



Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Wednesday, 11 March 2015
Time: 14:00
Venue: Council Offices
Address: Council offices, London Road, SaffronWalden, CB11 4ER

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

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest.**
To receive any apologies and declarations of interest

- 2 Minutes of previous meeting** 5 - 8
To consider the minutes of the meeting held on 11 February 2015

- 3 Matters arising.**
To consider matters arising from the minutes

- 4 Planning Applications**

- 4.1 UTT/14/3279/DFO Elsenham** 9 - 36
To consider application UTT/14/3279/DFO Elsenham

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7 Chairman's urgent items

To receive any items that the Chaiman considers to be urgent

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

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 11 FEBRUARY 2015**

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

Officers in attendance: E Allana (Senior Planning Officer), N Brown
(Development Manager), M Cox (Democratic Services Officer),
C Oliva (Solicitor), S Stephenson (Planning Officer), A Taylor
(Assistant Director Planning and Building Control), C Theobald
(Planning Officer) and L Trevillian (Senior Planning Officer)

PC64 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Lemon.

Councillor Menell declared a pecuniary interest in application
UTT/14/3257/HHF Littlebury as her son was the applicant. She would leave
the room for the consideration of this item.

PC65 MINUTES

The minutes of the meeting held on 14 January 2015 were signed by the
Chairman as a correct record.

PC66 BUSINESS ARISING

(i) PC60 – Application UTT/14/3182/FUL Saffron Walden

Councillor Perry said that following the deferment of this application at the
last meeting, the housing department had produced a useful pamphlet that
explained the concept of extra-care provision and this had been sent to all
Members.

PC67 PLANNING APPLICATIONS

(a) Approvals

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

UTT/3295/DFO Takeley - Details following outline application
UTT/13/1393/OP. Proposed residential planning application for the erection
of up to 100 dwellings, to include provision for 6.3 hectares of public open

space, details of appearance layout and scale - Brewers End Takeley for Bovis Homes Ltd.

Subject to an additional condition for a slab level agreement.

UTT/14/3506/DFO Newport - Details following outline application UTT/12/5198/OP for the construction of 21 dwellings, including 8 affordable housing (following demolition of existing building) including access, parking, garaging, drainage and all ancillary works - Carnation Nurseries, Cambridge Road, Newport for Bloor Homes Eastern.

Councillor Parry, Councillor Rose, and Ted Denyer (parish council) spoke against the application. Andrew Wisby and Trevor Faulkner spoke in support of the application.

UTT/14/3257/HHF Littlebury – erection of open sided car port – Chestnut Barn, Green, Littlebury Green Road for Mr P and Mrs S Menell.

Councillor Menell left the meeting for the consideration of this item.

(b) Approvals with legal obligation

UTT/14/3182/FUL Saffron Walden - Demolition of existing buildings and the erection of part two storey and part three storey building comprising 73 extra care apartments with associated communal facilities, hard and soft landscaping and parking spaces together with single storey sub-station to serve application and adjacent site.- Site at 119 Radwinter Road Saffron Walden for East Thames Group

RESOLVED that conditional approval be granted for the above application subject to the conditions in the report and a legal obligation as follows

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 27 February 2015 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) Transfer of cleared land to the Council, free from contamination and with services and infrastructure, including access provided to the boundary of the site.
- (ii) In the event that a care home cannot be built on the site, that the site should be used for affordable housing.
- (ii) Payment of health care contributions
- (iii) Pay monitoring costs
- (iv) Pay Councils reasonable costs

(II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below:

(III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

- (i) Lack of provision of Care Facility
- (iii) Lack of affordable/social housing
- (iv) Lack of health care contributions

Mr Reeve spoke in support of the application.

(c) Deferments

RESOLVED that the following applications be deferred.

UTT/14/3270/DFO Elsenham – details following outline application UTT/0142/12/OP (erection of 155 dwellings with associated infrastructure) – details of access. Appearance, landscaping and scale – Land North of Stansted Road for David Wilson homes.

Reason: For further discussion around the proposed garden sizes and amenity space and report back to the next meeting.

Dr Graham Mott and Peter Johnson (parish council) spoke against the application. Sean Martin spoke in support of the application.

(d) Site visits

RESOLVED to visit the sites of the following applications on Monday 9 March 2015

UTT/14/3791/FUL Little Bardfield – erection of 1 detached dwelling – Land east of Guivers, west of Three Chimneys, Little Bardfield Road for Mr R Jones.

Reason: To assess the impact of the dwelling on the surrounding area.

Michael Edridge spoke against the application. John Judson and Ray Jones spoke in support of the application.

UTT/3464/OP Widdington – outline application for the demolition of the existing detached dwelling to be replaced with 3 dwellings and new access with all matters reserved except access, layout and scale – Churchmead , Church Lane for the Ellis Campbell Group.

Reason: To assess the visual impact of the development.

Councillor Rose, Ken Kemp, Juliet Bickerton, Sandie Turner and Margaret Hudson (parish council) spoke against the application. Toni Hilton spoke in support of the application.

Councillor Davey declared a non-pecuniary interest as he knew the occupier of one of the neighbouring properties

The meeting ended at 5.25pm.

UTT/14/3279/DFO (Elsenham)

PROPOSAL: Details following outline application UTT/0142/12/OP (erection of 155 dwellings with associated infrastructure) – details of access, appearance, landscaping, layout and scale.

LOCATION: Land North of Stansted Road, Elsenham.

APPLICANT: David Wilson Homes

EXPIRY DATE: 12 February 2015

CASE OFFICER: Lindsay Trevillian

1. ISSUES OF CONSIDERATION

- 1.1 This application was considered at the Planning Committee meeting dated 11 February 2015, a copy of the report is attached in Appendix A, and was deferred to allow further information on the following points:
- a) Clarification on the amount of amenity space for each residential unit
 - b) Clarification of the number and location of bungalows within the development.
- 1.2 Additional revised information has been submitted by the applicant covering the above issues by way of an updated schedule of accommodation, copy of this is attached in Appendix B. The schedule outlines the amount of private and communal amenity space for each residential unit.
- 1.3 Each two bedroom dwelling has been provided with at least 50sqm and each three or more bedroom dwelling has been provided with at least 100sqm of private amenity space meeting the minimum guidance as set out in the Essex Design Guidance.
- 1.4 Three apartment blocks are proposed within the development.
- Apartment Block A – has a total of 6 flats and will be provided with 200sqm of communal amenity space. 50sqm above the required amount (6 flats x 25sqm = 150sqm required).
 - Apartment Block B – has a total of 9 flats and which will be provided with 240sqm of communal amenity space. 15sqm above the required (9 flats x 25sqm = 225sqm required).
 - Apartment Block C – has a total of 6 flats and will be provided with 200sqm of communal amenity space. 50sqm above the required amount (6 flats x 25sqm = 150sqm required).
- 1.5 It is noted that 8 flats above garages (FOG's) are proposed within the development with each one comprising of two bedrooms. The minimum amenity space required for each flat would be 25sqm. It is noted that 2 of the 8 flats meet the required provision of providing at least 25sqm of amenity space (plots 148 and 149 have been provided with 32sqm). The remaining 6 flats have been provided with a balcony consisting of 5sqm (plot numbers 78, 81, 92, 100, 104 & 114). Although this is under the minimum guidance set out within the Essex Design Guide, officers consider that the provision of

a balcony rather than no amenity space at all is on balance appropriate to meet the needs of future residents. Given only 6 units out of 155 are slightly under the minimum guidance, on balance officers consider the slight shortfall is acceptable.

- 1.6 Turning to the second issue, it can be confirmed that the provision of 8 elderly person bungalows have been incorporated into the scheme (6 private & 2 affordable). This amounts to 5% of the total dwelling units being one or two bedroom elderly person bungalow across the tenure. Plot numbers 2, 3, 4, 5, 6, 7, 83 and 138 would each consist of one elderly person bungalow.
- 1.7 Since the planning application was differed from the Planning Committee meeting, the applicant has submitted further information in the form of revised plans. Specifically apartment Block B has been amended to show the eaves and ridge heights have been reduced. The overall height of the apartment block has been reduced by approximately 0.7m (from 11.4m high down to 10.8m). This would therefore mean the apartment block would be approximately 1.6m higher than the adjacent dwelling proposed. It is considered that the 2.5 storey buildings would on balance not be dominant or visually intrusive that would lead to an unacceptable overbearing impact within the development itself or on the wider landscape setting.

2. CONCLUSION

- 2.1 The submission of additional revised information relating to the clarification of the amount of amenity space for each residential unit and the amount and location of the elderly person bungalows is hereby considered to be appropriate to address the outstanding matters raised by Members at the 11 February 2014 Planning Committee. In addition the revision to the height of apartment block B would improve its relationship with other buildings within the street scene. The scheme is considered acceptable subject to conditions listed below.

3. CONDITIONS

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

BH049-PL-01 Rev 00, BH056-OP1-002 Rev Q, BH056-PL-02 Rev I, BH056-PL-05 Rev J, BH056-PL-03 Rev I, BH056-PL-04-Rev I, BH056-AP01 Rev A, BH056-AP02 Rev C, BH056-AP03 Rev A, BH056-AP04 Rev 00, BH056-HA-01 Rev 00, BH056-HA-02 Rev 00, BH056-HA-03 Rev 00, BH056-HA-04 Rev 00, BH056-HA-05 Rev 00, BH056-HA-06 Rev 00, BH056-HA-07 Rev 00, BH056-HA-08 Rev 00, BH056-HA-09 Rev 00, BH056-HA-10 Rev A, BH056-HA-11 Rev B, BH056-HA-12 Rev B, BH056-HA-13 Rev 00, BH056-PD-01 Rev A, BH056-PD-02 Rev 00, BH056-PD-03 Rev 00, BH056-PD-04 Rev 00, BH056-PD-05 Rev 00, H056-PD-06 Rev 00, BH056-PD-07 Rev 00, BH056-PD-08 Rev 00, BH056-PD-09 Rev 00, H056-PD-10 Rev 00, BH056-PD-10b Rev 00, BH056-PD-10c Rev 00, BH056-PD-11 Rev 00, BH056-PD-12 Rev 00, BH056-PD-13 Rev 00, BH056-PD-14 Rev 00, BH056-PD-15 Rev 00, BH056-PD-16 Rev 00, BH056-PD-17 Rev 00, BH056-PD-18 Rev 00, BH056-PD-19 Rev 00, BH056-PD-20 Rev 00, BH056-PD-21 Rev 00, BH056-PD-22 Rev 00, BH056-PD-23 Rev 00, BH056-PD-24 Rev 00,

BH056-PD-25 Rev 00, BH056-PD-26 Rev 00, BH056-PD-27 Rev 00, BH056-PD-28 Rev 00, BH056-PD-29 Rev 00, BH056-PD-30 Rev 00, BH056-CP-01 Rev 00, BH056-CP-02 Rev 00, BH056-GR-01 Rev 00, BH056-GR-02 Rev 00, BH056-GR-03 Rev 00, BH056-GR-04 Rev 00, BH056-GR-05 Rev 00, BH056-GR-06 Rev 00, BH056-GR-07 Rev 00, BH056-ST-01 Rev A, BH056-ST-02 Rev A, BH056-ST-03 Rev 00, BH056-ST-04 Rev D, BH056-AP05 Rev 00, Bir.4614_01F, 665145/110 Rev P3, 665145/111 Rev P4, 665145/500 Rev P1, 665145/501 Rev P1, 665145/502 Rev P1, 665145/503 Rev P1, 665145_1000 Rev P8, Bir.4614_02, Bir.4614_03, Bir.4614_04, Bir.4614_05 and Bir.4614_06.

REASON: In the interests of the appearance of the development and the amenity of surrounding residential/business premises in accordance with policy GEN2 of the local plan.

3. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan No. BH056-PL-05 Rev I and as shown on the schedule of materials unless otherwise agreed in writing by the Local Planning Authority.

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

4. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies GEN1 and GEN8 of the Local Plan.

5. Prior to occupation of any dwelling, the provision of a priority junction formed at right angles to Stansted Road, Elsenham exactly as shown on MLM Drawing No. 665145/110 Rev P3 dated August 2014.

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 policy GEN1 of the Local Plan.

6. Prior to occupation of any dwelling, the provision of a scheme of traffic management to include a gateway feature at the commencement of the 30 mph speed limit along Stansted Road to encourage lower speeds of traffic passing the site and an extension of the street lighting on Stansted Road westwards to incorporate the proposed priority junction. Details to be submitted to and approved in writing with the Local Planning Authority and implemented.

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

7. 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 dwellings, the completion of the development, or in agreed phases whichever is the sooner, and any plants 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: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. The development hereby permitted shall be completed in accordance with the approved details within the Flood Risk Assessment and the mark up drainage strategy plan No. 665145_1000 Rev P8 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with policy GEN3 of the Local Plan.

9. The development hereby permitted shall be implemented in accordance with the Phase 1 Habitat Survey undertaken by J.B Consultancy Service Ltd (January 2015) submitted with the application in all respects and any variation there to shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

10. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

11. No development shall take place until a Lighting Plan is submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

12. Prior to commencement of the development, a drawing demonstrating compliance with 'Lifetime Homes' standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawing.

REASON: To ensure that the dwelling is accessible for all, in accordance with the 'Accessible Homes and Playspace' Supplementary Planning Document and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Appendix A

UTT/14/3279/DFO (Elsenham)

Referred to Committee by Cllr Morson if officers are minded to approve on the grounds of excessive and unsuitable development in the countryside.

PROPOSAL: Details following outline application UTT/0142/12/OP (erection of 155 dwellings with associated infrastructure) – details of access, appearance, landscaping and scale.

LOCATION: Land North of Stansted Road, Elsenham.

APPLICANT: David Wilson Homes

EXPIRY DATE: 12 February 2015

CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Outside development limits

2. DESCRIPTION OF SITE

2.1 The application site as outline in red on the submitted location plan is located on the northern side of Stansted Road on the north western edge of the village of Elsenham. The site itself is relatively level, irregular in shape and comprises of approximately 6.86 hectares.

2.2 The site currently comprises mainly agricultural land with a small developed area in the south west occupied by offices and garages services (Essex Auto Spray). The site is relatively open with only bushes and trees located along the field boundaries.

2.3 The site is bounded by the playing fields to the south east along with the existing residential development at Leigh Drive. To the north of the site is the area known as 'The Orchards', for which planning permission was granted in 2012 for a residential development. This development is nearing completion. West of the site is Alsa Wood which is a designated Ancient Woodland and Country Wildlife Site. An unmade public footpath runs from Leigh Drive across the southern boundary of the large open field and into the woodland.

3. PROPOSAL

3.1 This application relates to the reserved matters following the granting of outline planning permission which was for the erection of 155 dwellings, 55 extra care units, land for the provision of a multi-use community building, and associated on and off site infrastructure provision, following the demolition and clearance of the Essex Auto Spray and associated residential property – ref: UTT/0142/12/OP.

3.2 The reserved matters for consideration now relates to Access, Appearance, Layout, Scale and Landscaping for the erection of the 155 dwellings.

