

UTT/14/0425/OP – Great Chesterford

Major application

PROPOSAL: Outline Planning with all matters reserved for residential development of up to 14 dwellings

LOCATION: Land North Of Bartholomew Close, Great Chesterford

APPLICANT: Mr Hamilton

AGENT: Cheffins

EXPIRY DATE: 30 September 2014

CASE OFFICER: Ann Howells

1. NOTATION

1.1 Outside Development Limits; small corner of site is in Conservation Area

2. DESCRIPTION OF SITE

2.1 The application site is located towards the edge of the village of Great Chesterford between a parcel of land currently being developed for 50 dwellings and an established estate. The site comprises undeveloped scrubland.

2.2 There are various trees and mature hedging along the boundaries of the site along with an entrance gate edge directly from Rookery Close.

2.3 The site levels rises gently from the entrance from Rookery Close towards the site to the north.

3. PROPOSAL

3.1 The application outline planning permission for the erection of up to 14 dwellings with all matters reserved.

4. APPLICANT'S CASE

4.1 The application proposes outline consent for the residential development of the site. All matters are reserved as it is recognised that the site has the potential to offer a significant level of benefits that are open for discussion and negotiation. The reserved matters can be agreed as a later date in conjunction with LPA and adjoining land owners.

4.2 The site comprises 0.45ha and at a density of 30dph equated to approximately 14 dwellings. The application looks to consider only the principle of residential development on the land with all matters reserved. Whilst layout and design are to be considered at the reserved matters stage the potential development of the site may be guided by the density of the neighbouring land, of which there is flexibility in the number of units up to 14 in total.

4.3 The plans submitted with this proposal show the application site only, include the detailed topographical survey and inform the relationship with the immediate adjoining land and the potential site capacity.

4.4 Whilst this submission has not undergone any public consultation process the site has been earmarked for development for a considerable length of time and the general consensus from the documents found, is that this site has been consistently promoted positively.

5. RELEVANT SITE HISTORY

5.1 UTT/0909/77/CA

5.2 SWR/0355/69

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 The Countryside
- Policy H10 Housing Mix
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN6 Infrastructure Provision
- Policy GEN7 Nature Conservation
- Policy GEN8 Vehicle Parking Standards
- Policy ENV1 Conservation Area
- Policy ENV3 Open Spaces and Trees
- Policy ENV7 The Protection of the Natural Environment – Designated Sites
- Policy ENV8 Other Landscape Elements of Importance for Nature Conservation
- SPD Energy Efficiency and Renewable Energy
- SPD Accessible Homes and Playspace
- Parking Standards – Design and Good Practise
- Essex Design Guide
- Essex County Council Highways – Development Management Policies

6.3 Uttlesford District DRAFT Local Plan

- Policy SP1 Presumption in Favour of Sustainable Development
- Policy SP2 Development within Development Limits
- Policy SP6 Meeting Housing Need
- Policy SP7 Housing Strategy
- Policy SP11 Protecting the Natural Environment
- Policy SP12 Accessible Development
- Policy SP14 Infrastructure
- Policy SP15 Deliver and Monitoring
- Policy Great Chesterford Policy 2 – Land South of Stanley Road
- Policy HO1 Housing Density
- Policy HO2 Housing Mix
- Policy HO5 Affordable Housing

- Policy HO6 Housing Mix
- Policy HO7 Affordable Housing
- Policy EN1 Sustainable Energy
- Policy EN2 Environmental and Resource Management
- Policy EN7 Surface Water Flooding
- Policy EN5 Pollutants
- Policy EN6 Minimising Flood Risk
- Policy EN10 Sustainable Energy and Energy Efficiency
- Policy DES1 Design
- Policy HE3 Scheduled Monuments and Sites of Archaeological Importance
- Policy HE4 Protecting the Natural Environment
- Policy HE5 Traditional Open Spaces and Trees
- Policy TA1 Parking
- Policy INF1 Protection and Provision of Open Space, Sports Facilities and Playing Pitches

