



Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Wednesday, 10 December 2014
Time: 14:00
Venue: Council Offices
Address: Council offices, London Road, SaffronWalden, CB11 4ER

Members: Councillors C Cant, J Cheetham (Chairman), J Davey, K Eden, R Eastham, E Hicks, M Lemon, J Loughlin, K Mackman, J Menell, D Perry, V Ranger, J Salmon, L Wells

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest.**
To receive any apologies and declarations of interest.
- 2 Minutes of the previous meeting** 7 - 12
To consider the minutes of the meeting held on 12 November 2014
- 3 Matters arising.**
To consider matters arising from the minutes
- 4 Planning Applications**
 - 4.01 UTT/14/2133/DFO Stansted** 13 - 24
To consider application UTT/14/2133/DFO Stansted

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| 8 | Chairman's urgent items
.To consider any items that the Chairman considers to be urgent. | |

MEETINGS AND THE PUBLIC

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The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2.00 pm on 12 NOVEMBER 2014**

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

Officers in attendance: E Allanah (Senior Planning Officer), M Cox (Democratic
Services Officer), K Denmark (Development Management Team
Leader), S Heath (Planning Officer), C Oliva (Solicitor), M Shoosmith
(Development Management Team Leader) L Smith- Evans (Planning
Officer), A Taylor (Assistant Director Planning and Building Control)
and C Theobald (Planning Officer).

PC40 WELCOME

The Chairman welcomed members from Antrim and Newtonabbey District
Council who were on a study visit and observing the meeting.

She reported changes to the committee membership. Councillor Mackman was
now representing Residents 4 Uttlesford. Councillor Lemon would be replacing
Councillor Godwin as the Independent Group's representative. The Committee
thanked Councillor Godwin for the valuable contribution she had made to the
committee throughout her 10 years of membership.

PC41 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Lemon.

Councillors Perry, Menell, Ranger and Loughlin declared non - pecuniary
interests in application UTT/14/2948/FUL Saffron Walden as members of the
Housing Board.

Councillor Hicks declared a non- pecuniary interest in application
UTT/2412/HHF Felsted as he knew the applicant.

PC42 MINUTES OF THE PREVIOUS MEETINGS

The minutes of the meeting held on 15 October 2014 were received, confirmed
and signed by the Chairman as a correct record.

PC43 BUSINESS ARISING

i) **Minute PC 37 – TPO/2749 Landscape View Saffron Walden**

Councillor Perry said that the website was still showing this application awaiting determination. The Assistant Director said he would follow this up.

PC44

PLANNING APPLICATIONS

(a) Approvals

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

UTT/14/2812/OP Takeley – outline application with some matters reserved for the development of a hotel comprising 8670sqm of accommodation space (329 bedrooms) and associated parking and vehicle access – Land south west of Enterprise House, Stansted Airport.

Subject to the following additional condition

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) hours of working on the construction site
 - ii) route of construction traffic including proposed signage for the approved route
 - iii).the parking of vehicles of site operatives and visitors
 - iv).loading and unloading of plant and materials
 - v).storage of plant and materials used in constructing the development
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vii) measures to control the emission of dust and dirt during construction
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of the amenity of surrounding locality and business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

UTT/14/2370/FUL Berden – removal of existing storage buildings and erection of 1 new residential dwelling (alternative proposal to that approved under UTT/13/2888/FUL) land at Frances Farm, Pelham Road for Mr John Poulter.

Subject to the following amendments to conditions

- i) Condition 2 to read

Prior to the erection of the dwelling hereby permitted (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of that dwelling and its enclosing garden wall as hereby permitted shall be submitted to and approved in

writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)."

ii) Condition 3 – remove from conditions and add as an informative note

iii) An additional condition to read

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

George Ford spoke in support of the application.

UTT/14/2412/HHF Felsted – proposed demolition and replacement of two storey extension – the Old Post House for Mr Alan Mills.

Subject to the following additional condition

The first floor corner obscured glazed window to the gable extension shown on plan 14/04/04 REV B is to be removed and replaced with weather boarding to match the proposed external construction materials

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policies GEN2 and H8 of the Uttlesford Local Plan (adopted 2005).

UTT/14/2413/LB Felsted – proposed demolition and replacement of two storey extension - The Old Post House for Mr Alan Wells.

UTT/14/2545/FUL Little Bardfield – site security system for monitoring The Hydes solar park comprising 23 no. wooden poles and CCTV cameras (retrospective) – Hydes Farm for Lightsource Renewable Energy Ltd.

Subject to an additional condition to require the landscaping planting to commence within 4 months.

Jonathon Wright spoke in support of the application

UTT/14/2951/HHF Ashdon – replacement single storey side extension – 1 Crown Hill, Barlow Road for Ms Rachel Linton.

UTT/14/2952/LB Ashdon – replacement single storey side extension – 1 Crown Hill, Barlow Road for Ms Rachel Linton.

UTT/14/3121/NMA Saffron Walden – non material amendment to UTT/14/1111/HHF – All elevations changed to render, existing window to study (south elevation) blocked up, lean to roof front and side elevations reduced in height and separated from main roof on north side – 31 -33 Thaxted Road for Ms Swain and Mr Harvey.

UTT/14/3181/NMA Saffron Walden – non material amendment to UTT/1633/12/FUL– Additional window to ground floor front elevation, removal of internal wall in kitchen and installation of RSJ to support. Installation (temporarily prior to rear extension) of a velux window to current, rear extension, kitchen roof – 53 Landscape View for Mr Ketteridge.

(b) Approvals with legal obligations

UTT/14/2333/FUL Debden – erection of 2 detached dwellings with associated access and garaging – land south of Hill House, Church Lane for Mr and Mrs McCahill.

RESOLVED that conditional approval be granted for the above application

- 1 subject to the conditions set out in the report and the following amendments and additions
 - i) Condition 2 a) - to read 'slab levels'
 - ii) Remove conditions 3
 - ii) An additional condition as follows

Should the development hereby approved not have been commenced within one year of the date of this planning permission, a further biodiversity survey of the site shall be carried out to update the information previously submitted with the application together with a mitigation strategy to mitigate the impact of the development upon the identified protected or priority species. The new biodiversity survey and mitigation strategy shall be submitted to and be approved in writing by the Planning Authority prior to the commencement of the development hereby permitted and thereafter the development shall be implemented in accordance with the approved biodiversity survey and mitigation/compensation strategy.

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 ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 2 A legal obligation as follows
 - (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a

form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) secure contribution towards affordable housing
- (II) 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 November 2014, the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
 - (i) lack of contribution towards affordable housing

A statement was read on behalf of Councillor Knight. Lord Vernon, Jane Pearce, Ilse Pedlar, and Roy Pedlar (statement on behalf of Henry Blackie and Ursula Lyons) spoke against the application. Mr McCahill spoke in support of the application.

(c) Deferral

UTT/14/2655/FUL Henham – Erection of 21 dwellings with associated garages, parking and landscaping with two vehicular accesses to highway – Land south of Chickney Road for Crest Nicholson Eastern.

Reason: for further discussions on the layout of the scheme and report back to the next meeting

Council Morson and Nick Baker (Parish Council) spoke in support of the application. Andy Butcher (agent) spoke in support of the application.

(d) District Council development

UTT/14/2948/FUL Saffron Walden – proposed additional sheltered residential unit, extensions and external alterations to the existing building with associated alteration to external areas Hatherley Court, Chaters Hill for Uttlesford District Council

RESOLVED that pursuant to the Town and Country Planning (General) Regulations 1992, permission be granted for the development proposed subject to the conditions in the officer's report.

Subject to the amendments to the following conditions

- i) Condition 2(d) to read 'no fires shall be lit.'
- ii) Condition 4 to read 'The clay pantiles shall be used unless otherwise first agreed in writing by the local planning authority'.
- iii) Condition 5 to read 'The specified walls to the development hereby permitted shall have a smooth rendered surface and brick works shall match existing.'

Andrew Collet spoke in support of the application

PC45 **UTT/14/3000/TCA SOUTH STREET SAFFRON WALDEN**

The Committee considered a request to reduce in overall size and height 1 no. Rhus tree located at 1 Alpha Place South Street, Saffron Walden in order to clear telegraph lines and a public walkway.

RESOLVED that no objection be raised to the proposed works.

PC46 **APPEAL DECISIONS**

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

PC47 **PLANNING AGREEMENTS**

The Committee received the schedule of outstanding 106 agreements.

The meeting ended at 5.05 pm.

UTT/ 14/2133/DFO (STANSTED)

MAJOR

PROPOSAL: Details following outline application UTT/13/1959/OP- Details of Landscaping, scale and appearance.

LOCATION: Elms Farm Church Road, Stansted Essex

APPLICANT: Knight Development and Gemmill Bros Ltd

AGENT: Shrimplin Brown Ltd

EXPIRY DATE: 12 November 2014

CASE OFFICER: Emmanuel Allannah

1. NOTATION

1.1 Outside Development Limits, Green Belt, Flood plain Zone 2 and 3.

2. DESCRIPTION OF SITE

- 2.1 The site comprises 13.92ha and is located on the southern side of Stansted, adjacent to the railway line and Stansted Brook. The site comprises an area of land which includes the buildings at Elms Farm and an area of parkland to the east and which rises up to the north. Vehicular access is from Church Road to the west.
- 2.2 Elms Farm is currently in use for livery and contains a mixture of traditional and more modern farm buildings and stables, many of which are run-down. A manege is located within the range of buildings and the area between the manege and the brook is currently used for external storage and provides parking for a collection of horse boxes whilst the area further east is used for storing wrapped hay/straw bales.
- 2.3 The eastern side of the site incorporates an area of low lying parkland which currently forms part of the flood plain of the Brook before rising to the south into open grazed parkland. A public right of way extends along the northern edge of the site between the edge of the railway line and the Stansted Brook. The site's northern and western boundaries are defined by the railway line and Church Road; whilst the southern and eastern boundaries are arbitrary and follow no clearly defined boundary.
- 2.4 There are 3 existing dwellings which are located on the western side of the site near to the entrance from Church Road. Bridge Cottage is located to the north of the entrance closest to the railway and is a Grade II Listed Building. To the south of the entrance is Elm House with the smaller Elms Lea House adjacent. And both occupy higher ground than the farm buildings as does a further pair of cottages. Elms Cottages which are located to the south of the farm buildings.

3. PROPOSAL

- 3.1 This application relates to the reserved matters following the grant of outline planning permission subject to a Section 106 legal obligation for the demolition of existing livery buildings and construction of a residential development with access from Church Road

and comprising 53 new residential units together with floods alleviation works and land and landscape re-profiling. As well as wider proposals in the adjoining Stansted Park to improve public access and management, including; the provision of 2.99 hectares of public open space, community allotments, and new public footpath routes, cycleways and bridleways.

3.2 The reserved matters for consideration are Landscaping, Scale and Appearance.

4. APPLICANT'S CASE

4.1 The applicant has provided detailed design statement for the proposed scale, appearance and landscaping as part of the reserved matters; these can viewed in full on the application file.

5. RELEVANT SITE HISTORY

5.1 UTT/13/1959/OP-Outline application for 53 dwellings with access together with other associated ancillary development. Approved with condition subject to the completion of Section 106 Agreement.

5.2 UTT/14/2147/DOC-Application to discharge condition 3 (materials). Approve and discharged in full.

5.3 UTT/14/2160/DOC-Application to discharge condition 16 (drainage and sewer). Approve and discharged in full.

5.4 UTT/14/2161/DOC-Application to discharge condition 17 (ecological mitigation). Approve and discharged in full.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- GEN1 - Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development
- GEN7- Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV2- Development affecting Listed Building
- ENV3 – Open Space and Trees
- ENV9 – Historic Landscapes
- ENV10 – Noise Sensitive Development and Disturbance from Aircraft
- H9 – Affordable Housing
- H10 – Housing Mix
- LC3 – Community Facilities

- Supplementary Planning Document – “Accessible Homes and Playspace”
- Essex Developers’ Guide to Infrastructure Contributions (Adopted as Essex County Council Supplementary Guidance)

- ECC Parking Standards (September 2009)
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

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

- DES1 – Design
- C1-Protection of Landscape Character
- HO4 – Housing Mix
- HO7 – Affordable Housing
- SP8 – Environmental Protection
- EN6 – Minimising Flood Risk
- EN7 – Surface Water Flooding
- EN10 – Sustainable Energy and Energy Efficiency
- SP9 – Protection of Countryside
- HE2 – Development affecting Listed Buildings
- SP12 – Accessible Development
- TA1 – Vehicle Parking Standards
- SP14 - Infrastructure

7. PARISH COUNCIL COMMENTS

- 7.1 Any suggestion of a “gated development” would not be acceptable. Concerns were expressed about the lack of any first time buyer properties in the open market section. The importance of managing water flows into Stansted Brook with potential serious consequences for flooding in Lower Street remains a critical issue. The Environment Agency is undertaking a feasibility study with the report applicants, the Parish Council, UDC planners and the Environment Agency to ensure that no action is initiated which may worsen the situation and alert all parties to improvement which may be undertaken. The importance of maintaining the uninterrupted view from Chapel Hill was stressed and this might require a review of the height of some of the properties.

8. CONSULTATIONS

Thames Water

- 8.1 The reserved matters application does not affect Thames Water and as such we have no observations to make.

ECC- Mineral and Waste

- 8.2 Application related to existing permissions such as reserved matters, or for minor amendments to current permissions are excluded for the purpose of Mineral Safeguarding Area Constraints (although not Mineral Consultation Area).

ECC-Education and Highways

- 8.3 No objection.

NATS Safeguarding

- 8.4 The proposed development is around 2.5km NW of the aerodrome reference point (Midpoint of the runway) for Stansted Airport. An objection was raised on behalf of Stansted Airport in our previous letter dated 15 August 2014. The concerns raised at that time were specifically in relation to the design of the landscaping and SUDS

attenuation pond. The developer has subsequently submitted additional material and assurances in response to the concerns raised. Stansted Airport is therefore pleased to advise the objection can now be removed.

We would however request that any planning permission granted is subject to the condition detailed below:

Implementation of Landscaping Scheme

All landscaping works, including details of SUDS, shall be carried out in accordance with the approved scheme as part of the development. No alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

Reason: The scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Stansted Airport through the attraction of birds. We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above condition is applied to any planning permission.

Sport England

8.5 Does not wish to comment.

Access and Equalities Officer

8.6 I have reviewed the drawings submitted as part of the DFO. One of the requirements of the Lifetime Homes standard is level access into the dwellings, I note that there are some illustrations where steps are shown and the topography of the site indicates level changes. Please ask the applicant whether gently sloping paths are being provided. In addition the Wheelchair Accessible units on this site, which is a requirement of the SPG on Accessible Homes and Playspace (Appendix 2 refers) have not been nominated. We need to ensure that the layout complies.

Environment Agency

8.7 No response.

Landscape Officer

8.8 The revised soft landscaping proposals as set out in the following submitted drawings are considered satisfactory:

DO 223_003_H

DO 223_004_F

DO 223_005_H

DO 223_006_B

Housing Enabling Officer

8.9 Confirmed the changes to the affordable housing are acceptable.

9.0 REPRESENTATIONS

9.1 8 representation received objecting to the development. Period expired 18 August 2014.

9.2 Main concerns raised:

- Generation of noise.
- Access to allotments.
- Highway safety and increase in the volume of traffic which would harm living condition.
- The number of allotments proposed.
- Development on flood plain.
- Insufficient local infrastructure such as medical centre and schools.
- It is too close to railway line.
- The design did not relate to the local area.

8 APPRAISAL

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

A Access

B Scale

C Appearance

D Affordable and Housing Mix

E Landscaping

F Other issues

A Access

10.1 The access to the site has previously been approved as part of the outline planning application.

B Scale

10.2. The area is characterised by different scale, form, layout and design of architectural buildings ranging from bungalow to 2 storey buildings. In this current proposal minor alterations have been made to the layout and the development envelope in order to take account of the affordable housing requirements as advised by the Council, the inclusion of the pumping station and the evolution of the 'green fingers' to produce a comprehensive landscape layout. As the area is characterised by different styles, scale, form and design residential buildings reflecting their different architectural historical periods. Hence, it was considered during the outline stage to keep the development in context with the scale of the surrounding village and to protect the key view points along Chapel Hill, and the proposed buildings should not be greater than two storey's in order to keep the ridge levels within the broad parameters set by Elms Lea and Elms Farm Cottages. And the principal ideas include protecting the views from Chapel Hill with minimal interference from the development. Hence, the scale of the development has a mix between 1 and 1.5 storey and 2 storey buildings. As shown in the proposed plans maintains the vision set out in the outline planning approval in accordance with Policies GEN2 and DES1.

C Appearance

- 10.3 In order to protect the residential area from the risk of flooding, the development plateau would be raised to a minimum level of 76.06M AOD, in accordance with planning condition 15. This would provide the opportunity to enhance the natural fall from the parkland to the railway embankment in order to push any flooding risk to the east of the development site and away from the site and the Grade II Listed Bridge House. The minimum plateau level would be plus 76.06AM AOD in line with condition 15 of the outline permission and to create a controlled flood area east of the development site.
- 10.4 As a result of such detailed design approach and scale, the overall footprint of each building complements the size of the existing properties Bridge House and Elms Lea. Such unit sizes and natural fall in land from the area of Public Open Space to Stansted Brook would create a stepped development that would ensure a visually attractive. And it would further add variety to the roofscape.
- 10.5 The proposed four blocks of buildings are designed based upon and set between the four fingers of land that makes best use of the views over the parkland setting. For example; the four green fingers as shown in the proposed site layout plan permeate through the site giving many of the buildings views onto the open parkland. Each tell a different story to complement the traditional courtyard, walled and English garden qualities that were originally found within the wider estate.
- 10.6 The essence of including the pumping station is to make use of the natural sloping site to recreate with only minor ground re-profiling works and without the need for retaining wall. Hence, the pumping station has been located within the red line development boundary whilst still maintaining an appropriate 15 metres gap to the nearest building. As a result the pumping station would be located underground so that it would blend into the woodland setting with a hedgerow and indigenous planting to its perimeter. This is welcome as such design approach would not be in conflict with the Essex vernacular as detailed in the Essex Design Guide. For example; by incorporating features of traditional buildings which are compatible with the character of the local area which are considered acceptable in accordance with Policies GEN2 and DES1.
- 10.7 The proposed dwellings have taken into account Lifetime Homes Standards for example; by making sure they are easily accessible by creating steps in addition with sloping path. The applicant has also indicated the Wheelchair accessible units; overall the proposed dwellings have taken adequate approach in providing mix of different housing need in accordance with Policies H9, H10, HO4 and HO7.
- 10.8 Each open market dwelling will have a garage space with the minimum internal dimensions of 78m x 3m giving generous storage space for the provision of a car and 4 cycle spaces, exceeding the minimum requirements set out in the Essex Parking Standards. The affordable units will each have a separate shed allocated in the rear garden with secure storage space for a minimum of 2 cycles.
- 10.9 In design terms it can be concluded that the design embraces a balance of styles reflecting; the sites farming heritage and historic parkland buildings, whilst also complimenting the style that can be seen throughout the village. The bungalows are also driven by the mix set out by the Housing officer, and to keep a balanced design that reflects the geometry of the development plots 5 and 9 are the most logical location to accommodate these units.
- 10.10 The initial block of proposed dwellings, at the west of the site, takes the inspiration and form of a farmyard vernacular to celebrate the rich farming history; the single storey

element of this takes the design cue from 'stable blocks' and 'tack rooms'. This compact group is ideal for the narrowest part of the site and provides a visually interesting welcome to the site. Also, the site levels dictate that church road is higher than that of the bungalow at plot 5, therefore the views when entering the site permeate between plots 4 and 5 and over the staggering roofscape. This principle also makes the most of the views across the public open space towards the historic parkland.

D Affordable and Housing Mix

10.11 The approved outline application consists of 53 new residential dwellings with an accommodation mixture of 1 bed bungalows, 1 bed flats and 2, 3, 4 and 5 bed houses. The outline scheme was approved subject to the completion of Section 106 Obligation for the provision of affordable housing and financial contribution towards the provision of local infrastructure.

10.12 Concerns were raised by the Housing Officer stating that the affordable layout did not meet the terms of Schedule 3, clause 3 of the Section 106 Agreement which states that the affordable housing should be in two groups of no more than 10 units and not contiguous.

10.13 In order to avoid any ambiguity the applicant has amended the proposed affordable housing layout and the outline planning permission specifies that 40% of the total number of housing units shall be affordable housing which equates to 21 units. The proposed site layout as shown in the revised Housing mix in addition with 21 No. Affordable units of which 70% are to social rented units and 30% to be shared equity are shown below.

E. Landscaping

10.14 The application site is in close proximity to the historic parkland. Following the initial concerns raised by the Landscape Officer the applicant agreed to address them through revised plans.

10.15 The woodland belt along the southern edge of the development with a proposed depth of planting of 10metres has been incorporated. And the landscaping treatment of the new allotments includes changes to the access, off of the private driveway owned by Gemmill Bros LLP, and the location of the car park for the allotment site. These changes would assist to protect and safeguard the amenity of the adjoining properties and resolved their concerns and objection. It should be noted none of these changes altered the number of allotments and car parking spaces. Whilst the allotment layout, access and car parking layout were all approved as part of the outline scheme the intention of this change is to demonstrate the spirit of good neighbourliness and to address the concerns raised by Mr Vernon Crip. Overall the proposed landscaping scheme can be considered acceptable and in accordance with Policies ENV3, ENV9 and C1.

10.16 The proposed garden area for each of the proposed dwelling is stated below in addition with their respective car parking spaces.

Plot No	Description	Affordable unit	Garden Area (m ²)	Parking spaces
1	1 Bed Flat	Affordable	Communal Garden 142 +	1
2	1 Bed Flat Total	Affordable		1
3	1 Bed Flat	Affordable		1
4	1 Bed Flat	Affordable		1

5	1 Bed Bungalow	Affordable	53 +	1
6	2 Bed Mid terrace house		60 +	2
7	3 Bed Mid terrace house		91 =	2
8	2 Bed Mid terrace house		60 +	2
9	1 Bed Bungalow	Affordable	53 +	1
10	2 Bed End of terrace house	Affordable	81 +	2
11	2 Bed Mid terrace house	Affordable	81 +	2
12	2 Bed Mid terrace house	Affordable	86 +	2
13	2 Bed End of terrace house	Affordable	80 +	2
14	2 Bed Semi-detached house	Affordable	129 +	2
15	2 Bed Semi-detached house	Affordable	67 +	2
16	2 Bed End of terrace house	Affordable	67 +	2
17	2 Bed Mid terrace house	Affordable	67 +	2
18	2 Bed End of terrace house	Affordable	112 +	2
19	3 Bed End terrace house		100 +	2
20	2 Bed Mid terrace house	Affordable	126 +	2
21	3 Bed Mid terrace house	Affordable	126 +	2
22	2 Bed Mid terrace house	Affordable	105 +	2
23	3 Bed End terrace house		85 =	2
24	3 Bed End of terrace house		85 =	2
25	3 Bed Mid terrace house		90 =	2
26	3 Bed Mid terrace house		90 =	2
27	3 Bed Mid terrace house		100 +	2
28	3 Bed End of terrace house	Affordable	116 +	2
29	3 Bed Semi-detached house	Affordable	102 +	2
30	3 Bed Semi-detached house	Affordable	109 +	2
31	4 Bed Link detached house		101 +	3
32	4 Bed Link detached house		100 +	3
33	4 Bed Detached house		103 +	3
34	4 Bed Link detached house		149 +	3
35	4 Bed Link detached house		100 +	3
36	4 Bed Detached house		128 +	3
37	4 Bed End terrace house		101 +	3
38	4 Bed Mid terrace house		102 +	3
39	4 Bed Mid terrace house		102 +	3
40	4 Bed Mid terrace house		102 +	3
41	4 Bed End terrace house		175 +	3
42	4 Bed Detached house		114 +	3
43	4 Bed Detached house		118 +	3
44	4 Bed Detached house		101 +	3
45	4 Bed Detached house		165 +	3
46	4 Bed Detached house		147 +	3
47	5 Bed Detached house		150 +	3
48	5 Bed Detached house		172 +	4
49	5 Bed Detached house		225 +	4
50	5 Bed Detached house		327 +	4
51	5 Bed Detached house		180 +	4
52	5 Bed Detached house		209 +	4
53	4 Bed Detached house		260 +	3

Key:

- + Meets Essex Design Guide recommended amenity space standard
- = Within 25% tolerance of the amenity space standards
- Does not comply with EDG

F Other issues

10.17A total of 135 parking spaces are allocated through the development inclusive of 14 visitors spaces spread evenly around site.

11 CONCLUSION

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

- A The proposed scale is acceptable.
- B The proposed appearance and design are acceptable.
- C The proposed Landscaping scheme is acceptable

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions

1. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission) or freestanding buildings erected on any part of Plots 7, 23, 24, 25, and 26 without the prior written permission of the local planning authority.

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

2. Prior to commencement of the development details of the estate roads and footways to accord with the Essex Design Guide (including levels, gradients, surfacing and means of surface water drainage) shall be submitted to and agreed in writing by the Local Planning Authority.

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

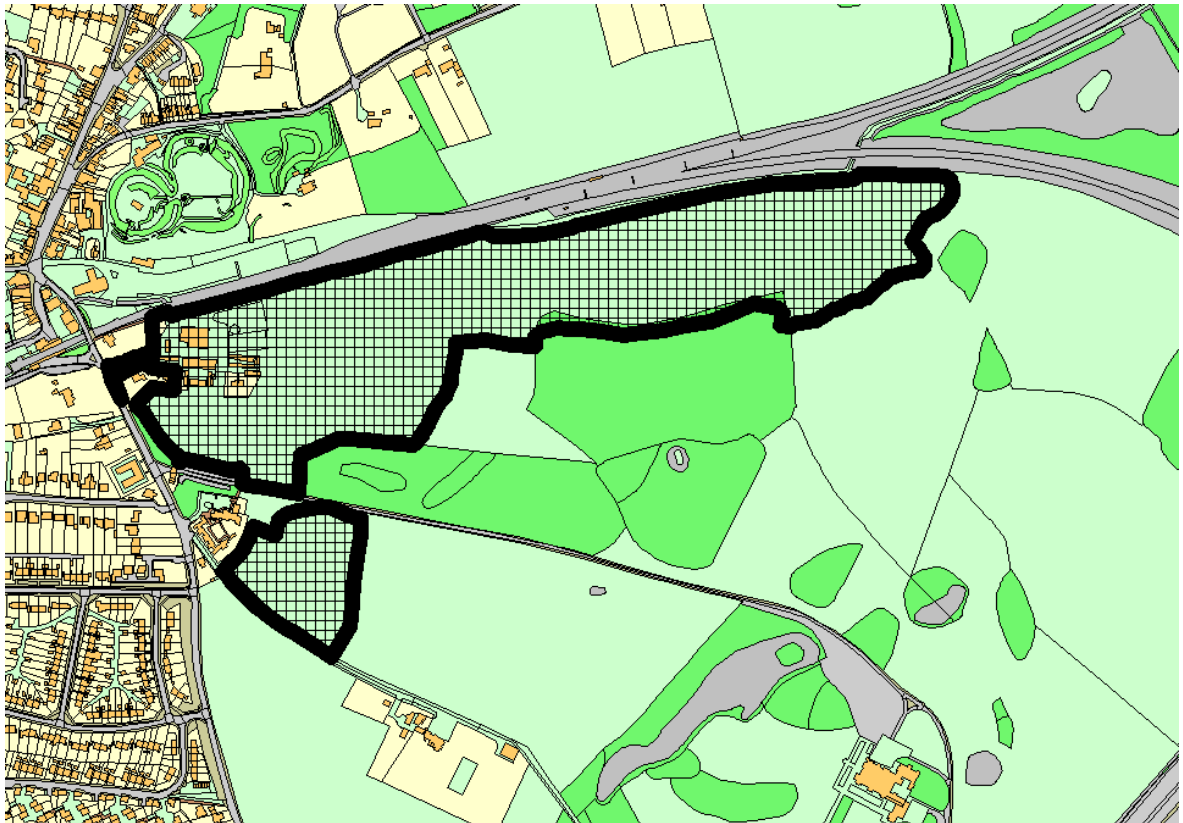
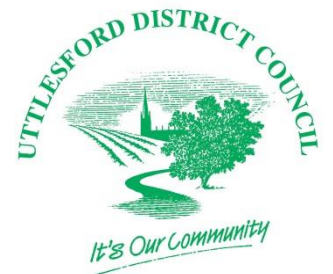
3. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the occupation of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands 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 Policy GEN1 of the Local Plan (adopted 2005).

Application no.: UTT/14/2133/DFO

Address: Elms Farm Church Road Stansted



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/2591/DFO (FELSTED)

(MAJOR)

PROPOSAL: Details following outline application UTT/13/0989/OP for the erection of 25 dwellings, platy area and related infrastructure with approval for appearance, landscaping, layout and scale.

LOCATION: Land East Of Braintree Road Braintree Road Felsted Great Dunmow

APPLICANT: Taylor Wimpey

AGENT: Mr Michael Smith

EXPIRY DATE: 1st December 2014

CASE OFFICER: Madeleine Jones

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site lies on the eastern side of the Braintree Road and adjoins existing residential development located along the southern boundary.

2.2 There is further residential development on the western side of the Braintree Road at this point.

2.3 The site is grassland and is predominantly flat with a slight fall from east to west.

2.4 It has a maximum length of around 190m in a north/south direction and a maximum width of around 170m in an east/west direction. It measures 2.02 hectares in total.

2.5 There is an existing vehicular access point into the site from the Braintree Road and the northern edge of the site.

2.6 The site is heavily screened along the road frontage with dense planting. Within the site there is an earth bund around the majority of the site with coniferous trees planted along the top.

2.7 In front of the bund there is some native planting which is still very immature.

2.8 The site is sub-divided by a ditch with contains extensive planting including 3 mature trees.

2.9 At the southern end of the site is a pond within a very deep depression.

3. PROPOSAL

- 3.1 This application relates to the reserved matters following the grant of outline planning permission for “ the erection of up to 25 dwellings, related infrastructure, play area and landscaping, including 40% affordable housing units with all matters reserved except access” which was approved subject to a S106 legal agreement in July 2013
- 3.2 The proposal is for the erection of 25 housing units with 10 of these being affordable housing, amounting to 40% of the development.

Plot	No. of Bedrooms	Affordable	Garden Sizes (Sqm)	Parking
1	1	y	62	2
2	2	y	76	2
3	2	y	55	2
4	2	y	70	2
5	2	y	78	2
6	1Bungalow	y	132	2
7	4		220	4
8	5		381	4
9	6		530	4
10	5		449	4
11	6		596	4
12	6		658	4
13	4		218	4
14	3		240	2
15	3		257	2
16	3		145	2
17	4		163	4
18	5		295	4
19	5		392	4
20	4		160	4
21	3		106	2
22	2	y	100	2
23	2	y	75	2
24	3	y	100	2
25	3	y	100	2
Visitor spaces				6

3.3 The reserved matters for consideration are appearance, landscaping, layout and scale.

3.4 Revised plans have been received:

- Omitting the gates to plots within the southern half of the development and replacing the fixed gates, to southern section of development, with a brick wall.
- Amending the parking space for plot one to be closer to the dwelling and to be slightly wider
- Increasing the visitor parking provision to six spaces
- Amending the plans and elevations of plots 9, 11, and 12 so that they reflect the layout plans.
- Amending the location of the drive serving plot 19.
- The gates serving plot 18 have been omitted.
- The studio/garages positions have been slightly revised.