- 3.3 It should be noted that the 55 extra care units along with the provision of a multi-use community building does not form part of the reserved matters for this application for reasons that are further explained under the heading 'History/background' within this report.
- 3.4 The proposed scheme consists of 100% residential housing with the proposed mix consisting of 60% private and 40% affordable housing. The breakdown of the housing is as follows:

Private housing:

15 x five bedroom houses
26 x four bedroom houses
37 x three bedroom houses
15 x two bedroom houses

(93 in total)

Affordable housing:

2 x four bedroom house
17 x three bedroom house
27 x two bedroom houses
16 x 1 bedroom apartments

(62 in total)

- 3.5 The dwellings would be predominantly two stories in height although the scheme also includes two and half storey apartment blocks. Building styles within the development would range from terrace style buildings, semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of eight bungalows has been provided as part of the development. Each of these dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

4. APPLICANT'S CASE

- 4.1 Extensive pre-application meetings with both the Local Planning Authority and Elsenham Parish Council were held in which general advice was taken into consideration regarding the final design and layout of the application.
- 4.2 The applicant has provided a Design and Access Statement in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. A Planning statement has also been provided to illustrate the planning policy context to the planning submission. In addition to the submitted plans, other supporting documentation that was submitted with the application included:
- Archaeological Evaluation – Prepared by Thames Valley Archaeological Services including Specialist Archaeological Advice.
 - Bat Emergence and Return to Roost Survey – Prepared by JBA
 - Flood Risk Assessment – Prepared by MLM

- Phase 1 Habitat Survey – Prepared by JBA
 - Landscape Management Plan – Prepared by Pegasus
 - Phase 2 Geo-environmental Assessment Report – Prepared by MLM
 - Planning Compliance Statement – Prepared by David Wilson Homes.
- 4.3 The applicant considers that the proposed residential scheme accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

5. RELEVANT SITE HISTORY

- 5.1 UTT/1368/86 - Outline application for residential development on 14 ha construction of a new access and alteration of an existing access (refused September 1986).
- 5.2 UTT/0142/12/OP - Residential development comprising of 155 No. dwellings, 55 No. extra care units, land for the provision of a multi-use community building, and associated on and off site infrastructure provision, following demolition and clearance of Essex Auto spray and associated residential property. (Planning permission granted subject to conditions and a S106 Agreement (May 2013).
- 5.3 The outline planning permission included the provision for 55 extra care units. Part 2 of the signed S106 agreement set out the requirements and timings for delivering the extra care units. The S106 agreement states that:
- 5.4 “Prior to the occupation 75th Open Market Housing Unit the owners or the developer shall provide satisfactory proof in writing to Uttlesford District Council and the Council shall acknowledge in writing that satisfactory proof has been provided of a building contract for the construction of 55 Extra Care Housing units on the land and the said binding contract shall require the 55 extra care housing units to be substantially completed and ready for occupation prior to the occupation of the last open market housing unit constructed on the land.”
- 5.5 Carter Jones undertook an extensive marketing campaign from the end of January 2014 to the end of July 2014. The evidence from the marketing campaign conducted by Carter Jones concluded that there was a lack of interest from outside parties to deliver the provision of an extra care facility.
- 5.6 Officers were satisfied that the developer has adequately marketed the site for an extra care facility for an appropriate length of time and concluded that potential for the delivery of an extra care facility on this site had been exhausted. As such in this present time, it was agreed that the provision to provide an extra care facility of 55 units was not required to be submitted as part of the reserve matters application.
- 5.7 Therefore officers confirmed that Part 2 of the S106 Agreement associated with the planning permission to be enacted, and that the Local Planning Authority would be seeking a standard 40% provision of affordable housing on the site rather than 35% if an extra care facility was include as part of the application.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 – Open Spaces & Trees
- Policy ENV7 – The Protection of the Natural Environment – Designated Sites
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
- Policy H4 – Backland Development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix
- Policy H11 – Affordable Housing on Exception Sites

6.3 Supplementary Planning Policy:

- SPD Accessible Homes & Play Space
- SPD Renewable Energy
- SPD Parking Standards Design & Good Practice September 2009
- SPD Essex Design Guide

7. PARISH COUNCIL COMMENTS

7.1 Elsenham Parish Council objects to the planning application for the following reasons:

- The proposal includes an inappropriate surface and foul water drainage strategy that would result in pressure on the capacity of existing infrastructure which may lead to surface water flooding within and outside the site.
- The proposed development would exceed the normal UDC limit of 10 dwellings or less in terms of clusters of affordable housing.
- No details have been provided on the submitted plans in terms of rights of way and footpaths
- No design proposals have been provided with the application to demonstrate that pedestrian and cyclist safety can be maintained through to Orchard Crescent.
- The Parish Council has concerns regarding the nature of the ownership and maintenance responsibilities of the open space land.
- The Parish Council notes that no street lighting has been proposed.
- The development only proposals 7 bungalows. This does not comply with UDC current housing strategy which requires the provision of at 5% of the total housing mix to be bungalows. At least 8 bungalows should be provided.

7.2 The above concerns raised by Elsenham Parish Council will be address within the appraisal section of this report.

8. CONSULTATIONS

ECC Education & Highways

- 8.1 No objection - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Thames Water Utilities

- 8.2 No objection- Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 8.3 With regard to water supply, this comes within the area covered by the Affinity Water Company.
- 8.4 The amended surface water strategy is noted and is acceptable

Anglian Water Services

- 8.5 No comments Received.

Affinity Water Ltd

- 8.6 No objection - 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.

ECC Sustainable Drainage

- 8.7 No objection - An updated drainage strategy was submitted to the LLFA on the 19 January. I am happy that the updated design addresses any water quality concerns we had.
- 8.8 It is now considered that a suitable drainage scheme has been submitted which demonstrates surface water management is achievable, without causing flooding on-site or elsewhere.

Environmental Agency

- 8.9 No objection - We have noted within the submitted documents that Essex County Council, the Lead Local Flood Authority, have been consulted and provided a comprehensive response to the reserved matters application. We have reviewed the information submitted and support the comments made by Essex County Council in their letter dated 18 November 2014.

ECC Ecology Advice

- 8.10 No objection – Subject to appropriate planning conditions requiring an Environmental and Biodiversity Management Plan submitted and approved by the Local Authority before any works commence on site. In addition it is also requested that an appropriate lighting scheme be produced.

Essex Bat Group

8.11 No comments received

ECC Police Architectural Liaison Officer

8.12 No comments received.

Natural England

8.13 No objection - Appropriate Biodiversity mitigation measures and the standard advice of Natural England should be relied upon when assessing the application.

Essex Wildlife Trust

8.14 No comments received.

UDC Internal Housing

8.15 No objection - The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 155 (net) units. This amounts to 62 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. I confirm that the following mix is acceptable and meets all the Council's policy requirements.

UDC Landscaping

8.16 The illustrative landscaping scheme submitted with the application shows the provision of shrub planting to some of the plot frontages. However, this alone is not considered in itself sufficient and thereby a fully detailed landscape plan is required.

UDC Access & Equalities

8.17 Concerns raised:- I note the CHP comments about properties over garages, however, they do not meet the requirements of the SPD on Accessible Homes and Playspace. As a result none of the dwelling types identified as Argyll meet the standard as set out in the SPD. In addition those drawings identified as Studio Garage A and B will not meet the SPD either.

8.18 The plots to be designed to the SH48A standard, as an example, please advise of the glazing height in the living room, the requirement is again set out in the SPD and there is insufficient information for me to be able to determine this.

8.19 I note that Wellow A has been designed as a Wheelchair Accessible Bungalow, please advise how the 8 units (5% of the units to be constructed are to meet the Wheelchair Accessible Standard) are to be identified throughout the site. I note that there are other bungalows in the design. This is also important with regard to access to garages and car ports. I have looked at the documents on the screen and revised Design and Access Statement without any further information being contained within.

8.20 Plot levels and topography will also be important to ensure level access to the principal entrance. If this is to be a problem, we need to identify now how this will be remedied.

8.21 The access route to the play area and access within will need to be inclusive for wheelchair users.

ECC Minerals & Waste

8.22 The Mineral and Waste Planning Authority's raise NO OBJECTION against this application.

Essex Ramblers Association

8.23 No comments received.

Fisher German Chartered Surveys

8.24 No objection - Our client, GPSS, do not have apparatus situated within the vicinity of your proposed works and as such do not have any further comments to make.

National Grid

8.25 No comments received.

NHS Property Services

8.26 No comments received.

9. REPRESENTATIONS

9.1 The application was publicised by sending 267 letters to adjoining occupiers, displaying 6 site notices and advertising it within the local newspaper. 10 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- The proposal would lead to an increase in the risk of flooding within and outside the site.
- As the Planning Inspector has declared that the District Plan is unsound, this development should be rejected.
- There is no mention in the planning application of Footpath 31 Elsenham.
- Plot 1 of the development is planned to be on the route of the public footpath (FP31 Elsenham).
- No mention has been made of applying for any diversion of this route.
- The normal consultation period for a footpath diversion will still apply and building may not start and the route must be left publicly accessible until an approved Public Path Order is in place.
- Plot 1 is to be built too close to the thriving woodland known as The Spinney. Residents will immediately complain about the nearness of this woodland and demand that the owners (Elsenham Parish Council) reduce the height of the trees. (as has happened by the residents of Leigh Drive on the other side of The Spinney).
- FP31 Elsenham disappears under the proposed roadway. A suitable Footpath diversion has not been proposed.
- The Open Space Land to the south & east of the site should be created as a public footpath, given to the Parish Council and money lodged for its upkeep in perpetuity.
- Similarly a dedicated footpath should be created to the north of the site along the existing hedge.
- Plots 2-9 will be built on polluted land, although the developer claims there is no pollution. Building along this access road just shows the greed of the developer.

- Plots 7/8/9/11/12/13 are far too close to the Ancient Seminal woodland of Alsa Wood. As Essex Place Services indicate this woodland is irreplaceable and should not be put under threat by a building site of this magnitude.
- The linear design of this estate does not follow Essex design guide standards. These are back to back slums in the making.
- There are insufficient bungalows for a development of this size. At least 10% would be more appropriate.
- Bungalows should be located at the edges of the site to allow older residents easier access to public transport routes.
- Blocks of apartments are inappropriate in a rural setting.
- Affordable housing should be pepper-potted throughout the site and not concentrated in specific roads.
- The apartment blocks should not be uniquely 'Affordable housing'.
- The design of the affordable housing should not be different from the open market housing.
- UDC are proposing 3 major road junctions within 100 yards along Stansted Road Elsenham.
- Elsenham is embedded within a rural road network, most travel will be on rural roads heading mainly west towards Stansted Mountfitchet through roads clearly unsuited for the purpose, or south through the Countryside Protection Zone via the longer route of Hall road to the airport and destinations along the A120.
- The high standards as promised by Crowned Estates in the original application have disappeared since the site was sold to David Wilson Homes. It would no longer respond to local sensitivities, respect the landscape and setting and the local environment.
- There is now no Care Home element and some dwellings are three stories high. High rise buildings are unacceptable in a small village.
- Provisions should be made for some retirement dwellings, which need to be single storey.
- Junction with Stansted Road, Elsenham Any new junction should be as far as possible from existing houses in Stansted Road.
- Boundary with Hill Croft, Stansted Road, Elsenham If The Gables is demolished, agreement is needed concerning the boundary.
- Dwelling No 2 The undertaking previously given should be respected.
- Public footpath 31 A strategy is needed to keep the footpath open.
- Highways A new transport assessment is needed.
- Traffic calming Details should be agreed with the local community.
- Three-storey blocks These must be avoided.
- LAPs and LEAPs The LEAP and LAP should not be on opposite sides of the main access road.
- Biodiversity Questionnaire Some of the answers are unreliable.
- Other developments A plan is needed for all the housing developments in Elsenham.
- Road surface There will be no change to the existing road surface in Stansted Road.
- Chimneys There is no place for false chimneys in Elsenham.
- The development will cause traffic congestion.
- Greenfield sites such as the one in this application should not be the target of new housing development when so many brownfield sites exist in this region.
- The proposal would result in a loss of agricultural land, loss of wildlife habitat and a more congestion and increase strain on local services.
- Alsa Woods will suffer.

- It would appear from the plans that they plan both drainage and road development on my land.

9.2 The above concerns raised within the letters of objection will be address within the appraisal section of this report.

10. APPRAISAL

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

- A Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- B Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)
- C Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- D Landscaping and open space (NPPF, Local policy GEN2)
- E Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)
- F Drainage (ULP Policies GEN3 and GEN6)
- G Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

A Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)

10.2 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

10.3 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

10.4 The guidance contained within the Essex Design Guide has been considered in the overall design of the development. The design of the buildings reflects the local vernacular of the surrounding built form, particular the recently constructed dwellings to the north of the site.

10.5 The mixture of individual housing types, the addition of different ridge heights and the use of different materials would all contribute to a development that would break up any repetitiveness and avoid any strict symmetry that would be visually unpleasant within the street scene. The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units with linked and detached garages. The dwellings are normally made up of rectangular plan forms with some front and rear projecting features. The buildings contain pitch roofs spanning the narrow plan dimensions of the dwellings with most containing gable roof forms. They would be well proportioned and articulated to reflect the patterns of characteristics of surrounding built form.

- 10.6 It is noted concerns were raised by Elsenham Parish Council with regard to the height of the two and half storey apartment buildings within the development. Of a particular concern, it was regarded that the excessive height of these buildings will significantly conflict with the aesthetic appearance of the overall development and the wider landscape setting.
- 10.7 The applicant has provided street scene elevations of the proposed development which include a visual representation of the overall height of the 2.5 storey buildings compared to the two storey dwellings.
- 10.8 It is noted that the proposed 2.5 storey building are higher than the 2 storey dwellings. However it is considered that the difference in height between the two building forms is such that there would not be highly noticeable. The 2.5 storey buildings would not be dominant or visually intrusive that would lead to an unacceptable overbearing impact within the development itself or on the wider landscape setting.
- 10.9 In terms of the general layout, the development is largely in accordance with the general layout of the master plan that was granted outline consent under planning application UTT/0142/12/OP. The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited between houses, beneath upper storey structures or within garages and parking courts to the rear. As such, the visual impact of on-site parked cars is reduced and also allows as much private rear gardens as possible to the rear of the dwellings. In addition, the siting of the dwellings within the development have been arranged to follow the general curve of the highways within the site which allows for a more harmonious street scene appearance.
- 10.10 Although the majority of residential units would have on plot parking, it is however noted that there are a number of parking courts proposed within the development. The Parking Standards Design and Good Practice September 2009 sets out within the Design and Layout section examples of good design which enable parking provision to be successfully integrated into residential developments. Parking courts are not generally considered to be appropriate for the rural nature of Uttlesford and "on plot" parking should be the normal approach.
- 10.11 The parking courts within the proposed development are well enclosed by buildings or walls to reduce their intrusiveness, but at the same time they are overlooked in order to reduce car related crime or anti-social behaviour. In reference to the communal parking courts for apartment blocks B and C, although not enclosed on balance they are considered to be appropriate given the incorporation of tree and shrub planting to soften the effect and reduce the apparent size of them.
- 10.12 It is considered that the design and layout of the parking courts proposed are on balance appropriate in that they have been designed to ensure that car parking does not dominate the character and appearance of development.
- 10.13 Policy GEN2 requires that developments are designed appropriately and that they provide provides an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.

