As a result the Council have commissioned KIFT Consulting to validate the Financial Viability Assessment for the development involving the construction of 11 residential dwellings; eight as affordable rent and three as open market sale. Such report findings would be reported in the addendum. As the proposal would provide opportunity in addressing local housing need it is therefore welcome as a benefit to rural housing needs. The immediate surroundings is characterised by open farmland, arable field, tree belt, two storey detached and semi-detached properties, Listed Building occupying different scales of plot sizes evidently shows that there is no dormant architectural character in the area with the exception of the modern two storey detached and semi-detached residential properties with their rear garden adjoining to some of the proposed two storey detached residential properties rear garden. Hence, the principle of the proposed affordable housing is not considered to be in conflict with Policy H11.

B Whether the scale, form, layout, appearance and design of the proposed development would harm the character of the area.

- 10.5 The existing houses which abut the rear limb of the application site comprised of modern two-storey detached and semi-detached brick-built houses, under tiled roofs. And with their back gardens with hedges abuts the rear limb of the application site. There is a single point of access with parking to the front of the dwellings and there is a public footpath from the access running in an easterly direction into the village. And opposite the site are the ends of gardens belonging to a pair of cottages, situated opposite the existing affordable housing which are rendered and tiled and adjacent to the water tower. The northern extremity of the site abuts rear gardens, and beyond which are the village hall and the recreation ground.
- 10.6 *Policy GEN2 affirms that development will not be permitted unless its design meets all the policy criteria to Policy GEN1 ...and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents...*
- 10.7 *And Policy H4 Backland Development) states that development of a parcel of land that does not have a road frontage will be permitted subject to the evaluation of this policy criterion...*
- 10.8 The application site is located at the rear of existing two storey semi-detached two storey residential building built in brick and tile roofing materials. The location of the proposed site does not have a road frontage as it is considered as an arable field and identified as an exception site. And the impact of such backland would be assessed whether they would harm the living conditions of the adjoining properties facing onto Mill Road. As the area is characterised by both detached and semi-detached two storey residential buildings in addition with other types and form of residential buildings and nearby listed building and water tower helped in shaping the form, height, plot sizes, appearance and design details of the proposed semi-detached residential houses so that they would be sympathetic to the character of the area. In order to ensure that the proposed external materials that would be used in constructing these proposed houses are satisfactory details of such external materials would be condition. The proposed residential buildings are designed to be easily accessible as they provide an environment which meets the reasonable needs of all potential users. The open amenity space on each individual plot provided a defensible space and helps to reduce the potential for crime including the boundary treatment. The principle approach of constructing the houses to the Passivhaus standards demonstrated measures of making the buildings to be very low in energy consumption through the use of very high levels of insulation and air tightness, controlled with mechanical ventilation and heat recovery system. Overall, the design approach when compared with the immediate built environment is considered compatible to the surrounding buildings.
- 10.9 The configuration, layout and the distance of the proposed scheme to adjoining properties are considered sufficient for example ranging from the front of the proposed scheme to the rear wall of the existing buildings directly facing Mill Road is approximately more than 40m between proposed dwelling houses identified as no. 6, 7, 8 and 9 respectively. They are considered sufficient to overcome any overlooking, overbearing, overshadowing or loss of sunlight. In addition, with new proposed boundary treatment it would assist to protect and safeguard the amenities of the existing adjoining residential buildings. In order to ensure that the proposed scheme would be easily accessible to those with disabilities details of the proposed scheme has been considered in light of the above advice and it can be confirmed that both the proposed internal layout, and circulation space of the individual proposed houses have

been designed to meet the needs of those with disabilities. Hence, in design terms the proposed development therefore is considered that it would not harm the living condition of the adjoining occupiers, and in policy terms it is not in conflict with Policy GEN2.

C Ecological impact

10.10 As the site is considered to be an arable with other features such as hedgerows and some trees the applicant is required to carry out an effective ecological report and phase 2 Botanical survey which would help to assess the ecological impact of the proposed development in accordance with Policy GEN7.