3.5 The density of the development would be 12 dwellings per hectare.

4.0 APPLICANT'S CASE

4.1 The application is accompanied by the following documents:

Tree Survey

Design and Access Statement

Design and Access statement (summary)

The proposed scheme has been designed to take account of the constraints and opportunities presented by the site and the surrounding area, creating a new development that is both in keeping with the character of Watch House Green and successfully manages the transition from the village to the south to the countryside on the northern side of the settlement. Particular care has been taken to ensure that the scheme meets the requirements of the National Planning Policy Framework, CABE/Design Council's Building for Life assessment, and Uttlesford District Council's planning policies and the requirements of the outline planning permission and accompanying Section 106 Agreement. The proposed scheme will deliver the planning and socio-economic benefits to the local community that are secured by the outline planning permission.

The public open space will create a new facility to serve the whole village, which will also provide the setting for the new homes. The public open space is enclosed by both new and existing homes, providing surveillance and informal policing of the public realm. The streets and the boundaries between the public and private realms are well-defined and care has been taken to minimise the opportunities for crime and anti-social behaviour, including pre-application liaison with Essex Police. The retention of the mature trees in the centre of the site and the creation of new views to the surrounding countryside will define the character of the scheme, emphasising that it is on the edge of the countryside and part of a group of settlements in a rural area. The result is a scheme that has a clear residential character and a distinct focal point at its heart that enhances the northern edge of Watch House Green.

5.0 RELEVANT SITE HISTORY

5.1 UTT/12/5213/OP – Outline application for up to 25 dwellings - refused 2012.

5.2 UTT/13/0989/OP– Outline application for up to 25 dwellings - conditional approval subject to S106 July 2013.

6.0 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 GEN3: Flood Protection
- Policy H9: Affordable Housing
- Policy GEN1: Access
- Policy GEN2: Design
- Policy GEN6: Infrastructure Provision

- Policy GEN7: Nature Conservation
- Policy GEN8: Vehicle Parking Standards
- Policy ENV8: Other Landscape Elements of Importance for Nature Conservation
- Policy ENV4: Ancient Monuments and sites of Archaeological Importance
- SPD: Energy Efficiency and Renewable Energy
- SPD: Accessible Homes and Playspace
- SPD Parking Standards: Design and Good Practice Guide

6.3 Uttlesford District Draft Local Plan

- Policy SP1: Presumption in Favour of sustainable Development
- Policy DES1: Design
- Policy HO1: Housing Density
- Policy H02: Housing Mix
- Policy H07: Affordable Housing
- Policy TA1: Vehicle Parking Standards

7 PARISH COUNCIL COMMENTS

Felsted Parish Council wishes to make the following comments on this application:

1. The Drawings include a Children's Play Area on the Braintree Road side of the development. The Council suggest that a fence (possibly temporary) should be included in addition to the proposed hedge planting along the Braintree Road boundary of the site, to ensure that small children cannot inadvertently run out onto this busy road. Hedge planting takes time to mature and fill out and it is important that children's safety is not compromised in the interim.
2. The Council feel that staggered barriers should be installed across the Footpath Link at its junction with Braintree Road
3. This development is on an exception site and as such the Council considers that it is imperative that District Council Housing policies are followed and that local people, or people with local connections, are given preference when the affordable houses are allocated.
4. The developers mention the ongoing management of the proposed Children's Play Area. Felsted Parish Council would be willing to take on this responsibility providing that suitable terms can be agreed.

8 CONSULTATIONS

Essex County Council Highways

- 8.1 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.
From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions:
Informatives

- (i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- (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 Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environmental Agency

- 8.2 The detailed drainage design in conjunction with drawing 45407/C/SK140 Rev. B can be dealt with condition 8 attached to the outline approval.

8.3 Access and Equalities Officer

Review of plans submitted confirms that the SPD on Accessible Homes and Playspace has been complied with; Plot 6 is the unit which meets the requirements of the Wheelchair Accessible Standard, Appendix 2 of that document.

8.4 Internal Housing

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.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 25 (net) units. This amounts to 10 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

This scheme meets the Council's policy requirements.

8.5 Essex County Council Archaeological

The Historic Environment Record shows that the proposed development area contains a moated enclosure (HER 9562). The record states that the moated enclosure is shown on the tithe map. The Chapman and Andre maps of 1777 also show the presence of a property in the area of the moated site. The application proposes residential development in the area of the moat and it may well be worth considering alterations to

the proposed development layout. Many of the moats within north-west Essex have their origins in the 12th and 13th century.

The archaeological work would comprise a phased approach with initial trial trenching to be undertaken as soon as possible followed by open area archaeological excavation of all deposits threatened by the development. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office

No archaeological work has as yet been completed on this application. Condition 5 could be released as long as the second part of it is retained as a new condition. The archaeological conditions to remain would be;

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

Landscaping Officer

8.6 No objections

REPRESENTATIONS

9.1 The application has been advertised and 40 neighbouring properties written to. Four representations have been received. Expiry date 9th October 2014.

9.2 Main issues raised: (summary)

- Highway safety
- Traffic congestion. Intensification
- Intensification of traffic through the village
- No details of ecological habitat supplied.
- Flooding
- Surface water drainage details not supplied.
- Loss of precious countryside and wildlife habitat
- Pressure on local services and amenities
- Destruction of the village field of Felsted and its satellite hamlets.
- Impact on children's safety. The primary school is very close to the proposed development.
- The footpath effectively delivers children onto the most dangerous part of the B1417 without provision for a lollypop person or a zebra crossing
- Setting precedent for further development.

10 APPRAISAL

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

A Design, housing mix and landscaping (ULP Policies GEN2, H10);

- B Affordable housing (ULP Policy H9);**
- C Impact on residential amenity (ULP Policy GEN2);**
- D Vehicle parking standards (ULP Policy GEN8, GEN1);**
- E Other matters: Ecology.**
- A. Design and appearance (ULP Policy GEN2)**

10.1 The site layout submitted is similar to the indicative layout submitted at outline stage, although the play area has now been re-sited to the south western corner of the site so that it forms part of the pedestrian entrance to the site. The proposal is considered to be of acceptable design and scale. The revised siting of the play area is overlooked by housing providing surveillance and informal policing of the public realm to minimise anti-social behaviour and opportunities for crime.

Landscaping runs along the western boundary and through the centre of the site and to the eastern boundary. The mature trees to the centre of the site will be retained. The existing shrub and hedge planting to the west of the site is to be removed to accommodate the forward visibility as required by the highways department. New hedge and tree planting to be provided to the east of the sight lines, to the eastern boundary and the boundary with Chatsworth to the south. The landscaping scheme is considered to be acceptable by the Councils Specialist Landscape Officer. The access is to the north eastern corner of the site.

The properties comprise a mix of semi -detached and detached properties. The majority of the properties are two storey of traditional design and the development is of low density to reflect the character of the area. A mix of materials is proposed. Following negotiation, revised drawings have now been received omitting the gates proposed to enclose the drives of plots to the southern part of the development and the gates (although fixed open) separating the north and south of the development have also been omitted from the scheme.

The design, appearance, scale and external materials of the proposed dwellings reflect the Essex vernacular as detailed in the Essex Design Guide. They incorporate aspects of traditional building features, are compatible with the character of the local area and are acceptable.

10.2 The scheme as submitted reflects pre-application discussions which have taken place between the applicant and Council Officers following approval of the outline scheme for this site. It is considered that the housing mix for the site is acceptable as the scheme provides a range of bedroom sizes under ULP Policy H10. The affordable housing units have been split into two groups, rather than in a group of ten.

10.3 In terms of rear garden amenity sizes, both market and affordable dwellings for the development would either meet or exceed Essex Design Guide standards. All homes have been designed to take into account Lifetime Homes standards. A bungalow would be incorporated within the development at plot 6.

10.4 Representations have been received raising concern in relation to potential flooding and drainage issues. The Environment Agency has been consulted and are satisfied that condition 8 attached to the outline approval would address any drainage issues

- B Affordable Housing (ULP Policy H9)**

10.4 The S106 agreement attached to the outline planning permission specifies that 40% of the total number of housing units shall be affordable housing. As such the proposal requires 40% of the 25 No. dwellings on the site to be affordable units, which have been allocated by the developer as two clusters comprising 6 No. 2 bedroomed units, 2 No. 3 bedroomed units, 2 No. 1 bedroom units where the tenure mix would be as stated in the signed S106 agreement relating to the outline permission. One of the units would be delivered as a bungalow. The proposed development complies with the requirements of ULP policy H9 and the S106 obligation.

C Impact on residential amenity (ULP Policy GEN2).

10.5 The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbours amenity .Revised plans have been received amending the position of some of the studio/garages as their original positions would have resulted in overlooking of neighbouring properties from the front first floor windows. There is the potential for further overlooking if windows are added at a later date to side elevations of the studios and as such a condition should be added to remove permitted development rights to these plots.

The proposed layout of the development takes into account the position and orientation of the existing adjacent properties and the distances set out in the Essex Design guide to prevent any overlooking and loss of amenity to the occupiers of existing properties. The proposal would therefore comply with the requirements of ULP Policy GEN2

D Vehicle Parking Standards (ULP Policies GEN8 and GEN1)

10.6 All dwellings have sufficient parking provision to meet the adopted parking standards. Revised plan have been received increasing the visitor parking provision to six places to comply with the required adopted Parking standards. The numbering of the allocated parking spaces has been renumbered so that plot one has a parking space closer to the dwelling so as to comply with Lifetime Homes requirements. Following Essex County Councils highways Officers comments in relation to the closeness of the private drive to plot 19 to the site access junction with the B1417, revised plans have been received amending the layout to comply with these comments. The highways department now have no objections to the proposal subject to conditions. The proposal complies with policy GEN8 and GEN1.

E Ecology

10.8 A phase one Habitat survey, bat survey , badger survey and reptile and great crested newt and mitigation strategy were submitted at outline stage and appropriate conditions attached to the outline approval. The relocation of Great Crested Newts has been secured by way of a S106 agreement at outline stage. As such it is considered that subject to the proposal complying with conditions 4, 9, 10 and 12 and the requirements of the S106 agreement attached to the outline approval the proposal would not have any significant detrimental impact on biodiversity.

10 CONCLUSION

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

A The design, appearance and house type mix proposed for the development both for the market and affordable housing would be acceptable as would the proposed landscaping measures submitted.

- B The 40% affordable housing element for the development as shown would be acceptable.
- C The development would not result in any material detrimental impact to neighbours amenity.
- D Parking arrangements would be satisfactory and would meet adopted car parking standards.
- E The development would not have a harmful impact on nature conservation subject to conditions and the requirements secured by the S106 at outline stage being complied with.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4

3. 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: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4

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

REASON: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4

5. Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the side elevations of the studio/garages hereby permitted without the prior written consent of the local planning authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Uttlesford Local Plan policy GEN2

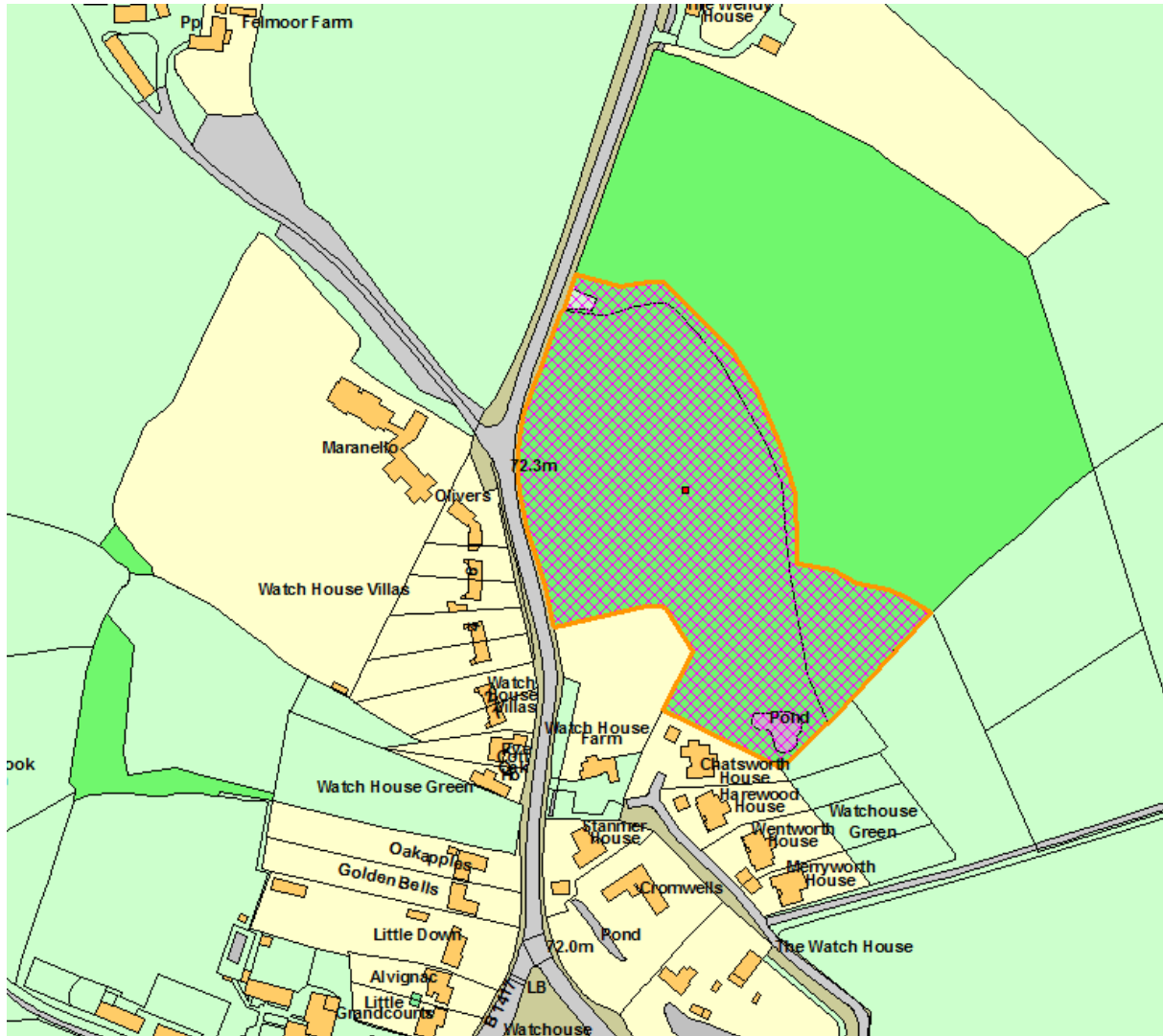
6. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, 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 a satisfactory appearance for the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/2591/DFO

Address: Land East Of Braintree Road Braintree Road Felsted



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/2655/FUL HENHAM

Application was deferred at the last committee 12 November 2014

PROPOSAL: **Erection of 21 dwellings with associated garages, parking and landscaping with two vehicular accesses to highway.**

LOCATION: **Land South of Chickney Road Henham.**

APPLICANT: **Crest Nicholson Eastern**

AGENT: **Strutt and Parker LLP**

EXPIRY DATE: **10 December 2014**

CASE OFFICER: **Lee Smith-Evans**

The applicant, since the deferral, has submitted a series of amendments in response to the concerns raised.

In the opinion of the case officer the amendments has satisfactorily addressed the issues.

The amendments are:

- The arrangement of tenures has been altered, placing the affordable grouping more centrally within the site. No tenure specific entrances are now proposed.
- The wheelchair compliant house has been made satisfactory.
- Secure cycle parking has been provided in all homes that do not have garages.
- Overlooking has been greatly reduced in the amended layout by moving plot 20 back further from plot 19 and introducing a tree between the two dwellings. Plots 15 and 16 are now the two maisonettes. Their location and proximity to plot 4 is more acceptable than the previous arrangement and it should be noted that the first floor unit has no habitable rooms facing the street and the garden of plot 4.
- The developer has provided revised Arboricultural, Flood Risk and Drainage strategies which illustrate satisfactorily that the retained trees on the site have been safeguarded.
- In addition the applicant has moved the foul water pump into a more logical location. This has allowed the creation of an improved streetscape.
- Additional chimneys have been included on the affordable houses which has created a more equal distribution of features.

The application can now be considered a more inclusive design.

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 40% of affordable housing
 - (ii) Wheelchair Accessibility Contribution.
 - (iii) Education Contribution towards primary education and school transport
 - (iv) Open Space contribution for the construction of a LAP in Henham and 20 years maintenance.
 - (v) Pay the Council's reasonable costs.
 - (vi) 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 17 December 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
 - (ii) Wheelchair Accessibility Contribution.
 - (iii) Education Contribution towards primary education and school transport
 - (iv) Open Space contribution for the construction of a LAP in Henham, legal costs, monitoring fee and 20 years maintenance.

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority

REASON: in the interests of appearance of the development, in accordance with policy GEN2 of the ULP 2005

3. Prior to occupation of any dwelling, the provision of a primary access as shown in principle on Drawing No. Q660-007, formed at right angles to Chickney Road to include but not be limited to:

a) minimum 5.8 metre carriageway width with 2 metre wide footway on the south western side

b) visibility splays with minimum dimensions of 96 metres x 2.4 metres x 88 metres as measured from and alongside the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.

REASON: In the interests of highway safety and providing adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access and in accordance with policy GEN1 of the ULP 2005

4. Prior to occupation of any dwelling, the provision of a secondary access as shown in principle on Drawing No. Q660-007, formed at right angles to Chickney Road to include but not be limited to minimum 4.1 metre carriageway width with visibility splays with minimum dimensions of 96 metres x 2.4 metres maximum achievable as measured from and alongside the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.

REASON: In the interests of highway safety and providing adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access and in accordance with policy GEN1 of the ULP 2005

5. An assessment of ground conditions is needed prior to development to ensure any contamination can be adequately addressed, and the following condition is therefore recommended to ensure the site is suitable for the end use:
 1. No development (with the exception of demolition works to facilitate the site investigation) shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site, and must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, the water environment, property (existing or proposed), service lines and pipes, adjoining land and any other receptors identified as relevant.
 2. If found to be necessary as a result of part 1, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.
 3. The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report demonstrating that the remediation objectives have been achieved must be submitted to and approved by the Local Planning Authority.
 4. In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be

reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of paragraph 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters or harm to human health, and in the wider interests of safety and residential amenity, in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

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

7. No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

A description and evaluation of features to be managed;

- a) Ecological trends and constraints on site that might influence management;
- b) Aims and objectives of management;
- c) Appropriate management options for achieving the aims and objectives of the project;
- d) Prescriptions for management actions;
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- f) Details of the body or organisation responsible for implementation of the plan;
- g) On-going monitoring and remedial measures.

REASON: to ensure that the biodiversity of the site is protected in accordance with Policy GEN7 of the ULP 2005

8. Prior to occupation by a wheelchair user, plot 19 shall have a hard landscaped path from the front door to the car parking spaces to enable direct access from the parking space to the entrance door.

REASON: To provide suitable wheelchair access in accordance with policy GEN1 ULP 2005

Crest Nicholson
Proposed Residential Development
Chickney Road, Henham

Schedule of Accommodation 21st November 2014

Plot	Bedrooms	Floor Area (NIA sq.ft.)	Tenure	Parking	Garden Size (m ²)
1	3	1,256	Private	2	120
2	3	1,371	Private	2	100
3	3	1,256	Private	2	125
4	3	1,371	Private	2	100
5	3	1,256	Private	2	118
6	3	1,256	Private	2	133
7	2	785	Affordable	2	51
8	2	770	Affordable	2	120
9	2	788	Private	2	100
10	2	788	Private	2	81
11	2	770	Affordable	2	89
12	2	785	Affordable	2	50
13	3	920	Affordable	2	100
14	2	770	Affordable	2	80
15	1	504	Affordable	1	Communal
16	1	578	Affordable	1	Communal
17	5	2,120	Private	4	250
18	5	2,120	Private	4	463
19	4	1,692	Private	4	219
20	3	1,182	Private	2	120
21	3	1,182	Private	2	150
			Visitors	6	
Total		23,437		52	

UTT/14/2655/FUL HENHAM

PROPOSAL: **Erection of 21 dwellings with associated garages, parking and landscaping with two vehicular accesses to highway.**

LOCATION: **Land South of Chickney Road Henham.**

APPLICANT: **Crest Nicholson Eastern**

AGENT: **Strutt and Parker LLP**

EXPIRY DATE: **10 December 2014**

CASE OFFICER: **Lee Smith-Evans**

1. NOTATION

1.1 Allocated Site in the Draft Local Plan

2. DESCRIPTION OF SITE

2.1 The predominantly flat site consists of a former farm of approximately 0.74 hectares, located to the south of Chickney Road on the eastern edge of the village. The site comprises of two grazing fields and a group of small agricultural buildings with a small yard. The site is separated from the village by the allotment gardens and village cemetery which like the site itself appear arcadian and undeveloped from Chickney Road.

2.2 The triangular site has a mature boundary of trees to the northern side where it meets a drainage ditch adjacent to Chickney Road. To the south a similarly mature tree edge meets open agricultural fields and the western boundary abuts the village cemetery and allotment gardens. This boundary is a younger hedge of between 1 and 1.5m in height. A single entrance to the site is in the northeast corner where the existing buildings are located.

2.3 Chickney Road provides the only access to the village centre. This road is a small lane, without pavements, which has a 60mph speed limit at the site boundary and does not become 30pmh until past the entrance to the cemetery.

2.4 There is a residential development of 16 houses currently under construction on the north side of Chickney Road to the west of the application site. This site was granted permission by the committee under UTT/14/0065/FUL

2.5 Both sites are within the draft local plan site allocations for Henham

3. PROPOSAL

3.1 The applicant seeks a full planning permission to erect 21 dwellings on the site in two Cul-de-sacs, each served by a separate vehicular entrance. There is a mix of houses consisting of 13 Market houses and 8 Affordable houses. The market units comprise of 2 two bedroom units, 8 three bedroom units, 1 four bedroom unit and 2 five bedroom units. The affordable provision consists of 2 one bedroom units, 5 two bedroom units and 1 three bedroom unit.

- 3.2 The layout provides an new entrance street at 90 degrees to Chickney Road which passes two houses on each side then becomes a T junction which takes the internal street both west, where it terminates against the hedge to the cemetery and east. The eastern end of the internal road terminates behind two affordable houses and becomes a footpath linking into the second Cul-de-sac. Also on the eastern arm of the estate road is a second T junction/turning head which terminates behind the mature hedge and trees on the Chickney Road boundary a carport is proposed as a visual end stop to the street scene. At this location a small parking court is provided for the one bedroom flats and visitors. The market houses and the 2 one bedroom affordable flats all face on to this internal estate road.
- 3.3 6 of the affordable houses face onto a parking court served of a separate entrance at the eastern end of the site. This entrance is close to the existing entrance to the farm at the eastern point of the site, furthest from the village. A pedestrian access connects the two Cul-de-sacs which runs between the side gardens of two houses that face onto the parking court. The 6 houses on this parking court have parking provided in a combination of on plot and in the parking court. Three of these parking spaces are proposed in grasscrete, a reinforced grass surface that is designed for occasional car parking. This is to give the impression of the space being greener than if the parking spaces were all hard surface and being a porous surface become part of the SUD system.
- 3.3 The market houses are provided with parking in the curtilage of each plot with at least one open parking space and a garage, the 4 and 5 bedroom houses have two open spaces and a double garage. The number and size of spaces and garages complies with the ECC standards and 5 visitor parking spaces are also provided. Only one visitor space is provided from the eastern access for the six homes that use this access. The other spaces are provided across the site, three are provided in the central parking court and two are provided in the drive ways to the largest houses at the western end of the site.
- 3.4 The external finishes proposed are red brick, renders of cream and white and weatherboarding in black or white for the wall finishes. The roofs are proposed in clay plain tiles or blue/black slate or similar. The windows and joinery are proposed in white UPVC. The boundary treatments are proposed as hedging and close boarded fences.
- 3.5 The vehicular access and estate road is provided as shared surfaces of 5.8m in width. The access to the east end of the site is a short shared surface which becomes a car parking court with an 8m turning head provided in the centre with parking provided on three sides of the court. Highways have confirmed that the required sight splays can be achieved at both entrances. No Footpath access to the village is proposed.
- 3.6 There is a requirement for a sewage pumping facility within the site. The application drawings show this to have a large 10m easement within the centre of the site.

4. APPLICANT'S CASE

- 4.1 The application is accompanied by a planning statement and a design and access statement. The site has been identified in the Uttlesford Draft Local Plan as a residential site and has a specific policy (Henham Policy 1). The principle of development is therefore established by this policy.

- 4.2 The layout has followed the advice of planning officer through a pre application stage, details of which are included as appendices to the planning statement in the application submission.
- 4.3 The layout has responded to the constraints of the site by keeping the hedgerows and trees on the boundaries. This has justified the inward facing development which will be hidden from the street by the retained landscape. An arboricultural report submitted as part of the application categorises the majority of trees as C category but it is considered that the trees form the intrinsic character of the site. The DAS suggests the developer has considered the root and crown spreads of the trees when designing the layout of houses. The internal streets that do not have visual end stops are justified by achieving views into the open countryside and the allotment gardens to the west
- 4.4 The Design and Access Statement justifies the choice of materials and finishes in relation to typical traditional homes of the area in a local character study.
- 4.5 Several drawings within the DAS illustrate how the internal layout will function for waste collection and emergency vehicles with other drawings illustrating vehicle parking places, movement diagrams and the landscaping strategy.
- 4.6 The proposals includes 8 affordable units which is the correct number of units requested by the Councils affordable housing officer but the mix of dwelling sizes does not match the requested range.
- 4.7 The drainage proposals for the site incorporate a swale to the southern boundary adjacent to plot 11 which is shown running into the private garden of this plot. The swale becomes a French Drain through the backs of plots 11 to 17 and is shown as dug within the root protection areas of trees on this boundary. The drainage system takes water from the private drives and hard standing areas on the southern side of the site. A receptor tray, to slow the flow of water for the drainage northern side is shown under the visitor parking in the centre of the site. The water from this side will run into the existing ditches along Chickney Road.

5. RELEVANT SITE HISTORY

- 5.1 There is no history relevant to the actual site but members should have regard to the pre application information that has been included as appendices to the planning statement. Members should be aware of UTT/14/0065/FUL an application approved earlier this year that gave permission to 16 new dwellings to the north of this site, on the other side of Chickney Road.

6. POLICIES

6.1 National Policies

- The National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7 - The Countryside
- GEN1 - Access
- GEN2 – Design
- GEN6 – Infrastructure Provision to Support Development
- GEN7 - Nature Conservation

- GEN8 - Vehicle Parking Standards
- ENV 3 – Open Space and Trees
- ENV 8 – Other Landscape elements of importance for nature conservation
- H9 - Affordable Housing
- H10 - Housing Mix

7. PARISH COUNCIL COMMENTS

7.1 I write as Chairman of Henham Parish Council in relation to the site proposed for residential development under application reference UTT/14/2655/FUL (“Henham Policy 1” in UDC’s Local Plan).

We fully support all aspects of the application proposals submitted by Crest Nicholson.

This includes the omission of a LEAP onsite. As previously raised in an email to you in June 2014, UDC’s emerging Local Plan requirement for a LEAP to be provided onsite is simply not appropriate.

The site has been identified through the Local Plan process following the publication of UDC’s Position Statement in March 2013. Pre-application discussions have taken place between Crest Nicholson and UDC since this time. At no time during discussions with UDC and Crest Nicholson has a requirement for a LEAP been evidenced as essential to enable the development of the site.

The Council’s evidence base for the Local Plan does not therefore provide a robust case for the requirement of a LEAP within this site. In deciding whether a play space could be required or appropriate in this case, guidance is available from the Fields in Trust publication: *Planning and Design for Outdoor Sport and Play*. This describes a LEAP as an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently, usually within 5 minutes walking time (approximately 400m). The guidance continues that a LEAP is best provided ‘beside a pedestrian route that is well used’ with a minimum activity zone of 400sqm and a buffer of 10m from any dwelling, 20m from any habitable rooms.

The above design guidance confirms that the provision of a LEAP within the Henham Policy 1 site is inappropriate and harmful to the effective delivery of suitable, much needed housing. Inclusion within this small, narrow parcel would therefore prevent the delivery of 21 well designed homes required to serve the needs of the village.

When I wrote to you in June, I suggested that a more central village location could be considered to accommodate a LEAP to which the Parish would be willing to make a contribution to. However, to-date, a suitable, available site has not been identified. It would therefore be difficult to justify seeking contributions towards such provision from Crest Nicholson at this moment in time.

To conclude, the application proposals submitted are sustainable and policy-compliant. The affordable housing element is supported. Overall the scheme is inclusive, well designed and will have a positive impact on the village.

The Parish therefore fully support the application and we look forward to attending Planning Committee on December 10th.

8. CONSULTATIONS

Health and Safety Executive

- 8.1 HSE does not advise on safety grounds, against the granting of planning permission in this case.

Environment Agency

- 8.2 As the proposed development site is less than 1 hectare in size, and located in Flood Zone 1, the main flood risk issue to consider is the management of surface water run-off. This is covered by our Flood Risk Standing Advice (FRSA)

Affinity Water

- 8.3 Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Newport Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

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

NB Affinity Water incorrectly designated the site within the groundwater Source Protection Zone; this has been clarified by EA

Thames Water

- 8.4 Waste Comments

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

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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Supplementary Comments

It is noted that the developer's initial proposals for surface water disposal do not impact on the existing public sewerage system.

ECC Education Services

- 8.5 Education Contribution Guidelines supplement published July 2010. For information purposes only, on the basis of the units referred to the above the primary school contributions would be £68,248 and the school transport contribution would be £15,970.50 indexed linked to April 2014 using the PUBSEC index.

UDC Environmental Health

- 8.6 The findings of the noise survey are accepted

The potential exists for the presence of contaminative material requiring planning conditions to be placed on any grant of permission

UDC Housing

- 8.8 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 of 15 or more units; 20% on schemes 5-14 units and a commuted sum on schemes of 2-4 units.

The affordable housing provision on this site will attract the 40% policy requirement which amounts to 8 units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

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

This scheme has several elements which I consider discriminatory to the residents living in the affordable housing, yet it would appear from the plans that my concerns and advice have not been acted upon.

I find this scheme discriminatory on the following four points;

- 1) The affordable housing is separated from the market housing.
- 2) The affordable housing is separated from the open market housing by a 'pinch point' which is designed to prevent motorised vehicles to pass through.
- 3) There is a second vehicular entrance for the open market housing.

I am also concerned that the parking court arrangement will attract children to use it as a playground, bringing them into conflict with drivers and car owners. The Council has previously received complaints about parking courts throughout the district.

I would expect to see these points designed out satisfactorily before I can support this scheme.

ECC Highways

8.9 The proposal is acceptable to the Highway Authority subject to conditions.#

Access and Equalities Officer

8.10 I have reviewed the application submitted and looked at the Design and Access Statement and house types for each plot.

8.11 Although there are statements within the Design and Access Statement which advises that the requirements for Lifetime Homes and Wheelchair Accessible Housing has been met, this unfortunately is incorrect. Whilst Plot 19 has been allocated as the Wheelchair Accessible Dwelling the layout does not comply. A revised drawing needs to be submitted to demonstrate how the standard will be met. In addition, to comply, the applicant would need to market the dwelling as a Wheelchair accessible dwelling and enter into a Section 106 agreement to pay up to £8,500 to adapt the property if required to by the purchaser. Christine Oliva has the relevant wording for this undertaking.

8.12 In general the WC at entrance level does not comply with the Standard and will require amendment. Only Plot 9 and the two bedroom properties comply, as with two bedroom properties the Part M standard is acceptable. There has been no provision for the through floor lift space to be shown, so again within the internal layout, this makes it difficult to see where access to such future provision would be made.