- 10.14 For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For two or more bedroom flats communal gardens must be provided on a basis of a minimum area of 25sqm per flat. It is recognised that residents of one-bedroom flats may be happy to forego any amenity space although any similar provision would be welcomed. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side. Each dwelling and residential unit has been provided with the minimum amount of private and communal amenity areas. In addition the amenity areas are to the rear of the dwellings, provide outdoor sitting areas and are not significantly overlooked.
- 10.15 It is considered that the measures incorporated into the design of the proposed development will protect the amenities of the existing residents and that they will not have a materially adverse effect on their reasonable occupation and enjoyment of their dwellings.
- 10.16 Furthermore, it should be noted that all the open market housing and affordable dwellings on the site are to be designed and built to achieve BRE Code for Sustainable Homes Code Level 3.
- 10.17 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including blocks of flats, for both social housing and private sector housing. In addition developments of 20 units and over at least 5% should be built to wheelchair accessible standards. It is noted that Council's access and equalities officer had some concerns regarding the proposed development however it is considered that these concerns can be overcome by way of planning conditions.
- 10.18 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, streets, lanes and cycle areas have been designed to be overlooked to provide natural security to the public realm.
- 10.19 The size, scale and siting of the proposal is appropriate in that the development as a whole would not result in material harm to the character and appearance of the surrounding locality and the street scene. It is considered that the design of the scheme is consistent with the parameters set by the outline application and responds to the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create and provide a sense of well-being for future occupiers.

B Dwelling mix and Affordable Housing provisions (NPPF, Local Policies H9 & H10)

- 10.20 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 10.21 The S106 agreement attached to the outline planning permission specifies the number and type of affordable housing to be provided. It also states that the affordable housing shall be positioned on land in at least 3 separate groups and each group will not comprise more than 18 Affordable Housing units. In addition, it also stipulates that 40% of the development should be Affordable in which the Tenure mix should be 70% Affordable Rented and 30% Shared Ownership Units. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.
- 10.22 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings
- 10.23 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy HO2. 97 of the 155 dwellings proposed comprise of 3 bedrooms or more which equates to approximately 62%. Although the percentage of dwellings consisting of three bedrooms or more is a little high, and it would a better mix to provide more 1 and 2 bedroom dwelling units, on balance it is considered that the mix of one, two, three, four and five bedroom dwellings across the development is appropriate.
- 10.24 The provision of 8 bungalows has been incorporated into the scheme (6 private & 2 affordable). This amounts to 5% of the total dwelling units being one or two bedroom elderly person bungalow across the tenure. This is considered to be an appropriate number.

C Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)

- 10.25 The application includes the details of the proposed access to the site for approval at this stage. The primary vehicle access route into the site is from Stansted Road with a further pedestrian/cycle access point in the north eastern corner of the site leading into Orchard Crescent.
- 10.26 Issues related to congestion and the overloading of the road infrastructure serving Elsenham has been considered by Essex County Council Highways and no objections have been raised subject to conditions. It is considered that proposed vehicle access onto the main road network is capable of carrying the traffic generated by the development in a safe and efficient manner.
- 10.27 The existing public footpath (No. 31) that runs into a north south direction provides public access from Stansted Road towards Alsa Wood would be affected by the proposal. The footpath would be changed from rural footpath to an urban one and would need to be diverted around built form within the development. If planning consent is granted, the applicant should apply to the Essex County Council to divert the Public Right of Way around the built development. Internal pavements within the development are appropriately designed to meet the relevant safety requirements.
- 10.28 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

10.29 The Adopted Council parking standards recommends that a minimum of one vehicle space is provided for a one bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.

10.30 The proposal makes provisions for at least 1 car parking space for each one bedroom unit and at least 2 car parking spaces for dwellings consisting of two bedrooms or more. A total of 264 off street parking spaces have been provided. These would be accommodated within a range of options including car ports, garages and on and off street parking. There is also the allowance for 34 additional visitor parking spaces. In addition secure cycling has been provided for each residential unit within the site.

10.31 It is concluded that the proposed development would cause no harm to matters of highway safety.

D Landscaping and open space

10.32 An illustrative landscaping scheme was submitted with the application that showed the provision of shrub and tree planting to some of the plot frontages. However, this alone was not considered in itself sufficient by Councils landscape officer to recommend that the reserve matters for landscaping to be approved due to the lack of detail it showed.

10.33 Officers have therefore requested that a detailed landscaping scheme be submitted prior to the committee meeting which specifically highlights such elements like the proposals planting plans, including specifications of species, size, planting centres, number and percentage mix for the site as a whole.

10.34 The landscape plan would be included as a supplementary representation at the committee meeting with all issues concerning including the landscape officers comments to be presented in front of members.

10.35 There will be two areas of Local Play (LAP) and one Local Equipped Area of Play (LEAP) provided within the development. The first LAP is positioned outside plots 21 and 22; the second is located adjacent to plots 54 and 55. The LEAP is situated south of apartment block (plots 150 to 155).

10.36 The size and location of the proposed LAP's and LEAP are generally in accordance with the Master plan granted consent under the outline application. It is considered that the space provided would be of a useful size and in a safe location that are overlooked to allow for informal play activities and is assessable for everyone concerned. The provision of the play areas would be in accordance with Part 4 (play areas) of the S106 agreement that formed part of the outline consent.

10.37 There is no principle open space within the main body of the proposed development. The open space provision is shown to be provided at the eastern and southern edges of the north part of the development. This is an acceptable solution in order to accommodate drainage swales for the development. However, the consequence is that there is very limited open space provision within the main body of the development. This reinforces the case for a strong unifying soft landscaping element such as hedging to the frontages as recommended. Such a provision would impart a more appropriate character to the development in keeping with this location.

E Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)

- 10.38 The application site itself is not the subject of any statutory nature conservation designation being largely fields with some built development within the south western corner. However the woodland adjoining the site known as Alsa Wood has long been a historic feature of the village and is an ancient woodland and Local Wildlife Site and site.
- 10.39 The applicants have carried out an Extended Phase 1 Habitat Survey which, together with their data search, has identified the potential presence of various protected species.
- 10.40 The application was consulted to ECC ecology officer who stated that it is noted that the majority of the woodland lies 40 metres from the development, and that the small section of woodland (90m worth) that abuts the development lies beyond a 10 metre buffer. It is also noted that the easternmost part of the woodland has been planted more recently and does not qualify as ancient woodland.
- 10.41 The closest residential property lies 22m from the ancient woodland boundary and houses will be sited so that they face the woodland. This will remove any risk of litter being dumped over garden boundaries and accords with the Natural England / Forestry Commission Guidance on Ancient Woodlands.
- 10.42 In addition it is noted that a grass buffer is proposed between the road and the woodland and that traffic along this stretch of road will be light, serving only 4 properties. A lighting strategy should be conditioned, in line with the recommendations in the report to minimise impacts on bats using the woodland edge.
- 10.43 A landscape strategy should also be conditioned; with a particular focus on defensive planting along the woodland boundary.
- 10.44 It should be reminded that it was agreed under the outline application that a formal management plan for the future preservation and maintenance of Alsa Wood is to be submitted and agreed prior to the occupation of the 75th open market unit. If planning consent is granted, David Wilson Homes have agreed to work with the local Parish Council in finalising such a management plan.
- 10.45 It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area and in particular Alsa Wood. The proposal is in accordance with local policy GEN7 and the NPPF.

F Drainage (ULP Policies GEN3 and GEN6)

- 10.46 It is noted that concerns have been raised by both the Elsenham Parish Council and local residents in relation to on and off site drainage. In addition, Essex County Council sustainable drainage officer initially had concerns with the information submitted within the Flood Risk Assessment and Drainage Strategy. In particular, it was suggested that the proposal included an inappropriate surface and foul water drainage strategy that would result in pressure on the capacity of existing infrastructure which may lead to surface water flooding within and outside the site.
- 10.47 Subsequently the applicant revised both the FRA and the Drainage Strategy in order to overcome the concerns raised by the above parties.

10.48 The amended FRA and Drainage Strategy were re-consulted to Essex County Council in which the drainage officer stated:

10.49 Further to the additional information submitted by MLM Consulting on the 12 January 2015, in response to our consultation response on the 18 November 2014, to the Flood Risk Assessment associated with this application and the additional drainage strategy, it is now considered that a suitable drainage scheme has been submitted which demonstrates surface water management is achievable, without causing flooding on-site or elsewhere.

10.50 Following my initial response to the above consultation I have spoken with a representative of the parish council as well as a representative from the Essex Highways team and the consultant representing the developer.

10.51 The issues surrounding the existing flood risk have been explained. From my conversations I understand that flooding is mainly caused by a lack of maintenance to the receiving watercourse due to a section of this watercourse running through unregistered land.

10.52 We believe that it would be unreasonable to expect the developer to resolve these issues as they have not arisen because of the proposed development. Furthermore the watercourse already receives runoff from the proposed development at unrestricted greenfield rates. The drainage strategy proposes to limit these rates, therefore significantly reducing the water entering into the watercourse for event up to the 1 in 100yr event (+30% Climate change), which will reduce the risk of flooding in this area.

10.53 An updated drainage strategy was submitted to the LLFA on the 19th January. I am happy that the updated design addresses any water quality concerns we had.

10.54 The application was consulted to Thames Water in which they concluded that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application. In addition the surface water strategy is noted and is acceptable.

10.55 To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development, a planning condition is considered necessary that the proposal is to be constructed in accordance with the details within the FRA and drainage strategy.

G Whether the proposal would cause harm to the amenities of adjoining property occupiers.

10.56 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining property occupiers.

10.57 The site is generally divorced from surrounding residential development as most of the proposed residential units situated close to the site boundaries would enjoy the open aspects of either backing onto wood lands or playing fields.

10.58 However some residential units would either back onto or front existing residential properties within the Orchards and Ridley Gardens along the northern and eastern boundaries of the site. In addition, one of the proposed bungalows would back on to the garden area of the property known as 'Hillcroft' that fronts onto Stansted Road.

10.59 The Illustrative Master plan shows a degree of separation between the proposed area of housing and the dwellings to the north and east of the site and the property of 'Hillcroft' that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking or overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.

10.60 In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, it is considered that these could be addressed by appropriate conditions and also by a Construction Management Plan.

10.61 It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining property occupiers and that the proposal would comply with local policies GEN2 and GEN4.

11. CONCLUSION

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

- A The layout, size and scale of the proposal is considered on balance to be appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create provide a sense of well-being for future occupiers.
- B The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance and on balance it is considered that the mix of one, two, three, four and five bedroom dwellings across the development is appropriate.
- C It is concluded that the proposed development would cause no harm to matters of highway safety. In addition, appropriate parking provisions have been incorporated into the scheme that will meet the needs of future occupiers and visitors.
- D The proposed landscaping of open spaces including street frontages is considered to be appropriate. The two areas of Local Play (LAP) and one Local Equipped Area of Play (LEAP) provided within the development are appropriate and are in accordance with the S106 Agreement.
- E It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area and in particular Alsa Wood.
- F An appropriate surface and foul water drainage strategy and FRA have been submitted that provides details on the mitigation measures to be undertaken to reduce potential surface water flooding within and outside the site.
- G The proposal would not lead to excessive harm upon the amenities of adjoining property occupiers surrounding the site.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan No. BH056-PL-05 Rev I and as shown on the schedule of materials unless otherwise agreed in writing by the Local Planning Authority.

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

2. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies GEN1 and GEN8 of the Local Plan.

3. Prior to occupation of any dwelling, the provision of a priority junction formed at right angles to Stansted Road, Elsenham exactly as shown on MLM Drawing No. 665145/110 Rev P3 dated August 2014.

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 policy GEN1 of the Local Plan.

4. Prior to occupation of any dwelling, the provision of a scheme of traffic management to include a gateway feature at the commencement of the 30 mph speed limit along Stansted Road to encourage lower speeds of traffic passing the site and an extension of the street lighting on Stansted Road westwards to incorporate the proposed priority junction. Details to be submitted to and approved in writing with the Local Planning Authority and implemented.

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

5. 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 dwellings, the completion of the development, or in agreed phases whichever is the sooner, and any plants 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: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. The development hereby permitted shall be completed in accordance with the approved details within the Flood Risk Assessment and the mark up drainage strategy plan No. 665145/SK/19012015 unless otherwise agreed in writing by the Local Planning Authority.

REASON To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with policy GEN3 of the Local Plan.

7. The development hereby permitted shall be implemented in accordance with the Phase 1 Habitat Survey undertaken by J.B Consultancy Service Ltd (January 2015) submitted with the application in all respects and any variation there to shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 8 The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 9 No development shall take place until a Lighting Plan is submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 10 Prior to commencement of the development, a drawing demonstrating compliance with 'Lifetime Homes' standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawing.

REASON: To ensure that the dwelling is accessible for all, in accordance with the 'Accessible Homes and Playspace' Supplementary Planning Document and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).


Appendix B. – Housing Tenure.

SCHEDULE OF PLOTS AND GARDEN SIZES LAND NORTH OF STANSTED ROAD, ELSENHAM

Revised 19-02-
2015

Plot	No of beds	Garden Size sq.m	Parking Spaces
1	4	191	4
2	2	103	2
3	2	83	2
4	2	77	2
5	2	66	2
6	2	59	2
7	2	81	2
8	5	163	4
9	3	119	2
10	5	286	4
11	5	128	4
12	4	114	3
13	4	154	3
14	4	107	3
15	4	112	3
16	5	149	6
17	5	151	6
18	4	100	3
19	5	148	4
20	3	100	2
21	3	100	2
22	3	101	2
23	4	100	3
24	3	119	3
25	4	139	3
26	4	122	3
27	5	156	4
28	4	125	3
29	5	133	4
30	5	122	4
31	5	212	4
32	5	210	5
33	4	161	3
34	4	101	3
35	5	180	4
36	4	137	3


Bungalows


Apartments


FOGS

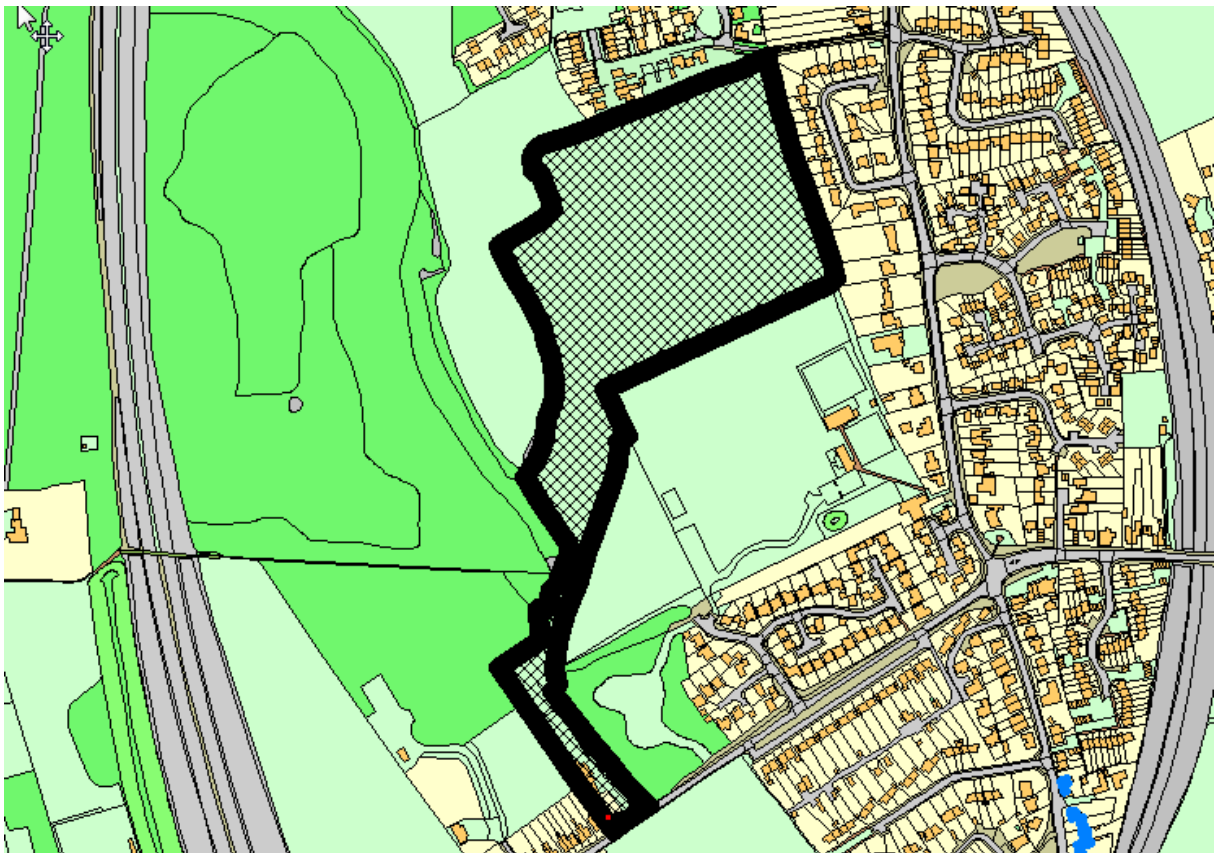
37	4	144	2
38	5	210	6
39	4	113	3
40	4	114	3
41	4	130	3
42	2	communal amenity area for unit 33.3	2
43	2	communal amenity area for unit 33.3	2
44	1	communal amenity area for unit 33.3	2
45	1	communal amenity area for unit 33.3	1
46	1	communal amenity area for unit 33.3	1
47	2	communal amenity area for unit 33.3	1
48	3	100	2
49	3	100	2
50	3	100	2
51	3	100	2
52	3	107	2
53	1	communal amenity area for unit 26.6	1
54	1	communal amenity area for unit 26.6	1
55	1	communal amenity area for unit 26.6	1
56	1	communal amenity area for unit 26.6	1
57	1	communal amenity area for unit 26.6	1
58	1	communal amenity area for unit 26.6	1
59	1	communal amenity area for unit 26.6	2
60	2	communal amenity area for unit 26.6	2
61	2	communal amenity area for unit 26.6	2
62	2	50	2
63	4	101	3
64	3	100	3
65	4	100	2
66	3	103	2
67	4	110	3
68	4	100	3
69	4	100	3

