

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	

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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 not 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 NPPF.
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 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.