8.13 In addition, I have concerns about the parking arrangements in both the affordable locations and the market housing and the compliance with the Lifetime Homes Standards.

8.14 If this application is to be approved a revision of the internal layout would be required to ensure compliance and this could only be either by condition or by a revised layout for each plot at this stage.

Essex County Ecology

8.15 No objection subject to conditions

9. REPRESENTATIONS

9.1 The full representations made regarding this site are available for members to view on line. Five letters of objection and comment were received. A summary of the principle objections and comments is provided below.

- Why did the Parish Council object to the development on the north side of Chickney Road but support this application
- Chickney Road is very dangerous, cars travel too fast past this site with an entrance proposed on a blind corner.
- The overlooking and general estate noise will disrupt funerals in the village cemetery. The site won't be available for cemetery expansion in the future.
- Impacts on wildlife in the ditches around the site
- Entrance near a dangerous bend in Chickney Road
- Safe access to the village requires a footpath to Chickney Road
- The application should be deferred until the outcome of the Elsenham Enquiry

10. APPRAISAL

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

- A The principle of development (NPPF chapter 6, ULP Policy S7, Draft Local Plan April 2014 Henham Policy 1)**
- B Design and appearance NPPF chapter 7, ULP Policies GEN2, Gen6, GEN8, ENV3, SPD Accessible Homes and Playspace, Lifetime homes, the Essex Design Guide,**
- C Access (ULP Policy GEN1), (ULP Policy GEN8 and ECC Parking Standards);**
- D Landscaping and Nature Conservation (ULP Policies GEN7, ENV8).**
- E. Section 106 affordable housing mix is not as requested, does a mechanism exist for the delivery of contributions.**

A The principle of Development

10.1 The application site is currently within the countryside and as such is considered against ULP Policy S7. Under this policy the countryside is protected for its own sake and development will only be permitted that needs to take place there or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 if the Housing Chapter of the ULP. There will be a strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

10.2 A material consideration for the principle of development on this site is the emerging policy of the Draft Local Plan April 2014. The process of site allocations and identification of suitable sites that provides new homes over the plan period has identified this site. The relevant detail of the emerging plan is Policy Henham 1 of the Draft Local Plan April 2014 allocates the application site for 25 dwelling, with the following criteria to be met;

- The development provides for a mixed and balanced community
- The development provides for a children's play space (LEAP)
- The Development is designed to mitigate adverse impacts upon existing residential and community interests and may require, by legal obligation, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact.
- The application should be accompanied by a Transport Assessment, Approved Drainage Strategy and other required documents and any recommended improvements/remedial works will be controlled through legal obligation.

10.4 The criteria of Henham policy 1 has been the subject of negotiation during pre-application meetings with UDC and with the Parish Council. Consequently the provision of a Local Equipped Area of Play has been removed from the site and a developer's contribution towards play space in the village will form part of the legal agreement. It should be considered that the current local plan has no mechanism to secure open space and that the mechanism within the emerging local plan, Policy INF1 would correctly identify that this site should supply a LAP and not a LEAP.

10.5 The application is for 21 residential dwellings which does not meet the policy requirement of 25 houses. The Planning Policy Team of UDC acknowledges this and has no objection to the proposed number of dwellings.

B Design and Appearance

10.6 The arrangement of dwellings on the site is based on the creation of two Cul-de-sacs, whilst there is a pedestrian link provided between the two distinct areas the distribution of tenure is clearly separated between two separate access points. Six of the affordable houses all face onto the eastern Cul-de-sac. Five of the affordable units have their parking provision within the parking court that forms the eastern cul-de-sac with the 6th (plot 7) having its parking in the street which it served from the other proposed entrance.

10.7 The Developers Contributions Guidance Document (UDC 2014) requires affordable dwellings to be grouped in clusters of no more than 10 units and in this regard the application has appropriately clustered the 8 units proposed.

10.8 The NPPF in Chapter 7 – Requiring Good Design states that development should be inclusive. It should be considered that providing separate accesses for different tenures is non-inclusive and is affectively the segregation of tenures.

10.9 Parking provision had originally been proposed that is also different by tenure. The open market housing is provided on plot with garages and spaces in front for each. The affordable provision was initially provided in the street in one of two parking courts. Amended drawings received late in the application process have subsequently provided affordable 3 of the affordable units with on plot parking and a cart lodge has been placed at the end of the turning head in the centre of the site for plots 5 and 6 which are one bedroom dwellings and require 1 space each.

10.10 These amendments to the provision of the affordable parking areas are created within tree root protection areas which were previously undisturbed and safeguarded in the original layout. The developer has made an attempt to create a more inclusive design but the introduction of measures to achieve this are at the expense of the character of the site through construction in the root protection areas and expanding development boundaries under the canopies of the trees which is visually cramming the development into the site. These amendments have not been addressed in the Arboricultural Assessment provided with the application and represent potential harm to the retained trees on the site.

10.11 There are physical distinctions between tenures which are most notable in the provision of chimneys. 11 of the 13 market houses have well designed traditional chimneys that are a strong feature of the house design. The developer has provided amended drawings that show a single chimney between the semidetached affordable plots 9 and 10. The design of all the units on the site is based on the local vernacular, having a uniform and appropriate vocabulary for a north Essex village. The omission of an important aspect of the appearance solely on the affordable houses is discriminatory and can be considered non-inclusive design and not tenure blind development.

10.12 The layout of houses creates issues of amenity and overlooking in three private gardens. Plot 20 looks directly into the rear garden of plot 19. Plots 14, 15 and 16 also look into the rear garden of plot 4. The rear garden of plot 12 is at the visual termination of the proposed road through the site. The amenity to this, the smallest garden on the site, is very poor. Plot 9 has its parking provided to the front of the

house but will have traffic movements from the other part of the scheme up to the boundary of the rear wall.

The Essex Design Guide sets a minimum distance of 25 metres for back to backs as part of the protection of sitting out areas and private amenity. The sitting out area of plots 4 is within 12 metres of the front window of plot 14 and 20 metres of the front window of plot 16. To address this issue the developer has proposed that the front bedroom window of plot 20 and plot 15 will be obscured glass. This is not considered an adequate resolution to an issue of poor layout and poor amenity created within the layout. As such the layout contravenes policy GEN2 of the ULP. The proposal would also contravene one of the core principles of the NPPF, set out in paragraph 17, that development should provide a good standard of amenity for all existing and future occupants of land and buildings.

10.13 The design of the houses has been considered against the current Lifetime Homes standards. Plot 19 is proposed to be the Wheelchair Accessible Dwelling required by Policy GEN2 and the Councils SPD for Accessible Homes and Playspace however the home is not considered suitable for this purpose. The Access and Equalities Officer has also stated that the two bedroom units and Plot 9 are able to reach the appropriate standards but generally the WC at the entrance to homes does not reach the standard and there is no space allocated for a lift between floors. It should be considered an aspect of design that is non-inclusive and fails to comply with the criteria of the chapter 7 of the NPPF – Requiring Good Design. This would also fail to comply with GEN1 and GEN2 of the ULP 2005

10.14 The provision of remote parking for some units would also fail to meet lifetime home standards. This is applicable to the affordable houses only because the private market homes all have provision of parking on plot. Whilst this fails to comply with the Policies as described in 10.13 it should also be considered an aspect of design that is non-inclusive and fails to comply with the criteria of the chapter 7 of the NPPF – Requiring Good Design

10.15 There are no cycle parking facilities shown on the drawings for houses that do not have garages. The two flats, plots 5 and 6, are provided with cycle parking in the communal garden. Although mentioned in the Design and Access Statement the drawings do not show any provision. The Essex Parking Standards 2009 state that a minimum of 1 secure, covered space should be provided within the curtilage of the dwelling. This lack of provision only affects the affordable homes on the site and contravenes UDC Policy GEN8. It should also be considered an aspect of design that is non-inclusive and fails to comply with the criteria of the chapter 7 of the NPPF – Requiring Good Design

C Access

10.16 The proposed development includes a transport assessment which states that the new accesses onto Chickney Road provide visibility splays that have been agreed with Essex County Council Highways. The Transport Assessment also demonstrates that the existing road network will support the amount of traffic generated by the proposal. As such the proposal complies with UDC Policy GEN1.

10.17 The Transport assessment identifies the site as within walking distance of the facilities within the village and bus routes that provide wider connections to the facilities of the larger settlements of Elsenham, Stansted Mountfitchet and Bishop's Stortford with rail connections available at the larger towns.

10.18 Essex County Highways do not object to the application subject to the imposition of highways conditions in respect of:

- Details of all estate roads and footways and means of surface water drainage.
- Details of sight splays and carriageway width for the second (eastern) access.
- Stopping up of the existing access.
- Completion of carriageway and footpaths prior to occupation.
- The provision of Residential Travel Packs prior to occupation.

10.19 The transport assessment suggests that the applicant is in ongoing negotiations with Essex County Highways to relocate the 30mph zone beyond the site to improve safety for the development. It should be noted that the Traffic regulation Order cannot be put in place until the development is complete and that there is no guarantee that the TRO can be put in place at that time.

D Landscaping and Nature Conservation

10.20 The layout of the proposal has recognised that the site is characterised by the mature trees and hedging that define the north and south boundaries of the site. The retention of these features and the visually impermeable nature of the boundary to Chickney Road have justified the inward facing scheme that does not relate to the village and longer street scene of Chickney Road

10.21 There are aspects of the proposal that the developer has incorporated in revised drawings that have been placed in root protection areas. In particular built structures to improve the parking provision for affordable units have been incorporated with the root protection areas of trees on the northern boundary this can give rise to potential harm the retained

10.22 The drainage strategy proposes a 550mm deep French drain through the root protection areas of the trees on the southern boundary. This drain is intended to take surface water runoff from gardens and private drives away from the site in a controlled manner that alleviates the risk of flash flooding. The position of this drain is close to the trunks of trees on the southern boundary of the site and clearly within the root protection areas identified in the Arboriculture Report that accompanies the application. The developer has not demonstrated that this amount of excavation is acceptable within the root protection areas and therefore the drainage strategy which is a requirement of emerging Policy Henham 1 (Draft Local Plan 2014) cannot be deemed suitable. The need to protect important groups of trees is an aspect of UDC Policy ENV3, the inability to demonstrate protection from a 550mm by 400mm excavation within the Root Protection Zone is considered to be not in compliance with this policy. The Arboricultural Impact Assessment by D F Clark Bionomique Ltd that accompanies the application states in its recommendations that

'The underground services and soakaway plans are located outside of the Root Protection Areas of the trees to be retained' paragraph 7.7 page 9

10.23 The landscaping plan shows two distinctly different treatments of the two entrances. The entrance that serves the private houses has a curved post and rail enclosure from the edge of Chickney Road to define the entrance to the site. The second proposed entrance that serves the affordable homes at the eastern end of the site has no demarcation or boundary treatment. This is a further aspect of the design that

creates distinctions between tenures and cannot be considered inclusive or tenure blind.

10.24 It is proposed that the trees on the Chickney Road Boundary in the northeast corner of the site will be require crown spread reduction to allow sufficient daylight to enter the garden of plot 9 which would be entirely within shadow from the trees. This would suggest that the layout cannot be appropriately accommodated on the site to comply with all the applicable polices of the council. In this instance the attempt to make appropriate amenity space would contravene policies that relate to nature conservation and the protection of the sites assets, notably policies ENV3 and ENV8. It should also be noted the garden of plot 9 is entirely within the root protection area of these trees and that an amendment has also been received that places a carport within the root protection area of these trees.

10.25 Several of the houses proposed are placed within 2 metres of the Root Protection Areas which is does not accord with the Arboricultural Report's recommendations to provide adequate space for scaffolding. This would suggest that the layout cannot be appropriately accommodated on the site to comply with all the applicable polices of the council. This potential harm to the characteristics of the site has been further exacerbated by the amendments that make a more socially inclusive layout which include the covered parking for the affordable homes that is all placed within root protection areas identified on the layout plan. This would contravene policies ENV3 and ENV8 that relate to nature conservation and the protection of the sites assets.

E Legal Agreements

10.26 The applicant has agreed to enter a Section 106 Agreement for the following provisions;

- 40% affordable housing via the onsite provision in accordance with Policy H9
- A contribution towards Education to mitigate the development's impact on primary education provision. The formula is calculated is outlined in ECCs Developers Guide to Infrastructure Contributions 2010 Edition.
- A contribution towards a playspace as required by UDC SPD Developers Contributions 2014.
- A contribution for the conversion of the Wheelchair Accessible unit.

10.27 At this time the mechanism to secure these contributions is not in place

11. CONCLUSION

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

- A The layout, design and distribution of tenures through separate access points create the segregation of affordable homes from of private homes. There are visual differences between the detailing of tenures, notably the lack of chimneys on the affordable units This is not inclusive design as required by the NPPF and will not create a cohesive community with in the development also a requirement within chapter 7 of the NPPF – requiring good design.
- B The provision of tenure specific parking arrangements and lack of cycle parking for the affordable homes is not considered to be inclusive design as required by chapter 7 of the NPPF – requiring good design. The lack of secure cycle parking provision fails to meet the criteria of ULP Policy GEN1 and Policy GEN2

- C The layout and arrangement of dwellings does not provide good amenity for all the proposed homes as such does meet the requirements of Paragraph 17 of the NPPF
- D The 1, 3 4 and 5 bedroom homes do not achieve the current lifetime homes standards which does not constitute inclusive design as required by Chapter 7 of the NPPF. This aspect of the design fails to meet the criteria of ULP policy GEN2
- E The natural assets of the site are potentially harmed by the proposed layout. The amendments proposed that improve the environment of the affordable houses are placed in root protection areas. The Arboricultural report and the Drainage Strategy contradict each other in their safeguarding of trees and proposed soakaway/ drainage locations within root protection areas. This demonstrates that the development cannot be achieved on site without harm to the retained trees that give the site its character and sense of place. The potential harm to trees contravenes policies ENV3 and ENV8 and GEN2

RECOMMENDATION – REFUSAL

Reasons

1. The layout and segregated accesses with different tenures served off each access is non-inclusive design. The layout and a design of houses incorporate tenure specific designs for parking and house style. The proposal fails to meet the requirements of Chapter 7 of the NNPF.
2. The houses do meet the current Lifetime Homes Standards and Plot 19 is proposed to be the Wheelchair Accessible house but does not achieve the standards required by Policy GEN2 and the Councils SPD for Accessible Homes and Playspace.
3. There is no covered cycle parking proposed for the affordable homes on the site. As such the application fails to comply with Policy GEN8 ULP 2005 and is be considered non-inclusive design as required in Chapter 7 of the NPPF
4. The developer has failed to demonstrate that the layout can be accommodated on the site with good amenity standards for residents and without harm to the intrinsic character of the site and its features. As such the layout fails to meet the requirements of the NPPF paragraph 17. The proposed drainage to the southern boundary and the location of houses contradicts the Arboricultural Report submitted as part of the application by placing drainage systems and additional development in the root protection areas of retained trees. As such the proposal fails policies GEN2, ENV3 and ENV8.
5. No Mechanism exists to secure the Section 106 contributions and as such fails to comply with policy GEN6 of the ULP 2005.

UTT/14/2387/FUL (TAKELEY)

(MAJOR)

PROPOSAL: 10 new dwellings, plus associated access, parking and landscaping, including alterations to the existing bus stop to the south of the site.

LOCATION: Land west of the Chalet, Dunmow Road, Takeley

APPLICANT: Mr Nigel Agg

EXPIRY DATE: 26 November 2014

CASE OFFICER: Madeleine Jones

1.0 NOTATION

1.1 Outside Development Limits. Archaeological site. Within 2km SSSI. Within 6km of Stansted Airport. Countryside Protection Zone

2.0 DESCRIPTION OF SITE

2.1 The application site located to the north of Dunmow Road (B1256) to the west of Takeley. The vacant site is 0.4 hectares with landscape screening to the north, south and eastern boundaries. Beyond the hedging, to the east is a bungalow and an annexe. Further to the west is the access road serving Takeley Church. To the west of this access road is a grade II listed dwelling and to the North West is the Trinity Church which is also listed. The land to the west, between the application site and Church Road is roped off and is open space. The boundary of this piece of land has mature landscaping to its western boundary with Church Road. To the north of the site is open countryside. On the opposite side of the road are two sites which have recently been granted planning permission for 41 dwellings and 100 dwellings.

3.0 PROPOSAL

3.1 The proposal is to develop the site with 10 dwellings, in the form of 4 no. 2 bedroom and 4 no 3 bed dwellings and 4 no 4 bedroom dwellings. Two of the dwellings (20% would be provided as affordable dwellings)

3.2 A new vehicular access would be created from Dunmow Road and an adjustment to the existing bus stop.

3.3 All gardens would meet the Essex Design Guide recommendations.

3.4 Plot 8 has been designed to be wheelchair accessible.

3.5 Each dwelling would have off road parking spaces and there would be three visitor spaces provided. The proposed density would be 25 dwellings per hectare.

4.0 APPLICANTS CASE

4.1 This application is accompanied by the following documents(please see main file for full details):

Design and Access Statement
Planning Statement
Topographical Survey
Design and Access Survey
Phase 1 Ecological Report
Archaeological Desk Based assessment
Noise Assessment
Transport Assessment
Foul and Water Drainage Strategy
Phase 1 and 2 Desk Study and Site Investigation Report
Biodiversity Questionnaire
Completed Sustainable Construction Pre- application Checklist form

5.0 RELEVANT SITE HISTORY

- 5.1 DUN/0018/58 Site for residential development: Refused
- 5.2 DUN/0411/70 Site for residential development: Refused
- 5.3 UTT/0219/01/FUL Construction of vehicular access for maintenance purposes:
Conditional Approval
- 5.4 UTT/1360/80/OP Outline application for residential development: Refused.
South of Dunmow Road- opposite the site.
- 5.5 UTT/1335/12/FUL- Erection of 41 dwellings (including affordable housing) with new vehicular and pedestrian access, associated infrastructure and landscaping.
Conditionally approved.
- 5.6 UTT/13/1393/OP- For erection up to 100 dwellings to include provision of 5.7 hectares of public open space. Conditionally approved.

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 Object: (summary)

- UDC can demonstrate a 6.2 year housing supply. The need for housing has been met within the plan.
- Land in this proposal is neither identified in the 2005 Adopted Plan or current Local Plan
- The site is outside development limits and within the Countryside Protection Zone.
- Takeley cannot sustain further housing development. There is inadequate infrastructure to provide for the growing population: i.e. primary school provision, health services /GP's. Takeley Primary school, whilst extended, is vastly oversubscribed. Even the proposal to re-open the Roseacres school site in 2015 as a single form entry primary school will not accommodate the demand for school spaces within the community. As per NPPF para 72 'promoting healthy communities' it states the need to ensure school places are available to meet the needs of existing and new communities' and that 'planning policies and decisions should enhance the sustainability of communities'
- Within the Local Plan there are already 374 new homes identified for development; with a number of windfall sites already planned. This demonstrates, as well as the already unacceptable pressures on infrastructure, this proposal is not needed as per the requirements of policy S7.
- Access to/from the site is intended to cross an existing bus stop/lay by. Given the location of the layby at the brow of Cooks Hill and opposite the entrances to 2 new developments (Brewers End (Countryside) 41 homes and Cooks Hill (Bovis) 100 homes, TPC advises that the proposal will not provide safe access whilst retaining the essential bus stop(Policy GEN1)
- If approved, this proposal would set a precedent for further development (SHLAA TAK 6 –Land at Parsonage Road) which TPC would oppose.

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.

Essex County Council Education

- 8.2 According to the latest information available to Essex County Council's Early Years and Childcare places in the Takeley and Canfields ward are at 100% capacity. With regard to the sufficiency of primary school places the development is in close proximity to Takeley Primary School, the school is currently being expanded to a capacity of 420 places. Even with the extra capacity the school is forecast to having a deficit of 108 places by the school year 2017-018.

With regard to secondary provision it appears that there are sufficient places to serve the needs of the development.

In view of the above I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developers Guide to Infrastructure Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. I also request that the s106 agreement include a contribution towards secondary school transport costs as outlined above.

For information purposes only, on the unit mix referred to above the early years and childcare contribution would be £11,117 and the primary school contribution would be £32,499 index linked to April 2014 costs.

Specialist Archaeological Advice

- 8.3 The Historic Environment Record and the desk top assessment submitted with the application show that there is high potential for surviving archaeological deposits of multi-period date. Excavations both at Stansted Airport to the north and along the Roman Road (former A120) have shown extensive occupation from the late Bronze Age through to the post medieval period. The site also lies at the junction between the Roman Road and the access to the church. Archaeological evaluation and now excavation on the southern side of the Roman Road has identified an extensive Late Iron Age and Roman settlement (EHER 48342) being excavated at present. This is likely to extend to the opposite side of the road and thus into the development area. A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the excavation of trial trenches in the area of the proposed development. If archaeological deposits are identified further open area excavation will be undertaken.

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.
2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the above trial trenching work
3. 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.
4. 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 10 (net) units. This amounts to 2 affordable housing units which should be delivered for shared ownership and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

I confirm that this scheme meets the Council's affordable housing policy. However, I would like to see a more acceptable parking arrangement for plot 7 located between this property and plot 6.

It is also the Council's policy to require all units delivered to the Lifetime Homes Standard with 5% being wheelchair accessible. Plot 8 is wheelchair accessible.

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 preliminary ecological appraisal (Aspect Ecology, August 2014) identifies the site to be dominated by grassland with boundary trees and scrub. None of the habitats are significant in conservation terms. Further surveys were undertaken for bats, badgers, dormice and great crested newts.

Two trees were identified as having low bat roosting potential and are to be retained under proposals. No badger setts or dormice were found and the great crested newt habitat suitability index assessments found surrounding ponds to be unsuitable. No further surveys are necessary.

The recommendations and ecological enhancements identified in Section 6 should be adhered to.

Environment Agency:

- 8.10 As the proposed development site is less than 1 hectare in size, located in Flood Zone 1, the main flood risk issues to consider is the management of surface water run-off. This is covered by our Flood Risk Standing Advice available on line.

Essex County Council Minerals and Waste

- 8.11 No comments

NATS

- 8.12 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. No objections.

9.0 REPRESENTATIONS

- 9.1 This application has been advertised and four representations have been received. Expiry date 18th September 2014 The objections raise the following issues:

- The bus stop was moved 54 years ago from the front of Tuscois. I would be more than pleased to have it put back to where it was
- No need for additional housing in this vicinity
- Development is outside development limits.
- Local services will be overloaded
- Takeley seems a developers "free for all" which is spoiling a previously quiet and amiable village
- Lack of local facilities for the development : schools, doctors surgeries, local police stations not being built
- Local shops can't cope and parking at those shops totally inadequate
- Takeley no longer a little village
- No infrastructure is thought about and certainly never implemented.
- It seems to be about nothing more than money and who's pocket can be filled the greatest.
- The entrance to the site is very close to our property. The entrance onto our property from the Stortford Road which is parallel to the Church Lane. Concerned that this development will place our entrance in jeopardy and as this is the only entrance it would make it landlocked.

10.0 APPRAISAL

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

- A Whether the development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, S8 GEN2, GEN3, H9, H10);**
- 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 the development limits of Takeley. The site is therefore located within the countryside where Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

10.2 Additionally the draft local plan contains policy C2: Protection of Landscape Character. This states:

“Development will be permitted provided that:-

Cross-valley views in the river valleys are maintained with development on valley sides respecting the historic settlement pattern, form and building materials of the locality; Panoramic views of the plateau and uplands are maintained especially open views to historic buildings and landmarks such as churches;

No material harm is caused to the historic settlement pattern, especially scale and density, and that it uses materials and colours that complement the landscape setting and landscape character. Such development should be well integrated with the surrounding landscape;

No material harm is caused to the landscape pattern and structure of woodland areas and hedgerows and individual trees and does not diminish the role they play in views across the landscape;

No material harm is caused to the historic landscape character of field patterns and field size; greens; commons and verges;

No material harm is caused to the special interest of Historic Parklands, Parks and Gardens such as their principal building, formal and informal open spaces, ornamental gardens, kitchen gardens, plantations and water features; and

No material harm is caused to the form and alignment of protected historic lanes.”

10.3 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.

10.4 The NPPF sets a presumption in favour of sustainable development which means approving development which accords with the development plan; and where the relevant policies in the development plan are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the NPPF indicate development should be restricted.

10.5 In June 2014 The Council published its Housing Trajectory and 5 year land supply statement. The Council is able to demonstrate a 5 year + 5% land supply. This statement evidences that the Council can demonstrate a housing supply in excess of the five year supply. In June this stood at 6.2 years supply. As such there is no onus to approve planning permissions for this site in light of paragraph 49 of the NPPF; however the Council will still give favourable consideration to sustainable proposals. Windfall sites are still needed to make a contribution to the housing supply. 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..

10.6 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.

10.7 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. This proposal would result in the erection of ten additional dwellings which would boost the Councils housing supply. The occupiers of the housing would contribute to the local economy in the long term. The proposal would provide employment during the cause of construction, although this would not be a long term benefit. Local trades and suppliers would benefit from the construction project. The proposal would help to serve an economic role.

10.8 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 contribution towards the delivery of the windfall target of a minimum of 50 windfall dwellings per year to meet the housing needs for the district. Takeley has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits. This proposal would help to deliver a social role in the form of the provision of two affordable housing units, one that is wheelchair accessible and a further 8 residential units for market housing.

This is a sustainable site in terms of its proximity to shops, schools and services. It has access to bus services to other nearby towns and centres of employment. The church is 300m to the north west, the Christian school is 275m to the east on Dunmow Road, Takeley Primary School is 275km to the east, Village Hall is 350m to the east, shops and post office and public house are 600m to the east.

The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places.

This however, should be weighed against the requirement of a financial contribution in respect of education. Should the development result in 10 houses on the unit mix referred to above the early years and childcare contribution would be £11,117 and the primary school contribution would be £32,499 index linked to April 2014 costs.

Takeley also does not have any doctors or dentists within the village.

The site is well served by bus routes, providing access between Bishops Stortford to the west and Great Dunmow to the east to further facilities.

The nearest rail station is Bishops Stortford which is located five miles from the site.

This is accessible by bus and provided trains to London, Cambridge and Stansted.

- 10.9 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 introduction of built form in this location would result in some harm to the openness of the rural area. In view of the boundary screening it is considered that the visual impact would be reduced and that the development would not be significantly detrimental to the openness of the countryside. The site has existing residential properties to the eastern boundary. The development of this site for residential purposes would not be unduly out of character with the area.

The site is not a small infill site but a large gap between a residential development and more sporadic housing, however, It is a material consideration that new housing development have been approved on the opposite side of the road under planning references UTT/1335/12/FUL for 41 dwellings and UTT/13/1393/OP for 100 dwellings. The built form of the schemes approved on the southern side of the road extend to be in line with the property on the western side of the access to the church.

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 are long distance views of the site from public rights of way it is therefore that, the landscaping to the north of the site remains. This would need to be achieved by an appropriate condition, however the indicative plans indicate that this would be achieved within the proposed layout.

Only a small part of the existing landscaping to the front of the site would be lost as a result of the development for access to the site. The proposal would not have any significant impact on ecology.

- 10.10 It is not considered that this development would cause significant harm to warrant a refusal. On balance it is considered that this site is a sustainable location for development.

- 10.11 Policy H10 has a requirement for sites of 0.1 hectares and above to include a significant proportion of market housing comprising small properties. The proposal is for a mix of dwellings ranging from 2 to 4 bedroom properties. The proposals, in principle, complies with the requirements of Policy H10. It is not considered that the proposal would result in any material detrimental impact to neighbours amenity.

- 10.12 The application has been submitted with a foul and surface water drainage strategy. The proposed surface water strategy is to discharge surface water run-off to the ditch to the north of the site at a maximum rate of 5l/s in the 100 year return period rainfall event inclusive of climate change. The site is within flood zone one an area at low risk of flooding. This indicates that the site can be developed in such a manner that flooding would not result. Therefore the proposals comply with the requirements of Policy GEN3.

- 10.13 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.

- 10.14 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 with the National Planning Policy Framework (2012)
- 10.15 The Parish Councils comments have been noted in respect that this proposal would set a precedent for further development (SHLAA TAK 6 –Land at Parsonage Road), however any future applications for further sites would need to be assessed on its own merit, in line with current national and local policies at the time it is submitted.
- 10.16 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

- 10.17A transport statement has been submitted in support of this application. 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.
- 10.18 The introduction of the new access would not pose unacceptable hazards subject to appropriate visibility splays being provided the access will involve a slight adjustment to the existing bus stop on Dunmow Road. This arrangement has been confirmed to be acceptable by Essex County council. 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.
- 10.19 The proposed properties are two and three and four bedroom houses. Essex County Council parking standards require the provision for two parking spaces per two and three bedroomed dwellings, three parking spaces for four bedroomed dwellings and additional visitor parking spaces. The proposal has been the subject of pre-application advice and now meets these standards. Each dwelling would have two or three parking

spaces and there would also be three 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

Plot	No. of Bedrooms	Affordable	Garden Sizes (Sqm)	Parking
1	4		115	3
2	4		101	3
3	4		104	3
4	4		137	3
5	3		127	2
6	3		108	2
7	2	A	93	2
8	2	A wheelchair accessible	76	2
9	3		138	2
10	3		175	2
visitor				3

C Design, scale and impact on neighbours amenity

10.20 The proposed development of this site would be relatively low density at around 25 dwellings per hectare.

10.21 The proposed dwellings would respect the scale of the adjoining development to the east and approved developments to the south.

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

10.23 The dwellings have been designed to comply with the requirements set out in the SPG: Accessible Homes and Playspace. The homes will be built to Lifetimes Homes standards and plot 8 has also been designed to be wheelchair accessible.

10.24 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.
There is the potential for the development to result in noise nuisance to neighbouring properties from the extra traffic generated. 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.

10.25 There is a 15m separation distance between the dwellings to the east of the site and the boundary of the existing properties to the east, this distance complies with the Essex Design Guide requirements. It is considered that there would be no materially detrimental impact from the development to neighbouring properties. The proposed layout would not sterilise the potential development of adjacent land to the west as plot

ten does not have any windows to its western elevation at first floor level apart from one serving a bathroom, which can be conditioned to be obscure glazed.

10.26 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.

10.27 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.

10.28 The landscaping to the north and south boundaries is indicated as remaining (subject to removal of a small part of the landscaping to the southern boundary for the new access) and further trees and planting is to be carried out. This is fundamental to the proposal being acceptable in this location. This can be controlled by a relevant condition.

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

10.29 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.

10.30 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";
- 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".

10.31 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 have been

submitted with the application. Further surveys were undertaken for bats, badgers, dormice and great crested newts.

No tree subject of a tree preservation order would be harmed by the development.

10.32 The submitted ecology report 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)

10.33 Although the site is close proximity to grade II listed buildings to the west (on the other side of Church Road) and also the Holy Trinity Church to the North West., 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)

10.34 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.

10.35 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 2 affordable housing units. The applicant has agreed to the provision of affordable housing and agreed to enter into a legal agreement in this respect.

11. CONCLUSION

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

- A 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 in close proximity to listed buildings to the west and to the North West 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 on site**
 - (ii) **Education Contributions**
 - (iii) **Provision and ongoing maintenance of landscaping**
 - (iv) **Adjustments to bus stop**
 - (v) **Pay the Council’s reasonable costs**
 - (vi) **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 10th December 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons**
 - (i) **Lack of provision of 20% of affordable housing**
 - (ii) **Lack of education contribution**
 - (iii) **Lack of provision and ongoing maintenance of landscaping**
 - (iv) **Lack of adjustments to bus stop**

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.