70	4	120	3
71	4	120	3
72	4	107	4
73	5	127	4
74	5	120	4
75	3	100	2
76	3	102	2
77	2	59	2
78	2	Private 5sqm Balcony	2
79	2	50	2
80	2	53	2
81	2	Private 5sqm Balcony	2
82	2	62	2
83	2	100	2
84	3	101	2
85	3	100	2
86	3	100	2
87	3	100	2
88	3	100	2
89	3	100	2
90	3	100	2
91	2	50	2
92	2	Private 5sqm Balcony	2
93	2	50	2
94	2	50	2
95	3	100	2
96	3	100	3
97	4	113	3
98	3	106	2
99	2	51	2
100	2	Private 5sqm Balcony	2
101	2	50	2
102	2	50	2
103	3	100	3
104	2	Private 5sqm Balcony	2
105	2	50	2
106	2	63	2
107	2	56	2
108	2	50	2
109	3	100	2
110	3	101	2
111	3	100	2
112	2	64	2
113	3	100	2
114	2	Private 5sqm Balcony	2
115	3	102	2

116	3	106	2
117	2	57	2
118	3	117	2
119	3	100	2
120	3	100	2
121	3	100	2
122	4	113	3
123	3	105	2
124	3	117	2
125	3	124	2
126	3	105	2
127	4	100	2
128	2	64	2
129	2	50	2
130	2	51	2
131	3	100	2
132	3	100	2
133	3	100	2
134	2	55	2
135	3	100	2
136	3	100	2
137	3	100	2
138	2	109	2
139	4	121	3
140	4	101	3
141	4	100	3
142	4	116	3
143	4	100	3
144	4	100	3
145	3	100	3
146	3	100	2
147	3	109	2
148	2	32	2
149	2	32	2
150	1	communal amenity area for unit 25	2
151	1	communal amenity area for unit 25	1
152	1	communal amenity area for unit 25	1
153	1	communal amenity area for unit 25	1
154	1	communal amenity area for unit 25	1
155	1	communal amenity area for unit 25	1

Application no.: UTT/14/3279/DFO

Address: Land North Of Stansted Road, Elsenham



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Organisation: Uttlesford District Council

Department: Planning

Date: 29 January 2015

SLA Number: 100018688

UTT/14/3655/FUL (Newport)

(MAJOR APPLICATION)

PROPOSAL: Demolition of current sheltered accommodation and replacement with sheltered accommodation scheme including 41 residential flats, 1 guest suite, communal accommodation, 13 parking spaces and new landscaped grounds.

LOCATION: Reynolds Court Gaces Acre Newport

APPLICANT: Uttlesford District Council

AGENT: Saunders Boston Limited

EXPIRY DATE: 9 March 2015

CASE OFFICER: Maria Shoesmith

1. NOTATION

1.1 Within Development Limits, Airport Safeguarding Zone, within 500m & 2km of SSSI, adjacent to Protected Open Space for Informal Recreation

2. DESCRIPTION OF SITE

- 2.1 The application site is located west/northwest of Newport's Cambridge Road, south of the Grammar School on Gaces Acre, covering an area of 0.3ha. The application site currently consists of a two-storey residential block which has 31 residential units that are stated to be partly occupied.
- 2.2 The site is bound by access roads to the north and south. This provides current parking for the residential block and access to the rear of properties located to the north, no. 56-59 Gaces Acre, which are two-storey dwellings. Gaces Acre is to the east and a recreation field with public footpaths to the west of the site. To the south the front elevations of bungalows 23-24 overlook what is currently the front of the application site.
- 2.3 There are a mixture of two-storeys dwellings and bungalows along Gaces Acre. With two storey dwellings located predominately to the north and the east of the application site. There is a large verge between the subject building and Gace's Acre measuring approximately 4.8m.
- 2.4 St Marys Church, a Grade I Listed Building, is located to the south of the site at the end of the road. The ground levels steeply fall from south to north, by approximately 1.8m.
- 2.5 There is a Council owned public car park located to the rear of 15-19 Gaces Acre, consisting of 11 car parking spaces, which appeared to be underused at the time of the site visit.
- 2.6 The ground levels rise again in the distance when viewing the Grammar school buildings and dwellings towards the north. Wicken Water lays between this views

whereby there is a huge drop in ground levels, approximately more than 5-6m.

3. PROPOSAL

- 3.1 The application is for the demolition of the existing sheltered accommodation and the erection of a replacement sheltered accommodation which would provide 41 residential flats, 1 guest suite communal accommodation, 13 parking spaces and new landscaped grounds.
- 3.2 The scheme would provide Category 2 sheltered accommodation, which is a purpose built scheme for older people. This is usually with communal facilities and a scheme manager.
- 3.3 The proposed building would be predominately three storeys with elements of two-storey and single storey along the northern, eastern, western and southern elevations.
- 3.4 A net gain of 10 residential units would be created and 5 car parking spaces, with 6 cycle spaces.
- 3.5 On the ground floor of the proposal there would be the cycle parking facilities, mobility scooter store and charging area, 11 flats, a guest suite, a public hair/beauty room, main reception office, communal lounge area with kitchenette and a communal garden room. The first floor will consist of 19 flats and the second floor 11 flats.
- 3.6 A number of the proposed flats would have their own private amenity area in the form of a balcony. The proposed scheme indicates communal landscaped amenity areas to the west of the building adjacent to the playfields. The building would frame an existing center communal court yard area, which is proposed to be retained.
- 3.7 The highway verge to the front of the building is also proposed to be landscaped.
- 3.8 Five flat formats are proposed to be used. There will be 34 x 1 bedroom flats and 7 x 2 bed flats, which would replace 8 x 1 bedroom flats, 1 x 3 bed flat and 22 x 1 bedroom bedsit/studios.
- 3.9 The proposal would range by 2.4m to 10.6m in height. The roof would be an arched green roof consisting of Sedum. Other materials that proposed are grey UPVC windows and doors, mix of weatherboarding, render and masonry.

4. APPLICANT'S CASE

- 4.1 As part of the application submission the following supporting statements have been submitted;
 - Design and Access Statement (Saunders Boston, December 2014);
 - Energy and Sustainability Statement;
 - Transport Statement (SLR, December 2014);
 - BREEAM Report;
 - Ecological Report;
 - Drainage Statement;
 - Consultation and presentation material feedback forms
- 4.2 Additional accommodation is required due to a growing aging population and which would significantly increase over the next 20 years. UDC currently has 39% of residents that are aged between 50-85 (census count 2011).

- 4.3 A Housing Needs Survey was commissioned for residents over the age of 50 to determine the level of housing required. The survey outlined the following;
- Considerable need for new over 60s housing in Uttlesford;
 - Long term older persons Housing Strategy should be produced that contains plans on how to upgrade, expand and develop stock that is more suited to the demands of the residents.
- 4.4 Within the 'Housing Our Aging Population: Plan for Implementation 2012' it identified that by developing more retirement housing it could reduce under occupation and make more family homes available for younger people and mitigate the governments space room subsidy.
- 4.5 Following a 'Sheltered Housing Asset Management Review' of all UDC owned sheltered housing schemes. Reynolds Court was identified as not fit for purpose. There is a high proportion of bedsit accommodation which does not meet older people's needs and expectations making them difficult to let. The 31 units have been difficult to let for some time. The rooms are inadequate in terms of space for manoeuvrability, living and storage. Windows are high level restricting views; kitchen space is small and outdated being unable to accommodate modern appliances. Bathrooms have restricted movement and inefficient individual boilers using up valuable space. Internal steps also restrict movement with no lifts only a retrofitted stair lift, internal ramps that do not comply with today's Building Regulations and compromised communal space.
- 4.6 As part of the consultation process two other schemes have been visited a re-modelled site and a redeveloped site. Following further consultations with Reynolds Court residents they supported the redevelopment option, and this has been ratified by UDC Cabinet.
- 4.7 The proposed scheme has been designed to meet the needs of residents currently and for in the future. It would provide high quality independent living for the older people plus provision of additional need housing.
- 4.8 There are a number of design objectives for the proposed development;
- Provision of a sustainable development;
 - Creating a design that is attractive, has quality materials, amenity and landscaped spaces;
 - Has easy internal mobility;
 - Provision of communal areas;
 - Promote inclusive community hair salon open to public;
 - Provide a safe and secure scheme with surveillance;
 - On-site parking;
 - High quality accommodation with generous space standards;
 - Sustainable scheme that is flexible to meet the diverse needs of the residents;

Statement of Community Involvement

- 4.9 Supporting information has been submitted as part of the application demonstrating community involvement through consultation with neighbouring residents and occupiers of the building, and Newport Parish Council, also holding a two day public exhibition.

4.10 Consultation was also held with Planning in the form of pre-application advice, UDC Street Services, ECC Highways, and Archaeology, also the Essex Police Architectural Liaison Officer.

5. RELEVANT SITE HISTORY

5.1 Nothing relevant.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy ENV2 - Development Affecting Listed Buildings
- Policy ENV3 - Open Spaces and Trees
- Policy ENV4 - Ancient Monuments and Sites of Archaeological Importance
- Policy ENV15 - Renewable Energy
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 - Flood Protection
- Policy GEN4 - Good Neighbourliness
- Policy GEN 5 – Light Pollution
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking
- Policy H3 - New Houses within Development Limits
- Policy H9 - Affordable Housing
- Policy H10 – Housing Mix
- Policy S3 - Other Settlement Boundaries

7. PARISH COUNCIL COMMENTS

7.1 The Parish Council opposes the above application for the following reasons:

- The main entrance should be level. We feel that use of steps and ramps as currently set out are not acceptable and particularly discriminate against the disabled. The use of the ramps for the removal of waste would be inconvenient and dangerous for residents.
- There is no provision on the plans to facilitate proper access for paramedics, ambulances, fire tenders, refuse vehicles or community coaches. We would refer you to McCarthy & Stone for provision of these facilities.
- The whole demolition and building process will have a significant impact on the residents of Reynolds Court and Gaces Acre, in the village and going to and from the shops. The access road is narrow and careful management will be required during demolition and construction, particularly for contractors parking, and vehicles delivering and removing materials. The appointed contractors should, in their construction method statement, clearly define their mode of operation during the construction process.
- Undertaking the work in two phases will cause considerable pain and misery to the residents.

- The current road, sewage and water infrastructure we understand is already at maximum capacity.
- There are no details of solar panels on the plan.
- The boiler room is not shown. We assume the flues will exit through the roof. We have received concerns from a neighbouring property.
- Car parking is inadequate for residents and visitors. Parking provision should be made for the hair salon if this is open to the public. There are currently parking problems in Gaces Acre, and specific spaces will need parking restrictions to maintain them for the use of Reynolds Court rather than others. The existing grass verges should not be used for parking. All parking provision should be contained within the site. The present plans indicate you are grabbing grass verge and an existing residents' car park for this scheme.
- The design is extremely contemporary and is not in keeping with the village. We have received comments from other people in the village (non-residents of Reynolds Court) and your proposals have not been well received because of the elevation treatments and sedum roof i.e. brickwork/rendered blockwork, boarding, cladding etc. The sedum roof is out of keeping an alternative roof covering should be investigated.
- It is not clear how the windows on the north elevation can be opened. Their protrusion from the face of the building is unattractive.
- The laundry room should not be placed internally.
- The kitchen and living room window sills in the ground floor flat on the S.W. corner are at pavement level. There is a similar issue with the seating area. Therefore, these should be omitted.
- The atrium on the north west corner should be removed; an unnecessary architectural embellishment.
- The glazed link between the two blocks is an expensive and unnecessary element for such a scheme.
- The resident of No. 58 Gaces Acre has informed us that the building encroaches on to her land and would prevent her gaining access to her rear garden. A map of the entire area should be provided to clarify ownership and confirmed with all local residents so that matters such as boundaries can be addressed. The current plan is entirely inadequate in this regard. We have examined the plan and the resident's view is incorrect. Lucy Brown of UDC has offered to visit the resident to assure her this is not the case.
- According to the resident of No. 58, there is no access road for emergency or refuse vehicles to No. 58. This is incorrect.
- In view of the height of the building No. 58 will be overlooked and light will be severely obstructed on the south side. The resident of No.58 has resided there for in excess of twenty years. The report enclosed in the proposal documents states light will be obscured for 7 months of the year. Neighbouring properties, No. 56, 57 and 59 will also suffer significant loss of light. This is not acceptable.

- We are somewhat surprised that these proposals have gone through due process at Uttlesford District Council and submitted before planning without taking into account any of the issues raised above. We suggest the entire scheme is put back on the drawing board.

Comments:

- The proposal will comply with Part B Emergency Access, and Part M relating to accessibility of the Building Regulations in terms of accessibility. No objection has been raised by the UDC Access and Equalities Officer.
- The management of the demolition process and the decanting of residents have been taken into account by the applicant. Nonetheless this is not a material planning consideration.
- Regarding sewage Anglia Water has been consulted of the application see below.
- Details of plant including solar panels would be conditioned should the planning application be acceptable.
- Please see main assessment regarding design and parking.
- Matters regarding encroachment have been clarified with a clearer location plan.

8. CONSULTATIONS

Environment Agency

- 8.1 This proposal presents a low environmental risk; therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to the water environment from contamination at the site, following the requirements of the NPPF and the EAs Guiding Principles for Land Contamination.

ECC Ecology

- 8.2 No objections, it is noted that the site is of low ecological value; dominated by buildings, hard standing, amenity lawn and young trees. Also, note that a bat survey was undertaken and no bats were seen to be emerging from the buildings on site. The recommendations in relation to:

- a) site supervision when removing soffits, and
- b) undertaking demolition works outside of the nesting season;

Should be adhered to.

