

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 275m 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.

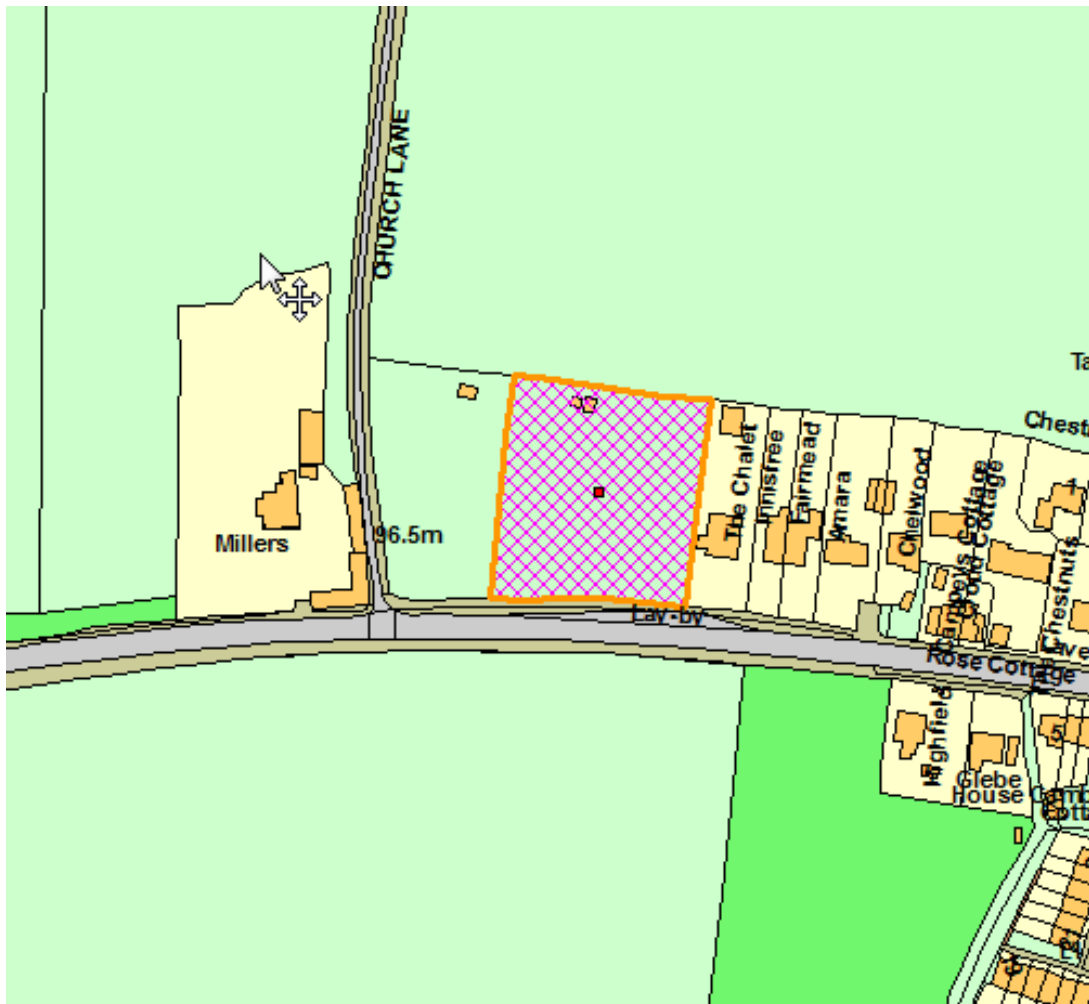
14. Prior to commencement of any development, the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel and under body cleaning facilities for the duration of the development to prevent the deposition of mud and other 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: Utlesford District Council

Department: Planning

Date: 27 November 2014

SLA Number: 100018688