REASON: The Historic Environment Record and the desk top assessment submitted with the application show that there is high potential for surviving archaeological deposits of multi-period date. Excavations both at Stansted Airport to the north and along the Roman Road (former A120) have shown extensive occupation from the late Bronze Age through to the post medieval period. The site also lies at the junction between the Roman Road and the access to the church. Archaeological evaluation and now excavation on the southern side of the Roman Road has identified an extensive Late Iron Age and Roman settlement (EHER 48342) being excavated at present. This is likely to extend to the opposite side of the road and thus into the development area to comply with policy ENV4 of Uttlesford local plan (adopted 2005).

- 7 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the above trial trenching work

REASON: The Historic Environment Record and the desk top assessment submitted with the application show that there is high potential for surviving archaeological deposits of multi-period date. Excavations both at Stansted Airport to the north and along the Roman Road (former A120) have shown extensive occupation from the late Bronze Age through to the post medieval period. The site also lies at the junction between the Roman Road and the access to the church. Archaeological evaluation and now excavation on the southern side of the Roman Road has identified an extensive Late Iron Age and Roman settlement (EHER 48342) being excavated at present. This is likely to extend to the opposite side of the road and thus into the development area to comply with policy ENV4 of Uttlesford local plan (adopted 2005).

- 8 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 and the desk top assessment submitted with the application show that there is high potential for surviving archaeological deposits of multi-period date. Excavations both at Stansted Airport to the north and along the Roman Road (former A120) have shown extensive occupation from the late Bronze Age through to the post medieval period. The site also lies at the junction between the Roman Road and the access to the church. Archaeological evaluation and now excavation on the southern side of the Roman Road has identified an extensive Late Iron Age and Roman settlement (EHER 48342) being excavated at present. This is likely to extend to the opposite side of the road and thus into the development area to comply with policy ENV4 of Uttlesford local plan (adopted 2005).

- 9 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 and the desk top assessment submitted with the application show that there is high potential for surviving archaeological deposits of multi-period date. Excavations both at Stansted Airport to the north and along the Roman Road (former A120) have shown extensive occupation from the late Bronze Age through to the post medieval period. The site also lies at the junction between the Roman Road and the access to the church. Archaeological evaluation and now excavation on the southern side of the Roman Road has identified an extensive Late Iron Age and Roman settlement (EHER 48342) being excavated at present. This is likely to extend to the opposite side of the road and thus into the development area to comply with policy ENV4 of Uttlesford local plan (adopted 2005).

10. Prior to commencement of the development details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

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

- 11 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 2metre wide footway on the eastern side. 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.

- 12 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.

- 13 The development hereby permitted shall be carried out in accordance with the recommendations and ecological enhancements contained in the ecological appraisal dated August 2014 submitted with the 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.

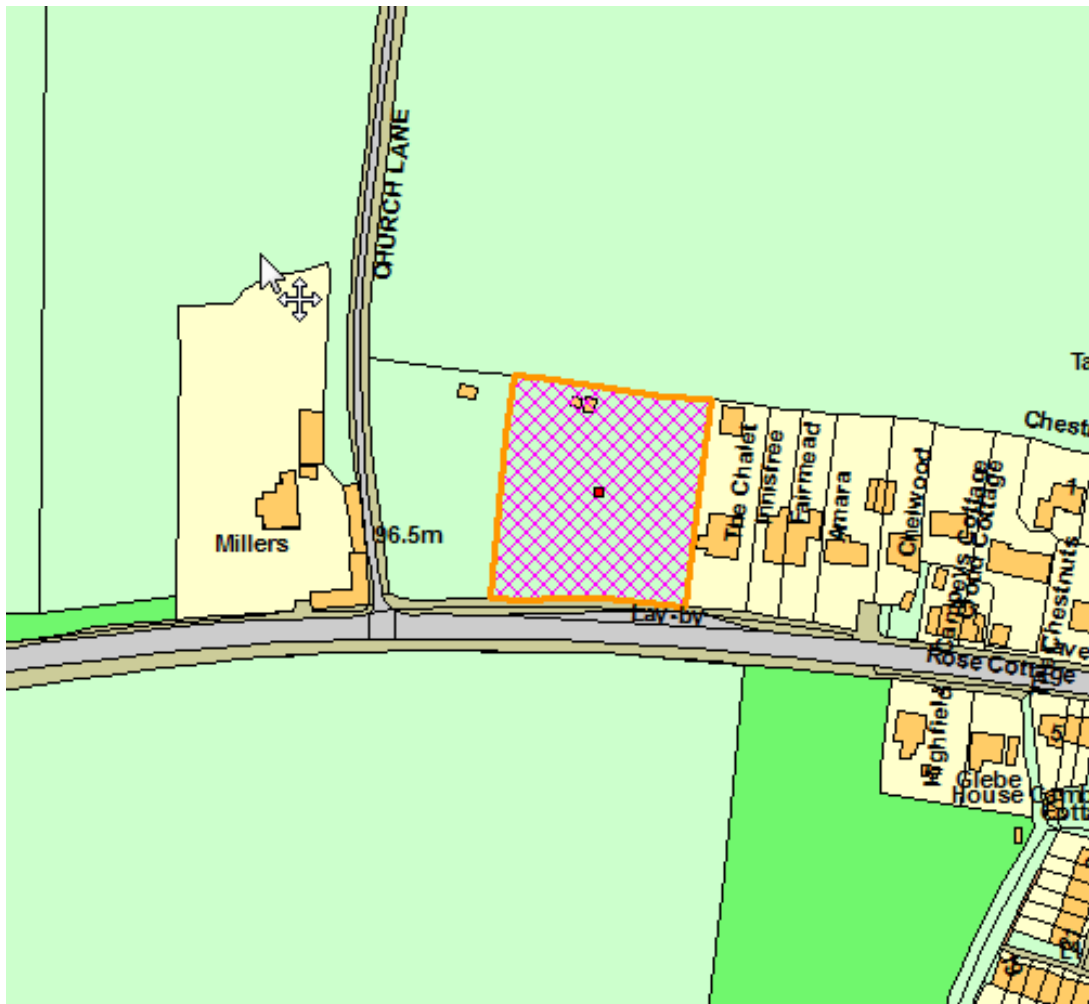
14. Prior to commencement of any development, the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel and under body cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site. Details to be submitted to and agreed in writing with the Planning Authority.

REASON: In the interests of highway safety and efficiency in accordance with Uttlesford. Local Plan policy GEN1.

15. The window to the western elevation at first floor level of plot 10 serving the stairwell shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid sterilisation of the adjacent site in accordance with policy GEN2 of the Adopted Uttlesford Local plan

Application no.: UTT/14/2387/FUL
Address: Land west of the Chalet, Dunmow Road, Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/2739/FUL GREAT DUNMOW

MAJOR

PROPOSAL: Installation of a Solar Farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm.

LOCATION: Tooleys Farm, Brookend Road Stebbing

APPLICANT: Lightsource Renewable Energy Ltd

AGENT: As Applicant

EXPIRY DATE: 16.12.2014

CASE OFFICER: Lee Smith-Evans

1. NOTATION

1.1 Countryside

2. DESCRIPTION OF SITE

1.1. The site is two agricultural fields which total 10.9 ha. These are relatively flat fields that are separated by a small wood named The Spring. Each field is bounded by a mature hedge with the exception of the western field where its southern boundary has some gaps. The fields are currently used for growing crops.

1.2. The site is approximately 1 km south west of the village of Stebbing and approximately 1.4 km west of Great Dunmow. Stansted Airport is 9km west of the site.

3. PROPOSAL

3.1 The application relates to the change of use of the site from agricultural use to a Solar Farm for the generation of renewable electricity.

3.2 The solar array will be laid out as rows of panels, each being a maximum of 2.1 meters above the ground with 0.8 meters of clear space below to allow the grazing of sheep below the panels. The panels are aligned in rows facing south for the greatest efficiency. The panels are coated to maximise daylight absorption and minimise glare. The application includes a number of buildings to house inverters, transformers and switchgear substations. The site is to be protected by a 'deer fence' at 2 meters high and a series of CCTV cameras which face into the site.

3.3 The application includes additional planting of native hedging to strengthen the existing boundaries and some ground works to provide drainage from the site.

4. APPLICANT'S CASE

4.1 The following is a summary taken from the Executive summary of the Design and Access Statement.

- The proposal is for a 5.32 MW solar farm, capable of generating enough clean electricity to power 1,493 typical households.
 - The solar farm would avoid 2,540 kg of carbon dioxide emissions associated with electricity generation each year, thus reducing the carbon footprint of Dunmow, Stebbing and the wider Great Dunmow area. This is the equivalent of removing 566 standard cars from the road.
 - It is evident from the detailed Landscape and Visual Impact Assessment that the proposed solar farm would not harm the landscape elements associated with the site. The significant tree cover and established hedgerows on and around the site would effectively obscure views of the proposed development from any properties or public right of ways in the vicinity of the site. Furthermore the additional planting as shown on the planting plan will offer additional screening of the development thus effectively further obscuring the views of the proposed development.
 - The Ecological assessments undertaken conclude that the ecological value of the site overall is considered to be low. The site does not form part of any statutory or non-statutory designated sites and with the implementation of appropriate precautionary measures no impacts on protected habitats and species are anticipated. Precautionary measures have been recommended during the construction period to safeguard nesting birds.
 - Measures to improve biodiversity are also proposed, including retaining all boundary hedgerow and trees, creation of grasslands and wildflower habitats. Implementation of these measures is considered to lead to a biodiversity gain at local level.
 - The setting of the designated heritage assets in the wider area has been assessed in detail with the benefit of a ZTV analysis and a site visit. This assessment has shown that the proposed development would have no more than a negligible effect on the significance of the designated heritage assets in the surrounding area, due to the distance from the proposed development and favourable screening provided by the surrounding topography and vegetation.
 - A sustainable drainage strategy, involving the implementation of SuDS in the form of swales, is proposed for managing the disposal of surface water runoff. Swales are proposed at the low points of the site to intercept extreme flows which may already run offsite. The proposed drainage strategy would ensure that the development would therefore have a negligible impact upon site drainage.
 - A Glint and Glare analysis concludes that there is no potential to cause any nuisance to receptors. The safeguarding adviser at Stanstead airport has reviewed a copy of the analysis and has confirmed satisfaction with the survey results and no objection to the proposal.
- A full agricultural land classification report was carried out to establish the agricultural land grade. The assessment concluded that the site comprises a mixture of Grade 2 (33.6%), Grade 3a (17.7%) and Grade 3b (48.7%) agricultural land. The intermixing of grades means that exploitation of the very good quality land separately from the poorer land is not possible and this intermixing is representative of the poorest quality likely to be available across the District.
- A Sequential Analysis Study (SAS) has also been prepared. The SAS has been completed across the whole of the district, taking into consideration factors such as proximity of non-agricultural land or buildings, amount of previously developed land

and proximity of the grid connection and available grid capacity. The study concludes that there are no potential alternative sites of any poorer agricultural quality land.

- Sheep will be grazed under and between the rows of solar panels, which allows for a dual productive use of the site, through the generation of renewable energy and the continued agricultural use of the land.
- At the end of the solar farm's life, the site will be decommissioned, with all infrastructure removed from the site, and the site restored to its original condition for future agricultural use.
- The majority of the components of the solar farm can be recycled or reused at the end of the solar farms operational life.
- The proposed solar farm is consistent with national and local policy, and will contribute to the country's renewable energy generation targets.

5. RELEVANT SITE HISTORY

- 5.1 There is no history associated with this application but an EIA screening option was requested earlier this year.

6. POLICIES

- National Planning Policy Framework (NPPF)

6.1 Relevant Government advice:

- DE&CC - "UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (Oct 2013)
- DE&CC – "UK Solar PV Strategy: Part 2: Delivering a Brighter Future (April 2014)- DCLG document "*Planning practice guidance for renewable and low carbon energy*" (July 2013)

6.2 Uttlesford District Local Plan 2005

- ULP Policy S7 - The Countryside
- ULP Policy E4 - Farm diversification: alternative use of farmland
- ULP Policy ENV2 - Development affect listed buildings
- ULP Policy ENV5 - Protection of agricultural land
- ULP Policy ENV8 - Other landscape elements of importance for nature conservation
- ULP Policy ENV15 - Renewable Energy
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 - Flood Protection
- ULP Policy GEN4 - Good neighbourliness
- ULP Policy GEN7 - Nature Conservation
- ULP Policy GEN8 - Parking

6.3 Uttlesford District DRAFT Local Plan (Pre-Submission Document, April 2014)

- Policy SP8 - Renewable Energy and Energy Efficiency
- Policy SP9 - Protection of the Countryside
- Policy SP11 - Protecting the Natural Environment
- Policy EN10 - Sustainable Energy and Energy Efficiency
- Policy C1 - Protection of Landscape Character

- Policy DES1 – Design
- Policy TA1 - Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

- 7.1 Great Dunmow Town Council - support the application
- 7.2 Stebbing Parish Council - No Objection

8. CONSULTATIONS

Environment Agency

- 8.1 Standing advice offered with no objection

BAA Aerodrome Safeguarding

- 8.2 No Objection

NATS

- 8.3 No Objection

Natural England

- 8.4 No Objection

Essex Highways

- 8.5 Awaiting new consultation response

Essex Ecology

- 8.6 No Objection

Saffron Walden Museum

- 8.7 No Objection

9. REPRESENTATIONS

- 9.1 Uttlesford CPRE representative

As I live in west Essex I am writing on behalf of CPREssex, to object to this proposed development which is in breach of both local and national planning policies.

The Application would be contrary to the Government Planning Policy Guidance for Renewable and Low Carbon Energy. This Application is on a green field site and does not allow for its continued long term agricultural use. In addition the development would have a considerable visual impact on the landscape quality of the area.

Earlier this month, Lynn Truss, the Environment Secretary stated: 'Food and farming is our number one manufacturing industry, the whole food chain represents £100 billion in our economy, and it is a real problem if we are using productive agricultural land for solar farms.'

I'm not against them per se – they're fine on commercial roofs and school roofs – but it's a big problem if we are using land that can be used to grow crops, fruit and vegetables. We import two-thirds of our apples, and using more land for solar panels make it harder to improve that.'

CPREssex advocates that solar panels should not be placed on agricultural land but instead should be mounted on buildings where the energy can be utilised directly by the occupants of the building. [Incidentally, school buildings make ideal candidates for such renewable energy generation where the educational opportunities associated with such systems ensure our future generations are more aware of energy generation and utilization].

This application is contrary to Local Plan Policy S7 '*Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there*'. This part of west Essex is a much appreciated landscape, of undulating land which has been farmed for many centuries and is quintessentially characteristic of this part of Essex. The site is close to several local footpaths which encourage local residents and visitors to explore this part of Essex. People use these access routes to view the landscape as it is, not to see industrialised intrusions such as solar farms. Solar panels are highly visible man-made structures which do not enhance the vistas of any agricultural landscape.

Tooleys House, a Grade II listed building, stands just 280m from the site and the impact of solar panels on the immediate surroundings to such a building need to be taken into consideration. Such buildings are likely to have foundations which can be damaged by vibrations caused by nearby HGV movements.

Tourism is considered to be one of the important economic drivers for economic growth in the area and permitting the spoliation and degradation of the very vistas of this most attractive and delightful agricultural landscape which tourists come to view is not the way forward. To allow a solar farm here would definitely be a scar on this attractive landscape.

A third of the proposed site is Grade 2 agricultural land and the remainder 3a or 3b all of which are currently farmed as productive arable land. The Local Plan Policy ENV5 protects the best and most versatile agricultural land which should be retained for agricultural purposes. Grade 2 land is high quality land yielding a good harvest and the remaining land is still productive. Consideration of the issue of food security should be higher on the agenda for those responsible for the future wellbeing of our society and it is important to safeguard agricultural land to meet the current and future needs of the growing UK population. No farmland of Grade 2 should be sacrificed to uses other than food production. In July this year, The Cambridge Institute for Sustainability Leadership published a report: the Best use of Agricultural Land which stated that there is a short fall of 7 million hectares of productive farm land if the UK is to provide food for its growing population. Every hectare lost to development diminishes this country's long term ability to provide food for future generations. I have attached a copy of this report for your information; it contains some alarming statistics!

I note that there is a suggestion that grazing would be possible on this site. Many farmers in Essex have switched to arable production as this reduces labour costs. The suggestion of returning to a regime of animal husbandry is unlikely to be cost effective in this case.

Currently this 10 hectare site is a green field. This land is providing valuable ecological services to the local community by storing carbon and absorbing rain water for slow

release into the nearby watercourses. The nearby trees in the copse will of course will be producing vital oxygen as well as capturing carbon as well as providing oxygen and the vegetation growing around the field margins will be supporting a wide variety of wildlife thus adding to the biodiversity potential of the locality.

Earlier this year, The Lake District National Park Authority issued a useful guide to *Managing your land for Carbon, What's in it for me?* This provides information about the levels of carbon storage for different habitats within the UK. The current best estimate for carbon stored per hectare of arable agricultural land is 44 tonnes, with the growing crops storing a further 1 tonne of carbon per hectare. Disturbing the ground by installing solar panels alters this carbon balance and inevitably the potential loss of a third of the site to solar panels will result in a loss of carbon uptake by the site. Adding hard standing in the form of buildings and other associated infrastructure to a site removes its potential for absorbing rain water too!

Access to this site is along a narrow single track private road and then across public footpaths which are totally unsuited to heavy construction traffic. The proposed fencing of the site is a visual intrusion and the glinting of solar panels will certainly spoil the vista of a green and pleasant landscape.

To permit this application to proceed would potentially open the way for other applications to be made thus leading to the ruination of the very countryside that is treasured by many local residents and visitors to the area.

Whilst CPRE is firmly in favour of exploring all possible options for sustainable projects to deliver renewable energy, for the reasons listed above I would urge you to think carefully about this proposal and recommend refusal as it is inappropriate in the countryside.

9.2 22 representations were received with 15 supporting the application and 7 objectors. A summary of the objectors reasons are:

- The impact on listed buildings
- The disruption from the construction and decommissioning processes
- Loss of agricultural land
- Amenity of the footpaths spoilt
- Highway safety
- Potential post residential use
- This will serve a catalyst for more solar farms
- Glare from panels
- Industrialisation of the countryside

10. APPRAISAL

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

- A Whether the use of the site as a solar park would be appropriate in terms of land use / impact of proposal on rural character (NPPF, ULP Policies S7, E4, ENV5, ENV8 and ENV15);**
- B Whether access arrangements would be satisfactory (ULP Policy GEN1);**
- C Whether the development would have an adverse impact on neighbouring amenity (ULP Policies GEN2 and GEN4);**
- D Whether the development would increase flood risk (ULP Policy GEN3)**

E Whether the development would have an adverse impact on biodiversity/protected species (ULP Policy GEN7).

F Whether the development would affect the setting of Listed Buildings.

10.1 The NPPF advises that all communities have a responsibility to help increase the use and supply of green energy, but adds that this does not mean that the need for renewable energy automatically overrides the environmental protections and the planning concerns of local communities, adding that as with other types of development that it is important that the planning concerns of local communities are properly considered in matters that directly affect them. The Government has brought out new planning practice documents for renewable and low carbon energy schemes (UK Solar PV Strategy Parts 1 and 2 October 2013 and April 2014) to be read alongside the NPPF, which includes guidance on solar energy, and replaces the previous Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) This latest guidance states in paragraph 68:

Decisions on the granting of approval for large scale solar PV installations (less than 50 MWp) will continue to be taken through local planning processes in accordance with local plans and any relevant material considerations, including national planning policy and practice guidance. Local planning remains the most appropriate vehicle for such decisions and ensures that the voices of the local communities in which developments are proposed are heard as part of the planning decision. The Department for Communities and Local Government, in association with DECC, published revised planning guidance for renewable energy developments in England in July 2013.

10.2 The maintained principles within this earlier document are relevant to this application. Paragraphs 26-28 of the document deals specifically with large scale ground-mounted solar PV farms where it is stated that *“The deployment of large scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”*. The document provides a list of particular factors which it states that an LPA will need to consider, namely:

- If a proposal involves greenfield land that it allows for continued agricultural use and/ or encourages biodiversity improvements around arrays
- That planning conditions are used to ensure that installations are removed when no longer in use and the land is restored to its previous use
- The effect on the local landscape and on neighbouring uses/aircraft safety
- The need for and impact of security measures, such as lights and fencing
- Protection of heritage assets
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- The energy generating potential of a solar park scheme

10.3 The practice document goes on to advise that there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations it advises that LPA's will need to ensure that they take into account the requirements of the technology, and, critically, the potential impacts on the local on the local landscape environment, including from cumulative impacts where the views of affected local communities should be listened to. However, Paragraph 28 states that *“In the case of ground-mounted solar panels it should be noted that with effective*

screening and appropriate land topography the area of a zone of visual influence could be zero.”

- 10.4 The application site is located outside development limits in an area defined within the adopted local plan as being countryside. ULP Policy S7 of the local plan states that the countryside will be protected for its own sake and that permission will only be given for development that needs to take place there or is appropriate to a rural area. The policy adds that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. The applicant has submitted a sequential site analysis that has considered the availability of previously used land and other potential sites. Following negotiation with the officers of the council the sequential test was expanded to evaluate potential sites in Braintree District which are geographically in proximity to this site. The findings of this report concluded that there are no other sites of better suitability.
- 10.5 The site is currently used for arable farming purposes and is classified as a mixture of Grade 2 agricultural land (33.6%) Grade 3a (17.7%) and Grade 3b (48.7%). ULP Policy E4 states that alternative uses for agricultural land will be permitted if (a) the development includes measures for landscape and nature conservation enhancement, (b) the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, (c) the continued viability and function of the agricultural holding would not be harmed and (d) the development would not place unacceptable pressures on the surrounding rural road network. ULP Policy ENV5 states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for possible alternative development locations on poorer quality agricultural land except where other sustainability considerations suggest otherwise. ULP Policy ENV8 seeks to protect landscape elements important for nature conservation, such as hedgerows and linear tree belts. ULP Policy ENV15 states that renewable energy development schemes will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity.
- 10.6 The Council's screening opinion for the proposed site concluded that the scheme would not have a significant impact on the local landscape. A detailed Landscape and Visual Assessment submitted with the application has analysed the impact of the layout of the array and the proposed scheme of visual mitigation from within a zone of visual impact. This document illustrates how the existing terrain together with the existing and proposed hedging will minimise the visual impact of the scheme from the majority of publicly assessable vantage points. The proposals include the planting of selected grasses within the site to allow the grazing of sheep. The site would be enclosed by a 2m high timber post and wire stock fence. As an amendment the applicant has now mounted the CCTV cameras on wooden poles to be more in keeping than the originally proposed galvanised ones first specified.

B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);

- 10.7 The access to the site is along a private drive from Brookend Road. This access is used by the private residencies within the farmstead and for the current operational use of the farm and employment uses. The access beyond the existing road will be surfaced to accommodate the construction traffic. The construction period is expected to be 6 to 8 weeks and will involve 100 deliveries by HGV's spaced between 2 to 4 deliveries per day. The delivery vehicles are of similar size to those that currently

facilitate the current agricultural use. A Construction traffic management strategy accompanies the application.

10.8 ECC Highways have been consulted on the proposal and a revised transport study. Highways have not raised any objections subject to conditions. It is considered that the proposal would therefore comply with ULP Policy GEN1. It should be noted that the track is already used by farm vehicles and HGV's for normal farm business.

C Whether the development would have an adverse impact on neighbouring amenity (ULP Policies GEN2 and GEN4);

10.9 The site is in an isolate rural position and is well screened by the existing hedgerows and trees. When the proposed planting has established the screening effect will be significantly enhanced. The neighbouring residential properties are within the farmstead of Tooleys, the closest being approximately 280 metres to the south. The houses are well screen from the existing farm complex and fields by extensive yet immature planting of hedging and trees. The application is accompanied by a noise report which concludes that the amenity of the neighbours is not adversely affected.

D Whether the development would increase flood risk (ULP Policy GEN3)

10.10 The site comprises farmland with deep drainage channels to the site boundaries, two of which extend off the site in an easterly location. The submitted Flood Risk Assessment indicates that the site is within a Flood Zone 1 area where the site is not prone to flooding and where it is stated that the proposal would not increase this risk given the nature of the proposal.

E Whether the development would have an adverse impact on bio-diversity/ protected species (ULP Policy GEN7)

10.11 The ecological assessment submitted with the application. The report finds that the main area of the site, which is currently arable land, has a low ecological interest. The adjoining woodlands and hedge rows have a higher quality habitat and also provide linkages to other area. Essex ecology have not objected to the findings of the report with regard to protected species and also welcome the enhancements proposed. These include;

- the retention of existing hedgerows
- Supplementary hedge planting/strengthening and grassland creation.
- A pre-construction badger survey will identify any new sets within 30 metres of the site.
- The installation of 8 bird boxes on trees on the boundary of the site.
- Badger gates, which have subsequently been enlarged, to allow several I species to pass through the site and the deer fence enclosure.

F Whether the development would affect the setting of Listed Buildings.

10.12 A Heritage Asset Report has been submitted with the application and a subsequent amendment has been produced that provides more evidence as to the negligible impacts on the heritage assets within the zone of influence of the proposal.

11. CONCLUSION

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

- A** The proposal would lead to the loss of 18.65 ha of Grade 2 arable agricultural land. However, the nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area, where these would be most experienced by users of the adjacent public rights of way. However, this is considered not to be significant given the location and lie of the land and the impact of the proposal needs to be weighed against the benefits of the provision of renewable energy where this is encouraged through national policy subject to safeguards and in this instance the benefits are considered to outweigh the constraints.
- B** The impact on the local highway network is regarded to be low where vehicle movements to and from the site are likely to be minimal during construction works and reduced further once the solar farm is operational.
- C** The proposal would not result in a material loss of neighboring residential amenity in terms of outlook, noise or disturbance.
- D** The proposal would not increase the risk of flooding.
- E** The proposal would not have a harmful effect on wildlife or protected species where an opportunity exists to enhance local bio-diversity through the introduction of boundary hedgerows and wildflower meadow
- F** The proposal does not affect the setting of the Listed Buildings in the vicinity.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No site clearance, site preparation or construction shall be carried out on site between March and August inclusive in any year, unless a survey for ground-nesting birds has been undertaken, submitted and approved in writing by the Local Planning Authority which confirms that no species would be adversely affected by the clearance, preparation or construction.

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 ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

3. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

4. No lights shall be erected within the site without the prior written agreement of the local planning authority.

REASON: To safeguard the character and appearance of the countryside in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

5. The development hereby permitted shall be carried out in accordance with the Construction Management Programme prepared by Lightsource

REASON: To minimise disruption to the local highway network and on residential amenity in accordance with ULP Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in accordance with Uttlesford Local Plan Policy S7 (adopted 2005).

7. Prior to commencement of the development, a vehicular turning facility of at least size 2 dimensions for service and delivery vehicles, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety, in accordance with policy GEN1 of the ULP 2005.

8. The Construction Traffic Route Plan as detailed within the Transport Statement shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

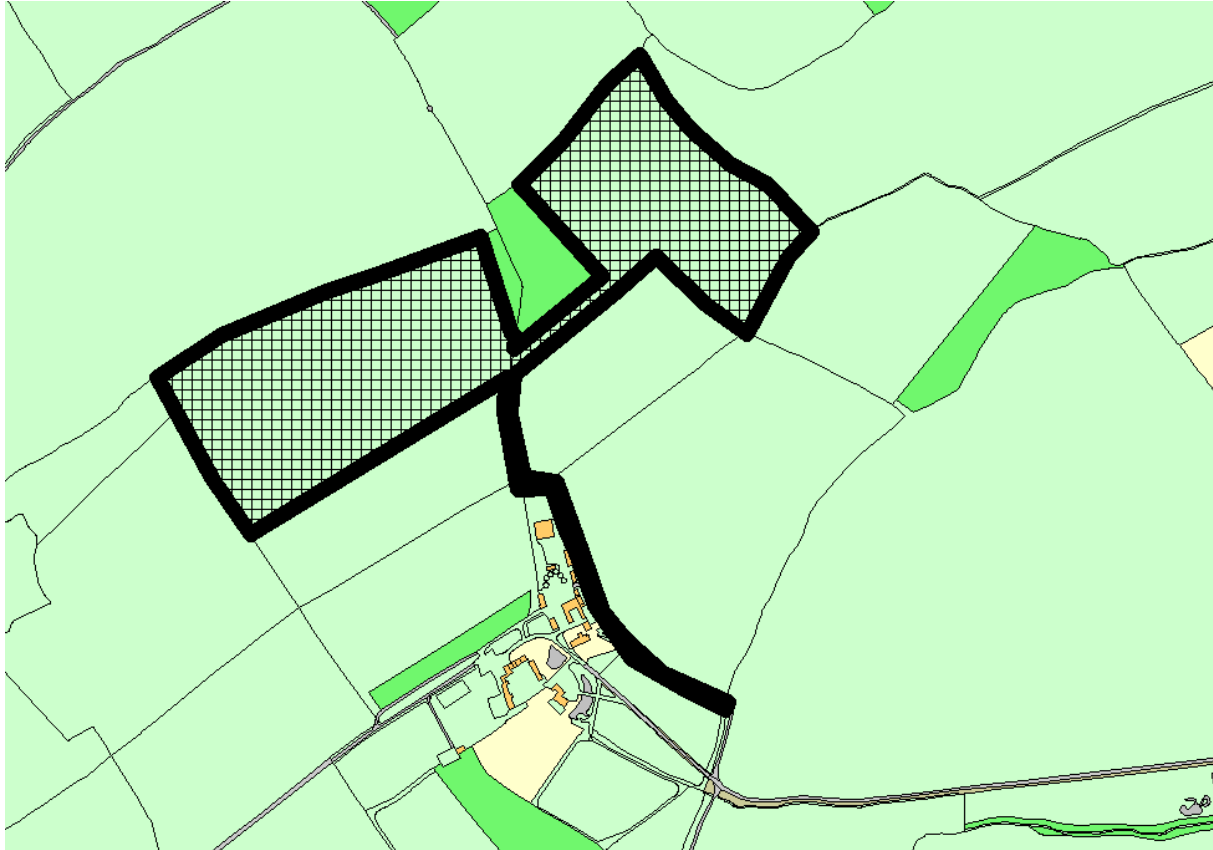
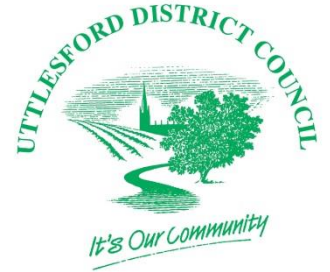
REASON: To ensure that the adjoining highway is not obstructed by construction activity in the interest of highway safety in accordance with policy GEN1 of the ULP 2005

9. The development hereby permitted shall be carried out in accordance with the Biodiversity Management Programme prepared by Lightsource

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 ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/2739/FUL

Address: Tooleys Farm, Brookend Road Stebbing



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/3102/FUL - (SAFFRON WALDEN)

(MAJOR)

PROPOSAL: Amendment to scheme approved under UTT/14/0356/DFO (demolition of existing buildings and erection of 24 no. dwellings) - to move plot 15 south and adjoin its single garage to plot 14 making twin garage. To rotate the carport for plots 17 and 19 and locate it on the western boundary and increase in size to accommodate parking from plots 16 & 18. To remove the single garage between plots 17 & 18 and relocate the parking of plots 18 to the relocated carport, and revised locations of plots 1-3 approximately 1.1m southwards towards site access.