ECC Highways

- 8.3 No objection subject to conditions.

Housing Enabling Officer

- 8.4 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units; 20% on schemes 5-14 units and a commuted sum on schemes of 1-4 units.

This scheme is part of the Council's development programme to upgrade and improve Council owned sheltered housing stock. This scheme will deliver 41 1 and 2 bed units, a net increase of 10 units.

Environmental Health

- 8.5 Reynolds Court is closely surrounded by residential properties on three sides. Demolition and construction work could cause noise and dust problems unless carefully managed. There is potential for external lighting to affect neighbouring properties. No objection subject to conditions

Anglia Water

- 8.6 There are no assets owned by AW on site. The foul drainage from this development is in the catchment of Newport Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Natural England

- 8.7 No objection.

Equalities and Access Officer

- 8.8 Verbally – No objection.

Conservation Officer

- 8.9 Verbally - No impact considered upon the setting of the listed church, however materials should be conditioned for further approval.

9. REPRESENTATIONS

- 9.1 The neighbouring properties have been consulted of the current application. The development has been also advertised in the local press and on site. Two representations have been received raising the following points;

- Object to access to rear of property blocked, preventing access to service road,

- refuse collection and emergency access;
- Replacement of fencing;
- Distance of development from property;
- Overlooking, is the northwest balcony necessary?
- Loss of light;
- Loss of light to garden;
- Right to light act;
- Obscures view from;
- Noise/vibration from plant;
- Object in terms of second floor addition;
- Loss of privacy

Consultation Expiry 30 January 2015

10. APPRAISAL

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

- A Principle of the development (ULP S3, H3, and NPPF);
- B The design, impact upon residential and visual amenity (ULP Policies GEN2, and GEN4);
- C Highways (ULP Policies GEN1 & GEN8);
- D Other Material Considerations such as Flooding (ULP GEN3, GEN6 and GEN7)

A Principle of Development

10.1 The application site falls within the development limits of Newport covered by Local Plan Policy S3. Policy S3 states that development compatible with the settlement's character and countryside setting will be permitted within these boundaries. Policy H3 for new houses within development limits which states that new houses would be permitted on land identified subject to meeting the listed criteria;

- a) The site comprises previously developed land;*
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;*
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;*
- d) Development would support local services and facilities; and*
- e) The site is not a key employment site.*
- f) Avoid development which makes inefficient use of land."*

10.2 The National Planning Policy Framework (NPPF) has a strong presumption in favour of sustainable development. The application site is within close proximity to services in the form of schools, a shop with post office, other local shops, pharmacy, a petrol garage and a train station. Nonetheless, whilst the application site is considered to be sustainably located in terms of proximity to services, in order to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.

10.3 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. The proposed development would provide an opportunity for some

employment in the form of the hair/beauty salon, warden and some service provision i.e. maintenance etc. It would provide short term employment for locals during the construction of the site; however it would also support existing local services. This proposal would therefore help deliver to a degree an economic role.

- 10.4 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 affordable housing needed for the district by providing improved accommodation to meet current and adaptable to meet future resident's needs, provide a net increase of ten units, and housing designed to Lifetime Homes Standards. Landscaping would be used to reduce the visual impacts and enhance the scheme. The nearby footpaths would facilitate the permeability of the scheme. The development would provide not only communal areas, but also private amenity space for residents vastly improving the amenity quality of the flats and in turn the resident's wellbeing. This proposal would help to deliver a social role.
- 10.5 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 proposed landscaping and biodiversity would be enhanced and preserved as a result of the proposed development, through the inclusion of improved landscaped areas and the provision of a green roof. This proposal would help to deliver an environmental role.
- 10.6 The proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise.
- 10.7 The principle of the development is considered acceptable as the site lies within the development limits of Newport, within a sustainable location which will make full efficient use of land, removing accommodation that is no longer fit for purpose and to now be able to meet the current sheltered housing requirements. The proposed development would provide 41 Council built affordable dwellings which will meet an identified need. The scheme accords with Local Plan Policies S3 and H3, also the trust of NPPF in terms of sustainable development.

B The design, impact upon residential and visual amenity

- 10.8 Policy GEN2 of the local plan seeks amongst other things that any development should be compatible with the surrounding area, reduce crime, energy reduction, protecting the environment and amenity. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.
- 10.9 It has been confirmed within the application submission that the proposed development would be constructed in line with the principles of Secure by Design through the provision of natural surveillance, defensible spaces and internal security. The Essex Police Architectural Liaison Officer has been consulted through the design stage of the scheme whereby comments have been incorporated into the development. This has been demonstrated through the pre-application community involvement process statement. The building will be

designed to BREEAM (Building Research Establishment Assessment Method) 'Very Good' rating with a 10% reduction in carbon emissions through improved thermal efficiency and the use of improved mechanical heating/cooling plant and energy efficiency lighting. The Energy and Sustainability Statement outlines that the proposal can achieve a Building Emissions Rate approximately 20% below the Target Emissions Rate. This is in accordance with Policy GEN2.

10.10 The flats would be designed to and need to accord with Lifetime Home Standards under Building Regulations. It has been stated within the Design and Access Statement that "*whilst not designated as full wheelchair housing, all occupant areas are wheelchair accessible and in many respects the scheme achieves the key standards set out in the wheelchair design guidance. For example, shower rooms in each flat are configured as 'wet rooms' for wheelchair use and there is potential for direct communication to the main bedroom from the bathroom to facilitate easy transfer by an overhead hoist, which can be retrofitted as required. The overriding principle of the scheme is to provide a scheme which is fully accessible but which can also be readily adapted to suit increasing levels of mobility.*"

10.11 The design of the scheme would be of a contemporary design, whilst this would be obviously different from the buildings which would surround it and that of the existing building, this is not a reason for refusal or can planning stifle innovative design. What needs to be considered is the overall scale, mass and bulk, its relationship with its surrounding neighbouring properties and whether this causes an unacceptable impact upon amenity.

Bulk and Mass

10.12 The proposed development would be effectively sited on a similar foot print to the existing building; however there would be a gross internal floorspace increase of 957square metres. The scheme would be three storeys in nature. The third storey would be staggered along the northern, eastern, western and southern elevations where it would be recessed behind two-storey and single storey elements. This approach has been undertaken to achieve optimum accommodation whilst reducing the schemes bulk and massing along the more sensitive elevations.

10.13 The proposal would have a third storey height of 9.2m to 10.6m. The second storey would range between 6m to 8m, and the single storey to the south would range in height between 2.4m and 3.6m. The heights vary throughout the site dependant on ground levels and the arched, varying roofs. The existing building has a height of 7.2m in comparison. Both the existing and the proposed buildings are sunk into the ground by 1m; further reducing its bulk and mass. As a gauge a two storey building with a traditional pitched roof would be 9m in height.

10.14 The development will be large in scale and appearance, and slightly unrelated within its setting. However, the scheme has been mitigated through the use of staggering, use of arched roofs, the use of the ground levels and materials to reduce the bulk and massing. The third storey along the sensitive elevations North, East and South have been set back where a large proportion would not be seen particularly on the north and eastern elevations.

10.15 To the south the proposed scheme would see the two ends of what would be an upside down 'U' form, with a single storey link securing the courtyard area. The third storey would be set back from the bungalows opposite, no. 23 and 24, by

21.5m, whilst the immediate elevations would be 2 ½ storey and be set at an angle, with the single storey link being immediately opposite. A further three storey block would be set at a distance the other side of the proposed courtyard.

- 10.16 The west elevation of the scheme is considered the least sensitive by overlooking the recreation ground. This elevation is predominately two storeys with balconies and a three storey in the back drop. Minimal impact is considered from this elevation, and its relationship with its surroundings and adjacent two storey dwellings is considered to be acceptable.

Overlooking and Loss of light

- 10.17 The Essex Design Guide stipulates a distance of 25m back to back in order to prevent direct overlooking. To the north of the site are the rear gardens of 56-58 Gaces Acre would have a back to back distance of 19.6m. This distance is interrupted by an existing service road which would be retained and continue to provide access to proposed car parking spaces, including 2 disabled parking spaces, and access to the rear gardens. There are existing windows on the northern and north west elevation of Reynolds Court, however the proposal whilst would see an increase in the number of windows on this elevation the windows have been designed to be angled away to provide and prevent direct overlooking with the neighbouring properties. No. 58 and 59 are at oblique angles to the proposed development. Number 58 has a first floor flank window, but it is unclear whether this serves a habitable room. Amendments have been sought to alter the nearest Juliet balcony to a window, as there is an existing window in a similar position so there would not be an additional detrimental harm caused. The proposed balcony to the north-western corner of the scheme has been sought to be omitted and replaced with a window and Juliet balcony to mitigate any direct overlooking.

- 10.18 The eastern elevation looks onto two-storey houses. The proposed frontage would stagger in and out of the existing building line having a recessed third storey element and a protruding two storey. There would be a distance of 20.4 to 26m from the frontage to the existing dwellings sited opposite. Again this distance would be interrupted by Gaces Acre itself and proposed landscaping. The balconies here are not considered to cause unacceptable level of overlooking, and it is not considered too different to the existing relationship.

- 10.19 The third storey to the north would have high level windows which prevents any direct overlooking. This is the same for the non-habitable areas to the south.

- 10.20 The internal courtyard back to back distance for the balconies meets the Essex Design Guide.

- 10.21 A daylight study has been submitted as part of the application. This illustrated a 3D model to demonstrate the level of overshadowing during noon at any given month. This highlighted that sun path, in strong direct sunlight, during the winter months would see the neighbouring properties to the north and south in shade, and not shaded during spring, summer and early autumn.

- 10.22 Whilst there would be an increase in footprint, the communal garden areas would be maintained and improved. The quality of living accommodation would also be enhanced through the introduction of private amenity space for a number of the flats.

10.23 The proposed heights of the scheme have been designed to respect the existing neighbouring dwellings and minimise impact. The proposed development would not result in detrimental impact upon residential and visual amenity due to the proposed nature, design, the siting and orientation of the properties, in accordance with Local Plan Policy GEN2 and GEN4. On balance weighing the size and scale of the scheme in relation to the improved quality of accommodation, a much needed net gain in the number of flats provided and the mitigating design measures used the scheme is considered to be generally acceptable in design terms, in accordance with Local Plan Policy GEN2 and the NPPF.

10.24 Whilst the proposal does not affect the setting of the church by reason of its siting, distance and design, no objection has been verbally raised by the Conservation Officer in this respect however has raised concern regarding the proposed materials. This is consider to be addressable through the imposition of a condition should planning permission be granted, in accordance with Local Plan Policies ENV2, and GEN2, also in line with Circular 11/95.

C Highway Issues

10.25 Local Plan Policy GEN8 and the ECC Parking Standards (adopted 2009) and locally amended March 2013 creates a requirement for the provision of 48 car parking spaces as part of the scheme. The proposed scheme would provide a total of 13 car parking spaces, including 2 disabled spaces, designed to car parking standard sizes. There would be a net gain of 5 car parking spaces as a result of the net increase of 10 flats. A breakdown of a car parking survey of similar sheltered accommodation schemes within Uttlesford has been submitted as part of the application, see below. This has outlined that in such schemes there is a lower car ownership rate and therefore much lower demand in car parking space provision. These findings have been reflected in work undertaken by McCarthy and Stone developments whereby the average age of occupiers in sheltered accommodation is 76 years of age. This together with the fact that the site is located in a sustainable area, in terms of transport and service provision, contributes towards a low car ownership and parking space demand.

Address	Number of Properties	Car Owners	Parking Spaces (allocated to scheme)	Ratio of Car Spaces	Ratio of Car Owners to Development
The Close Broomfields	58	21	25	0.43	0.36
Alan Hasier House Dunmow	30	7	9	0.30	0.29
Alexia House Dunmow	20	4	0	0	0.13
Priors Wood Takeley	31	14	14	0.45	0.45

Four Acres Saffron Walden	40	11	0	0	0.28
John Dane Player Court Saffron Walden	23	0	9	0.39	0
Vicarage Mead Thaxted	27	9	9	0.33	0.33
Reynolds Court Newport	31	8	8	0.29	0.29
Norman Court Stansted	23	4	8	0.35	0.17
Hatherley Court Saffron Walden	26	5	16	0.62	0.19
Parkside Saffron Walden	18	5	6	0.33	0.28
Walden Place Saffron Walden	28	5	0	0	0.18

10.26 In consideration of the above and the nature of the development adequate car parking provision is proposed in accordance with policy. However, in the event that further car parking is required there are further 11 car parking spaces available in the public car park behind number 15-19 Gaces Acre opposite. Space has also been highlighted to the north of Gaces Acre, near no. 4 Gaces Acre, subject to planning permission.

10.27 A Transport Statement has been submitted as part of the application. This has outlined that the vehicle movement from the proposed development including the net increase in accommodation and on-site service provision is unlikely to be perceptible and is likely to integrate into the daily vehicle movements. No objections have been raised by the Highways Authority subject to conditions.

D Other Material Considerations

10.28 Policy GEN6 seeks for infrastructure provision to support development. The scheme is a 100% Council affordable housing development and there would not be profit that would result from the scheme and would be developed from money from the public purse. It is therefore considered unreasonable to seek for a contribution in this instance.

10.29 Whilst the application site falls within Flood Risk Zone 1, whereby there is low probability of flooding and the site is less than 1ha, a Drainage Statement has been

submitted with the application demonstrating that the run off from the site would not be more than the current rate, and restricting the flow from the site for the 1 in 100 year storm, plus an extra 30% allowance. This has been achieved through the use of Sustainable Drainage Systems (SuDs) in the form of a green roof to slow runoff and an underground drainage network to cater for a storm event. This is in accordance with Local Plan Policy GEN3. The Environment Agency has raised no objection whilst Anglia Water has recommended conditions are imposed should planning permission be granted.

10.30 An Ecology report has been undertaken and submitted as part of the application. Common Pipistrelle bats and hawking were seen flying around lights. No other wild mammals were seen on site. This concluded that no bats were using the buildings forming part of the application, although some of the soffits had gaps suitable for bats to roost but not to hibernate in. It is recommended within the report that the soffits are removed outside the hibernation period (November to Mid-March) and be supervised by a licensed bat worker. Eight species of birds have been recorded. Some limited suitable habitat for nesting birds exists on site, with some nesting material belonging to a Starling visible between the soffit and the building wall. Again, similarly it is recommended that the works occur outside nesting season, and if nesting birds are found then the project should be delayed until the breeding season is finished. The site is not suitable for reptiles. The nearest water body is Wicken Water which is 75m away. It is stated that due to the maintained nature of the site it is not suitable for Great Crested Newts. A number of recommendations for enhancing the site are contained within the report. ECC Ecology has been consulted and has raised no objection subject to the recommendations within the Ecological Report being adhered to. This is in accordance with Local Plan Policy GEN7, NPPF

11. CONCLUSION

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

- A The principle of the development is considered acceptable as the site lies within the development limits of Newport, within a sustainable location making full efficient use of land in order to provide improved replacement accommodation and additional accommodation to meet an identified need. The scheme accords with Local Plan Policies S3 and H3, also the thrust of NPPF in terms of sustainable development.
- B The proposed design, layout, size and scale of the proposed development are considered acceptable. The scheme would not have a detrimental impact upon the residential and visual amenity of neighbouring residential occupiers, and no unacceptable harm or impact the setting of the nearby listed church, in accordance with Local Plan Policies GEN2, GEN4 and ENV2.
- C Further to the submission of a traffic survey as part of the application it had been concluded that based on the nature of the housing the proposed number of allocated parking spaces would be adequate to cater for the development, in accordance with policy. There are alternative parking possibilities should these be required. No highway safety concerns have arisen taking into account the existing highway network parameters and the proposal would not have an adverse traffic impact with the increased vehicular movement unlikely to be perceptible. No objections have been raised by the Highways Authority subject to conditions. This accords with Local Plan Policy GEN8 and the ECC Parking Standards (adopted 2009), and locally amended March 2013.