7. PARISH COUNCIL COMMENTS

- 7.1 With reference to this application, Great Chesterford Parish Council would like formally to request that one of the affordable properties, preferably a bungalow, is allocated for local need.
- 7.2 Great Chesterford Parish Council objects to this Application due to the insufficient detail available. The principal issue with the application is that of access:

- The site is constrained in terms of access and there are 4 principal considerations:

i) A suggested option is access only by Rookery Close: this is an unacceptable option as the feeder roads to this entrance are already beyond their design capacity due to parked cars and excessive residential traffic on the feeder road all the way to Jacksons Lane. The road at the access gate is not appropriate for construction traffic, and the Rookery Close to Spencer Road route is not suitable for construction traffic.

ii) A second suggested option is access only by the adjoining development. This is an unacceptable option due to the increased volume of construction and eventual traffic flow on Stanley Road. The adjoining development has however made provision for access to this site at the request of the Parish Council which has been accepted but the timing of delivery of this is uncertain. The purpose of this access is to integrate both developments to the centre of the village, to provide for road access between the two sites and to provide the cycle link which is a planning requirement.

iii) There is the possibility of access by both entrances. This is the preferred option of the Parish Council and would relieve the over-use of Rookery Close and Spencer Road by offering alternative routes out to Jacksons Lane. It would be detrimental to the quality of life for existing residents near the Rookery Close entrance to the site and also the residents of Stanley Road should access only be via one or the other. It would be beneficial to existing traffic flow issues encountered along the rest of Rookery Close and Spencer Road if a twin-entrance option were proposed. This would also support the idea to connect both sites to the centre of the village.

iv) The adjoining development and this development are to be connected to the centre of the village. For that to happen a minimum of a foot or cycle path needs to be in place to connect to either the road or footpath starting at The Rookery Close entrance and this needs to be identified in any application.

- 7.3 The Parish Council cannot support an outline application for up to 14 dwellings on this site with access as a reserved matter as the above principles/issues need to be able to be addressed adequately before development of this site can be said to be acceptable in planning terms.

In addition, the Parish Council has concerns about development on this site for the following reasons:

- 7.4 (i) Housing type/design
The village has a preference for bungalows. High Street residents are very concerned at the topography as the land on this development is higher than the land upon which houses are situated on the High Street that back onto this development. This leads to a legitimate concern of overlooking from this development. Height restriction preference on the site is therefore 1 to 1.5 with a maximum of 2 storeys for a limited amount of dwellings depending on location. It is also a concern that the design and orientation of these dwellings is sympathetic to both the existing houses on Rookery Close and to the new development to the north of the site.
- 7.5 (ii) Housing volume
There is some confusion as to the volume of dwellings proposed. Preference is for less than 14 houses due to traffic implications on all feeder road options.
- (iii) Landscaping
This development and the adjoining development directly back onto the conservation area. The natural habitat that currently bounds the site and supports the conservation area must be retained including a line of fir trees are shown in the outline plan at the specific request of neighbouring residents.
- (iv) Construction traffic
There is no capacity to accommodate workers cars vans or trucks on any of the feeder routes to the site. A construction traffic management plan is therefore essential and until basic details have been seen by the Parish Council and residents this will remain a serious concern regarding development of this site. Any application including an outline application needs to address this issue to the satisfaction of the village.
- 7.6 Following re validation of the application – Object as there is still insufficient detail to allow proper consideration.

8. CONSULTATIONS

Highways Agency

- 8.1 As the proposed development will not affect the safety or operation of the M11 trunk road the Highways Agency wishes to offer no objection.

ECC Archaeology

- 8.2 A programme of Trial Trenching followed by Open Area Excavation.

ECC Education

- 8.3 Request s106 to include financial contributions towards education.

ECC 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.