LOCATION: Tudor Works Debden Road Saffron Walden

APPLICANT: Croudace Homes Ltd

EXPIRY DATE: 16 January 2015

CASE OFFICER: Maria Shoemith

1. NOTATION

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

2. DESCRIPTION OF SITE

- 2.1 The application site comprises the current industrial premises of LPA Ltd which fronts onto Debden Road. The premises occupy most of the site and are an amalgam of some fifteen different buildings and structures of varying styles. They are predominantly single storey with a two storey brick office on the frontage and further two storey ones at the rear. The buildings extend up to the boundaries of parts of the site with very limited space around them for servicing and limited car parking available. The site is bounded by the rear gardens of the dwellings on Mandeville Road, Borough Lane and Debden Road. Mount Pleasant Cottages are separated from the site by an access road.
- 2.2 The ground levels marginally vary within and around the site, with an increase in ground levels north to south on Debden Road, with Mount Pleasant Cottages lying at a lower level and no. 74 at a higher level to the application site. The ground levels abutting the rear gardens of Mandeville Road being at a lower level to Debden Road.
- 2.3 The dwellings located within the immediate surrounding area vary in design and style, and range from 2 and 2 ½ storeys.
- 2.4 No 74 Debden Road which lays immediately south adjacent to the application site has a side access door and 2 flank elevation windows are considered to serve non-habitable rooms.

3. PROPOSAL

- 3.1 The application is for an amendment to the previously granted reserved matters application (UTT/14/0356/DFO) on the site following the granting of Outline Planning Permission. The reserved matters were granted at the 23 July 2014 Planning Committee.
- 3.2 The proposed detailed scheme indicates the erection of the 24 units. It should be noted that the original application was for the erection of 24 dwellings and not for up to 24 dwellings.
- 3.3 The proposed scheme is for a mixture of 2 and 2 ½ storey dwellings, with off street car parking and garden space which is proposed to be formed around a 'T' shape cul-de-sac. The site area is 0.59hectares and the proposed density for the site would be 40 dph.
- 3.4 As initially indicated and approved the existing vehicular access from Debden Road would be repositioned away from the eastern boundary of the site. This is still proposed together with the siting of a detached dwelling to the south of the access and a terrace of three dwellings to the north of this fronting Debden Road. The existing informal access to the north of the site, off Debden Road, is proposed to be retained and utilised, both by the proposed development and Mount Pleasant Cottages.
- 3.5 Whilst boundary treatments have been indicated this aspect would still need to be further approved through the submission of information at conditions stage (condition 3 of UTT/1252/12/OP).
- 3.6 The principle of the application and the general layout has already been previously approved under UTT/1252/12/OP and UTT/14/0356/DFO). This application sees a revised layout from the previously approved reserved matters in relation to Plots 1-3 and 15-19.

The below table provides a breakdown of the each of the units;

Unit No.	No. Bedrooms	No. Parking Spaces	Amenity Space (m2)
1	3	2	80 =
2	2	2	46 =
3	3	2	84.5 =
4	2	2	55.5 +
5	2	2	56.21 +
6	2	2	52.23 +
7	2	2	85.74 +
8	4	3	77.44 =
9	4	3	86.47 =
10	4	3	90.36 =
11	3	2	86.85 =
12	3	2	85.73 =

13	4	3	80.64	=
14	3	2	75	=
15	3	2	63	=
16	3	2	110.75	+
17	3	2	49	-
18	3	2	52.25	-
19	3	2	87.9	=
20	3	2	75	=
21	2	2	71.17	+
22	2	2	44.61	=
23	3	2	75	=
24	3	2	88.39	=

Key:

- + Meets Essex Design Guide recommended amenity space standard
- = Within 25% tolerance of the amenity space standards
- Does not comply with EDG

4. APPLICANT'S PREVIOUS STATEMENT OF CASE

- 4.1 *“The Tudor Works has serious deficiencies and is virtually at the end of its economic life as a commercial/manufacturing unit. The Building Condition Report submitted with the application supports this fact and demonstrates the problems within the site. The application site cannot be redeveloped for the current occupants as it would cause serious disruption to the business. This together with the cost of the work required would render this option unviable and it is also extremely doubtful that the site would be capable of providing a building of the size required together with parking and HGV manoeuvring space to meet current standards. This combines to make the relocation to modern premises a pressing necessity.*
- 4.2 *The Company have been operating from the site since the 1970's and currently employs approximately 70 people on the site of whom 60 are permanent employees and 10 are on temporary contracts. The Company needs a site of a similar size (40,000 sqft) in Saffron Walden and has identified the Pedley Furniture factory units on Shirehill as being suitable.*
- 4.3 *Following informal consultation with Uttlesford District Council Planning committee, which encouraged the Company to believe that planning permission for change of use for Tudor Works to residential would be forthcoming, the Company has agreed heads of terms subject to contract to acquire these premises. The redevelopment of the Tudor Works for housing will enable the applicant company LPA Ltd to relocate to the Pedley Furniture site and to stay in Saffron Walden and to maintain its employment base in the town.”*
- 4.4 A Lifetime Homes Statement has been submitted which outlined how the agreed 6 dwellings would meet the criteria. The Statement identified that units 1-3, 21, 22 and 24 would be the designated Lifetime Homes.

- 4.5 The Design and Access Statement highlights that the scheme follows the principles of the Essex Design Guide. The few existing trees and hedges on site are proposed to be retained.
- 4.6 The proposed materials to be used would be a mixture of red facing brick, under slate or tiled roof, with some finished in boarding or render. The design would vary through the use of porches and front facing dormer windows. Various examples of similar styles within the area have been highlighted within the DAS. Chimneys have been included on the proposed properties which front Debden Road to continue the theme, detail to the windows, finishing and materials have been discussed.
- 4.7 55 car parking space including 3 visitor parking spaces have been provided to meet the schemes needs. 5 additional car parking spaces have been provided since the Outline application in order for the scheme to accord with the amended car parking standards since its approval in 2012.
- 4.8 The submitted Sustainability and Energy Statement states that the dwellings would be designed to Code Level 3 standards as a minimum together with other sustainability measures. The development will utilise improved building materials, solar powered energy, passive solar advantages through design, allowing natural ventilation, high efficiency boilers. The use of low energy lights and rainwater stores or other examples of methods which is proposed to be used to improve energy efficiency of the scheme.
- 4.9 The development is also stated to be designed to prevent crime and improve security

5. RELEVANT SITE HISTORY

- 5.1 The majority of previous history relates to the current industrial operation at Tudor Works.
- 5.2 The most relevant application was for Outline Planning permission which was granted at the 14th November 2012 Planning Committee, for the “demolition of existing buildings and erection of 24 no. dwellings with all matters reserved except access” (UTT/1252/12/OP).
- 5.3 At the time of the outline application a plan had been submitted which showed an indicative layout of groups of terraced and semidetached dwellings with a single detached dwelling on the Debden Road frontage adjacent to the access. The proposal would provide a mix of 2, 3 and 4 bed dwellings, served with a total of 50 parking spaces including garages.
- 5.4 Outline Planning Permission was resolved to be granted without the provision of affordable housing on site but a financial contribution towards this, and no education provision and only 6 units conforming to Lifetime Homes Standards in order to facilitate the retention of an important local employer in the town, of which is in the process of relocating to Shire Hill.
- 5.5 Reserved matters relating to layout, appearance, scale and landscaping was approved under reference UTT/14/0356/DFO at the 23 July 2014 Planning Committee.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

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

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

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

6.4 Supplementary Planning Documents

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

7. SAFFRON WALDEN TOWN COUNCIL COMMENTS

7.1 No objections.

8. CONSULTATIONS

ECC Ecology

8.1 No comments.

Natural England

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

ECC Highways Authority

8.7 No comment.

9. REPRESENTATIONS

9.1 84 neighbouring residential occupiers have been notified of the application. The scheme has been advertised on site and within the Local Press. As a result and 6 letters have been received raising the following points;

- Changing ground levels development would be higher than dwellings on Mandeville Road;
- Wish that the current brick wall which forms the rear boundary of properties on Mandeville Road be retained (apart from gable projections);
- Retaining the wall would act as an acoustic barrier;
- Neighbour has been asked for access to site prior to this application being submitted;
- Applicants are proposing that the wall be reduced to 1.8m;
- The relocation of Plots 16 to 19 southwards would result in overlooking;
- Loss of light;
- Overlooking (Plot 16 in relation to 22 Mandeville RD and Plot 15 to 78 Debden Rd)

10. APPRAISAL

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

A Whether the design of the development is acceptable

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

C Parking Standards

D Other Considerations

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

10.1 It should be noted that the principle of the scheme and the number of dwellings have already been previously accepted as part of the outline application and the reserved matters application, therefore only the proposed amendments are for consideration.

10.2 The proposed density of the scheme remains at 40 dph which has been previously accepted, of which accords with Draft Local Plan Policy HO1 which highlights a density tolerance level of 35-67 dph within the town development limits of Saffron Walden.

10.3 The proposed amended design of the dwellings Plots 1-3 and Plots 15-19 is considered to be appropriate for the area in terms of the style and mixture of design which already exists. The proposed dwellings would remain at a range of 8.2 - 8.7 and 2 ½ storey scheme proposed to be 9.7 - 10m in height. The proposed dormer windows would be inward looking with velux windows on rearward roof slopes which are indicated to serve non-habitable rooms to prevent any form of overlooking.

10.4 Flank windows at first floor would serve non-habitable rooms such as bathrooms or hall way landing areas. The amended scheme's back to back garden distances would comply with the Essex Design Guide of 25m. Therefore there should be minimal risk of overlooking.

- 10.5 Plots 1-3 would be moved further away from the Mount Pleasant Cottages which is seen as a positive amendment. Whereas the garage between Plots 16 -19 has been omitted and the dwellings pushed closer together resolving previous side access issues. No impact upon residential or visual amenity is considered from this amendment or the re-siting of plots 15-19. With regards to the garage for Plot 15 and the carport for Plots 16-19, their reorientation against an existing high wall, their proposed height of 4/4.7m and their relationship with the properties located on Mandeville Road no adverse impact upon residential or visual amenity.
- 10.6 In terms of the provisions of level of amenity space 6 of the 24 units would comply with the Essex Design Guide; 16 units would fall within a 25% of the amenity space requirement. The proposed amendments have now resulted in 2 units falling below standards (Plot 17 & 18). Whilst there is a significant shortfall in amenity space this is attributed to the amendment in car parking standards since the outline planning application has been granted, thereby creating a conflict between the two aspects. The provision of car parking spaces is considered to outweigh the provision of amenity whilst the scheme is considered to still provide ample and useable amenity within a town centre location. This matter has been generally previously approved by the reserved matters application UTT/14/0356/DFO, with the exception of Plot 17 & 18 amenity levels.
- 10.7 The proposed development is considered to accord with Local Plan Policy GEN2 and DES1 of the Draft Local Plan.
- 10.8 The proposed landscaping whilst limited it is considered appropriate due to the nature of the scheme, incorporating and retaining existing trees and hedges. The proposed development would enhance the level of biodiversity of the site, in accordance with Policy GEN7 of the Local Plan. Again, this matter has also been approved under the previous reserved matters.
- 10.9 Policy H10 (Housing mix) of the adopted Local Plan and Policy HO2 of the draft Local Plan seeks a balanced mix of size of units to meet the needs of the local area. The proposed amendments will not affect the housing mix. Therefore the scheme still accords with Policies H10 and HO2.

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

- 10.10 The Conservation Area is located opposite the application site together with a Grade II Listed Water Tower Building. The design of the Plots 1 to 3 and Plot 24 has been sensitively undertaken and is considered to reflect the local surrounding area in terms of the use of hipped roofs, bay windows, porches, chimneys and soldier coursings. The amended siting of plots 1-3 by approximately 1m southwards would have no material impact upon amenity, particularly as the dwellings would be sited further into the site's Debden Road entrance. The materials have been specified as part of this application and are considered to be acceptable. Details relating to boundary treatments are conditioned under the outline consent of which would still be the subject of further approval. No detrimental impact is considered upon the character and appearance of the Conservation Area or the setting of the Listed Building, and in fact the proposed development is thought to enhance the immediate locality. No objection has been previously raised by the Conservation Officer.
- 10.11 The proposed development accords with Local Plan Policies ENV1 and ENV2, also Draft Local Plan Policies HE1 and HE2.

C Highways

10.12 Since the initial outline planning consent had been granted in 2012 the Uttlesford Local Parking Standards (2013) which seeks 3 car parking spaces for dwellings which consist of 4 or more bedrooms. The submitted scheme the proposed car parking spaces and garage sizes complies with the Essex Parking Standards (2009) and the 4 bedroom plus units complies with the adopted Uttlesford Local Parking Standards (2013). However, the proposed carports and parking spaces for Plots 16-19 does not comply with the Parking Standard garage sizes as they are at minimum standard sizes, nonetheless due to the open nature of the carports, their location and the constraints of the site this is considered to be acceptable as they will be still useable.

D Other Considerations

10.13 A number of the points raised by third parties in Section 9.1. There have been requests that the existing dividing brick wall between the application site and the properties that are located on Mandeville Road be retained at its existing height. A condition has been placed on the original outline application requiring details of boundary treatment to be submitted for approval and would still need to be agreed.

10.14 With regards to impact upon amenity the properties on Mandeville Road are approximately 15m from the shared boundary and Plot 16 would be set off the boundary by at least 2m. The windows on the first floor flank serves a no habitable room (bathroom) of which should planning permission be granted a condition should be imposed requiring the window to be obscurely glazed. The ground floor window secondary window serving the lounge would not been seen as a result from the boundary treatment. Plot 16 is also orientated at an angle to the properties located on Mandeville Road with the bulk predominately which would be located to the rear of 20 Mandeville Road.

10.15 With regards to Plot 15 there is a distance of 8m to the rear boundary of 78 Debden Road which has a 43m deep garden with landscaping. This distance far exceeds the EDG of 25m back to back distances therefore no detrimental impact is considered upon the residential or visual amenities of the neighbouring properties in accordance with Policy GEN2 of the Local Plan.

10. CONCLUSION

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

- A The proposed height, scale, designs, landscaping and amended layout of the development is acceptable. No detrimental impact is considered would result upon the residential or visual amenity of the existing neighbouring occupiers. The density of the development remains acceptable as well as the reduction in the level of amenity space in lieu of achieving car parking standards. The mix of dwellings is also acceptable. The scheme is therefore in accordance with Local Plan Policies GEN2, H10 and GEN7, also Draft Local Plan Policy DES1, HO1 and HO2, and the NPPF.
- B No detrimental impact is considered upon the character and appearance of the Conservation Area or the setting of the Listed Building by the proposal or the amendments proposed. The proposed development is thought to enhance the immediate locality. No objection has been previously raised by the Conservation Officer, and the proposed amendments do not alter this opinion. The proposed development accords with Local Plan Policies ENV1 and ENV2, also Draft Local Plan

Policies HE1 and HE2.

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

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garages hereby approved shall be retained for the parking of domestic vehicles in connection with the use of the property and shall not be converted to another use including conversion to habitable accommodation.

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

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

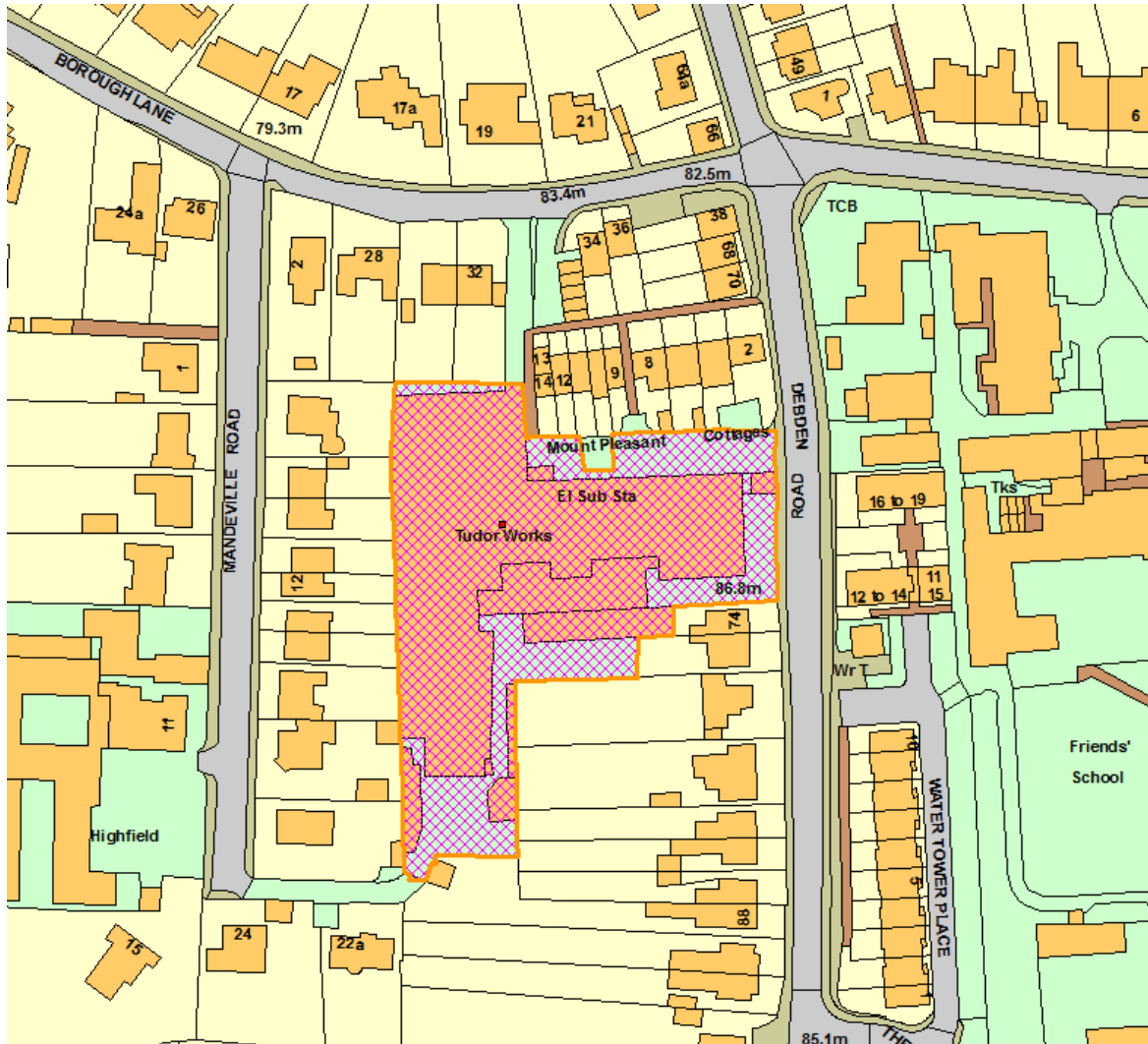
REASON: The gardens for these plots are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in their size in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. The first floor windows in the west elevation of Plot 16 and east elevation of Plot 19 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/3102/FUL

Address: Tudor Works Debden Road Saffron Walden



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Organisation: Uttlesford District Council
 Department: Planning
 Date: 27 November 2014
 SLA Number: 100018688

UTT/14/2900/DFO (NEWPORT)

(MINOR APPLICATION)

Referred to Committee by Cllr Joanna Parry (Reason: Object to the proposal because the outline permission (UTT/13/1817/OP) ties these 5 applications in with the application for care Village.)

PROPOSAL: Details following outline application UTT/13/1817/OP – The details of access, appearance, landscaping, layout and scale for the erection of two storey detached residential dwelling (Plot 1, the open housing market)

LOCATION: Hillside And Land To Rear of Bury Water Lane, Newport.

APPLICANT: Mr and Mrs Bampton and Barba.

AGENT: Pelham Structures Ltd

EXPIRY DATE: 25 November 2014

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development Limits and SSSI Consultation Areas.

2. DESCRIPTION OF SITE

1.1 The site is part of occupied range of glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use which has been granted an outline planning permission for a mix of a residential care facility for (120 persons), comprising of separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support facilities block including mobile medical treat, hairdresser; and the construction of 5no. respite care bungalows and 5no. detached dwellings (open market housing separate to the care facility of which one of them relate to this current proposal) fronting Bury Water Lane . The area is characterised by existing redundant glasshouses, residential buildings of different scale, mass, height and design. It is also partly screened by existing trees and vegetation.

3. PROPOSAL

3.1 The proposal relate to details of one of the 5no. dwellings above in connection with outline application UTT/13/1817/OP relating details of access, appearance, landscaping, layout and scale for Plot 1 as shown in (the approved Master Plan as now shown in the proposed site plan drawing number 72). This application therefore relate to details of reserved matters for Plot 1.

4. APPLICANT'S CASE

4.1 The application is accompanied by a planning statement which demonstrated that the proposed reserved matters can be considered acceptable subject to the completion of

the agreed Section 106 relating to the outline application that was approved and registered as UTT/13/1817/OP.

4.2 Summary and Conclusion of the Planning Statement:

- The outline application included indicative details of the five dwellings fronting Whiteditch Lane, but access was reserved matter. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site. Given that the scheme has evolved through the design process, it has become apparent that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiations with prospective operators of the care village have identified an operational need for the 5 dwellings to be access from Whiteditch Lane rather than via the care site.
- The relocation of the proposed access point from the illustrative position shown at the outline stage has improved the layout of the dwelling on site. As a result of the change, the dwellings itself would be sited further away from the boundary with 'Greenways', an existing property to the south, and would have access to a much larger, more useable and more private rear garden area.
- The improved layout makes the car parking for residents closer to the house, in accordance with Lifetime Homes Standards. Access via Whiteditch Lane also makes the dwelling more legible in street scene terms, and more accessible to visitors.
- In terms scale the outline application indicated that the five dwellings fronting Whiteditch Lane would be larger open market properties. Plots 1 would be one and half storey 3 bedroom detached house with a detached double –length garage plus parking space and on-site turning area to enable vehicles to enter and leave the site in forward gear.
- The size and scale of the proposed dwellings would provide a good transition between the existing property 'Greenway' and the adjacent Plot 2 dwelling. The dwelling would have a maximum ridge height of 7.8m, which is within the range found along Whiteditch Lane. Given that Whiteditch Lane comprises primarily large detached houses the scale of the proposed dwelling would be comparable with existing properties.
- The proposed dwelling is of traditional design and materials, and would reflect the style of properties found elsewhere in the district. The use of a rear wing and lower range reduces the mass of the building and minimises the effect of the development on the neighbouring property and its occupants.
- Materials would be smooth painted render on a brick plinth with timber windows and doors. The roof would be plain clay tiles, and the chimney would be of matching red brick to the plinth. The frame for the garden room would be exposed oak, and its roof would be slate. Materials for the double length garage would be painted weatherboarding on a brick plinth with a slate roof.
- In the landscaping details the dwelling would be served by a garden well in excess of the Council's standards and the building would be set away from its side boundaries. Planting would be provided to ensure that the dwelling retains semi-rural character and appearance appropriate to its location.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/1817/OP – Approve with condition. Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc); the construction of 5 no. respite care bungalows; and 5 no.

detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA.

- 5.2 UTT/14/2901/DFO. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 2.
- 5.3 UTT/14/2902/DFO. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and s UTT/14/2902/DFO.
- 5.4 UTT/14/2903/OP. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 3.
- 5.5 UTT/14/2904/OP. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 4.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – Countryside
- Policy GEN1 – Access, Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

6.3 Supplementary Planning Documents:

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

6.4 Uttlesford Local Plan-Pre-Submission Consultation April 2014

- Newport Policy 1 – Bury Water Lane/Whiteditch Lane

7. PARISH and /TOWN COUNCIL COMMENTS

- 7.1 Newport Parish Council comments include the following:

- 7.2 Altering the access to the five houses, of which this is one, from a route along Bury Water Lane and through the Care Village, to one along Bury Water Lane and Whiteditch Lane completely changes the nature of this proposal. While it still uses the same piece of land, it now amounts to part of a new proposal to build five houses on Whiteditch Lane, and accordingly should be treated as such.
- (a) The proposed dwelling would be outside development limits.
 - (b) The Planning Statement in support of Reserved Matters Application, point 2.10, states “paragraph 2.1 sets out the rationale for taking access from Whiteditch Lane rather than from the internal estate road for the care village. This would be beneficial for occupants of the new house, would reduce vehicular activity within the care village development and would also provide more accessibly located parking spaces”. The reduction in vehicular activity within the Care Village will improve safety within it. The roads in the Care Village are of a much greater standard than Whiteditch Lane. Turning this development round so that access is via Whiteditch Lane will worsen standards of safety in Whiteditch Lane more than the improvement in the Care Village. This is contradictory if it is supporting the Care Village.
 - (c) Whiteditch Lane, Bury Water Lane and School Lane are inadequate for the current traffic and are totally unsuitable for additional housing.
 - (d) The narrow lane would be blocked by construction and refuse vehicles and for short periods when existing or proposed biological tanks are emptied and oil deliveries made. Emergency vehicles would be unable to gain access.
 - (e) There are occasions when large vehicles have to reverse down the whole length of the lane.
 - (f) There is no footpath or pavement in the lane which is extremely hazardous and dangerous for pedestrians. If this proposal is to be approved, a condition of the approval should be the provision of a footpath along Whiteditch Lane from its junction with Bury Water Lane as far as this development. If this is not feasible planning permission should be refused.
 - (g) Each development is being considered separately rather than looking at the total, no upper limit has been placed on the number of houses that can be built on White Ditch Lane and Bury Water Lane.
 - (h) The five houses that these proposals relate to were included in the Care Village scheme to enable the whole scheme to be viable. Decoupling them from the overall scheme will mean that these five houses will be built, and the Care Village will cease to be viable. To avoid this, if the scheme is to be approved, a condition should be applied that does not permit work to commence on these five houses until the Care Village is complete.
 - (i) On the main proposal, site access is shown via Whiteditch Lane whereas on the document produced by the Stilwell Partnership attached to the Stage 1 Road Safety Audit, access is
 - (j) Shown via Hillside, which is contradictory.

8 CONSULTATION

UDC- Policy and Conservation Team

- 8.1 The Local Plan has been submitted to the Secretary of State for examination into its Soundness. An Inspector has been appointed and examination dates set for November/December.

Newport Policy1 – Nursery site, north of Bury Water Lane is very specific in that the 5 market houses are only permitted providing that:

- Viability appraisal demonstrates the need for market housing component is essential for the successful delivery of the development
- The proportion of market housing is the minimum needed to make the scheme viable.

There is a recognised need in the District for care homes and provision for the elderly and this allocation was made to ensure that this need is being met over the Plan period. The concern is that the 5 market houses will be delivered and the care village and apartments for the over 65s will not be developed. The market houses are one part of the whole master plan and one should not be delivered in isolation or detriment to the other elements. The application should only be approved if they can be delivered in line with the whole master plan. The policy is clear that the market dwellings are to ensure the development of the care village and apartments.

ECC- Ecology Advice

- 8.2 No objection.

ECC Highways Authority

- 8.3 No objection subject to recommended planning conditions.

Affinity Water

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

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

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

BAA Aerodrome Safeguarding

- 8.5 There are no aerodrome safeguarding concerns.

9 REPRESENTATIONS

- 9.1 This application has been advertised and fifteen letters of objection have been received at the time of preparing this committee report. Notification period expired on 24 October 2014. And the common ground of concerns and objection includes:

- There is insufficient infrastructure to support this development (road, access, water, drainage, sewage)
- Impact on traffic circulation in Newport. The development is unsustainable.
- The emerging Local Plan is very specific that these 5 houses are only permitted if essential for the successful delivery of the care village. These houses should therefore only be permitted in line with the development of the whole care village site.
- There are no footpaths along Whiteditch Lane, which makes it unsuitable for primary school children walking to school.
- The houses are all being built with septic tanks. The tankers required to empty these are an additional weight to the traffic along this lane, coupled with oil deliveries, supermarket deliveries, refuse collection to existing houses as well as new ones. There is a real danger that emergency vehicle may not be able to get through.
- Proposal would generate noise pollution and traffic
- Proposal would lead to congestion.

10. APPRAISAL

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

A Whether the proposed access is appropriate (ULP Policies GEN1 and GEN8)

B The impact of the proposed scale, layout and appearance on the character and amenity of the area (ULP Policies GEN2 and H3)

C Landscape details

D Other material considerations

A Whether the proposed access would harm other road users and traffic in the area

10.1 Policy GEN1 affirms that development will only 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 cyclist, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- The development encourages the movement by means other than driving a car.

10.2 The outline application included indicative details of the five dwellings fronting Whiteditch Lane, although access was one of the reserved matters. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site.

10.3 In order to submit the current proposed reserved matters, it has become clear that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village have identified an operational need for the 5 dwellings to be accessed from Whiteditch

Lane instead of through the care site. Part of the reason also involves to ensure the access for the development have the capacity to carry the traffic generated by the development safely; and to ensure such access from Whiteditch Lane did not compromise road safety and designed to meet the needs of the occupants of the individual five dwellings.

- 10.4 The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.

B Whether the proposed scale, layout and appearance are compatible with the surrounding buildings in the area.

- 10.5 Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.
- It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
 - It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings where appropriate;
 - It provides an environment, which meets the reasonable needs of all potential users.
 - It helps to reduce potential for crime;
 - It helps to minimise water and energy consumption; it has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
 - It helps to reduce waste production and encourages recycling and reuse.
 - It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
 - It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 10.6 The residential properties fronting this part of Whiteditch Lane comprised of two storey detached buildings which are set back from Whiteditch Lane. The site is also directly facing some vegetation, trees and plants which partly screen other existing residential buildings nearby. Given that the proposed development would involve the removal of the existing redundant glasshouses relating to the abandoned cucumber and horticultural agriculture, it would provide opportunity in implementing the details of these reserved matters relating to the layout, scale and appearance of this plot 1 dwelling.
- 10.7 In order to reflect the character of the immediate surroundings, the design approach involves creating a scale, mass, form, height, layout and appearance of the buildings which reflects the character of the surrounding area which comprised of two storey detached residential buildings with their own individual design details. The proposed scale and appearance of the proposed development has incorporated features of nearby residential buildings. In order to ensure such external appearance is satisfactory details of external materials that would be used in constructing the residential building would be condition. This is considered acceptable and in accordance with Policy GEN2 of the adopted Local Plan (2005).

- 10.8 The proposed plot 1 north elevation comprised of one velux window and three separate windows serving three separate bedrooms. These three windows would be looking towards Hillside as a result it would not be overlooking into any of the approved indicative schemes in the approved outline application registered as UTT/13/1817/OP.
- 10.9 In policy terms it can be concluded that the proposed layout, scale and appearance would not harm the character of the area and the living condition of any adjoining occupiers. It would not be prejudicial to the implementation of the remaining approved care village as illustrated in the approved outline application. Hence, in policy terms the proposal is in accordance with Policies GEN2 and H3.

C Landscaping

- 10.10 Policy ENV8 affirms that “development that may adversely affect landscape elements will only be permitted for example; if the development outweighs the need to retain the elements for their importance; mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality...”
- 10.11 And Policy GEN7 states that “development that would have a harmful effect on wildlife ...will not be permitted unless the needs for the development outweigh the importance of the feature to nature conservation...”
- 10.12 Given the location of the site with a rural restraints area every efforts to ensure that features of the landscape character of the area is incorporates by taken an approach of incorporating sizable garden well in excess of the Council’s standards and ensure the building is set away from its side boundaries. More planting has been encouraged through the landscaping scheme approach which would help to reflect the semi-rural character and appearance of the immediate surrounding area and assist to protect any nature conservation within the vicinity. The proposed rear garden amenity space is approximately 246sq.m and this is welcome as it exceeds the normal standards of rear garden for 4/5 bedroom dwelling house. Hence, in policy terms the proposal on balance is in accordance with Policies GEN7 and ENV8.