- D The scheme is a 100% Council affordable housing development and there would not be profit that would result from the scheme and would be developed from money from the public purse. It is therefore considered unreasonable to seek for a contribution in this instance.

Whilst the site is located within a low probability of flood zone 1, the scheme has been designed to incorporate SuDs elements in to the design to ensure the run off run is would not be more than the current rate, and restricting the flow from the site for the 1 in 100 year storm, plus an extra 30% allowance. Also, an underground drainage network is proposed to be provided to cater for a storm event. This is in accordance with Local Plan Policy GEN3. The Environment Agency has raised no objection whilst Anglia Water has recommended conditions are imposed should planning permission be granted.

Whilst some wildlife opportunities have been identified this are capable of being addressed through recommended mitigation identified within the Ecological Report. ECC Ecology has been consulted of the application and has raised no objection subject to the recommendations within the Ecological Report being adhered to, in accordance with Local Plan Policy GEN7, and the NPPF.

RECOMMENDATION – APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

Conditions/reasons

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

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

2. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. hard surfacing materials;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation and maintenance programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, and ENV3 of the Uttlesford Local Plan (adopted 2005).

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, and ENV3 of the Uttlesford Local Plan (adopted 2005).

4. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in level proposed, together with the proposed floor levels within the building, shall be submitted to and approved by the local planning authority in writing. The development shall thereafter be carried out in accordance with the approved details.

REASON: In order to minimise the visual impact of the development in the street scene, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. No external floodlighting or other illumination shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights (specified in Lux levels), and spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare and the time when such lights would be illuminated. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of local amenity and highway safety, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

6. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the 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. Development shall thereafter be carried out in accordance with the approved details.

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

7. Prior to the commencement of the development the details of the number, location and design of cycle parking facilities and mobility scooter storage area with charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall thereafter be secure, convenient and covered, and be provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle and mobility scooter parking is provided in the interest of highway safety and amenity, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

8. Prior to commencement of any development, details of 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 shall be submitted to and agreed in writing with the Planning Authority. Thereafter the approved details shall be implemented and retained during the duration of the construction works.

REASON: In the interests of highway safety and efficiency, also the amenity of the locality in accordance with Policies GEN1 and GEN4 of the Uttlesford Local Plan

(adopted 2005) and the NPPF.

9. The development as designed, specified and built shall achieve BREEAM rating of 'very good'. The applicant will provide the planning authority with a BREEAM design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a BREEAM post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

REASON: In the interests of the promotion of sustainable forms of development and construction Policy GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

10. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy as approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

11. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

12. Details, including acoustic specification, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like installed within the site, shall be submitted to and approved in writing by the Local Planning Authority in writing before installation. The scheme shall be thereafter implemented in accordance with the approved details.

REASON: To protect the amenities of the occupiers of the adjoining properties and the future residents of the development, also safeguarding the appearance of the development, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

13. External lighting will be designed in accordance with the Institute of Lighting Engineers (ILE) guidance for the reduction of obtrusive light and for domestic security lighting

REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

14. The development hereby permitted shall be implemented in accordance with the ecological mitigation measures as identified within the submitted Ecological Reports, namely;

- a) site supervision when removing soffits, and
- b) undertaking demolition works outside of the nesting season

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in

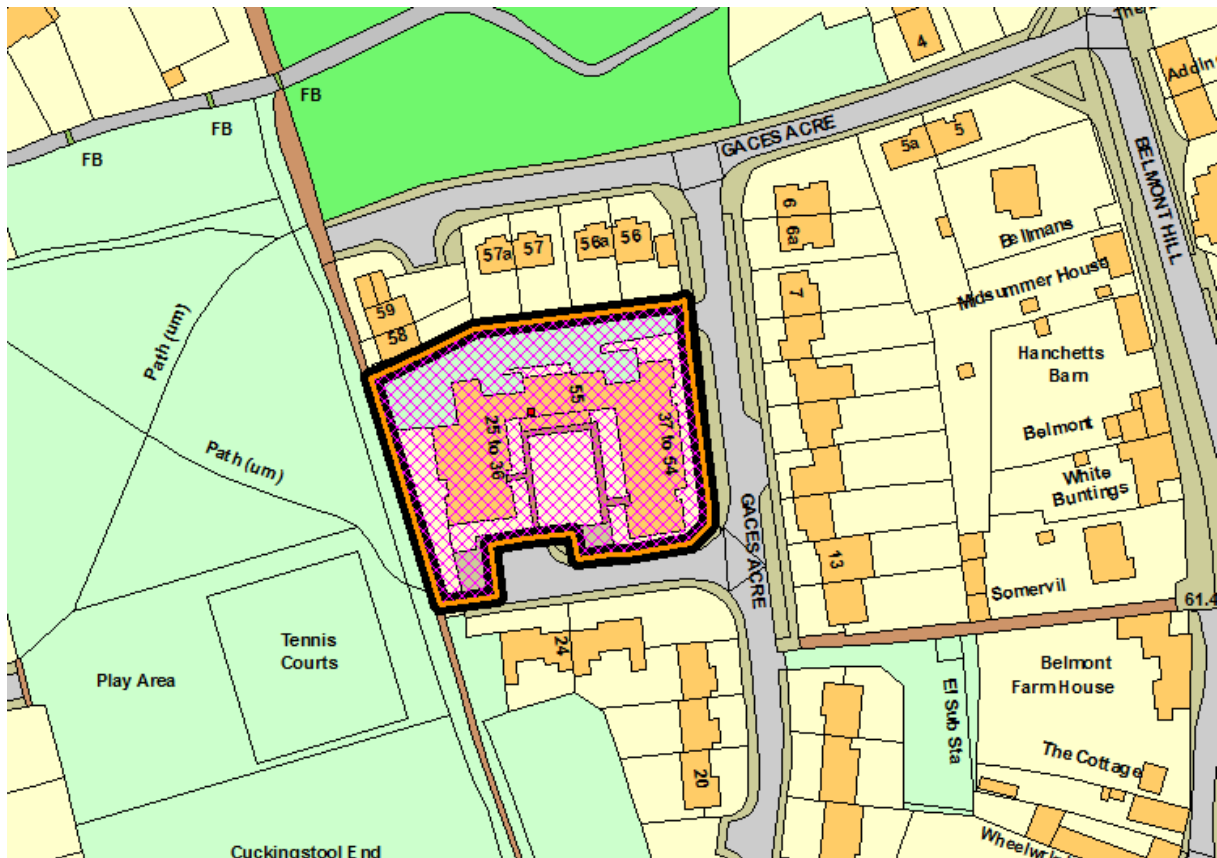
accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

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

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

Application no.: UTT/14/3655/FUL

Address: Reynolds Court Gaces Acre Newport



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

UTT/14/3357/FUL Flitch Green

PROPOSAL: Erection of 25 dwellings (including 10 affordable homes) a new vehicular access onto Hallett Road/Webb Road, new private vehicular accesses, and associated infrastructure.

LOCATION: Land at Webb Road and Hallett Road, Flitch Green

APPLICANT: Pigeon Investment Management Ltd, GAG373 Ltd & GAG339 Ltd

AGENT: Evolution Town Planning LLP

EXPIRY DATE: 16 February 2015

CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Within Development Limits (Oakwood Park Development Limits).

2. DESCRIPTION OF SITE

- 2.1 The application site as outlined in red on the submitted location plan is situated on the northern corner of Webb Road and Hallett Road within the village of Flitch Green. The site itself is relatively level consisting of approximately 1.5 acres of open grassland and is free from any built form and significant vegetation.
- 2.2 The areas to the north, east and west of the site consists of residential housing that comprises of mixture of building forms, styles and sizes. The area directly south of the site largely remains as open grass land although a new shop along with 9 residential units was granted permission in May 2013. These works have yet to commence although the application is still live.

3. PROPOSAL

- 3.1 Planning permission is sought for the construction of 25 residential dwellings, a new vehicle access onto Hallett/Webb Road and associated infrastructure.
- 3.2 The proposed scheme consists of 100% residential housing with the proposed mix consisting of 60% private and 40% affordable housing. The breakdown of the housing is as follows:

Private housing:

4 x four bedroom houses
2 x three bedroom houses
7 x two bedroom houses
2 x one bedroom apartments

(15 in total)

Affordable housing:

2 x three bedroom house

4 x two bedroom houses
4 x 1 bedroom apartments

(10 in total)

- 3.3 The dwellings would be predominantly two stories in height. Building styles within the development would range from terrace style buildings, semi-detached and detached buildings and apartments that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. Each of these dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

4. APPLICANT'S CASE

- 4.1 The applicant has provided a Design and Access Statement in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. A Planning statement has also been provided to illustrate the planning policy context to the planning submission. In addition to the submitted plans, other supporting documentation that was submitted with the application included:

- Phase 1 (Desk Study) Ground Contamination Report (November 2014)
- Tree Survey, Arboricultural Impact Assessment (October 2014)
- Flood Risk Assessment & Drainage Strategy Report (November 2014)
- Statement of Community Involvement (November 2014)
- Transport Statement (November 2014)

5. RELEVANT SITE HISTORY

- 5.1 The site forms part of the former Oakwood Park site and is identified in the approved 2004 Masterplan as the Village Centre site together with land to the south which was the area identified for a public house.
- 5.2 UTT/1828/03/FUL – Provision of 54 residential units, two retail units and doctors surgery. (Refused July 2004)
- 5.3 UTT/0580/05/FUL - Provision of 48 residential units- 46 units of affordable housing, retail space, doctors surgery and associated car parking. (Application was refused and appeal dismissed in February 2006)
- 5.4 UTT/1110/07/FUL – Erection of 42 No. flats, 4 No. Houses, 2 No. retail units, doctors surgery, public house, and related parking on land identified in the Masterplan as the Village Centre. This received a resolution to grant permission subject to a S106 Agreement to secure the provision of the dwellings as affordable housing in December 2007. This agreement was not signed because of the liquidation of the applicant's company (Colonnade)
- 5.5 Also of relevance are the applications relating to the adjacent public house site:
- 5.6 Approval was granted in April 2012 under UTT/1310/10/FUL for the variation of planning permission UTT/0023/03/OP to carry out the remainder of the development at Fitch Green without providing the Public House.

- 5.7 Planning permission was also granted at the same time for UTT/1211/09/FUL which sought another variation of condition of UTT/0023/03/OP to allow a D1/D2 unit to be provided instead of the required doctor's surgery.
- 5.8 In addition, planning permission has been granted for the erection of 7 units, one D1/D2 unit and 2 retail units under UTT/1403/10/OP. However, that application has effectively been replaced by the grant of planning permission UTT/13/1123/FUL for the erection of 9 residential units and a single retail unit on the same site in May 2013.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S2 - Development Limits
- Policy GEN1 - Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure provision to support development
- Policy GEN8 – Vehicle Parking Standards
- Policy H1 – Housing Development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix
- Oakwood Park Local Policy 1 (Master plan 2004)

6.3 Supplementary Planning Documents

- Accessible Homes and Playspace (November 2005)
- ECC Parking Standards (September 2009)
- Uttlesford Local Residential Parking Standards
- Urban Place Supplement to the Essex Design Guide (March 2007)
- Energy Efficiency and Renewable Energy (October 2007)

7. PARISH COUNCIL COMMENTS

- 7.1 Flitch Green Parish Council supports this planning application only on the basis that any extra visitor parking required is provided on plot only and not by creating parking bays directly bordering the existing neighbouring property in St Augustines Close. The parish council considers that it is imperative that the existing trees which screen the border between the two sites remain. The removal of this screening would not only be seriously detrimental to the bordering property but would also potentially lead to customers visiting the shop (planned for nearby) to park illegally in these visitor spaces. The parish council envisages that this would cause significant parking problems and conflict.

8. CONSULTATIONS

Environmental Agency

- 8.1 No objection - The Environmental Agency has assessed this application as having a low environmental risk.

ECC Minerals and Waste

- 8.2 No objection - The application UTT/14/3357/FUL LINDSA does not lie within a Minerals Safeguarding or Minerals Consultation Area as defined in the Essex Minerals Local Plan 2014 and therefore the MPA has no comments to make.

ECC Ecology

- 8.3 No objection – The preliminary ecological appraisal undertaken by Base Ecology (December 2014) identified the site to be of low ecological value, but with potential for transient reptiles. The mitigation measures outline on page 14 should be adhered to. No other potential for protected species was identified and no further surveys are considered necessary.

Natural England

- 8.4 No objection - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

ECC Sustainable Drainage

- 8.5 No objection - As the site is less than one hectare in size, no formal comments have been provided.

Highways

- 8.6 From a highway and transportation perspective the impact of the proposal as shown on Drawing No. (0009) 013-045-005 Rev C is acceptable to the Highway Authority subject to planning conditions.

Anglian Water

- 8.7 No objection but have a concern - The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as the proposed discharge rate of 110l/s is excessive and could not be accommodated. Anglian Water would seek 5l/s as per greenfield runoff rate, subject to evidence being provided that the surface water hierarchy has been followed. We will request that the agreed strategy is reflected in the planning approval by way of a planning condition to overcome the above concern.

ECC Education

- 8.8 No objection - According to the latest information available at Essex County Council's early years and Childcare Team there is likely to be sufficient pre-school places available in the area to serve the needs of the proposed development. However the number of primary and secondary school children that are likely to be generated as a result of the proposal would lead to net loss on school places in the surrounding area. In addition, the current bus arrangement is not sufficient to accommodate the secondary children.
- 8.9 In view of the above, it is requested 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 primary and secondary education provision and secondary school transport provision.

8.10 Should the final development result in 17 house and 2 flats with two or more bedrooms the primary school contribution would be £58,498 the secondary school contribution £59,245 and the secondary school transport contribution £13,689.

Essex Police Architectural Liaison Officer

8.11 No objection - The design and access statements has one short statement relating to security. We would seek a condition on planning that the development as a whole achieves Secured by Design Certification. The layout is acceptable to SBD design.

9. REPRESENTATIONS

9.1 The application was notified to 134 surrounding occupiers and site notices displayed. One objection has been received at the time of writing this report. The main concerns of objection are as follows:

- Flitch Green is in dire need of infrastructure to support its 800+ residences. Currently the community relies on Felsted and Dunmow to supply most of its needs. This benefits those villages/towns but does nothing to bolster Flitch Green as a community.
- Environmentally it also makes no sense that 800+ residences have to shop elsewhere for their daily requirements when these could be provided in Flitch Green with a store similar to Linsells in Felsted.
- Parking is a persistent problem on the development and this proposal does nothing to alleviate that.
- It is not in accordance with the original master plan.

9.2 In addition one letter of support was received at the time of writing this report for the following reasons:

- The design and layout is sympathetic with the surrounding area and the number of houses is appropriate for the size of the site.
- There appears to be sufficient on site provision for parking within the plans.
- It is essential that the trees along the boundary remain to both provide screening and to ensure that inappropriate parking along the kerbside is avoided.