10.11 *Policy GEN7 states that development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protection, a nature conservation survey will be required. Measures to mitigate and / or compensate for the potential impacts of development, secured by planning obligation or condition, will be required. The enhancement of biodiversity through the creation of appropriate new habitats will be sought.*

10.12 In consultation with the Ecological Consultant at Place Services, advised that “the ecology report states that a ‘Phase 2 botanical survey’ should be undertaken. As a result of the absence of such botanical survey the Ecological Consultant have raised an objection and the applicant has been notified at the time of assessing this proposed development and they have come back to say that they are currently looking into such request of the Phase 2 Botanical Survey. The arrival of such survey details would be reported in the addendum.

D Impact on heritage asset

10.13 The historic environment record shows that the proposed development lies within where nationally important archaeological remains which policy ENV4 applies.

10.14 *Policy ENV4 Ancient Monuments and Sites of Archaeological Importance affirm that “where nationally important archaeological remains, whether scheduled or not, and their settings are affected by proposed development there will be a presumption in favour of their physical preservation in situ....”*

10.15 The Historic Environment Advisor has identified the application site among the list of heritage asset site with some archaeological remains. Given the location and configuration of the layout of the proposed development adequate mitigation measures are required to put in place to preserve the archaeological remains within the site. Hence, appropriate planning condition has been recommended to protect and safeguard any likely archaeological remains and findings within the site. This is therefore in accordance with Policy ENV4. And in consultation with the Sustainable Places [Planning Advisor, they have advised that the site is under a hectare in size, located in Flood Zone 1, therefore they have no comment to make.

E Traffic impact

10.16 One of the constraint to this application site is lack of existing approved access road via Mill Road and one of the opportunities that the proposed development would bring is to create an acceptable access road from Mill Road to access the proposed

affordable housing which could also provide means of improving the existing footpath and highway safety in the vicinity.

10.17 *Policy GEN1 states that development will be permitted if it meets all the following criteria:*

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

10.18 The proposed access to the site is located close to the western boundary to achieve the greatest degree of visibility in both directions considering the site is situated within a 30mph zone and visibility splays of 85 metres are shown in both directions (as deemed acceptable in the previous application for this site registered as (UTT/12/5473/OP). Applicant confirmed that they have negotiated with the Highway Authority regarding the necessary technical advice that would be required to create an acceptable access which would not compromise road safety. And in consultation with the Highway Authority they have advised that they did not object to this proposal subject to the implementation of the recommended appropriate planning conditions in order to protect and safeguard traffic in the area in accordance with Policy GEN1. As the site is easily accessible to other means of transportation such as through local rural bus services to reach nearby services and schools; overall the proposed development can be considered to have the same correspondence of mind with the creation of sustainable development.

F Impact on local infrastructure

10.19 The development of 11 affordable housing within this location of Wimbish could add more pressure to local infrastructure such as education capacity.

10.20 *Policy GEN6 affirms that development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority...*

10.21 As the proposed development would be 100% affordable Housing an exception would be made for not contributing towards financially for pre-school education capacity as the proposed scheme is not for profit. Although, it should be noted if such situation changes as the applicant is arguing that three of the houses are required for open market sale in order to make the proposed development viable. In consideration to such argument the Council have commissioned KIFT Consulting to validate the Financial Viability of Hastoe Housing Association. The outcome result of such viability validation would be reported in the addendum and if there Financial Viability Validation is considered to be acceptable the situation would revert for the Council to ensure that following three of the houses to be sold in the open market, the applicant would be required to make financial contribution towards the pre-school capacity in order to

mitigate the pressure of the proposal on such local infrastructure in accordance with Policy GEN6.