8.5 Following a submission of a Transport Capacity Study – Highways made the following comments:

The document examines whether the access options to the site have sufficient capacity to cater for the proposed development of 14 dwellings. There are 2 possible means of access, either from Bartholomew Close or from the recently consented site to the north, 50 dwellings, which exits through Stanley Road exiting on to Jackson's Lane. The document adds up the number of dwellings served off both Stanley Road and Spencer Road and then describes the varying road widths to the site access. These are then assessed against the requirements as set out in the Essex Design Guide. The conclusions drawn are that the proposal of 14 dwellings can easily be served off either the gated site access in Bartholomew Close or from the site for 50 dwellings currently under construction which takes access from Stanley Road. The document then considers the visibility at the junctions of Stanley Road and Spencer Road with Jacksons Lane and concluded that the available visibility is good and both junctions could easily accommodate additional traffic.

8.6 I consider the document to be accurate and agree with the conclusion that either access option would provide adequate highway capacity to serve the site and would not give rise to any highway safety issues.

8.7 The Highway Authority has 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.

8.8 Informative:

- (i) All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority.
- (ii) 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.
- (iii) 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.
- (iv) The parking provision for cars, cycles and powered tow wheelers should be in accordance with the Parking Standards Design and Good Practise September 2013 and Uttlesford Local Residential Parking Standards February 2013.

8.9 Following submission of a Transport Capacity Study – Highways

ECC SuDS

8.10 Unfortunately as the site area is less than 1 hectare, we are unable to comment.

UDC Housing

8.11 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils 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.

8.12 The affordable housing provision on this site will attract the 20% policy requirement as the site is for 14 (net) units. This amounts to 3 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

8.13 The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, with good integration within the scheme and be predominately houses with parking spaces.

Land North of Bartholomew Close. Great Chesterford. UTT/14/0425/OP

S106 Figures					
Tenure mix	1 bed	2 bed	3 bed	4 bed	
affordable Rent non bungalows	0	2	0	0	2
affordable Rent bungalows	0	0	0		0
SUB TOTAL A/R	0	2	0	0	2
shared ownership non bungalows	0	1	0	0	1
shared ownership bungalows	0	0	0		0
SUB TOTALS/O	0	1	0	0	1
GRAND TOTAL AFFORDABLE UNITS	0	3	0	0	3
MARKET BUNGALOWS		1			

8.14 It is also the Councils' policy to require all units delivered to the Lifetimes Home Standard with 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 1 bungalow across the site for open market.

8.15 Following reconsultation – the preference would be for the wheelchair property to be for the affordable housing as Gt Chesterford is such a sustainable location.

Sport England

8.16 Do not wish to comment on this particular application.

Natural England

8.17 Statutory nature conservation sites

No objection

8.18 Protected species

Have not assessed the application and associated documents for impacts on protected species.

8.19 Biodiversity offsetting

The proposed development is within the Essex biodiversity offsetting pilot area. The pilot is testing a new, voluntary approach to offsetting the impacts of development on biodiversity through the planning system.

9. REPRESENTATIONS

9.1 19 representations have been received.

9.2 Below is a summary of response:

- The planning statement says that there are two feasible access routes to the site. One is via Rookery Close but the other is not specified.
- The route via Spencer Road and Rookery Close is already congested by cars parked, often on the pavement. The bends in the roads mean there are poor sight lines and cars have to drive round blind bends on the wrong side of the road. To avoid a collision vehicles often mount the pavement creating danger to pedestrians. If a site visit is made to assess the situation it should take place outside office hours.
- People push children in pushchairs on the road because vehicles were parked on the pavement.
- It is only about fifty metres from Rookery Close/Pilgrim Close junction to the entrance to the proposed site. The road along this stretch has three bends in it and narrows to 4.8m width even where there are no parked cars. Two other roads, Bartholomew Close and Wakefield Close, as well as driveways from houses join Rookery Close along this section of road.
- The extra traffic generated by fourteen additional dwellings at the end of Rookery Close would make the current dangerous traffic conditions from Jackson's Lane to the site intolerable and a recipe for disaster.
- Policy GEN1 states inter alia that 'development will only be permitted if access to the main road network is capable of carrying the traffic generated safely; the surrounding network has sufficient capacity...' For the reasons given I do not believe that the proposed development for up to fourteen dwellings complies with GEN1 if access is via Rookery Close.
- Do not object to the proposed housing concerned re access.
- Access from Rookery Close to the access is not wide enough for two cars to travel in opposite directions, let alone larger vehicles.
- The suggestion that people should use modes of transport other than the car is not always feasible due to the lack of buses serving the village.
- Due to the limited information accompanying this application it is difficult to comment specifically on the suitability of the proposed development.