10. APPRAISAL

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

- A Whether the principle of the proposal is appropriate (NPPF, Local Policy S2 & Oakwood Park Local Policy 1).
- B Whether the design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- C Whether the proposal would result in satisfactory living conditions for future occupants (NPPF & Local policy GEN2)
- D Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)
- E Highway safety and vehicle parking (NPPF, Local policies GEN1 and GEN8)
- F Landscaping and open space (NPPF, Local policy GEN2)
- G Drainage (ULP Policies GEN3 and GEN6)
- H Whether the proposal would cause harm to the amenities of adjoining property occupiers (Local Policies GEN2 and GEN4 and the NPPF).
- I Legal Obligations

A Whether the principle of the proposal is appropriate.

- 10.2 The subject site forms part of an area identified for development within the Uttlesford Local Plan 2005 under Oakwood Park Local Policy 1 and is the subject of an approved Masterplan for the area. The majority of Oakwood Park (now Flich Green) has already been developed and the current appraisal site which was earmarked as the village centre site has remained undeveloped although applications have been submitted for its development. None yet have been approved although the latest, UTT/1110/07/FUL, was approved by Committee but the Section 106 Obligation was never signed and the decision notice not issued. The previous applications have all sought to incorporate a substantial number of dwellings on the site as well as the village centre of retail and doctor's surgery. Whilst no planning permission has been granted, it is considered that the Council's resolution to grant permission for the 2007 application confirms that the principle of housing on this site is acceptable.
- 10.3 However, the previous application also sought to incorporate the village centre uses which no longer forms part of this application. The site was formally owned by Colonnade and has not progressed because the company went into liquidation. Flich Green still does not have all its community facilities and services and therefore the owners of the remaining undeveloped land at Flich Green, have sought to relocate the shops and doctors surgery on the former public house site. The reasoning was that there were difficulties in the timing and release of the Colonnade site for development and the public house site therefore represented the only other undeveloped area within Flich Green outside the Cordon Sanitaire.
- 10.4 The Council has agreed to remove the requirement for both the public house and the doctors surgery which can now be a D1 or D2 use instead. As a consequence, the land opposite the application site will now accommodate the retail unit and there is now no requirement for the former village centre site to provide these facilities.
- 10.5 Any new proposal should aim of securing sustainable development as it is a golden thread running through the Framework. Paragraph 14 sets out a presumption in favour of sustainable development and paragraph 7 provides a definition for planning purposes. This identifies three mutually dependent strands; an economic role, a social role and an environmental role.
- 10.6 The Council is required to favourably consider applications for sustainable development, as set out in the NPPF. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity. Future occupiers of the dwellings would contribute to the local economy on a longer term and as such there would be some positive economic benefit.
- 10.7 In social terms, the Framework requires, amongst other things, that planning creates high quality environments, with accessible local services that reflect the needs of a community. With regard to services, the site is in reasonable walking distance to local amenities such as the nearby school, village hall and playing fields. In addition a new retail shop although yet to be constructed is to be located right opposite the site. The proposal would comply with the social aims of the Framework.
- 10.8 The environmental role of sustainable development, as set out in the Framework, requires the prudent use of natural resources, minimisation of pollution and the move to a low carbon economy. The accessibility of the site would result in less vehicle movements and therefore assist in achieving a low carbon economy. In addition, the buildings would further benefit from sustainable construction techniques, renewable

energy systems and sustainable drainage systems. These measures would help mitigate some of the environmental impacts involved in the construction and use of the dwellings.

- 10.9 When considered in the round, against the three-stranded definition in the Framework, it is considered that proposal complies with the aims of the Framework.

B Whether the design and appearance of the proposal is acceptable.

10.10 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture. Policy GEN2 requires that amongst other criteria development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

10.11 The layout shows, amongst other things, the 25 dwellings arranged facing onto Hallett Road with additional properties at the rear of the site served by an access in the eastern corner of the site off Hallett Road. The properties are two stories but combined, detached, semi-detached and terrace units with linked and detached garages.

10.12 The frontage of the development largely follows other development in the vicinity with the new buildings along Hallett Road being sited at the back edge of the public footway allowing for car parking to be sited between houses, beneath upper storey structures or within garages to the rear. As such, the visual impact of on-site parked cars is reduced and also allows as much private rear gardens as possible to the rear of the dwellings. In addition, the siting of the dwellings within the development have been arranged to follow the curve of the highway and the private driveway within the site which allows more harmonious street scene appearance.

10.13 The mixture of individual housing types particular along Hallett Road, in addition to the insertion of different ridge heights and the use of different materials would all contribute to a development that would break up any repetitiveness and avoid any strict symmetry that would be visually unpleasant within the street scene. The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings. The dwellings are normally made up of rectangular plan forms with pitch roofs spanning the narrow plan dimensions and gable roof forms. They would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form. The proposal would not result in detrimental harm to the character and appearance of the surrounding locality.

10.14 Furthermore, it should be noted that all the open market housing and affordable dwellings on the site are to be designed and built to achieve BRE Code for Sustainable Homes Code Level 3.

10.15 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including blocks of flats, for both social housing and private sector housing. In addition developments of 20 units and over at least 5% should be built to wheelchair accessible standards. Plots 3 and 7 have been designed to be wheelchair assessable ensuring that at least 5% is achieved.

10.16 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, streets,

footpaths and cycle areas have been design to be overlooked to provide natural security to the public realm.

10.17 The size, scale and siting of the proposal is appropriate in that the development as a whole would not result material harm to the character and appearance of the surrounding locality and the street scene. It is considered that the design of the scheme responds to the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create provide a sense of well-being for future occupiers.

C Whether the proposal would result in satisfactory living conditions for future occupants;

10.18 Policy GEN2 requires that developments are designed appropriately and that they provide provides an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.

10.19 For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For two or more bedroom flats communal gardens must be provided on a basis of a minimum area of 25sqm per flat.

10.20 It is noted that no amenity space has been provided for the one bedroom flats but that the Essex Design Guidance stipulates that there is not a requirement to do so and that amenity space should only be provided for 2 bedroom flats and above. The rest of the residential units within the development have been provided with the minimum amount of private and communal amenity areas. In addition the amenity areas are to the rear of the dwellings, provide outdoor siting areas and not significantly overlooked.

10.21 It is considered that the measures incorporated into the design of the proposed development will protect the amenities of the existing residents and that they will not have a materially adverse effect on their reasonable occupation and enjoyment of their dwellings.

D Dwelling mix and Affordable Housing provisions

10.22 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Councils approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

10.23 The Local Plan sets a target of 40% of dwellings to be affordable housing on sites of 0.5 hectares or of 15 dwellings or more. 10 of the 25 dwellings have been allocated for affordable housing which amounts to 40% of affordable housing on site in which the tenure mix will be 70% Affordable Rented and 30% Shared Ownership Units. The applicant has agreed to the provision of affordable housing and agreed to enter into a legal obligation in this respect. It is considered that the proposal is in accordance with policy H9 of the Local Plan.

10.24 Policy H10 indicates that for a development comprises 3 or more dwelling houses, a significant proportion of the development must comprise small properties, of two or three bedrooms in size. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms.

10.25 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy HO2. The mix of one, two, three and four bedroom dwellings is considered to be appropriate and is in accordance with policy H10 of the Local Plan.

10.26 It is also a requirement that 5% of the total dwellings on the site be of one or two bedroom elderly persons bungalows across the tenure. The requirement of the provision of at least one bungalow on the site has not been provided, however it is considered that the provision of a bungalow will be difficult to provide on this site and would be out of character with the surrounding area which is densely developed with up to three storey buildings throughout the estate. The development has been designed to accord with the areas character with terraced and semidetached homes on the main road frontage and detached homes within the site. It is considered that a bungalow would look out of place on the road frontage as the character of that frontage would change significantly. Similarly a bungalow behind this frontage would be out of character particularly with the neighbouring built development and with the road frontage development in this proposal. For these reasons it is considered that on balance that the lack of one bungalow on the site is acceptable.

E Highway safety and vehicle parking

10.27 A transport statement has been submitted in support of this application which states that the new access onto the Hallett Road would provide acceptable visibility splays and demonstrates that the existing road network will support the amount of traffic generated by the proposal. The transport assessment identifies the site as within walking distance of existing and future facilities and the provision of adequate public transport links would provide wider connections to larger settlements of Great Dunmow, Felsted and Braintree. The proposal is in accordance with Policy GEN1.

10.28 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

10.29 The Adopted Council parking standards recommends that a minimum of one vehicle space is provided for a one bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space. A total of 49 vehicle space have been provide resulting in all the dwellings having sufficient on site plot parking provisions in accordance with the adopted parking standards. Although not shown on the submitted plans, it is also considered that adequate provisions can be made for suitable cycle storage.

10.30 In relation to visitor parking, a minimum of 6 spaces would be required for the scheme to comply with the adopted parking standards. Four spaces have been provided, which is a deficit of two visitor parking spaces. It is considered that on balance the deficit of

two visitor parking spaces would not result in traffic congestion on surrounding highways that would lead to detrimental harm upon highway safety.

F Landscaping and open space

10.31 New development should require comprehensive landscaping – for which adequate space must be given within the layout. The landscaping should be design to be appropriate and effective in relation to the development itself and to its wider context. The landscaping scheme should be one which is likely to succeed in achieving necessary screening, softening the definition of space and enhance public areas within the development.

10.32 A landscaping scheme has not been submitted to support the application. However it is considered that appropriate spacing has been given within the layout of the development to ensure that adequate provisions for appropriate landscaping can be achieved. This would allow the development as a whole to integrate into the wider setting and ensure a sense of well-being for future occupiers. It is considered necessary that to ensure appropriate landscaping is achieved throughout the site, a planning condition requiring a landscaping scheme be submitted and approved before any works commence on site.

10.33 No on site provisions has been made for either open space or for any LEAP's or LAP's as required under the supplementary planning guidance 'Developer Contributions' adopted in June 2013. However the applicant has agreed to pay the sum of £32,591.45 for the provision and maintenance of a LAP away from the site. This is considered to be appropriate to offset that no on-site provision has been provided.

G Drainage

10.34 Paragraph 103 of the Framework states that local planning authorities should ensure flood risk is not increased elsewhere and only consider development if appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment. The site is identified as being sited within a Flood Risk Zone 1 and therefore there is no requirement for a sequential or an exceptions test to be provided.

10.35 A Flood Risk Assessment and drainage strategy report has been submitted in support of this application which states that the proposed development would not increase flood risk to the site, its occupants and the surrounding existing properties. It also concludes that the site forms a small part of a larger redevelopment scheme and an overall surface and foul water drainage strategy has allowed for the drainage of the site to flow into the existing larger network.

10.36 The application was consulted to Anglian Water who have concerns regarding the proposed discharge rate of 110l/s as it is regarded to be excessive Anglian Water would seek 5l/s as per greenfield runoff rate, subject to evidence being provided that the surface water hierarchy has been followed. This issue can be by dealt with by way of a planning condition to overcome the above concern if planning permission is granted.

10.37 The Environmental Agency was consulted who stated that the proposal would result in a low environmental risk.

10.38 It is concluded that the proposal would not increase the risk of flooding through surface water run-off in accordance with local policy GEN3 and the Framework.

H Whether the proposal would cause harm to the amenities of adjoining property occupiers.

10.39 Due consideration has been given in relation to the potential harm the development might have upon the amenities of adjoining property occupiers. With regard to neighbouring amenity, GEN2 requires that development does not have a materially adverse effect on neighbouring amenity as a result of overlooking, overbearing or overshadowing impacts.

10.40 It is noted that the back to back distances between the three storey building abutting the northern boundary of the site and plots 24 and 25 is less than the required 35m distance as stipulated within the Essex Design Guide. The proposed distance of 25m is considered to be appropriate, particular given that residential development has been granted permission in the pass under previous applications.

10.41 It is concluded that the relative position, orientation and separation of the proposal in relation to adjoining dwellings are such that no significant harm would be caused to living conditions of adjoining occupiers particular in relation to a loss of light, privacy and visual blight.

10.42 In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, it is considered that these could be addressed by appropriate conditions and also by a Construction Management Plan.

I Legal Obligation

The applicant has agreed to entre a Section 106 Obligation for the following provisions:

- 40% affordable housing via the onsite provisions in accordance with Policy H9.
- A contribution towards education to mitigate the developments impact on primary and secondary education provisions. The formula is calculated as outlined in ECC's Developers Guide to Infrastructure Contributions 2010 Edition.
- A contribution towards a playspace as required by UDC SPD Developers Contributions 2014.

11. CONCLUSION

11.1 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 that there is now no requirement for a village centre to be established on this site and that the site is regarded as a sustainable location for such a proposal.
- B The design and layout of the proposal is acceptable and follows the guidance given within the Essex Design Guide.
- C It is concluded that each of the dwelling units within the development would provide adequate living conditions for the enjoyment of future occupiers.
- D Although the proposal does not provide the provision of a bungalow on site, on balance, the proposal has an acceptable mix of dwelling types and sizes and accommodates 40% of affordable housing.
- E The proposal would not result in detriment harm to highway safety and the amount and size of parking bays would comply with the adopted parking standards.
- F Appropriate soft and hard landscaping can be agreed by way of planning conditions and a finical contribution has been agreed to mitigate the lack of provision of any open space within the site.

- G. The proposal would not result in significant harm upon drainage or flooding.
- H The proposal would not result in significant harm to the amenities enjoyed by of adjoining property occupiers in relation to loss of light, privacy and visual blight.
- I The applicant has agreed to enter into a S106 Obligation to provide provisions of affordable housing and education and open space financial contributions.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the 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% affordable housing**
- (ii) Education contributions**
- (iii) Open space contributions**
- (iv) Payment of monitoring fee**
- (v) Pay Councils reasonable costs**

(II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an obligation by 15th March 2015 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 for 40% affordable housing**
- (ii) Lack of education contribution**
- (iii) Lack of open space contribution**

Conditions/Reasons:

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

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

2. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the 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. Development shall be carried out in accordance with the approved details.

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

3. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

- i. Proposed finished levels or contours;
- ii. Hard surfacing, other hard landscape features and materials
- iii. Existing trees, hedges or other soft features to be retained
- iv. Planting plans, including specifications of species, size, planting centres, number and percentage mix
- v. Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- vi. Location of service, etc drainage and gas pipelines
- vii. Management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding, or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings, the completion of the development, or in agreed phases whichever is the sooner, and any plants 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: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

6. 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 Policy GEN1 Uttlesford Local Plan (adopted 2005).

7. 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 agreed in writing by the Local Planning Authority.

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

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

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

9. Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN8 Uttlesford Local Plan (adopted 2005).

10. The development hereby permitted shall be implemented in accordance with the Preliminary Ecological Appraisal undertaken by Base Ecology (December 2014) scheme of submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

11. Prior to commencement of the development, a drawing demonstrating compliance with 'Lifetime Homes' standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawing.