D Other material considerations

- 10.13 Newport Policy 1- Bury Water Lane/Whiteditch Lane is allocated for 84 residential dwellings and Newport Policy 2 –Nursery Site, north of Bury Water Lane is allocated for 40 apartments for the over 65’s, a care village and 5 market houses.
- 10.14 The current proposed reserved matters such as the scale, layout, appearance, access and landscaping of the proposed two storey detached dwelling described as (Plot 1 in the proposed drawing number 72), which forms part of the approved outline application for care village registered as UTT/13/1817/OP is part of the housing needs required within this part of Newport along Bury Water Lane/ Whiteditch Lane as specified in Newport Policy 1. The acceptability of the proposed Plot 1 cannot be built without the full implementation of approved outline application registered as UTT/13/1817/OP. This is in accordance with Newport Policy 1.

11 CONCLUSION

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

- A The proposed access is considered acceptable as it would not adversely harm other road users or compromise road safety subject to the recommended planning conditions

in order to protect and safeguard traffic in the area. This is in accordance with Policy GEN1 and GEN8.

- B The proposed layout, scale and appearance are considered acceptable because it is compatible with the residential properties in the surroundings; it would not harm the living condition of the adjoining occupiers in terms of overlooking or overbearing and it would not be prejudicial to the implementation of the care village. Hence, the proposal is not in conflict with Policies GEN2 and H3.
- C The proposed landscaping scheme would provide adequate amenity space for the future occupants of the dwelling and help in reinforcing the nature conservation of the vicinity and the semi-rural character of the area in accordance with Policies GEN7 and ENV8
- D The proposed details of the above reserved matters which has been considered acceptable shall be subject to the implementation of approved outline application registered as UU/13/1817/OP and the Section 106 Legal Obligation.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the external materials for the construction of the approved development shall be submitted to and approved by the Local Planning Authority in writing prior to the implementation of the approved scheme.

REASON: In the interests of the appearance of the development and the visual amenity of the area in accordance with Policies GEN2 of the adopted Local Plan (2005).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by the permission or any other grant of express planning permission) or freestanding buildings erected on any part of the Plot 1 without the prior written permission of the local planning authority.

REASON: The gardens for this Plot 1 are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in the size of the garden which would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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

- 5 Prior to occupation of the development, the provision of 2 passing places on Whiteditch Lane as shown in principle on Drawing No. 85 Proposed Site Plan. Details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.

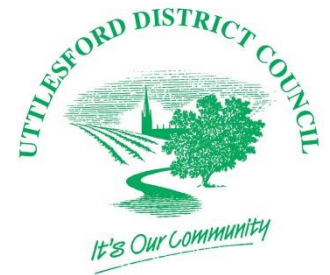
REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

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

Application no.: UTT/14/2900/DFO

Address: Plot 1 Hillside and land to the rear of Bury Water Lane Newport



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/2901/DFO (NEWPORT)

(MINOR APPLICATION)

Referred to Committee by Cllr Joanna Parry (Reason: Object to the proposal because the outline permission (UTT/13/1817/OP) ties these 5 applications in with the application for care Village.)

PROPOSAL: Details following outline application UTT/13/1817/OP – The details of access, appearance, landscaping, layout and scale for the erection of two storey detached residential dwelling (Plot 2, the open housing market)

LOCATION: Hillside And Land To Rear of Bury Water Lane, Newport.

APPLICANT: Mr and Mrs Bampton and Barba.

AGENT: Pelham Structures Ltd

EXPIRY DATE: 25 November 2014

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development Limits and SSSI Consultation Areas.

2. DESCRIPTION OF SITE

1.1 The site is part of occupied range of glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use which has been granted an outline planning permission for a mix of a residential care facility for (120 persons), comprising of separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support facilities block including mobile medical treat, hairdresser; and the construction of 5no. respite care bungalows and 5no. detached dwellings (open market housing separate to the care facility of which one of them relate to this current proposal) fronting Bury Water Lane . The area is characterised by existing redundant glasshouses, residential buildings of different scale, mass, height and design. It is also partly screened by existing trees and vegetation.

3. PROPOSAL

3.1 The proposal relate to details of one of the 5no. dwellings above in connection with outline application UTT/13/1817/OP relating details of access, appearance, landscaping, layout and scale for Plot 2 as shown in (the approved Master Plan as now shown in the proposed site plan drawing number 73B). This application therefore relate to details of reserved matters for Plot 2.

4. APPLICANT'S CASE

4.1 The application is accompanied by a planning statement which demonstrated that the proposed reserved matters can be considered acceptable subject to the completion of

the agreed Section 106 relating to the outline application that was approved and registered as UTT/13/1817/OP.

4.2 Summary and Conclusion of the Planning Statement:

- The outline application included indicative details of the five dwellings fronting Whiteditch Lane, but access was reserved matter. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site. Given that the scheme has evolved through the design process, it has become apparent that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiations with prospective operators of the care village have identified an operational need for the 5 dwellings to be access from Whiteditch Lane rather than via the care site.
- The relocation of the proposed access point from the illustrative position shown at the outline stage has improved the layout of the dwelling on site. As a result of the change, the dwellings itself would be sited further away from the boundary with 'Greenways', an existing property to the south, and would have access to a much larger, more useable and more private rear garden area.
- The improved layout makes the car parking for residents closer to the house, in accordance with Lifetime Homes Standards. Access via Whiteditch Lane also makes the dwelling more legible in street scene terms, and more accessible to visitors.
- In terms scale the outline application indicated that the five dwellings fronting Whiteditch Lane would be larger open market properties. Plots 1 would be one and half storey 3 bedroom detached house with a detached double –length garage plus parking space and on-site turning area to enable vehicles to enter and leave the site in forward gear.
- The size and scale of the proposed dwellings would provide a good transition between the existing property 'Greenway' and the adjacent Plot 2 dwelling. The dwelling would have a maximum ridge height of 7.8m, which is within the range found along Whiteditch Lane. Given that Whiteditch Lane comprises primarily large detached houses the scale of the proposed dwelling would be comparable with existing properties.
- The proposed dwelling is of traditional design and materials, and would reflect the style of properties found elsewhere in the district. The use of a rear wing and lower range reduces the mass of the building and minimises the effect of the development on the neighbouring property and its occupants.
- Materials would be smooth painted render on a brick plinth with timber windows and doors. The roof would be plain clay tiles, and the chimney would be of matching red brick to the plinth. The frame for the garden room would be exposed oak, and its roof would be slate. Materials for the double length garage would be painted weatherboarding on a brick plinth with a slate roof.
- In the landscaping details the dwelling would be served by a garden well in excess of the Council's standards and the building would be set away from its side boundaries. Planting would be provided to ensure that the dwelling retains semi-rural character and appearance appropriate to its location.

5. RELEVANT SITE HISTORY

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detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA.

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6. POLICIES

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7.1 Newport Parish Council concerns and advice include the following:

7.2 Altering the access to the five houses, of which this is one, from a route along Bury Water Lane and through the Care Village, to one along Bury Water Lane and

Whiteditch Lane completely changes the nature of this proposal. While it still uses the same piece of land, it now amounts to part of a new proposal to build five houses on Whiteditch Lane, and accordingly should be treated as such.

- (a) The proposed dwelling would be outside development limits.
- (b) The Planning Statement in support of Reserved Matters Application, point 2.10, states “paragraph 2.1 sets out the rationale for taking access from Whiteditch Lane rather than from the internal estate road for the care village. This would be beneficial for occupants of the new house, would reduce vehicular activity within the care village development and would also provide more accessibly located parking spaces”. The reduction in vehicular activity within the Care Village will improve safety within it. The roads in the Care Village are of a much greater standard than Whiteditch Lane. Turning this development round so that access is via Whiteditch Lane will worsen standards of safety in Whiteditch Lane more than the improvement in the Care Village. This is contradictory if it is supporting the Care Village.
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8.5 There are no aerodrome safeguarding concerns.

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9.1 This application has been advertised and fifteen letters of objection have been received at the time of preparing this committee report. Notification period expired on 24 October 2014. And the common ground of concerns and objection includes:

- There is insufficient infrastructure to support this development (road, access, water, drainage, sewage)
- Impact on traffic circulation in Newport. The development is unsustainable.

- The emerging Local Plan is very specific that these 5 houses are only permitted if essential for the successful delivery of the care village. These houses should therefore only be permitted in line with the development of the whole care village site.
- There are no footpaths along Whiteditch Lane, which makes it unsuitable for primary school children walking to school.
- The houses are all being built with septic tanks. The tankers required to empty these are an additional weight to the traffic along this lane, coupled with oil deliveries, supermarket deliveries, refuse collection to existing houses as well as new ones. There is a real danger that emergency vehicle may not be able to get through.
- Proposal would generate noise pollution and traffic
- Proposal would lead to congestion.

10. APPRAISAL

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

A Whether the proposed access is appropriate (ULP Policies GEN1 and GEN8)

B The impact of the proposed scale, layout and appearance on the character and amenity of the area (ULP Policies GEN2 and H3)

C Landscape details

D Other material considerations

A Whether the proposed access would harm other road users and traffic in the area

10.1 Policy GEN1 affirms that development will only 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 cyclist, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- The development encourages the movement by means other than driving a car.

10.2 The outline application included indicative details of the five dwellings fronting Whiteditch Lane, although access was one of the reserved matters. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site.

10.3 In order to submit the current proposed reserved matters, it has become clear that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village have identified an operational need for the 5 dwellings to be accessed from Whiteditch Lane instead of through the care site. Part of the reason also involves to ensure the access for the development have the capacity to carry the traffic generated by the development safely; and to ensure such access from Whiteditch Lane did not

compromise road safety and designed to meet the needs of the occupants of the individual five dwellings.

- 10.4 The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.

B Whether the proposed scale, layout and appearance are compatible with the surrounding buildings in the area.

- 10.5 Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.
- It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
 - It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings where appropriate;
 - It provides an environment, which meets the reasonable needs of all potential users.
 - It helps to reduce potential for crime;
 - It helps to minimise water and energy consumption; it has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
 - It helps to reduce waste production and encourages recycling and reuse.
 - It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
 - It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 10.6 The residential properties fronting this part of Whiteditch Lane comprised of two storey detached buildings which are set back from Whiteditch Lane. The site is also directly facing some vegetation, trees and plants which partly screen other existing residential buildings nearby. Given that the proposed development would involve the removal of the existing redundant glasshouses relating to the abandoned cucumber and horticultural agriculture, it would provide opportunity in implementing the details of these reserved matters relating to the layout, scale and appearance of this plot 2 dwelling.
- 10.7 In order to reflect the character of the immediate surroundings, the design approach involves creating a scale, mass, form, height, layout and appearance of the buildings which reflects the character of the surrounding area which comprised of two storey detached residential buildings with their own individual design details. The proposed scale and appearance of the proposed development has incorporated features of nearby residential buildings. In order to ensure such external appearance is satisfactory details of external materials that would be used in constructing the residential building would be condition. This is considered acceptable and in accordance with Policy GEN2 of the adopted Local Plan (2005).
- 10.8 The proposed plot 2 north elevation comprised of one velux window and three separate windows serving three separate bedrooms. These three windows would be looking

towards Hillside as a result it would not be overlooking into any of the approved indicative schemes in the approved outline application registered as UTT/13/1817/OP.

- 10.9 In policy terms it can be concluded that the proposed layout, scale and appearance would not harm the character of the area and the living condition of any adjoining occupiers. It would not be prejudicial to the implementation of the remaining approved care village as illustrated in the approved outline application. Hence, in policy terms the proposal is in accordance with Policies GEN2 and H3.

C Landscaping

10.10 Policy ENV8 affirms that “development that may adversely affect landscape elements will only be permitted for example; if the development outweighs the need to retain the elements for their importance; mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality...”

10.11 And Policy GEN7 states that “development that would have a harmful effect on wildlife ...will not be permitted unless the needs for the development outweigh the importance of the feature to nature conservation...”

10.12 Given the location of the site with a rural restraints area every efforts to ensure that features of the landscape character of the area is incorporates by taken an approach of incorporating sizable garden well in excess of the Council’s standards and ensure the building is set away from its side boundaries. More planting has been encouraged through the landscaping scheme approach which would help to reflect the semi-rural character and appearance of the immediate surrounding area and assist to protect any nature conservation within the vicinity. The proposed rear garden area is approximately 103sq.m and this is considered acceptable as it is adequate for four bedroom residential in addition with the front landscape area. This is welcome and in accordance with Policies GEN7 and ENV8.

D Other material considerations

10.13 Newport Policy 1- Bury Water Lane/Whiteditch Lane is allocated for 84 residential dwellings and Newport Policy 2 –Nursery Site, north of Bury Water Lane is allocated for 40 apartments for the over 65’s, a care village and 5 market houses.

10.14 The current proposed reserved matters such as the scale, layout, appearance, access and landscaping of the proposed two storey detached dwelling described as (Plot 2 in the proposed plan drawing number 73B), which forms part of the approved outline application for care village registered as UTT/13/1817/OP is part of the housing needs required within this part of Newport along Bury Water Lane/ Whiteditch Lane as specified in Newport Policy 1. The acceptability of the proposed Plot 2 cannot be built without the full implementation of approved outline application registered as UTT/13/1817/OP. This is in accordance with Newport Policy 1.

11 CONCLUSION

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

- A The proposed access is considered acceptable as it would not adversely harm other road users or compromise road safety subject to the recommended planning conditions in order to protect and safeguard traffic in the area. This is in accordance with Policy GEN1 and GEN8.

- B The proposed layout, scale and appearance are considered acceptable because it is compatible with the residential properties in the surroundings; it would not harm the living condition of the adjoining occupiers in terms of overlooking or overbearing and it would not be prejudicial to the implementation of the care village. Hence, the proposal is not in conflict with Policies GEN2 and H3.
- C The proposed landscaping scheme would provide adequate amenity space for the future occupants of the dwelling and help in reinforcing the nature conservation of the vicinity and the semi-rural character of the area in accordance with Policies GEN7 and ENV8
- D The proposed details of the above reserved matters which have been considered acceptable shall be subject to the implementation of approved outline application registered as UU/13/1817/OP and the Section 106 Legal Obligation.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the external materials for the construction of the approved development shall be submitted to and approved by the Local Planning Authority in writing prior to the implementation of the approved scheme.

REASON: In the interests of the appearance of the development and the visual amenity of the area in accordance with Policies GEN2 of the adopted Local Plan (2005).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by the permission or any other grant of express planning permission) or freestanding buildings erected on any part of the Plot 2 without the prior written permission of the local planning authority.

REASON: The gardens for this Plot 2 are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in the size of the garden which would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

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 the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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

- 5 Prior to occupation of the development, the provision of 2 passing places on Whiteditch Lane as shown in principle on Drawing No. 85 Proposed Site Plan. Details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.

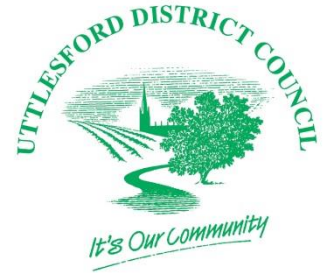
REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

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

Application no.: UTT/14/2901/DFO

Address: Plot 2 Hillside and land to the rear of Bury Water Lane Newport



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/2902/DFO – (NEWPORT)

(MINOR APPLICATION)

Referred to Committee by Cllr Joanna Parry (Reason: Object to the proposal because the outline permission (UTT/13/1817/OP) ties these 5 applications in with the application for care Village.)

PROPOSAL: Details following outline application UTT/13/1817/OP – The details of access, appearance, landscaping, layout and scale for the erection of two storey detached residential dwelling (Plot 3, the open housing market)

LOCATION: Hillside And Land To Rear of Bury Water Lane, Newport.

APPLICANT: Mr and Mrs Bampton and Barba.

AGENT: Pelham Structures Ltd

EXPIRY DATE: 25 November 2014

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development Limits and SSSI Consultation Areas.

2. DESCRIPTION OF SITE

1.1 The site is part of occupied range of glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use which has been granted an outline planning permission for a mix of a residential care facility for (120 persons), comprising of separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support facilities block including mobile medical treat, hairdresser; and the construction of 5no. respite care bungalows and 5no. detached dwellings (open market housing separate to the care facility of which one of them relate to this current proposal) fronting Bury Water Lane . The area is characterised by existing redundant glasshouses, residential buildings of different scale, mass, height and design. It is also partly screened by existing trees and vegetation.

3. PROPOSAL

3.1 The proposal relate to details of one of the 5no. dwellings above in connection with outline application UTT/13/1817/OP relating details of access, appearance, landscaping, layout and scale for Plot 3 as shown in (the approved Master Plan as now shown in the proposed site plan drawing number 82A). This application therefore relate to details of reserved matters for Plot 3.

4. APPLICANT'S CASE

4.1 The application is accompanied by a planning statement which demonstrated that the proposed reserved matters can be considered acceptable subject to the completion of

the agreed Section 106 relating to the outline application that was approved and registered as UTT/13/1817/OP.

4.2 Summary and Conclusion of the Planning Statement:

- The outline application included indicative details of the five dwellings fronting Whiteditch Lane, but access was reserved matter. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site. Given that the scheme has evolved through the design process, it has become apparent that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiations with prospective operators of the care village have identified an operational need for the 5 dwellings to be access from Whiteditch Lane rather than via the care site.
- The relocation of the proposed access point from the illustrative position shown at the outline stage has improved the layout of the dwelling on site. As a result of the change, the dwellings itself would be sited further away from the boundary with 'Greenways', an existing property to the south, and would have access to a much larger, more useable and more private rear garden area.
- The improved layout makes the car parking for residents closer to the house, in accordance with Lifetime Homes Standards. Access via Whiteditch Lane also makes the dwelling more legible in street scene terms, and more accessible to visitors.
- In terms scale the outline application indicated that the five dwellings fronting Whiteditch Lane would be larger open market properties. Plots 1 would be one and half storey 3 bedroom detached house with a detached double –length garage plus parking space and on-site turning area to enable vehicles to enter and leave the site in forward gear.
- The size and scale of the proposed dwellings would provide a good transition between the existing property 'Greenway' and the adjacent Plot 2 dwelling. The dwelling would have a maximum ridge height of 7.8m, which is within the range found along Whiteditch Lane. Given that Whiteditch Lane comprises primarily large detached houses the scale of the proposed dwelling would be comparable with existing properties.
- The proposed dwelling is of traditional design and materials, and would reflect the style of properties found elsewhere in the district. The use of a rear wing and lower range reduces the mass of the building and minimises the effect of the development on the neighbouring property and its occupants.
- Materials would be smooth painted render on a brick plinth with timber windows and doors. The roof would be plain clay tiles, and the chimney would be of matching red brick to the plinth. The frame for the garden room would be exposed oak, and its roof would be slate. Materials for the double length garage would be painted weatherboarding on a brick plinth with a slate roof.
- In the landscaping details the dwelling would be served by a garden well in excess of the Council's standards and the building would be set away from its side boundaries. Planting would be provided to ensure that the dwelling retains semi-rural character and appearance appropriate to its location.

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B The impact of the proposed scale, layout and appearance on the character and amenity of the area (ULP Policies GEN2 and H3)

C Landscape details

D Other material considerations

A Whether the proposed access would harm other road users and traffic in the area

10.1 Policy GEN1 affirms that development will only 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 cyclist, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- The development encourages the movement by means other than driving a car.

10.2 The outline application included indicative details of the five dwellings fronting Whiteditch Lane, although access was one of the reserved matters. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site.

10.3 In order to submit the current proposed reserved matters, it has become clear that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village have identified an operational need for the 5 dwellings to be accessed from Whiteditch Lane instead of through the care site. Part of the reason also involves to ensure the access for the development have the capacity to carry the traffic generated by the development safely; and to ensure such access from Whiteditch Lane did not

compromise road safety and designed to meet the needs of the occupants of the individual five dwellings.

- 10.4 The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.

B Whether the proposed scale, layout and appearance are compatible with the surrounding buildings in the area.

- 10.5 Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings where appropriate;
- It provides an environment, which meets the reasonable needs of all potential users.
- It helps to reduce potential for crime;
- It helps to minimise water and energy consumption; it has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
- It helps to reduce waste production and encourages recycling and reuse.
- It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
- It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

- 10.6 The residential properties fronting this part of Whiteditch Lane comprised of two storey detached buildings which are set back from Whiteditch Lane. The site is also directly facing some vegetation, trees and plants which partly screen other existing residential buildings nearby. Given that the proposed development would involve the removal of the existing redundant glasshouses relating to the abandoned cucumber and horticultural agriculture, it would provide opportunity in implementing the details of these reserved matters relating to the layout, scale and appearance of this plot 3 dwelling.

- 10.7 In order to reflect the character of the immediate surroundings, the design approach involves creating a scale, mass, form, height, layout and appearance of the buildings which reflects the character of the surrounding area which comprised of two storey detached residential buildings with their own individual design details. The proposed scale and appearance of the proposed development has incorporated features of nearby residential buildings. In order to ensure such external appearance is satisfactory details of external materials that would be used in constructing the residential building would be condition. This is considered acceptable and in accordance with Policy GEN2 of the adopted Local Plan (2005).

- 10.8 The proposed plot 3 north elevation comprised of one velux window and three separate windows serving three separate bedrooms. These three windows would be looking

towards Hillside as a result it would not be overlooking into any of the approved indicative schemes in the approved outline application registered as UTT/13/1817/OP.

- 10.9 In policy terms it can be concluded that the proposed layout, scale and appearance would not harm the character of the area and the living condition of any adjoining occupiers. It would not be prejudicial to the implementation of the remaining approved care village as illustrated in the approved outline application. Hence, in policy terms the proposal is in accordance with Policies GEN2 and H3.

C Landscaping

10.10 Policy ENV8 affirms that “development that may adversely affect landscape elements will only be permitted for example; if the development outweighs the need to retain the elements for their importance; mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality...”

10.11 And Policy GEN7 states that “development that would have a harmful effect on wildlife ...will not be permitted unless the needs for the development outweigh the importance of the feature to nature conservation...”

10.12 Given the location of the site with a rural restraints area every efforts to ensure that features of the landscape character of the area is incorporates by taken an approach of incorporating sizable garden well in excess of the Council’s standards and ensure the building is set away from its side boundaries. More planting has been encouraged through the landscaping scheme approach which would help to reflect the semi-rural character and appearance of the immediate surrounding area and assist to protect any nature conservation within the vicinity. This is welcome and in accordance with Policies GEN7 and ENV8.

D Other material considerations

10.13 Newport Policy 1- Bury Water Lane/Whiteditch Lane is allocated for 84 residential dwellings and Newport Policy 2 –Nursery Site, north of Bury Water Lane is allocated for 40 apartments for the over 65’s, a care village and 5 market houses.

10.14 The current proposed reserved matters such as the scale, layout, appearance, access and landscaping of the proposed two storey detached dwelling described as (Plot 3 in the proposed plan drawing number 82A), which forms part of the approved outline application for care village registered as UTT/13/1817/OP is part of the housing needs required within this part of Newport along Bury Water Lane/ Whiteditch Lane as specified in Newport Policy 1. The acceptability of the proposed Plot 3 cannot be built without the full implementation of approved outline application registered as UTT/13/1817/OP. This is in accordance with Newport Policy 1.

11 CONCLUSION

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

- A The proposed access is considered acceptable as it would not adversely harm other road users or compromise road safety subject to the recommended planning conditions in order to protect and safeguard traffic in the area. This is in accordance with Policy GEN1 and GEN8.
- B The proposed layout, scale and appearance are considered acceptable because it is compatible with the residential properties in the surroundings; it would not harm the

living condition of the adjoining occupiers in terms of overlooking or overbearing and it would not be prejudicial to the implementation of the care village. Hence, the proposal is not in conflict with Policies GEN2 and H3.

- C The proposed landscaping scheme would provide adequate amenity space for the future occupants of the dwelling and help in reinforcing the nature conservation of the vicinity and the semi-rural character of the area in accordance with Policies GEN7 and ENV8
- D The proposed details of the above reserved matters which have been considered acceptable shall be subject to the implementation of approved outline application registered as UU/13/1817/OP and the Section 106 Legal Obligation.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the external materials for the construction of the approved development shall be submitted to and approved by the Local Planning Authority in writing prior to the implementation of the approved scheme.

REASON: In the interests of the appearance of the development and the visual amenity of the area in accordance with Policies GEN2 of the adopted Local Plan (2005).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by the permission or any other grant of express planning permission) or freestanding buildings erected on any part of the Plot 3 without the prior written permission of the local planning authority.

REASON: The gardens for this Plot 3 are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in the size of the garden which would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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

5. Prior to occupation of the development, the provision of 2 passing places on Whiteditch Lane as shown in principle on Drawing No. 85 Proposed Site Plan. Details shall be

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

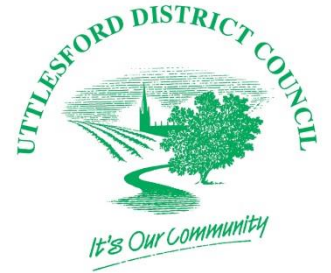
REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

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

Application no.: UTT/14/2902/DFO

Address: Plot 3 Hillside and land to the rear of Bury Water Lane Newport



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/2903/DFO (NEWPORT)

(MINOR APPLICATION)

Referred to Committee by Cllr Joanna Parry (Reason: Object to the proposal because the outline permission (UTT/13/1817/OP) ties these 5 applications in with the application for care Village.)

PROPOSAL: Details following outline application UTT/13/1817/OP – The details of access, appearance, landscaping, layout and scale for the erection of two storey detached residential dwelling (Plot 4, the open housing market)

LOCATION: Hillside And Land To Rear of Bury Water Lane, Newport.

APPLICANT: Mr and Mrs Bampton and Barba.

AGENT: Pelham Structures Ltd

EXPIRY DATE: 25 November 2014

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development Limits and SSSI Consultation Areas.

2. DESCRIPTION OF SITE

1.1 The site is part of occupied range of glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use which has been granted an outline planning permission for a mix of a residential care facility for (120 persons), comprising of separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support facilities block including mobile medical treat, hairdresser; and the construction of 5no. respite care bungalows and 5no. detached dwellings (open market housing separate to the care facility of which one of them relate to this current proposal) fronting Bury Water Lane . The area is characterised by existing redundant glasshouses, residential buildings of different scale, mass, height and design. It is also partly screened by existing trees and vegetation.

3. PROPOSAL

3.1 The proposal relate to details of one of the 5no. dwellings above in connection with outline application UTT/13/1817/OP relating details of access, appearance, landscaping, layout and scale for Plot 4 as shown in (the approved Master Plan as now shown in the proposed site plan drawing number 74B). This application therefore relate to details of reserved matters for Plot 4.

4. APPLICANT'S CASE

4.1 The application is accompanied by a planning statement which demonstrated that the proposed reserved matters can be considered acceptable subject to the completion of

the agreed Section 106 relating to the outline application that was approved and registered as UTT/13/1817/OP.

4.2 Summary and Conclusion of the Planning Statement:

- The outline application included indicative details of the five dwellings fronting Whiteditch Lane, but access was reserved matter. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site. Given that the scheme has evolved through the design process, it has become apparent that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiations with prospective operators of the care village have identified an operational need for the 5 dwellings to be access from Whiteditch Lane rather than via the care site.
- The relocation of the proposed access point from the illustrative position shown at the outline stage has improved the layout of the dwelling on site. As a result of the change, the dwellings itself would be sited further away from the boundary with 'Greenways', an existing property to the south, and would have access to a much larger, more useable and more private rear garden area.
- The improved layout makes the car parking for residents closer to the house, in accordance with Lifetime Homes Standards. Access via Whiteditch Lane also makes the dwelling more legible in street scene terms, and more accessible to visitors.
- In terms scale the outline application indicated that the five dwellings fronting Whiteditch Lane would be larger open market properties. Plots 1 would be one and half storey 3 bedroom detached house with a detached double –length garage plus parking space and on-site turning area to enable vehicles to enter and leave the site in forward gear.
- The size and scale of the proposed dwellings would provide a good transition between the existing property 'Greenway' and the adjacent Plot 2 dwelling. The dwelling would have a maximum ridge height of 7.8m, which is within the range found along Whiteditch Lane. Given that Whiteditch Lane comprises primarily large detached houses the scale of the proposed dwelling would be comparable with existing properties.
- The proposed dwelling is of traditional design and materials, and would reflect the style of properties found elsewhere in the district. The use of a rear wing and lower range reduces the mass of the building and minimises the effect of the development on the neighbouring property and its occupants.
- Materials would be smooth painted render on a brick plinth with timber windows and doors. The roof would be plain clay tiles, and the chimney would be of matching red brick to the plinth. The frame for the garden room would be exposed oak, and its roof would be slate. Materials for the double length garage would be painted weatherboarding on a brick plinth with a slate roof.
- In the landscaping details the dwelling would be served by a garden well in excess of the Council's standards and the building would be set away from its side boundaries. Planting would be provided to ensure that the dwelling retains semi-rural character and appearance appropriate to its location.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/1817/OP – Approve with condition. Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc); the construction of 5 no. respite care bungalows; and 5 no.

detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA.

- 5.2 UTT/14/2901/DFO. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 2.
- 5.3 UTT/14/2902/DFO. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and s UTT/14/2902/DFO.
- 5.4 UTT/14/2903/OP. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 3.
- 5.5 UTT/14/2904/OP. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 4.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – Countryside
- Policy GEN1 – Access, Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

6.3 Supplementary Planning Documents:

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

6.4 Uttlesford Local Plan-Pre-Submission Consultation April 2014

- Newport Policy 1 – Bury Water Lane/Whiteditch Lane

7. PARISH and TOWN COUNCIL COMMENTS

7.1 Newport Parish Council concerns and advice include the following:

- 7.2 Altering the access to the five houses, of which this is one, from a route along Bury Water Lane and through the Care Village, to one along Bury Water Lane and

Whiteditch Lane completely changes the nature of this proposal. While it still uses the same piece of land, it now amounts to part of a new proposal to build five houses on Whiteditch Lane, and accordingly should be treated as such.

- (a) The proposed dwelling would be outside development limits.
- (b) The Planning Statement in support of Reserved Matters Application, point 2.10, states “paragraph 2.1 sets out the rationale for taking access from Whiteditch Lane rather than from the internal estate road for the care village. This would be beneficial for occupants of the new house, would reduce vehicular activity within the care village development and would also provide more accessibly located parking spaces”. The reduction in vehicular activity within the Care Village will improve safety within it. The roads in the Care Village are of a much greater standard than Whiteditch Lane. Turning this development round so that access is via Whiteditch Lane will worsen standards of safety in Whiteditch Lane more than the improvement in the Care Village. This is contradictory if it is supporting the Care Village.
- (c) Whiteditch Lane, Bury Water Lane and School Lane are inadequate for the current traffic and are totally unsuitable for additional housing.
- (d) The narrow lane would be blocked by construction and refuse vehicles and for short periods when existing or proposed biological tanks are emptied and oil deliveries made. Emergency vehicles would be unable to gain access.
- (e) There are occasions when large vehicles have to reverse down the whole length of the lane.
- (f) There is no footpath or pavement in the lane which is extremely hazardous and dangerous for pedestrians. If this proposal is to be approved, a condition of the approval should be the provision of a footpath along Whiteditch Lane from its junction with Bury Water Lane as far as this development. If this is not feasible planning permission should be refused.
- (g) Each development is being considered separately rather than looking at the total, no upper limit has been placed on the number of houses that can be built on White Ditch Lane and Bury Water Lane.
- (h) The five houses that these proposals relate to were included in the Care Village scheme to enable the whole scheme to be viable. Decoupling them from the overall scheme will mean that these five houses will be built, and the Care Village will cease to be viable. To avoid this, if the scheme is to be approved, a condition should be applied that does not permit work to commence on these five houses until the Care Village is complete.
- (i) On the main proposal, site access is shown via Whiteditch Lane whereas on the document produced by the Stilwell Partnership attached to the Stage 1 Road Safety Audit, access is
- (j) Shown via Hillside, which is contradictory.