- Would like assurance that the trees along the south west boundary, allowing some degree of privacy and natural habitat for wildlife, be retained should the development proceed.
- UDC Planners need to be aware that there is a ransom strip running the full length of the western side of this site. As there is a requirement in the draft LDF for Policy Area 2 for a cycle path to run through the whole policy area (both separate sites) into Rookery Close, the wording in the legal document needs to be free from any ambiguity with regards to 'site' boundaries as no access information has been provided with this application.
- Although the Government have changed the regulations and this application meets the legal requirements for determination of an Outline application it is impossible to assess the impact this development may have without access information.
- The development of Little Field will remove a much needed green field barrier between the Bellway and Rookery/Pilgrim Close estates. Without the field there will be one large densely packed housing estate of approximately 200 houses. I believe that this is undesirable and not in keeping with the character of this village.
- The Draft Local Plan for the land to the south of Stanley Road asked for certain criteria to be met. One of these reads as follows 'it provides for pedestrian and cycleway links from Stanley Road through the development to Bartholomew Close to the south. Vehicle access was not mentioned.
- Residents of Rookery Close have already commented on the limited access available to the proposed site. With the knowledge that the Parish Council were in favour of any future development on this land being linked to the Stanley Road build and Rookery Close, we are now concerned that this could possible mean that the Stanley Road residents face not only traffic from 50 new homes, another 14 from the new build and if also linked to Rookery Close, who knows how many more vehicles.
- If there is insufficient access from Rookery Close, can we please ask for access only from the Stanley Road new build and have just a footpath through Rookery Close. This would ensure that the traffic disturbance would only increase by 14 homes.
- All housing developments within Gt Chesterford are cul de sacs.
- Concern over the state of roads in Great Chesterford; no village shop and that the school is at capacity.
- Disappointment that the Council feels the need to expand Great Chesterford.
- The existing levels of pavement and street parking throughout Rookery Close.
- The existing width of the road throughout Rookery Close.
- The inevitable increase in the volume of traffic travelling through Rookery Close.
- Impact on wildlife
- Village 'feel' requires a very delicate balance.
- Not enough detail submitted
- No requirement to build more houses in Great Chesterford
- Extra building work would be detrimental to the surrounding area, local residents and wildlife.
- Rookery Close is very narrow.
- Loss of green space – the field separates the housing at Rookery Close and Four Acres, as a picturesque village this area of green space provides local residents with a feeling of countryside.
- This green space does provide an area for wildlife.
- Lack of trees would greatly reduce privacy to houses and leave the vicinity just concrete and bricks.
- The existing levels of pavement and street parking throughout Rookery Close

- The existing width of the road throughout Rookery Close
- The inevitable increase in the volume of traffic travelling through Rookery Close.
- Many commercial vehicles already mount the pavements (to the side of 1 Bartholomew Close or to the front of 15/17 Rookery Close) in order to manoeuvre and/or turn round.
- Given pavement parking, curvature of the opposite pavement, together with the remaining width of road it is unlikely that any other commercial or delivery vehicle etc will be able to pass without mounting the pavement.
- The existing trees and shrubs are an integral and invaluable part of the existing, natural landscape.
- Highways in need of repair, the drainage system needs addressing and there is now village shop.
- School unlikely to cope with numbers.
- Additional traffic through Stanley Road.
- Urbanisation and density will prevail.
- With building work on adjacent site it would appear unfair for the extremely unpleasant conditions to continue even longer with the building of yet another estate.
- The proposed development will not benefit the village but will only add to its problems.
- Strongly support the Parish Council that dual vehicle access is required for this site.
- A through access would help relieve the congestion around Rookery Close and create a natural flow between the existing houses and this new development.
- Concern regarding potential overlooking due to the varying levels in and around the site.