11. CONCLUSION

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

- 11.1 The development of 11 affordable housing within this exception site located outside development limits in policy terms is the type of location where the Council would allowed 100% of affordable housing in order to meet the housing needs in this part of the rural area in accordance with Policy H11 subject to the evaluation of its impact on the character, amenities, highway implication and local infrastructure. And the evaluation of the aforesaid planning issues have been carefully considered along with all representation and on balance the principle of the proposal is therefore considered acceptable.
- 11.2 The scale, form, layout, appearance, bulk, height, width, length and design of the two storey semi-detached two storey affordable housing are considered to be sympathetic to the character of the area and they would not detract from scale and character of the existing built environment. And the proximity, scale and design approach would not harm the living condition of the adjoining properties in terms of overlooking, overbearing, overshadowing or loss of sunlight. Hence the proposal is in accordance with Policy GEN2.
- 11.3 Given that the proposed site is an exception site which is also a backland development because it has no frontage access to an established road and situated at rear far end garden of existing two storey detached residential properties directly facing Mill Road. In order to safeguard the traffic in the area, the proposed access would be constructed towards the westerly frontage facing Mill Road in order to achieve adequate visibility splay. And details of the proposed access is considered acceptable subject to the implementation of the planning conditions recommended by the Highway Authority whom have also not raised objection to this proposal subject to their recommended planning conditions in order to protect and safeguard traffic in the area and other road users in accordance with Policy GEN1.
- 11.4 The scale of the proposed 11 affordable housing in terms of their location and position would not adversely harm the likelihood of any wildlife and trees that might be found following the result of the botanical survey and assessment of the existing local landscape character. Having assessed the character of the existing arable field it can be concluded that the proposal would not adversely harm the character, prominence and openness of the remaining part of open countryside situated at the northern part of the proposed site. On balance the proposal is not considered to be in significant conflict with policies S7, GEN7 and ENV8.
- 11.5 As the proposed site falls within exception sites, 100% of affordable housing would be secured. Although at the time of assessing this proposed development the applicant argued that such 100% affordable housing would not make the proposed scheme viable. Hence, the Council have commissioned KIFT Consulting to validate such financial viability details. For example; if the applicant financial viability details are considered to be acceptable; the Council would seek a financial contribution towards pre-school capacity due to the pressure of the scale of such development on local infrastructure.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO THE COMPLETION OF LEGAL AGREEMENT:

- (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 suitable provision of affordable housing
 - (ii) pay Council's reasonable legal 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 8 September 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 suitable provision of affordable housing

This is in accordance with Policy H11 of the adopted Local Plan (2005); because development of affordable housing will be permitted outside on a site where housing would not normally be permitted

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. Details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted and approved in writing by the Local Planning Authority prior to the implementation of the approved development.

REASON: In the interests of the appearance of the development and the visual amenities of the area in accordance with Policy GEN2 of the adopted Local Plan.

3. 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 adopted Local Plan (2005).

4. Prior to occupation of any dwelling, the provision of an access formed at right angles to Mill Road as shown in principle on Drawing No. 3128.04 Rev D. Details to be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.

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 Policy GEN1 of the adopted Local Plan (2005).

5. Prior to occupation of any dwelling, the provision of a footway from the newly created site access north east across the site frontage to join up with the existing footway outside 38 Mill Road to facilitate a safe pedestrian route to the nearby primary school, recreation ground and village hall. 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, sustainability and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

6. Prior to the implementation of the hereby development scheme details of 'Phase 2 botanical survey' shall be submitted and approved in writing by the Local Planning Authority.

REASON: In order to protect and safeguard wildlife within the site in accordance with Policy GEN7 of the adopted Local Plan (2005).

7. 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 immediately adjacent the site of a Corn Mill (EHER 251). The mill itself is identified on cartographic evidence back to the Chapman and Andre maps of 1777. Other mill sites excavated in Uttlesford and elsewhere in Essex have been found with associated medieval settlement, with the example at Stansted Airport dating back to the 13th century.

8. The details of the landscaping of the site required to be submitted shall include details of a scheme for the preservation or laying out of that part of the application site shown drawing no. 3128.10 REV C; 3128.11 REV. C and 3128.12 REV.D on the submitted/attached plan as amenity land.

REASON: To ensure quality of development and to safeguard local amenity and the environment, in accordance with Policies GEN2, [AIR6], ENV8, [ENV7], GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/1688/FUL

Address: Land at Mill Road Wimbish



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Organisation: Uttlesford District Council

Department: Planning

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