8 CONSULTATION

UDC- Policy and Conservation Team

- 8.1 The Local Plan has been submitted to the Secretary of State for examination into its Soundness. An Inspector has been appointed and examination dates set for November/December.

Newport Policy1 – Nursery site, north of Bury Water Lane is very specific in that the 5 market houses are only permitted providing that:

- Viability appraisal demonstrates the need for market housing component is essential for the successful delivery of the development
- The proportion of market housing is the minimum needed to make the scheme viable.

There is a recognised need in the District for care homes and provision for the elderly and this allocation was made to ensure that this need is being met over the Plan period. The concern is that the 5 market houses will be delivered and the care village and apartments for the over 65s will not be developed. The market houses are one part of the whole master plan and one should not be delivered in isolation or detriment to the other elements. The application should only be approved if they can be delivered in line with the whole master plan. The policy is clear that the market dwellings are to ensure the development of the care village and apartments.

ECC- Ecology Advice

- 8.2 No objection.

ECC Highways Authority

- 8.3 No objection subject to recommended planning conditions.

Affinity Water

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

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

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

BAA Aerodrome Safeguarding

- 8.5 There are no aerodrome safeguarding concerns.

9 REPRESENTATIONS

- 9.1 This application has been advertised and fifteen letters of objection have been received at the time of preparing this committee report. Notification period expired on 24 October 2014. And the common ground of concerns and objection includes:

- There is insufficient infrastructure to support this development (road, access, water, drainage, sewage)
- Impact on traffic circulation in Newport. The development is unsustainable.
- The emerging Local Plan is very specific that these 5 houses are only permitted if essential for the successful delivery of the care village. These houses should therefore only be permitted in line with the development of the whole care village site.
- There are no footpaths along Whiteditch Lane, which makes it unsuitable for primary school children walking to school.
- The houses are all being built with septic tanks. The tankers required to empty these are an additional weight to the traffic along this lane, coupled with oil deliveries, supermarket deliveries, refuse collection to existing houses as well as new ones. There is a real danger that emergency vehicle may not be able to get through.
- Proposal would generate noise pollution and traffic
- Proposal would lead to congestion.

10. APPRAISAL

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

A Whether the proposed access is appropriate (ULP Policies GEN1 and GEN8)

B The impact of the proposed scale, layout and appearance on the character and amenity of the area (ULP Policies GEN2 and H3)

C Landscape details

D Other material considerations

A Whether the proposed access would harm other road users and traffic in the area

10.1 Policy GEN1 affirms that development will only 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 cyclist, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- The development encourages the movement by means other than driving a car.

10.2 The outline application included indicative details of the five dwellings fronting Whiteditch Lane, although access was one of the reserved matters. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site.

10.3 In order to submit the current proposed reserved matters, it has become clear that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village

have identified an operational need for the 5 dwellings to be accessed from Whiteditch Lane instead of through the care site. Part of the reason also involves to ensure the access for the development have the capacity to carry the traffic generated by the development safely; and to ensure such access from Whiteditch Lane did not compromise road safety and designed to meet the needs of the occupants of the individual five dwellings.

10.4 The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.

B Whether the proposed scale, layout and appearance are compatible with the surrounding buildings in the area.

10.5 Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
- It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings where appropriate;
- It provides an environment, which meets the reasonable needs of all potential users.
- It helps to reduce potential for crime;
- It helps to minimise water and energy consumption; it has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
- It helps to reduce waste production and encourages recycling and reuse.
- It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
- It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

10.6 The residential properties fronting this part of Whiteditch Lane comprised of two storey detached buildings which are set back from Whiteditch Lane. The site is also directly facing some vegetation, trees and plants which partly screen other existing residential buildings nearby. Given that the proposed development would involve the removal of the existing redundant glasshouses relating to the abandoned cucumber and horticultural agriculture, it would provide opportunity in implementing the details of these reserved matters relating to the layout, scale and appearance of this plot 4 dwelling.

10.7 In order to reflect the character of the immediate surroundings, the design approach involves creating a scale, mass, form, height, layout and appearance of the buildings which reflects the character of the surrounding area which comprised of two storey detached residential buildings with their own individual design details. The proposed scale and appearance of the proposed development has incorporated features of nearby residential buildings. In order to ensure such external appearance is satisfactory details of external materials that would be used in constructing the

residential building would be condition. This is considered acceptable and in accordance with Policy GEN2 of the adopted Local Plan (2005).

- 10.8 The proposed plot 1 north elevation comprised of one velux window and three separate windows serving three separate bedrooms. These three windows would be looking towards Hillside as a result it would not be overlooking into any of the approved indicative schemes in the approved outline application registered as UTT/13/1817/OP.
- 10.9 In policy terms it can be concluded that the proposed layout, scale and appearance would not harm the character of the area and the living condition of any adjoining occupiers. It would not be prejudicial to the implementation of the remaining approved care village as illustrated in the approved outline application. Hence, in policy terms the proposal is in accordance with Policies GEN2 and H3.

C Landscaping

- 10.10 Policy ENV8 affirms that “development that may adversely affect landscape elements will only be permitted for example; if the development outweighs the need to retain the elements for their importance; mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality...”
- 10.11 And Policy GEN7 states that “development that would have a harmful effect on wildlife ...will not be permitted unless the needs for the development outweigh the importance of the feature to nature conservation...”
- 10.12 Given the location of the site with a rural restraints area every efforts to ensure that features of the landscape character of the area is incorporates by taken an approach of incorporating sizable garden well in excess of the Council’s standards and ensure the building is set away from its side boundaries. More planting has been encouraged through the landscaping scheme approach which would help to reflect the semi-rural character and appearance of the immediate surrounding area and assist to protect any nature conservation within the vicinity. The proposed rear garden space is approximately 210sq.m which is considered acceptable for a proposed four/five bedroom residential building in addition with some front area garden. This is welcome and in accordance with Policies GEN7 and ENV8.

D Other material considerations

- 10.13 In considering the approval of the proposed outline application UTT/13/1817/OP which included the above plot 4 the application was considered acceptable in all other respects and issues of the contribution for health facilities secured through the completion of Section 106 Agreement in addition with the approved care village comprising of 40 units and other supported local infrastructure.
- 10.14 Having considered the details of the scale, layout, appearance, access and landscaping of the current proposed two storey detached dwelling (Plot 4 as shown in the proposed drawing number 74B), on balance it is considered acceptable subject to the implementation of the remaining care village UTT/13/1817/OP and the agreed Section 106 Agreement.

11 CONCLUSION

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

- A The proposed access is considered acceptable as it would not adversely harm other road users or compromise road safety subject to the recommended planning conditions in order to protect and safeguard traffic in the area. This is in accordance with Policy GEN1 and GEN8.
- B The proposed layout, scale and appearance are considered acceptable because it is compatible with the residential properties in the surroundings; it would not harm the living condition of the adjoining occupiers in terms of overlooking or overbearing and it would not be prejudicial to the implementation of the care village. Hence, the proposal is not in conflict with Policies GEN2 and H3.
- C The proposed landscaping scheme would provide adequate amenity space for the future occupants of the dwelling and help in reinforcing the nature conservation of the vicinity and the semi-rural character of the area in accordance with Policies GEN7 and ENV8
- D The proposed details of the above reserved matters which has been considered acceptable shall be subject to the implementation of approved outline application registered as UU/13/1817/OP and the Section 106 Legal Obligation.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the external materials for the construction of the approved development shall be submitted to and approved by the Local Planning Authority in writing prior to the implementation of the approved scheme.

REASON: In the interests of the appearance of the development and the visual amenity of the area in accordance with Policies GEN2 of the adopted Local Plan (2005).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by the permission or any other grant of express planning permission) or freestanding buildings erected on any part of the Plot 4 without the prior written permission of the local planning authority.

REASON: The gardens for this Plot 4 are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in the size of the garden which would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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

- 5 Prior to occupation of the development, the provision of 2 passing places on Whiteditch Lane as shown in principle on Drawing No. 85 Proposed Site Plan. Details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.

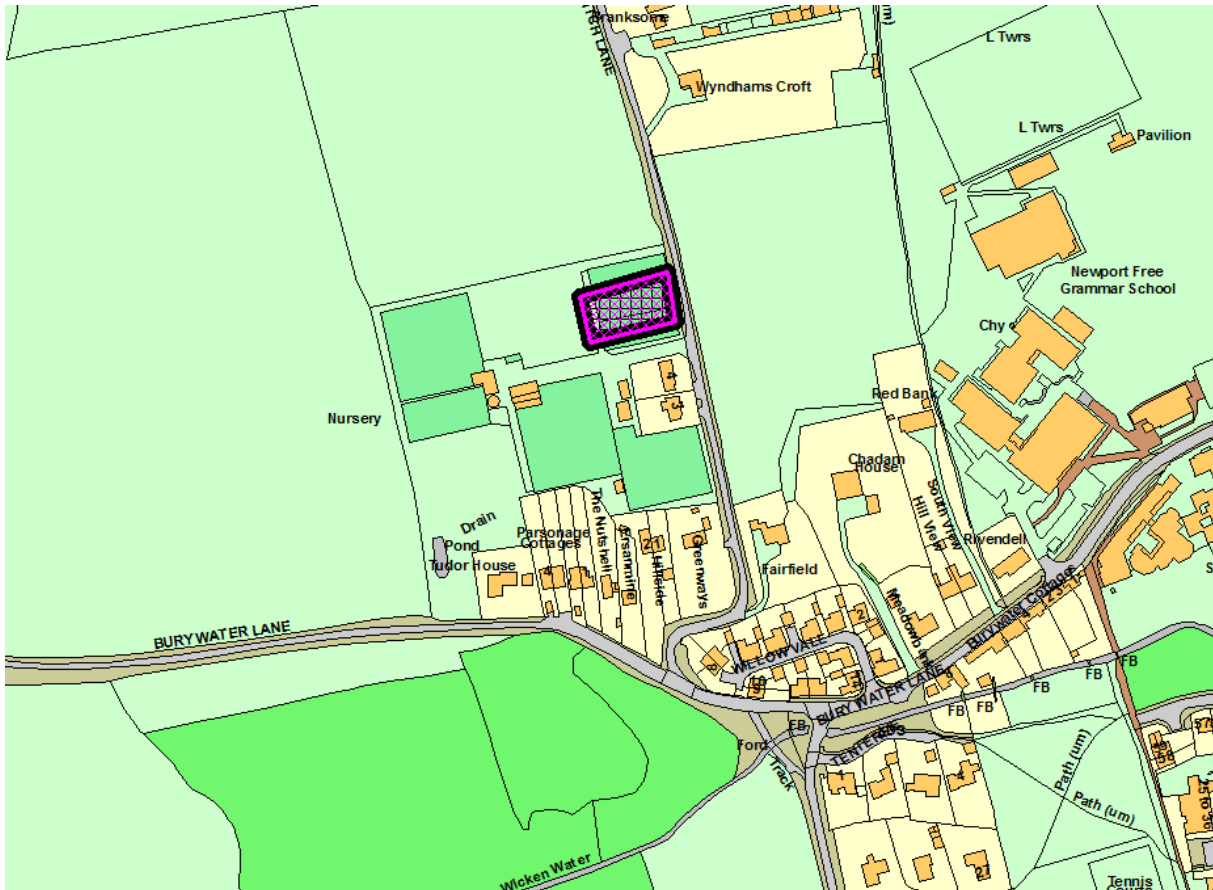
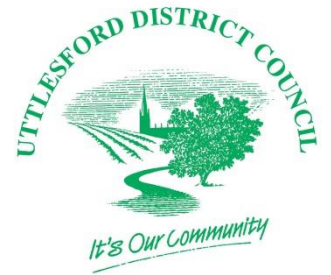
REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

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

Application no.: UTT/14/2903/DFO

Address: Plot 4 Hillside and land to the rear of Bury Water Lane Newport



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/2904/DFO (NEWPORT)

(MINOR APPLICATION)

Referred to Committee by Cllr Joanna Parry (Reason: Object to the proposal because the outline permission (UTT/13/1817/OP) ties these 5 applications in with the application for Care Village.)

PROPOSAL: Details following outline application UTT/13/1817/OP – The details of access, appearance, landscaping, layout and scale for the erection of two storey detached residential dwelling (Plot 5, the open housing market)

LOCATION: Hillside And Land To Rear of Bury Water Lane, Newport.

APPLICANT: Mr and Mrs Bampton and Barba.

AGENT: Pelham Structures Ltd

EXPIRY DATE: 25 November 2014

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development Limits and S.S.S.I Consultation Areas.

2. DESCRIPTION OF SITE

1.1 The site is part of occupied range of glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use which has been granted an outline planning permission for a mix of a residential care facility for (120 persons), comprising of separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support facilities block including mobile medical treat, hairdresser; and the construction of 5no. respite care bungalows and 5no. detached dwellings (open market housing separate to the care facility of which one of them relate to this current proposal) fronting Bury Water Lane . The area is characterised by existing redundant glasshouses, residential buildings of different scale, mass, height and design. It is also partly screened by existing trees and vegetation.

3. PROPOSAL

3.1 The proposal relate to details of one of the 5no. dwellings above in connection with outline application UTT/13/1817/OP relating details of access, appearance, landscaping, layout and scale for Plot 5 as shown in (the approved Master Plan as now shown in the proposed site plan drawing number 83B). This application therefore relate to details of reserved matters for Plot 5.

4. APPLICANT'S CASE

4.1 The application is accompanied by a planning statement which demonstrated that the proposed reserved matters can be considered acceptable subject to the completion of

the agreed Section 106 relating to the outline application that was approved and registered as UTT/13/1817/OP.

4.2 Summary and Conclusion of the Planning Statement:

- The outline application included indicative details of the five dwellings fronting Whiteditch Lane, but access was reserved matter. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site. Given that the scheme has evolved through the design process, it has become apparent that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiations with prospective operators of the care village have identified an operational need for the 5 dwellings to be access from Whiteditch Lane rather than via the care site.
- The relocation of the proposed access point from the illustrative position shown at the outline stage has improved the layout of the dwelling on site. As a result of the change, the dwellings itself would be sited further away from the boundary with 'Greenways', an existing property to the south, and would have access to a much larger, more useable and more private rear garden area.
- The improved layout makes the car parking for residents closer to the house, in accordance with Lifetime Homes Standards. Access via Whiteditch Lane also makes the dwelling more legible in street scene terms, and more accessible to visitors.
- In terms scale the outline application indicated that the five dwellings fronting Whiteditch Lane would be larger open market properties. Plots 1 would be one and half storey 3 bedroom detached house with a detached double –length garage plus parking space and on-site turning area to enable vehicles to enter and leave the site in forward gear.
- The size and scale of the proposed dwellings would provide a good transition between the existing property 'Greenway' and the adjacent Plot 2 dwelling. The dwelling would have a maximum ridge height of 7.8m, which is within the range found along Whiteditch Lane. Given that Whiteditch Lane comprises primarily large detached houses the scale of the proposed dwelling would be comparable with existing properties.
- The proposed dwelling is of traditional design and materials, and would reflect the style of properties found elsewhere in the district. The use of a rear wing and lower range reduces the mass of the building and minimises the effect of the development on the neighbouring property and its occupants.
- Materials would be smooth painted render on a brick plinth with timber windows and doors. The roof would be plain clay tiles, and the chimney would be of matching red brick to the plinth. The frame for the garden room would be exposed oak, and its roof would be slate. Materials for the double length garage would be painted weatherboarding on a brick plinth with a slate roof.
- In the landscaping details the dwelling would be served by a garden well in excess of the Council's standards and the building would be set away from its side boundaries. Planting would be provided to ensure that the dwelling retains semi-rural character and appearance appropriate to its location.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/1817/OP – Approve with condition. Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc); the construction of 5 no. respite care bungalows; and 5 no.

detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA.

- 5.2 UTT/14/2901/DFO. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 2.
- 5.3 UTT/14/2902/DFO. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and s UTT/14/2902/DFO.
- 5.4 UTT/14/2903/OP. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 3.
- 5.5 UTT/14/2904/OP. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 4.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – Countryside
- Policy GEN1 – Access, Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

6.3 Supplementary Planning Documents:

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

6.4 Uttlesford Local Plan-Pre-Submission Consultation April 2014

- Newport Policy 1 – Bury Water Lane/Whiteditch Lane

7. PARISH and TOWN COUNCIL COMMENTS

- 7.1 Newport Parish Council concerns and advice include the following:

- 7.2 Altering the access to the five houses, of which this is one, from a route along Bury Water Lane and through the Care Village, to one along Bury Water Lane and Whiteditch Lane completely changes the nature of this proposal. While it still uses the same piece of land, it now amounts to part of a new proposal to build five houses on Whiteditch Lane, and accordingly should be treated as such.
- (a) The proposed dwelling would be outside development limits.
 - (b) The Planning Statement in support of Reserved Matters Application, point 2.10, states “paragraph 2.1 sets out the rationale for taking access from Whiteditch Lane rather than from the internal estate road for the care village. This would be beneficial for occupants of the new house, would reduce vehicular activity within the care village development and would also provide more accessibly located parking spaces”. The reduction in vehicular activity within the Care Village will improve safety within it. The roads in the Care Village are of a much greater standard than Whiteditch Lane. Turning this development round so that access is via Whiteditch Lane will worsen standards of safety in Whiteditch Lane more than the improvement in the Care Village. This is contradictory if it is supporting the Care Village.
 - (c) Whiteditch Lane, Bury Water Lane and School Lane are inadequate for the current traffic and are totally unsuitable for additional housing.
 - (d) The narrow lane would be blocked by construction and refuse vehicles and for short periods when existing or proposed biological tanks are emptied and oil deliveries made. Emergency vehicles would be unable to gain access.
 - (e) There are occasions when large vehicles have to reverse down the whole length of the lane.
 - (f) There is no footpath or pavement in the lane which is extremely hazardous and dangerous for pedestrians. If this proposal is to be approved, a condition of the approval should be the provision of a footpath along Whiteditch Lane from its junction with Bury Water Lane as far as this development. If this is not feasible planning permission should be refused.
 - (g) Each development is being considered separately rather than looking at the total, no upper limit has been placed on the number of houses that can be built on White Ditch Lane and Bury Water Lane.
 - (h) The five houses that these proposals relate to were included in the Care Village scheme to enable the whole scheme to be viable. Decoupling them from the overall scheme will mean that these five houses will be built, and the Care Village will cease to be viable. To avoid this, if the scheme is to be approved, a condition should be applied that does not permit work to commence on these five houses until the Care Village is complete.
 - (i) On the main proposal, site access is shown via Whiteditch Lane whereas on the document produced by the Stilwell Partnership attached to the Stage 1 Road Safety Audit, access is
 - (j) Shown via Hillside, which is contradictory.

8 CONSULTATION

UDC- Policy and Conservation Team

- 8.1 The Local Plan has been submitted to the Secretary of State for examination into its Soundness. An Inspector has been appointed and examination dates set for November/December.

Newport Policy1 – Nursery site, north of Bury Water Lane is very specific in that the 5 market houses are only permitted providing that:

- Viability appraisal demonstrates the need for market housing component is essential for the successful delivery of the development
- The proportion of market housing is the minimum needed to make the scheme viable.

There is a recognised need in the District for care homes and provision for the elderly and this allocation was made to ensure that this need is being met over the Plan period. The concern is that the 5 market houses will be delivered and the care village and apartments for the over 65s will not be developed. The market houses are one part of the whole master plan and one should not be delivered in isolation or detriment to the other elements. The application should only be approved if they can be delivered in line with the whole master plan. The policy is clear that the market dwellings are to ensure the development of the care village and apartments.

ECC- Ecology Advice

- 8.2 No objection.

ECC Highways Authority

- 8.3 No objection subject to recommended planning conditions.

Affinity Water

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

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

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

BAA Aerodrome Safeguarding

- 8.5 There are no aerodrome safeguarding concerns.

9 REPRESENTATIONS

9.1 This application has been advertised and fifteen letters of objection have been received at the time of preparing this committee report. Notification period expired on 24 October 2014. And the common ground of concerns and objection includes:

- There is insufficient infrastructure to support this development (road, access, water, drainage, sewage)
- Impact on traffic circulation in Newport. The development is unsustainable.
- The emerging Local Plan is very specific that these 5 houses are only permitted if essential for the successful delivery of the care village. These houses should therefore only be permitted in line with the development of the whole care village site.
- There are no footpaths along Whiteditch Lane, which makes it unsuitable for primary school children walking to school.
- The houses are all being built with septic tanks. The tankers required to empty these are an additional weight to the traffic along this lane, coupled with oil deliveries, supermarket deliveries, refuse collection to existing houses as well as new ones. There is a real danger that emergency vehicle may not be able to get through.
- Proposal would generate noise pollution and traffic
- Proposal would lead to congestion.

10. APPRAISAL

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

- A Whether the proposed access is appropriate (ULP Policies GEN1 and GEN8)**
- B The impact of the proposed scale, layout and appearance on the character and amenity of the area (ULP Policies GEN2 and H3)**
- C Landscape details**
- D Other material considerations**
- A Whether the proposed access would harm other road users and traffic in the area**

10.1 Policy GEN1 affirms that development will only 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 cyclist, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- The development encourages the movement by means other than driving a car.

10.2 The outline application included indicative details of the five dwellings fronting Whiteditch Lane, although access was one of the reserved matters. The illustrative site

plan showed vehicular access to the five dwellings from an internal estate road within the care village site.

- 10.3 In order to submit the current proposed reserved matters, it has become clear that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village have identified an operational need for the 5 dwellings to be accessed from Whiteditch Lane instead of through the care site. Part of the reason also involves to ensure the access for the development have the capacity to carry the traffic generated by the development safely; and to ensure such access from Whiteditch Lane did not compromise road safety and designed to meet the needs of the occupants of the individual five dwellings.
- 10.4 The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.

B Whether the proposed scale, layout and appearance are compatible with the surrounding buildings in the area.

- 10.5 Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.
- It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
 - It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings where appropriate;
 - It provides an environment, which meets the reasonable needs of all potential users.
 - It helps to reduce potential for crime;
 - It helps to minimise water and energy consumption; it has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
 - It helps to reduce waste production and encourages recycling and reuse.
 - It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
 - It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 10.6 The residential properties fronting this part of Whiteditch Lane comprised of two storey detached buildings which are set back from Whiteditch Lane. The site is also directly facing some vegetation, trees and plants which partly screen other existing residential buildings nearby. Given that the proposed development would involve the removal of the existing redundant glasshouses relating to the abandoned cucumber and horticultural agriculture, it would provide opportunity in implementing the details of these reserved matters relating to the layout, scale and appearance of this plot 5 dwelling.
- 10.7 In order to reflect the character of the immediate surroundings, the design approach involves creating a scale, mass, form, height, layout and appearance of the buildings

which reflects the character of the surrounding area which comprised of two storey detached residential buildings with their own individual design details. The proposed scale and appearance of the proposed development has incorporated features of nearby residential buildings. In order to ensure such external appearance is satisfactory details of external materials that would be used in constructing the residential building would be condition. This is considered acceptable and in accordance with Policy GEN2 of the adopted Local Plan (2005).

- 10.8 The proposed plot 1 north elevation comprised of one velux window and three separate windows serving three separate bedrooms. These three windows would be looking towards Hillside as a result it would not be overlooking into any of the approved indicative schemes in the approved outline application registered as UTT/13/1817/OP.
- 10.9 In policy terms it can be concluded that the proposed layout, scale and appearance would not harm the character of the area and the living condition of any adjoining occupiers. It would not be prejudicial to the implementation of the remaining approved care village as illustrated in the approved outline application. Hence, in policy terms the proposal is in accordance with Policies GEN2 and H3.

C Landscaping

- 10.10 Policy ENV8 affirms that “development that may adversely affect landscape elements will only be permitted for example; if the development outweighs the need to retain the elements for their importance; mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality...”
- 10.11 And Policy GEN7 states that “development that would have a harmful effect on wildlife ...will not be permitted unless the needs for the development outweigh the importance of the feature to nature conservation...”
- 10.12 Given the location of the site with a rural restraints area every efforts to ensure that features of the landscape character of the area is incorporates by taken an approach of incorporating sizable garden well in excess of the Council’s standards and ensure the building is set away from its side boundaries. More planting has been encouraged through the landscaping scheme approach which would help to reflect the semi-rural character and appearance of the immediate surrounding area and assist to protect any nature conservation within the vicinity. The proposed rear garden area is approximately 240sq.m and this is considered to be far exceeding the standard of rear garden area for four/five bedroom residential dwelling. This is welcome and in accordance with Policies GEN7 and ENV8.

D Other material considerations

- 10.13 In considering the approval of the proposed outline application UTT/13/1817/OP which included the above plot 5 the application was considered acceptable in all other respects and issues of the contribution for health facilities secured through the completion of Section 106 Agreement in addition with the approved care village comprising of 40 units and other supported local infrastructure.
- 10.14 Having considered the details of the scale, layout, appearance, access and landscaping of the current proposed two storey detached dwelling (Plot 5 as shown in the proposed drawing number 83B), on balance it is considered acceptable subject to the implementation of the remaining care village UTT/13/1817/OP and the agreed Section 106 Agreement.

11 CONCLUSION

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

- A The proposed access is considered acceptable as it would not adversely harm other road users or compromise road safety subject to the recommended planning conditions in order to protect and safeguard traffic in the area. This is in accordance with Policy GEN1 and GEN8.
- B The proposed layout, scale and appearance are considered acceptable because it is compatible with the residential properties in the surroundings; it would not harm the living condition of the adjoining occupiers in terms of overlooking or overbearing and it would not be prejudicial to the implementation of the care village. Hence, the proposal is not in conflict with Policies GEN2 and H3.
- C The proposed landscaping scheme would provide adequate amenity space for the future occupants of the dwelling and help in reinforcing the nature conservation of the vicinity and the semi-rural character of the area in accordance with Policies GEN7 and ENV8
- D The proposed details of the above reserved matters which has been considered acceptable shall be subject to the implementation of approved outline application registered as UU/13/1817/OP and the Section 106 Legal Obligation.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the external materials for the construction of the approved development shall be submitted to and approved by the Local Planning Authority in writing prior to the implementation of the approved scheme.

REASON: In the interests of the appearance of the development and the visual amenity of the area in accordance with Policies GEN2 of the adopted Local Plan (2005).

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

REASON: The gardens for this Plot 5 are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in the size of the garden which would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 4 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

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

- 5 Prior to occupation of the development, the provision of 2 passing places on Whiteditch Lane as shown in principle on Drawing No. 85 Proposed Site Plan. Details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.

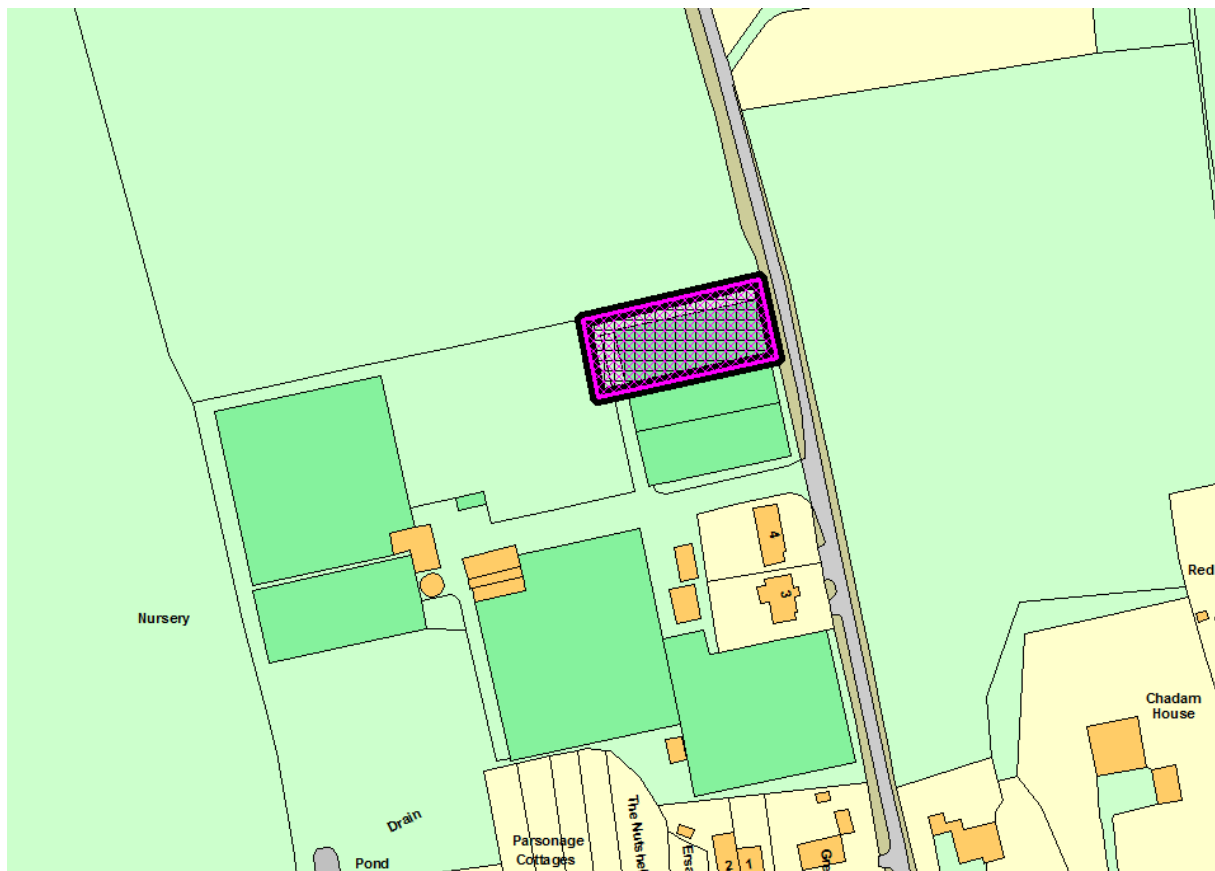
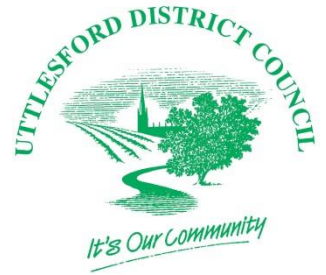
REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

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

Application no.: UTT/14/2904/DFO

Address: Plot 5 Hillside and land to the rear of Bury Water Lane Newport



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/2862/FUL (SAFFRON WALDEN)

(Referred to Committee by Cllr Perry - Reason: Design and impact: The infilling of the car ports to garages is contrary to that approved, will change the impact of the build and cause amenity problems for neighbours)

PROPOSAL: **Erection of 3 No. dwellings, garages, new access road and associated works – revision to planning permission UTT/13/3206/FUL**

LOCATION: **44 Landscape View, Saffron Walden**

APPLICANT: **Carr Lillywhite Ltd.**

AGENT: **The Clarke Smith Partnership**

EXPIRY DATE: **17 November 2014**

CASE OFFICER: **Clive Theobald**

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site comprises a rectangular and relatively flat parcel of land of approximately 0.15 ha. lying between Nos.42 and 46 Landscape View close to the turning with Seven Devils Lane at the southern end of the town. The site is bordered on its northern side by a two storey detached dwelling with long rear garden (No.42 Landscape View), on its southern side by a detached bungalow (No.46 Landscape View) and to the rear by a further two storey detached dwelling set at an angle to the rear boundary (Hazelwood). A 1930's period dwelling which previously stood on the site has recently been demolished and the site plot now represents a development site.