10. APPRAISAL

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

- A Whether development of the land for housing is acceptable in principle having regard to policy seeking protection of the character and appearance of the countryside and Government advice which seeks delivery of new homes (National Planning Policy Framework (NPPF); Uttlesford Local Plan (ULP) 2005 Policy S7).
- B Whether the proposed housing would be acceptable in detail having regard to highway safety, the character and appearance of the area, amenity of neighbouring properties and affordable housing provision (NPPF; ULP Policies GEN1, GEN2, GEN6, GEN8, SPD Accessible Homes and Playspace, Essex County Council Highways – Development Management Policies).
- C Whether there would be any harm to the residential amenity of neighbouring properties as a result of overlooking, overshadowing or overbearing impact, noise or disturbance (ULP Policies GEN2 and GEN4).
- D Whether there would be harm to wildlife and protected species (NPPF and ULP Policy GEN7).
- E Any other material consideration.
- A Whether development of the land for housing is acceptable in principle having regard to policy seeking protection of the character and appearance of the countryside and Government advice which seeks delivery of new homes**

(National Planning Policy Framework (NPPF); Uttlesford Local Plan (ULP) 2005 Policy S7).

- 10.1 The land is outside development limits for the purposes of Uttlesford Local Plan (ULP) adopted 2005. The principle of the development needs to be judged against saved policy S7 – the Countryside of the ULP S7. However the site is an allocated site within the Draft Local Plan. The Draft Local Plan has been submitted to the Planning Inspectorate and holds greater weight as it travels through the process.
- 10.2 ULP Policy S7 states that ‘the countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. New dwellings outside of development limits do not normally meet the exceptions of ULP S7 and would fail to protect the character and appearance of the countryside.
- 10.3 The site, whilst on the edge of the development boundaries for Great Chesterford, is currently surrounded by residential development of all ages, with the site to the north east just having secured planning permission for 50 dwellings.
- 10.4 The National Planning Policy Framework establishes that a 5 year supply of housing land should be maintained. The Uttlesford Council Housing Trajectory and 5-year land supply shows past and future housing performance. The Council can demonstrate the five year land supply can be met. Therefore in this instance this proposal is considered against different criteria.
- 10.5 Given the location of the site with residential development surrounding the site and the location close to transportation links, education etc the proposed development would meet the requirement of the NPPF as it is a sustainable site.
- 10.6 As such it is considered that the principle of development for housing would be in accordance with the NPPF. Furthermore, Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.

B Whether the proposed housing would be acceptable in detail having regard to highway safety, the character and appearance of the area, amenity of neighbouring properties and affordable housing provision (NPPF; ULP Policies GEN1, GEN2, GEN6, GEN8, SPD Accessible Homes and Playspace, Essex County Council Highways – Development Management Policies).

- 10.7 The detail applicable to a housing scheme is not for consideration as all matters are reserved for future consideration save the principle of development. Notwithstanding, it is necessary to consider whether the application site is likely to accommodate such housing.
- 10.8 Access is a reserved matter and not for approval. Highways do not wish to raise an objection.
- 10.9 Significant concern has been raised by local residents regarding highway safety – both vehicular and pedestrian.
- 10.10 The application indicates that there is the potential of two access points on to the site – 1 via Bartholomew Close and 2 via Stanley Road and the new development currently

under construction. Concerns have been raised by direct neighbours that the access via Rookery Close would not be acceptable given the narrowness of the road leading to the site – not always 4.8metres in width as described. This may cause large vehicles to mount the footpath which may cause harm to pedestrians/other highway users.

- 10.11 Highways conclude either access option would provide adequate highway capacity to serve the site and would not give rise to any highway safety issues.
- 10.12 Policy H10 requires this site provide a significant proportion of housing of housing as 'small properties'. Small properties are defined as two and three bed homes. Details of types of dwellings have not been included and therefore a condition can control provision of an appropriate mix.
- 10.13 In accordance with the Council's SPD new housing development of between 10 and 20 units the council will require that at least one dwelling is built to wheelchair accessible standards and therefore a condition can control provision of a wheelchair accessible dwelling.
- 10.14 ULP Policy GEN6 relates to developments needing to ensure adequate infrastructure provision, in some instances required by payment of appropriate costs to the relevant statutory authority. There would be a requirement for the provision of additional school places. Essex County Council has assessed the application and according to their forecasts predicts a need for additional primary and secondary school places as well as secondary transport. This can be secured by legal obligation as can affordable housing and an area of open space.
- 10.15 No indicative plans have been submitted to show that parking provision would meet the current requirements of the minimum sizes recommended within the Supplementary Planning Document Essex County Council Parking Standards (adopted 2009). However, the application is for outline with all matters reserved and therefore any reserved matters application would need to demonstrate that the site would be able to accommodate adequate parking provision for the number of houses proposed.
- 10.16 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 Council's 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.
- 10.17 In March 2014 The Council adopted an amended/updated guidance document in respect of developer contributions. The Strategic Market Area Assessment indicates that a development of between 5 and 14 dwellings would require 20% affordable housing provision (rounded up) and this can be secured by way of a legal agreement.

C Whether there would be any harm to the residential amenity of neighbouring properties as a result of overlooking, overshadowing or overbearing impact, noise or disturbance (ULP Policies GEN2 and GEN4).

- 10.18 The scheme is for residential dwellings. Given the nature of the development and the amount of proposed dwellings, the proposal would have no long-term adverse impact in terms of causing undue noise or disturbance on the surrounding residential dwellings in accordance with Policy GEN4 of the Local Plan.
- 10.19 There may be a potential for some initial disturbance due to the development of the site but this would be limited to the length of time of the construction of the development.

- 10.20 There are controls outside of planning which would deal with any noise disturbance if this was to become an issue.
- 10.21 The application is outline with all matters reserved and following change in Government legislation in 30 June 2013 removes the requirement to submit indicative layout and min/max heights.
- 10.22 The Planning Statement indicates that although the access is not being considered at this time there is scope to access the site via one of several different access points. These are either via the neighbouring site which has been approved for residential development or via existing gated access from Rookery/Bartholomew Close. Therefore at this time the impact from vehicles cannot be assessed.
- 10.23 A mix of comments from neighbouring owners and Parish with regard the vehicular access. Residents both in Rookery/Bartholomew Close and Stanley Road are concerned that a through road would bring a lot more traffic through their roads. As previously stated without the details of the access at this time the impact cannot be assessed. If the application is approved then a detailed application would need to be submitted and this would be considered at this stage.
- 10.24 The properties could be designed so as not to result in any detrimental impact to neighbours amenity by way of overlooking, overshadowing or overbearing detrimental impact to neighbours amenity. The site has some mature planting along boundaries and where possible this should be retained in particular near the boundary with 17 Rookery Close and 4 and 5 The Willows to ensure that any potential overlooking/overbearing impact is minimised.
- 10.25 The reserved matters application would need to show how the dwellings as proposed would be able to be accommodated satisfactorily on the site to an appropriate level of design without causing any adverse effects on the amenity of residents of adjacent properties. The development along this piece of road is linear in nature and the majority of dwellings are detached/ semi-detached, set back from the road/open on to the road, with large gardens and off road parking. The design and layout of the site would need to be considered at detailed application submission if this proposal is acceptable.

D Whether there would be harm to wildlife and protected species (NPPF and 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.

- 10.28 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".

10.29 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. The biodiversity questionnaire answered no to most question apart from the removal of trees. With regards to this application, the area of land is mainly closely cut grass with trees and shrubs. An ecological survey was undertaken as part of the application and the details noted.

10.30 However, due to the nature of the application with all matters reserved it is difficult to assess any potential impact on Ecology and Bio-diversity. Any application for reserved matters would need to ensure that up to date surveys were undertaken and that potential harm is addressed and any impact would need to be assessed at the reserved matters stage.

E Any other material consideration.

10.31 The Draft Local plan requires any application for this site to provide at the very least a cycle/pedestrian access through to the new development currently under construction.

This can be recognised as a provision within any legal obligation.