3. PROPOSAL

3.1 This revised full application seeks minor design revisions to approved application UTT/13/3206/FUL relating to the erection of 3 No. dwellings, car ports, new access road and associated works where it is proposed to substitute car ports originally shown for the approved scheme to garages by infilling the sides and rear gable ends of the car port structures and extending their length by 0.4m to 7 metres. The garages would be externally clad to both the sides and rear with featheredged boarding on brick plinths, whilst the roofs to the garages would be clad with plain clay tiles as previously approved for the car ports. The garages would have a height to the ridge of 5.5 metres with a 42 degree pitch also as previously approved for the car ports (no change).

3.2 No design or fenestration changes are proposed to the three approved dwellings themselves with the exception of the inclusion of a small second storey window positioned at high level into the east flank gable elevation of Plot 3 to serve a guest bedroom where the cill height level of the new window is shown to be 1.6 metres above internal floor level.

4. APPLICANT'S CASE

- 4.1 “In response to the representations received, we must explain again that the height of the garages are the same as the height for the approved car ports for the first application and we would be grateful if you could make this clear to all of the objectors as this seems to be their main concern. The reason for the increased dimensions of the garages is so that they comply with the Council’s parking standards. The developer would have preferred smaller double garages from their change from car ports, although this was not an option due to the current parking policy. On the other points, all permitted development rights will I assume be withdrawn on this application as with the first, so any additional rooms, extensions etc would have to be subject to separate applications for planning permission. We hope this clarifies the situation”.

5. RELEVANT SITE HISTORY

- 5.1 Planning permission granted in March 2014 for the demolition of No.44 Landscape View and the erection of 3 No. dwellings, garages and associated works (UTT/13/3206/FUL) – note: the garages proposed were in fact in the form of car ports as shown on the submitted drawings for that application. Condition 13 of the permission for that approved development stated that the approved car ports shall be retained for the parking of domestic vehicles in connection with the use of the dwellings permitted and shall not be converted to another use, including conversion to habitable accommodation, without the further written approval of the Local Planning Authority.

- 5.2 Non-material amendment application to infill the open sides of the car ports approved under UTT/13/3206/FUL to form garages with timber boarding and brick plinths refused in July 2013 for the following reason (UTT/14/1581/NMA):

“The proposed amendments to infill the open sides of the approved garages with timber boarding and brick plinths are considered to be a material change to the approved garages under UTT/13/3206/FUL and a revised planning application would need to be submitted for consideration. Any new application would need to be considered under Uttlesford Local Plan Policy GEN2”.

- 5.3 Pre-commencement conditions imposed under UTT/13/3206/FUL discharged by the Council in respect of materials samples, landscaping, slab levels and reduction to single hardstanding parking space (in addition to provision of double car port) for Plot 3.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF).

6.2 Uttlesford District Local Plan 2005

- ULP Policy GEN2 – Design
- ULP Policy GEN8 – Vehicle Parking Standards
- ECC Parking Standards (Design and Good Practice) September 2009
- Uttlesford Parking Standards (February 2013)

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

- Policy DES1 – Design
- Policy TA1 – Vehicle Parking Standards

7. TOWN COUNCIL COMMENTS

7.1 Comments not received.

8. CONSULTATIONS

ECC Highways

8.1 No highway objections subject to conditions.

ECC Ecology

8.2 I note that a Preliminary Ecology Assessment was produced for the site in September 2013 and it is unlikely that the habitats have evolved to such an extent to warrant another survey.

9. REPRESENTATIONS

9.1 5 received. Representation period expired 17 October 2014.

Summary of representations:

- Do not understand the need for the revisions to these previously approved car ports;
- Proposed car port infilling represents overdevelopment of this already intensively developed site and will compromise any attempt to make the approved development look less congested and more integrated with surrounding properties;
- Conversion from car ports to garages accentuates the whole issue of their size and usage;
- Already have three very large dwellings in the course of construction on a modest sized site plot. Do we really need to see a further three structures of the planned size and height?
- The garages at 5.5 metres to the ridge line will be very tall and almost as tall as surrounding houses where none of the associated garages are more than 4 metres in height;
- The garages will dominate the site boundaries and further block light to gardens of surrounding dwellings;
- The garages will have an overbearing impact on No.42 Landscape View;
- Lack of information submitted on the submitted drawings;
- Will power and water feed into these structures?
- Where will resident cars be parked if the garages are subsequently converted into ancillary accommodation or for incidental use, such as loft conversions, annexes, gyms, homeworking offices and music rooms etc as on-street parking at this location close to a sharp bend would be inappropriate and dangerous;
- Garage doors if they are subsequently installed will likely to lead to increased noise and pollution;
- Seems totally unreasonable that the developer should gain even further at neighbours' expense where the only reasons for the car port infilling is to further increase the value of the new houses;
- Condition should be placed on the garage buildings stipulating that the use of the resultant enclosures will only be retained as garages;

- Object to any window that overlooks our property and are concerned that the new second floor window for the flank elevation dwelling for Plot 3 may do so resulting in a loss of privacy.

Note: One of the five objectors to the proposed revisions would have no objections to the car ports having solid walls to create garages and would support this revision and another would have no objections if the garages were extended inwards into the site rather than outwards towards the site boundaries.

10. APPRAISAL

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

- A Design and impact on residential amenity (ULP Policy GEN2)**
- B Whether parking arrangements would be satisfactory (ULP Policy GEN8)**
- A Design and impact on residential amenity (ULP Policy GEN2).**

- 10.1 This scheme revision has arisen following the Council's decision to treat the proposed infilling of the car ports for Plots 1, 2 and 3 for this approved development into garages as a material amendment to the previously approved scheme whereby a new planning application is required. In this respect, the various comments expressed by immediate neighbours to the revisions made in the new application have been noted where they principally relate to the size of the garages as proposed. Members will recall that they undertook a site visit in connection with the original scheme submission under UTT/13/3206/FUL when they considered amongst other matters the likely impact that the proposal would have on neighbouring residential amenity.
- 10.2 It should be stressed in light of the comments received from local residents against this revision application that the overall height of the modified car ports to garages for Plots 1, 2 and 3 remains the same as previously approved under UTT/13/3206/FUL, namely 5.5 metres to the ridge line at a roof pitch of 42 degrees. The proposed modifications which therefore fall to be considered for this revised application relate specifically to the infilling of the car ports as previously described to effectively turn them into garages, albeit without front garage doors, and the resultant slight increase in their length by 0.4 metres from 6.6 metres to 7 metres to comply with current car parking standards at 7m by 3m size. The site layout positions of the modified structures relative to Plots 1, 2 and 3 have not changed by this revised submission from the original approval.
- 10.3 The proposed external materials to be used for the infilling of the car ports (weatherboarding on red brick plinths) would represent an appropriate form of cladding for these subordinate structures to the dwellings to which they would relate where the roofs would remain as plain tiled as previously approved. No design objections are therefore raised under ULP Policy GEN2 to the external appearance of the garages through these changes.
- 10.4 In terms of the increase in the length of the modified structures as garages from 6.6 metres as previously approved to 7 metres as proposed, this would represent a nominal increase in the overall volume of the modified structures where the width of the double garage structures would remain at 6.5 metres as previously approved and where the garages would in this respect still remain subservient in size to the dwellings to which they relate. It should be noted that it would be the front end of the structures which would be increased as shown on the applicant's Proposed Site Plan rather than the rear where the 1 metre gap previously shown to be maintained behind the car port

structures to the flank boundaries of the site abutting Nos.42 and 46 Landscape View for the previously approved application would continue to be preserved and thus a “breathing space” would be kept to these boundaries. No design objections are therefore raised to the increase in their size on this basis under ULP Policy GEN2 where the accumulative effect of these design changes would not compromise the overall design form or integrity of this approved site development where, additionally, the changes would not have a material effect on the general streetscene given the positioning of the garages behind the frontage dwellings.

- 10.5 In terms of resultant impact on residential amenity, the proposed revisions would not have a significant impact on the residential amenities of Nos.42 and 46 Landscape View or Hazelwood situated to the rear, the properties most affected by the proposal, when compared to the previously approved scheme given as previously stated that the ridge heights of the modified car ports as garages would not be increased where the same amount of the structures would be visible above the side boundary fence lines of the site as before, namely the roofs and a small proportion of the walls of the garages below and, as also previously stated, where 1m gaps around the boundaries would be maintained.
- 10.6 Whilst the comments concerning possible future use of the garages to other incidental/ ancillary activities is concerned, it should be noted that the approved car ports are required by condition to be retained for the parking of domestic vehicles in connection with the use of the dwellings permitted and shall not be converted to another use, including conversion to habitable accommodation, without the further written approval of the Local Planning Authority. This condition should therefore provide the mechanism for adequate future amenity protection in this regard, although it is considered that the condition should be varied should planning permission be granted for the current revised application to state “garages” rather than “car ports” for the sake of precision and to be specific to prevent any conversion of the garages at first floor level also for the sake of clarity and future enforceability in the interests of residential amenity in view of the concerns raised in this respect.
- 10.7 The proposed addition of a small second floor window to a guest bedroom for the approved dwelling for Plot 3 into the east flank elevation as a further revision has been positioned as such so that views out of this room across the remainder of the development and to No.46 Landscape View would be restricted given the shown internal floor to window cill height at 1.6 metres. Furthermore, the applicant has stated that the window would be fixed shut given that the guest bedroom would be served by another window as a means of emergency escape from this room if necessary. It is considered from these measures that the inclusion of this additional window would not give rise to significant harm to neighbouring amenity by reason of loss of privacy under ULP Policy GEN2.

B Whether parking arrangements would be satisfactory (ULP Policy GEN8).

- 10.8 The proposed garages would provide 2 No. parking spaces each where this parking provision has not changed from the approved site layout under application UTT/13/3206/FUL for the three car ports and where two additional dedicated parking spaces in the form of hardstanding spaces are also afforded to each dwelling unit making a total of four spaces in total per dwelling (it should be noted that the dwelling for Plot 3 now only has one additional hardstanding parking space at the request of the residents of Hazelwood situated to the rear of the site to reduce the incidence of noise and disturbance from car engines and vehicle manoeuvring). As such the garages would be compliant with adopted parking standards both in terms of the number of parking spaces provided for each dwelling and in terms of their overall size at 7m x 3m

as slightly adapted for this purpose as previously mentioned. The proposal revisions therefore comply with ULP Policy GEN8.

11. CONCLUSION

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

- A The proposed revisions to substitute the originally approved car ports with garages through infilling for Plots 1, 2 and 3 would be acceptable in terms of design and impact on residential amenity under ULP Policy GEN2.
- B The revisions would comply with car parking standards under ULP Policy GEN8.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) Secure contribution towards affordable housing**
 - (ii) Pay Council's reasonable costs**
 - (iii) Pay monitoring costs**
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an obligation by 10 December 2014, the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) Lack of contribution towards affordable housing**

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement of development samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

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) Means of enclosure along all site boundaries
 - b) Hard surfacing, other hard landscape features and materials
 - c) Existing trees, hedges or other soft features to be retained. The hedgerow running along the frontage of the site shall be retained and enhanced where appropriate
 - 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 Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

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 GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. Prior to commencement of development section details of earthworks showing dropped slab levels for Plots 1, 2 and 3 showing a minimum drop of 250cm shall be submitted to and approved in writing by the local planning authority.

REASON: In order to minimise the visual impact of the development on the street scene and on the property situated to the rear of the site in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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

9. The existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the footway and kerbing, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

REASON To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

10. The first floor southern flank window to the dwelling for Plot 1 and first floor western flank window to the dwelling for Plot 3 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. The development hereby permitted shall reflect the floor plan drawings which accompanied the application for each dwelling with regard to Lifetime Homes.

REASON: To ensure that the dwellings can be readily used by people with physical disabilities in accordance with national and local planning policies in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order (i.e. any extension, outbuilding or enclosure) shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped in the interests of the residential amenity of the occupiers of adjoining dwellings in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garages hereby approved shall be retained for the parking of domestic vehicles in connection with the use of the dwellings hereby permitted and shall not be converted to another use including conversion to habitable accommodation where this shall also extend to any conversion of the roofspaces, without the prior approval in writing of the local planning authority.

REASON: To ensure that off-road parking is provided and maintained in the interest of traffic safety on the adjoining highway, to avoid the requirement for further buildings for this purpose and in the interests of the protection of residential amenity in accordance with ULP Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).

14. Prior to occupation of the development, a further site layout drawing shall be submitted to the Council for prior approval showing the provision of a single parking space for Plot 3 in addition to the double car port already shown.

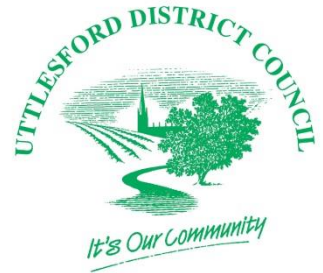
REASON: To ensure that all dwellings for the development hereby permitted comply with current parking standards in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

15. The demolition of the existing dwelling on the site shall be designed to enable the maximum possible on-site recycling of resultant materials.

REASON: In the interests of amenity and sustainability in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/2862/FUL

Address: 44 Landscape View, Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688

UTT/14/3228/HHF (SAFFRON WALDEN)

(Referred to Committee as Applicant related to Council employee)

PROPOSAL: Proposed demolition of existing garage and erection of two store extension and garden store.

LOCATION: 3 Linton Close, Saffron Walden

APPLICANT: Mr & Mrs Leach

AGENT: Mr Weaver

EXPIRY DATE: 19 December 2014

CASE OFFICER: Samantha Heath

1. NOTATION

1.1 Within development limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises a semi-detached two storey three bedroom dwelling with detached single garage and off road parking provision for two vehicles. It is located within a residential area amongst dwellings of similar size and design. The land rises from west to east with the dwelling set at a higher level compared to the road. Neighbouring dwellings in the immediate vicinity have been extended.

3. PROPOSAL

3.1 The application proposes the demolition of the existing garage and the erection of a two storey side extension and garden store. The extensions will provide an enlarged kitchen and dining room at ground floor and an additional bedroom at first floor level. The dimensions of the extension are approximately 3.8m x 7.4m and 8.1m in height, set lower than the existing ridge height. The proposed garden store is approximately 3.5m x 1.8m and 3.6m to the ridge with sloping lean-to style roof, this is proposed to be located adjacent to the side elevation. Materials are to match existing.

4. APPLICANT'S CASE

4.1 None.

5. RELEVANT SITE HISTORY

5.1 N/A.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S1 - Development limits for the Main Urban Areas
- Policy GEN2 – Design
- Policy H8 - Home Extensions
- SPD Home Extensions
- Uttlesford Local Parking Standards 2013

7. TOWN COUNCIL COMMENTS

7.1 No objection. Expired 25.11.14

8. CONSULTATIONS

8.1 ECC Ecology - Thank you for consulting us on the above application. I have no objections. Expired 18.11.14.

9. REPRESENTATIONS

9.1 6 Neighbours were notified. Consultation expired 18.11.14.
2 responses received – concerns regarding parking provision

10. APPRAISAL

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

A Whether the proposed works would be of an appropriate design and scale (ULP Policies S1, H8, and GEN2).

B Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policy H8 and GEN2)

C Whether the proposal meets the required parking standards (Uttlesford Local Parking Standards 2013)

A Whether the proposed works would be of an appropriate design and scale

10.1 Policy H8 of the adopted Local Plan states that extensions will be permitted if their scale and design respects the original building. Similarly, Policy GEN2 states that the proposal must be compatible with the scale, form, layout, appearance and materials of surrounding buildings and development should respect the scale, height and proportions of the original house.

10.2 The principle of development in this location is accepted and the proposed extension has been designed to be subservient to the host dwelling. This subordinate extension would be in keeping with the character of the dwelling and will not have a dominating or detrimental impact on the character of the dwelling or surrounding buildings. In addition, the scale is considered to be acceptable, given the scale of the existing dwelling and the size of its curtilage; it is capable of accommodating the proposal whilst leaving sufficient amenity land. The SPD indicates that the choice of materials is important, as the existing property utilises these materials already, the proposed materials are considered to be acceptable.

10.3 Neighbouring dwellings, No.1 and No.2 have been extended in this way, therefore the proposal would not be out of keeping in the street scene.

B Whether the proposal would adversely affect amenity values of neighbouring residents

10.4 With regard to neighbouring amenity, while the proposed extension will move the dwelling closer to its unattached neighbour, no windows are proposed on the side elevation and the additional windows to the rear will have no significant impact compared to what already exists on the site. Therefore it is considered that there is no significant detrimental impact on amenity with regard to overlooking. In addition, the distance remaining between the two dwellings and the fact that the application site is set at an oblique angle compared to the neighbouring dwelling, will ensure that there will be no overshadowing or overbearing impact and no detrimental impact on amenity.

C Whether the proposal meets the required parking standards

10.5 The Uttlesford Local Parking Standards 2013 state that a four bedroom dwelling should have three parking spaces and while this proposal aims to demolish the garage and utilise part of the existing driveway, the applicant has demonstrated that three parking spaces (at the required dimensions) will be provided within the curtilage of the dwelling.

11. CONCLUSION

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

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

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

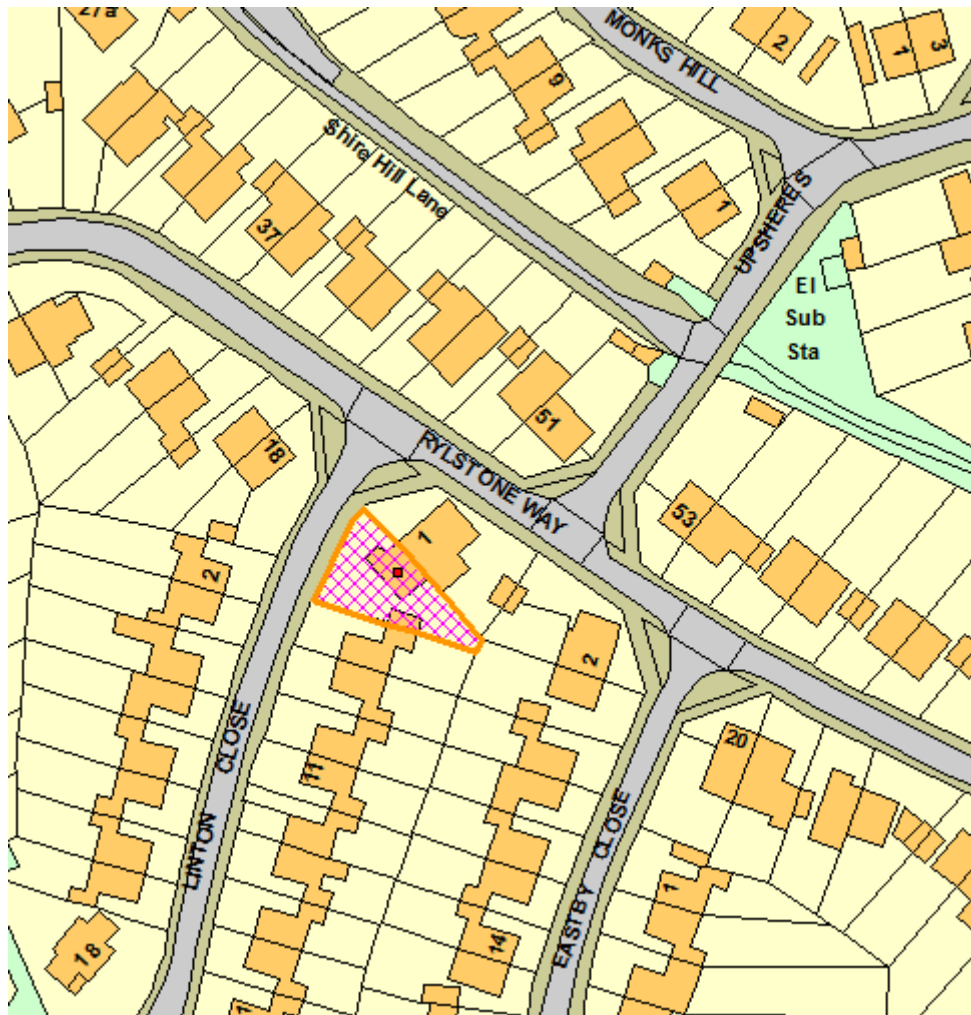
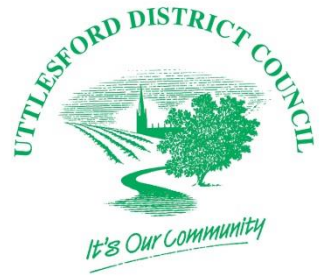
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/3228/HHF

Address: 3 Linton Close, Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 10 December 2014

SLA Number: 100018688

Committee: Planning

Agenda Item

Date: 10 December 2014

5

Title: UTT/14/3094/TPO St Edmunds Lane, Great Dunmow

Author: ECC Place Services

Item for decision

Summary

- 1 This item seeks the Committee's consideration of the proposal to reduce 2 overhanging limbs to 1 no. Willow at 71 St Edmunds Lane, Great Dunmow. The tree is protected by a Tree Preservation Order 1/82/48. The tree is overhanging land owned by Uttlesford District Council.

Recommendations

- 2 Conditional consent be granted for the works.

Financial Implications

- 3 None

Background Papers

- 4 UTT/14/3094/TPO application file.

Impact

Communication/Consultation	Decision published on weekly list.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

- 5 Following a site inspection the Willow tree was visible from the street. The tree is in reasonable condition although the base of the tree has a large volume of ivy around it. There is some dead wood in the crown of the tree. There is evidence of previous pruning works to branches over the property. Pruning the 2 branches in question further would not unbalance the crown of the tree or detract largely from its amenity value.

Recommendation:

- 6 Consent to reduce 2 overhanging limbs as above should be given subject to the following conditions:
1. All works to be carried out in accordance with BS 3998:2010
 2. All works being completed within 2 years of the date of the formal decision notice

Risk Analysis

7

Risk	Likelihood	Impact	Mitigating actions
2. If the pruning work is not undertaken there is a risk that the over sailing branches which have previously been pruned may fail.	2. The likelihood is medium-high if the pruning is not undertaken.	3. The location of the tree is such that there is a risk of damage or injury.	Carry out pruning of the tree.

1 = Little or no risk or impact

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

3 = Significant risk or impact – action required

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

Committee: Planning

Agenda Item

Date: 10th December 2014

6

Title: Tree Preservation Order 04/14 Thaxted Churchyard, Thaxted.

**Author: Ben Smeeden
Landscape Officer**

Item for decision

Summary

1. This item seeks the Committee's consideration of objections received in respect of the making of a tree preservation order (TPO) on three lime trees in Thaxted churchyard. The objections have been made by the occupier of a neighbouring property and the Thaxted Parish Council.

Recommendations

2. Tree Preservation Order No. 4/14 is confirmed with the description of the location of the trees on the 1st schedule of the order amended to 'South west corner of the churchyard, St. John The Baptist St. Mary and St. Laurence Church, Thaxted' and the title of the order amended to 'The churchyard, St. John The Baptist St. Mary and St. Laurence Church, Thaxted' and the order map amended to show the group of trees within a broken black line on the map.

Background Papers

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

TPO No.04/14 and emails of objections to the making of the TPO. Report by ECC Senior Arboriculturist at Place Services.

Impact

- 4.

Communication/Consultation	The owner and objectors to be advised of decision
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	Thaxted
Workforce/Workplace	None

Situation

5. A notification of intent to carry out tree works to three lime trees in the grounds of Thaxted churchyard was received on 22 September 2014 from the occupier of Maud Lamb's Cottage, Fishmarket Street, Thaxted. The trees are within the Thaxted conservation area [Appendix 1: location plan]. The trees were subsequently inspected by Paul Frainer, ECC Senior Arboriculturist at Place Service, on behalf of the District Council, who advised that the trees are of amenity value and recommended that they be made subject to a tree preservation order. In the interests of amenity a provisional tree preservation order was made on the 17 October 2014 protecting the group of three lime trees.
6. An objection to the making of the TPO has been received from the adjoining neighbour at Maud Lamb's Cottage. The grounds of objection are summarised as follows: The assessment, report and conclusions were made without reference to supporting information submitted with the notification and resulted in a perverse decision making the TPO defective. The Thaxted Parish Council have also objected on the grounds that the trees are not worthy of protection and require regular maintenance.
7. It is not disputed that the consultant arboriculturist from Place Services did not consider supporting information submitted with the notification. However, the Council's Landscape Officer subsequently inspected the trees and considered the reasons for the proposed pollarding of the limes and the removal of all branches overhanging the garden of Maud Lamb's Cottage.
8. The reasons for the proposed pollarding are summarised as follows: Two of the limes are far too tall for their location. The trees have previously been pollarded. The trees have reached an uncontrolled height which impacts on the safety and quality of life of the owners of Maud Lamb's Cottage. The trees prevent daylight reaching the north facing elevation of the cottage impacting on the longevity of the thatch, rendered walls and pathway and prevent sunshine reaching some areas of the garden and rainfall reaching the adjacent flowerbeds. Branches overhang the party wall to a significant degree, approximately 4m towards the thatched roofline. Pigeons perching on the overhanging branches results in washing on the washing line below being spoiled and the patio and sections of the garden being unusable for the same reason. The close proximity of the trees to the party wall presents a danger to its structure. A similar lime tree adjacent to the church boundary wall was pollarded 2 years ago.
9. Two of the lime trees are large mature specimens of some 27m in height, and one is a younger subject of some 13m in height. All three trees are well formed

and found to be in good general health. These trees have not previously been pollarded. There is no evidence to suggest that these trees are in a dangerous condition.

10. With regard to loss of light to the garden and dwelling known as Maud Lamb's Cottage caused by the trees this is considered to be limited. The trees are situated to the north of the property and therefore direct sunlight to the dwelling is not affected. Ambient light levels may be affected to some limited extent but this is not considered to be significant.
11. North facing thatch is more susceptible to moss and algae, however, the north side of the thatch will normally outlast a south or west facing aspect as the north side is not subject to effects of the movement of moisture and frost triggered by early sunlight. The canopies of the lime trees do not directly overhang the thatched roof of Maud Lamb's Cottage and therefore the effect of these trees on the thatch is considered unlikely to be significant. Given that the dwelling is on elevated land the circulation of air should be relatively good which will increase the lifespan of the thatch. The trees are not considered likely to significantly contribute to any algae growth on the north facing rendered walls of the dwelling. It is accepted that in respect of the paved areas directly under the canopy spread of the trees there is an increased likelihood of algae growth, however, this can be relatively easily cleaned off using a proprietary cleaning fluid or a diluted bleach solution. Any aphid drip deposits and sooty mould on these areas can be similarly removed.
12. With regards to the trees affecting garden plants, as with any location, plants need to be selected which are tolerant of the prevailing conditions.
13. It is accepted that roosting pigeons in trees can cause problems with their droppings and that there is a risk to health if dried bird droppings are inhaled. Whilst it may be tiresome, droppings can be carefully washed away. There is space within the garden area to hang out washing which would not be directly under the canopy spread of the trees.
14. The trees are growing in relatively close proximity to a part retaining wall. This brick wall with piers forms the boundary of the churchyard and the trees are situated on the higher ground within the churchyard. There is no evidence that the wall has suffered damage due to the presence of these trees. The trees are mature specimens and it is considered unlikely that at this stage in their life they would cause damage to the wall.
15. A notification of intent to pollard another lime tree in the churchyard was received in 2012 and no objection was raised in this particular case as the tree had previously been subject to this form of management.
16. It is considered that pollarding of the three subject lime trees would be highly detrimental to the health and amenity value of these trees. Pollarding would result in large cut wounds which would be susceptible to decay and weakly attached new growth at the cut points. The removal of all branches overhanging the garden of Maud Lamb's Cottage would unbalance the trees' crowns significantly reducing the visual amenity value of the trees and

potentially affecting their stability. These trees are considered to make an outstanding contribution to the visual quality and historic fabric of this part of the conservation area [Appendix 2: photo]. The trees are visible from a number of public vantage points. For these reasons the trees were made the subject of a provisional tree preservation order.

17. Whilst the Council’s arboricultural consultant did not consider supporting information submitted with the notification, including the reasons for the propose tree work, it is considered that the recommendation that the trees are of an amenity value worthy of being made subject to a provisional tree preservation order is sound and that the omission did not result in a perverse decision making the TPO defective.
18. The Thaxted Parish Council’s objection to the making of the tree preservation order on the grounds that the trees are not worthy of being protected and require regular maintenance is not considered sustainable. The trees are considered to make an outstanding visual amenity contribution to the conservation area by reason of their size, form, and location. With regards to the issue of maintenance and management of these trees there is no work which is considered necessary at this time. In the circumstances of the tree preservation order being confirmed application for consent to carry out work to the trees would be determined in the normal manner.
19. Since the provisional tree preservation order was made an application for consent to pollard the three lime trees and to remove all branches extending over the grounds of Maud Lamb’s Cottage has been received. This application has been refused.
20. The recommended amendments to the tree preservation order are required to accurately describe the order and the trees on the order map.

Risk Analysis

21.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	none

1 = Little or no risk or impact

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

3 = Significant risk or impact – action required

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

Appendix 1: Location plan



Appendix 2: Photograph of lime trees taken from junction of Watling Street and Bolford Street.



Appendix 3: Photograph showing the relationship between the lime trees and Maud Lamb's Cottage to the right of the picture.



Title: Appeal Decisions

Item 7

Author: Nigel Brown –

SITE ADDRESS	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION	DECISION BY OFFICER/OVERTURNED BY COMMITTEE
Land South Of Homestead Bungalow Ashdon Road Radwinter Saffron Walden	UTT/13/3451/FUL	Erection of live-work dwelling with link to existing outbuilding to be used as workshop and office with new vehicular access	Appeal Dismissed 23.10.2014	<p>The Inspector concluded that the proposal would “cause harm to the character and appearance of the area, albeit that such harm would be limited to the countryside setting with the immediate locality of the site”.</p> <p>He also considered that Radwinter had restricted services. He stated that the proposal would constitute unsustainable development because” the proposal would be remote from the facilities needed to sustain day to day requirements”</p> <p>Interestingly, in response to the appellant’s offer an electric car charging point the Inspector stated “...I am not satisfied that it would be possible to control type of car used by any future occupants by condition, this being a matter of personal choice”</p>	N/A

Land North East Of Latchmore Bank Cottages Latchmore Bank Little Hallingbury Hertfordshire	UTT/14/0627/OP	Outline application with all matters reserved for one detached dwelling with associated garage	Appeal Dismissed 05.11.2014	The Inspector considered that the site was not within a closely built frontage, but was in as a loose collection of houses in the countryside. . The site was also not a brownfield site or would provide affordable housing for local community needs. As such she did not feel that the proposal could be considered as an exception to the normal presumption development against development in the Green Belt. She concluded that the proposal represented inappropriate development, which by definition is harmful to the Green Belt.	N/A
The Garden House Bentfield Road Stansted Essex CM24 8HW	UTT/13/3456/FUL	Demolition of dwelling and erection of replacement dwelling and car lodge outbuilding	Appeal Allowed 14.11.2014	<p>The Inspector considered that as the proposal was a replacement dwelling, and as such, subject to the details of the scheme, could be considered as appropriate development in the Green Belt.</p> <p>The noted that the proposed replacement would be represent a 25% increase in the volume of the original dwelling and its outbuildings. Neither the NPPF nor the Council's policy advocates volume as the sole consideration.</p> <p>The appeal site sat outside of the Conservation Area, and although more visible would be set back, limiting the impact of the building. The Inspector concluded that it would have a neutral impact on the character of the Conservation Area. With regards the impact on the listed buildings within Bentfield Place, he concluded that" the introduction of a larger dwelling on the site would not diminish the significance of the buildings and their group coherence when viewed from Bentfield Road"</p>	N/A