11. CONCLUSION

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

1. The proposed development is in a sustainable location and the site has been identified within the Draft Local Plan. Therefore the proposal is considered to meet the requirements of the NPPF.
2. The application has all matters reserved and therefore not all issues can be considered at this time. Highways concerns by local residents have been considered by Essex County Highways and the view is that the proposed development can easily be accommodated via either access indicated in the transport plan. Overlooking/overbearing concerns will need to be considered at reserved matters stage due to the nature of this outline application.
3. There are no immediate concerns relating to Ecology and Bio-diversity but given the nature of the application with all matters reserved this cannot be fully investigated at this time and additional details would need to be submitted with any reserved matters application.

RECOMMENDATION – CONDITIONAL APPROVAL subject to a s106 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 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) A provision of at least 5% (rounded up) older persons 1 and 2 bedroom bungalows across tenure.
 - (ii) A provision of at least 5% (rounded up) dwellings which are built to wheelchair accessible standards across tenure.
 - (iii) Financial contribution towards primary and secondary education provision (final values to be set based upon number and mix of dwellings at Reserved Matters Stage).
 - (iv) A provision of 20% affordable housing – rounded up
 - (v) The Cycle Way shall start and finish at a boundary of the land and the owners shall not after the dwelling adjacent to the Cycle Way have been occupied cause there to be any barrier to impede passage by pedestrians and cyclists along the Cycle Way wither at the boundaries of the Land or at any point on the Land to enable future development to be linked to the Cycle Way without further permissions or payment.
 - (vi) Pay the Council's reasonable costs
 - (vii) 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 26 September 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) A provision of at least 5% (rounded up) older persons 1 and 2 bedroom bungalows across tenure.
 - (ii) A provision of at least 5% (rounded up) dwellings which are built to wheelchair accessible standards across tenure.
 - (iii) Financial contribution towards primary and secondary education provision (final values to be set based upon number and mix of dwellings at Reserved Matters Stage).
 - (iv) A provision of 20% affordable housing – rounded up
 - (v) The Cycle Way shall start and finish at a boundary of the land and the owners shall not after the dwelling adjacent to the Cycle Way have been occupied cause there to be any barrier to impede passage by pedestrians and cyclists along the Cycle Way wither at the boundaries of the Land or at any point on the Land to enable future development to be linked to the Cycle Way without further permissions or payment.

Conditions

1. Approval of the details of the access, layout, scale, landscaping and appearance (hereafter called 'the Reserved Matters') shall be obtained from the Local Planning

Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. 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 to submission of reserved matters.

REASON: The application submitted has failed to assess the Historic Environment in any way. The Historic Environment Record shows that the proposed development area lies in a potentially highly sensitive area of Great Chesterford. Although outside of the nationally protected area of the walled Roman town there is high potential for Roman deposits surviving in this area. To the north east lies between two Roman roads (HER 4848 and 4986). Archaeological trial trenching and excavation in the area immediately adjacent to the development area has found quantities of high quality Roman pottery, a road side ditch and well. A single burial was also excavated indicating the potential presence of a cemetery in the area.

The Roman material found on the very boundary of this site suggests a Roman settlement or building in very close proximity to the development area.

The archaeological work would comprise initial trial trenching to establish the nature and extent of archaeological deposits followed by open area excavation where required. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by ECC Archaeology. Uttlesford Local Plan Adopted Policy ENV4 and Uttlesford Draft Local Plan Policy HE3.

4. 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 application submitted has failed to assess the Historic Environment in any way. The Historic Environment Record shows that the proposed development area lies in a potentially highly sensitive area of Great Chesterford. Although outside of the nationally protected area of the walled Roman town there is high potential for Roman deposits surviving in this area. To the north east lies between two Roman roads (HER

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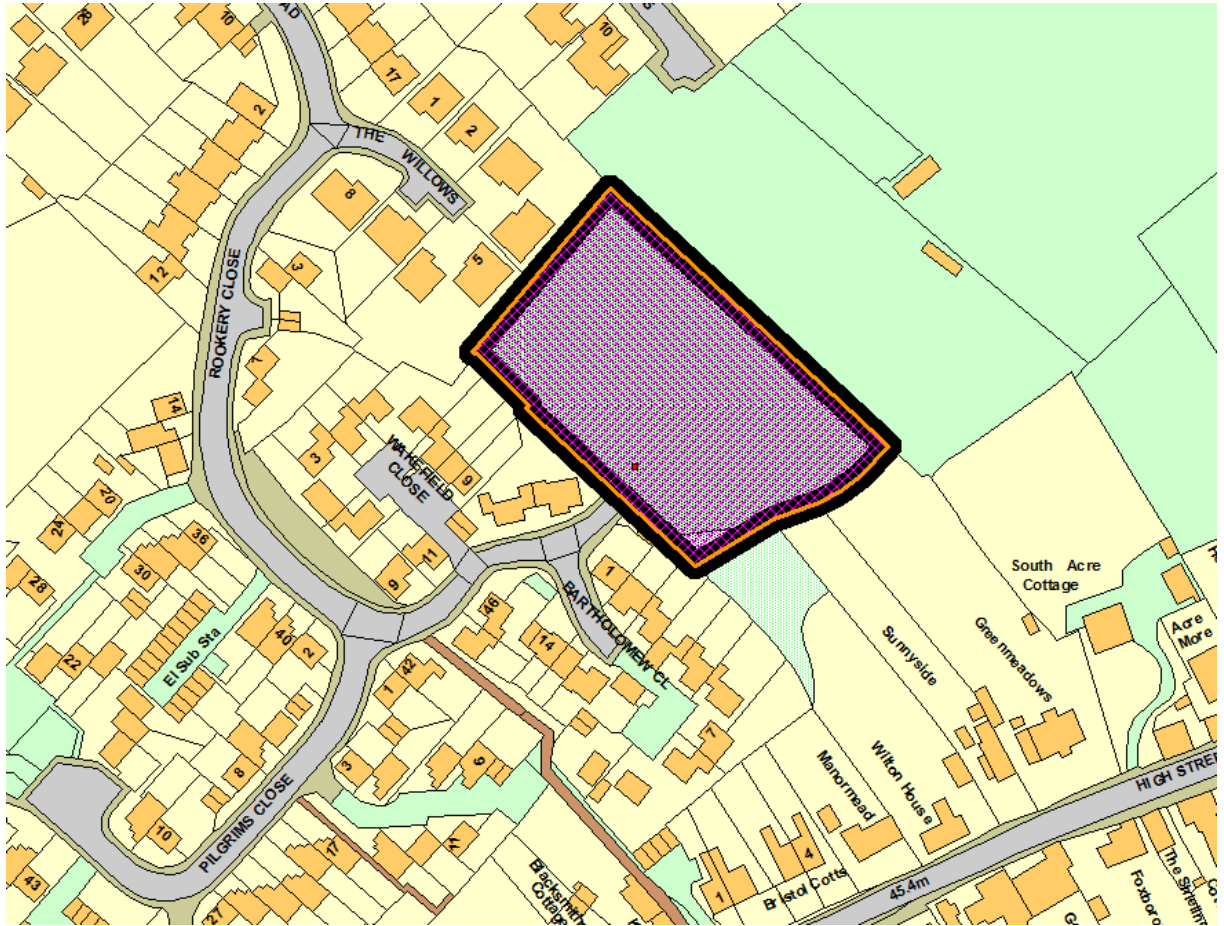
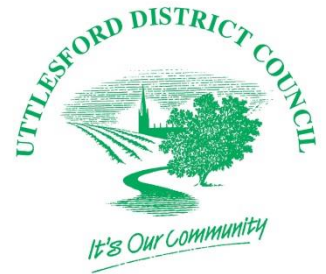
5. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of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

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Application No. :UTT/14/0425/OP
Address: Land North Of Bartholomew Close
Bartholomew Close
Great Chesterford



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Organisation:	Uttlesford District Council
Department:	Planning
Date:	4 September 2014
SLA Number:	100018688