REASON: To ensure that the dwelling is accessible for all, in accordance with the 'Accessible Homes and Playspace' Supplementary Planning Document and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

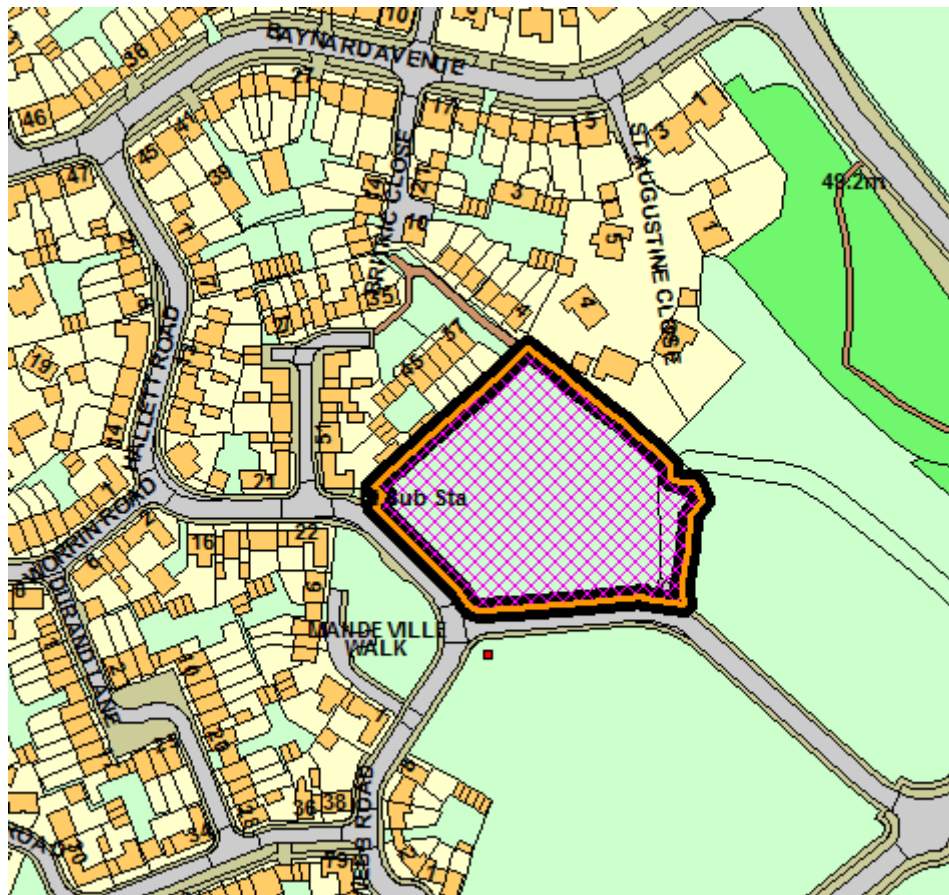
Appendix A.

Schedule of Accommodation.

Plot Number	Type	Rear Garden (sq. m.)	House Tenure	On Plot Car Parking Spaces
1	3 Bed. House	146.88	Shared Ownership	2
2	3 Bed. House	100.75	Affordable Rent	2
3	1 Bed. Apartment	0.00	Affordable Rent	1
4	1 Bed. Apartment	0.00	Affordable Rent	1
5	1 Bed. Apartment	0.00	Affordable Rent	1
6	1 Bed. Apartment	0.00	Affordable Rent	1
7	2 Bed. Apartment	52.78 (communal)	Shared Ownership	2
8	2 Bed. Apartment	52.78 (communal)	Shared Ownership	2
9	2 Bed. House	61.15	Affordable Rent	2
10	2 Bed. House	83.05	Affordable Rent	2
11	2 Bed. House	80.15	Market Housing	2
12	2 Bed. House	97.51	Market Housing	2
13	1 Bed. Apartment	0.00	Market Housing	2
14	3 Bed. House	125.35	Market Housing	2
15	2 Bed. House	59.54	Market Housing	2
16	3 Bed. House	116.80	Market Housing	2
17	1 Bed. Apartment	0.00	Market Housing	2
18	2 Bed. House	66.30	Market Housing	2
19	2 Bed. House	55.63	Market Housing	2
20	4 Bed. House	103.84	Market Housing	3
21	2 Bed. House	52.18	Market Housing	2
22	2 Bed. House	52.18	Market Housing	2
23	4 Bed. House	193.26	Market Housing	3
24	4 Bed. House	133.57	Market Housing	3
25	4 Bed. House	107.10	Market Housing	2
Unallocated Visitors Parking Spaces				4

Application no.: UTT/14/3357/FUL

Address: Land at Webb Road and Hallett Road, Flich Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

SLA Number: 100018688

UTT/14/3266/OP (NEWPORT)

MAJOR

PROPOSAL: Outline application for the erection of 15 no. dwellings with all matters reserved except access and scale.

LOCATION: Land South of Wyndhams Croft, Whiteditch Lane, Newport.

APPLICANT: Ford-Wells Ltd

AGENT: KMBC Planning

EXPIRY DATE: 26 January 2015

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 S.S.S.I Consultation Area and Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is a flat regular shape approximately 4 acres located between the existing residential garden of 'Wyndhams Croft' to the north and Chadham House and Red Bank to the South, to the west is the public highway which forms the frontage of the site. It is bounded on the west by residential development which has recently been approved on the former greenhouses site. To the east it is bounded by a public footpath followed by Newport Free Grammar School and its playing fields. The southern part comprised of residential properties and tree belt; and the northern part is bounded by small group of houses along Whiteditch Lane in a linear manner.

3. PROPOSAL

3.1 This is an outline application for the erection of 15 no. dwellings with all matters reserved except access and scale.

3.2 The proposed access would be from Whiteditch Lane from the northern side of the proposed site opposite existing residential and recently approved five dwellings houses in connection with the approved outline application registered as UTT/13/1817/OP.

4. APPLICANT'S CASE

4.1 The application is the result of pre-application enquiry for up to 11 to 36 dwellings with associated parking, landscaping and roads. (UTT/14/0529/PE).

4.2 The applicant has submitted the following supporting documents:

- Design and Access Statement
- Tree Survey
- Natural England Checklist
- Phase 1 Habitat Survey of Land

5. RELEVANT SITE HISTORY

- 5.1 UTT/14/1543/OP; Refuse. Outline application for the erection of 14 no. dwellings with all matters reserved except access and scale.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – Outside Development Limits
- Policy GENE1 – Access
- Policy GEN2 – Design
- Policy GEN6 –Infrastructure provision

7. PARISH COUNCIL COMMENTS

- 7.1 The proposed dwellings would be outside development limits

- No new houses should be built until the road infrastructure is improved. Newport Parish Council's policy on any new applications, which involve School Lane and Bury Water Lane, has always been that no new houses should be built until the road infrastructure is improved.
- The proposal includes a 5.5M road within the site which would come out on to White Ditch Lane which is 4M wide and then into Bury Water Lane and School Lane, two further narrow roads unfit for purpose. Additional housing will increase demands on the lane and lead to congestion.
- There is no footpath or pavement in the lane currently, or any planned with this proposal, the doubling of traffic caused to the lane by this application would be extremely dangerous for pedestrians.
- The distance to the Primary School and other village amenities is considered unreasonable.
- Each development is being considered separately rather than looking at the total; no upper limit has been placed on the number of houses that can be built on White Ditch Lane or Bury Water Lane
- A proper foul water sewage system needs to be installed before any further development takes place.
- There is a significant flood risk; flooding has occurred on numerous occasions in the past and no doubt this will happen more frequently due to our changing climate. Earlier this year the junction of Bury Water Lane/School Lane was totally impassable.
- Emergency vehicles would have problems accessing the lane.
- UDC plan for 50 "windfall" houses per year. Newport seems to have had a very large share of these.
- The County Council's comments under reference CO/EGD/SD/CMJ/17069 dated 11.11.14 appear to require two accesses of 5.5 metres width. The road within the site does not appear to be 5.5metres wide throughout its length. This does not seem to meet the County Council's requirements.
- There is now an adequate supply of land and developments approved within Uttlesford to meet the five year needs of the Local Development Plan. Since this land lies outside the proposals within the Local Development Plan, as well as the

village development limits, combined with other problems associated with this site, it should be rejected.

- Seven of the proposed buildings are two and three bedroom houses, eight are four and five, Development Management Policies intended that three quarters of all new build houses in Uttlesford should be three bedroomed or less. While this policy appears to have been lost in the consultation process, it should not be lost sight of. Accordingly, this development should contain no more than four houses with four bedrooms or more.

8. CONSULTATIONS

ECC Highways Authority

8.1 No objection.

Environment Agency

8.2 Due to insufficient information provided for the proposed flood risk assessment scheme the Environment Agency advised they are holding on their objection.

Flood and Water Management (SuDs)

8.2 No objection subject to their recommended planning conditions.

Minerals and Waste

8.3 No comments to make.

Natural England

8.4 No objection.

Senior Historic Environment Officer

No objection subject to recommended planning conditions.

ECC Education Authority

8.5 In summary; considering the proposed outline development would add pressure to existing local infrastructure such as education capacity and school transport services; in order to mitigate such impact applicant would be required to make a financial contribution for early years and childcare sum of £16,675. The primary school sum would be £48,749 and the primary school transport sum would be £35,100. The secondary school sum would be £49,371 and the secondary transport sum would be £11, 407.50 giving a total of £161, 302.50. This would be secured through the completion of Section 106 Agreement.

Access and Equality Officer

8.5 There is a requirement that all dwellings will need to meet the lifetime Homes Standards, but in addition that one dwelling will be required to meet the Wheelchair Accessible Housing Standard as set out in Appendix 2 of the SPD on Accessible Homes and Playspace. This is triggered by the number on this site. Details will need to be provided if the application is approved.

9. REPRESENTATIONS

- 9.1 13 Letters of objection received and in summary their common ground of objection includes the following:
- Generation of traffic on a narrow road
 - Pressure on doctors, primary school and on local amenity
 - The development is not sustainable
 - Impact on wildlife
 - Insufficient parking
 - Impact on footpath
 - It would lead to flooding
 - No gas supply in the area

10 APPRAISAL

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

- A The principle of the outline application (ULP Policy S7)
- B Whether the scale of the proposed outline application for 15 dwellings at this location would harm the character and appearance of the area (ULP Policy GEN2)
- C Whether the proposed flood risk assessment scheme is acceptable (ULP GEN3)
- D Traffic impact
- E Impact on local infrastructure
- F Other matters

A Whether the principle of residential buildings outside development limits is acceptable.

- 10.1 Policy S7 affirms that “the countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area....”
- 10.2 In land use terms the application site is an existing paddock land adjacent to a residential dwelling known as Wyndham Croft which lies within the open countryside; hence the application site is considered to be outside development limits which Policy S7 applies; although the area is also characterised by parcels of farm land, redundant cucumber farm which also have planning permission for care home, a recent 5 market housing dwellings which form part of the proposed outline application for the care home registered as UTT/13/1817/OP. The site is also wrapped round with other residential buildings nearby in addition with an existing Newport Grammar School. In land use terms the planning history of the immediate surroundings have secured the benefit of major planning applications involving different types of residential schemes.
- 10.3 Given the location of the proposed site is easily accessible to other local infrastructure such as shops, community hall, school, Doctor’s surgery, bus services and Newport Train Station hence the proposal therefore can be considered as a sustainable development in accordance with paragraph 7 of the National Planning Policy Framework (NPPF). For example; the economic role is seen as the temporary jobs the development would create during construction stage; the Social role is seen from the point where by the proposed dwellings would provide opportunity in delivering housing needs and affordable housing which would be easily accessible to nearby local infrastructure. The Environmental role is considered as a development that would

contribute in enhancing the immediate built environment and provide housing scheme future occupiers would rely upon local infrastructure by making the proposed scheme more environmentally friendly. Hence, the principle of the outline application can be considered as a sustainable development subject to the evaluation of the outstanding reserved matters.

B Whether the proposed scale of the 15 dwellings would harm the character and appearance of the area.

10.4 Policy GEN2 states for example;” development will not be permitted unless its design in terms of scale, form, layout, appearance and materials are compatible with surrounding buildings...”

10.5 The area is characterised by different forms, layout, appearance, materials and scale of residential buildings ranging from bungalow, one and half storey to two storey detached residential buildings. The planning history of all the recent approved residential development in the surrounding areas also mirror the character and scale of the buildings in the area. The proposed outline application involving 15 detached dwellings with attached and detached garages mirror the scale and form of the existing character and appearance of the area. This is considered acceptable subject to the evaluation of the layout, appearance and landscaping scheme during reserved matters stage in order to assess their likely impact on the character of the area and the living condition of the adjoining occupiers; hence in policy terms the proposal in terms of scale only partly comply with Policy GEN2.

C Whether the proposed Flood Risk Assessment Scheme is considered acceptable

10.6 Policy GEN3 affirms that “within the functional floodplain, buildings will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment...”. The application site lies within a designated Flood Risk Assessment Zone 1 Area in which Policy GEN3 applies

10.7 The updated applicant’s Flood and Water Management Scheme has been considered by ECC Flood and Water Management Team and on 6 February 2015 advised that the proposed drainage scheme that provides the required 498 cubic metres storage need if it is found that infiltration is not feasible at this site is considered viable and the applicant letter also provided clarification that the necessary treatment stages will be included on this site. And the ECC (Sud’s Team) further advised that outline planning permission can be granted to the proposed development subject to recommended planning condition as detailed in this Planning Committee report.

D Traffic impact

10.8 Policy GEN1 objective include development will be permitted provided it does not compromise road safety or harm other road users.

10.9 The Highway Authority considered the proposed access and concluded it is acceptable subject to recommended planning conditions in order to protect and safeguard other road users and traffic in the area in accordance with Policy GEN1.

E Impact on local infrastructure

10.10 Policy GEN6 affirms development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport

provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.

10.11 The proposed outline application for 15 dwellings with scale and access has been considered by other external consultees and on balance reached a conclusion that the scale of the development would add pressure to existing local infrastructure such as education capacity and school transportation services. In order to mitigate the impact the ECC Education Authority advised applicant would need to make some agreed financial contribution for early years and childcare sum would be £16, 675. The primary school the sum would be £48,749. The secondary school sum would be £49, 371, giving a total of £114, 795 indexes linked to April 2014 costs. This financial educational capacity contribution would help to mitigate the impact on education capacity around this part of Newport area which would be secured through the completion of Section 106 Agreement. In addition, 40% of the proposed 15 dwellings would be secured for affordable housing in order to meet housing need within Newport area which would also be secured through the completion of Section 106 Agreement in accordance with Policies H9, H10 and GEN6.

F Other matters

10.12 The proposed outline application for the erection of 15 no. dwellings with all matters reserved except access and scale has been considered in accordance with the adopted Local Plan (2005) and it is considered acceptable subject to recommended planning conditions including details of conditions of proposed flood defence scheme and the completion of Section 106 Agreement in addition with all the relevant recommended planning conditions in accordance with the adopted Local Plan (2005).

11. CONCLUSION

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

- A. The proposed outline application with scale and access with its easy access to local services is considered sustainable. Therefore the proposal is considered to meet the requirements of the NPPF.
- B. The proposed scale would be compatible with the existing residential buildings within the area subject to the evaluation of other reserved matters.
- C. The application has all other matters reserved and therefore not all issues can be considered at this time. Highways concerns by local residents have been considered by Essex County Highways and the view is that the proposed outline application can be considered acceptable subject to the recommended planning conditions.
- D. The outline application comprising of 15 dwellings would provide different housing needs within this area of Newport which would be secured through the provision of affordable housing; in addition with agreed financial contribution towards improving the education capacity and school transport within this area of Newport. This local infrastructure would be secured through the completion of Section 106 Agreement.

RECOMMENDATION - CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 20 March 2015 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) Transfer of cleared land to the Council, free from contamination and with services and infrastructure, including access provided to the boundary of the site.
 - (ii) In the event that a care home cannot be built on the site, that the site should be used for affordable housing.
 - (iii) Pay monitoring costs
 - (iv) Pay Councils reasonable costs
- (II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:
- (i) Lack of affordable/social housing
 - (ii) And lack of education capacity and supporting local infrastructure

CONDITIONS

1. Approval of the details of layout, landscaping and appearance (hereafter called 'the Reserved Matters') shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

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

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

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

3. 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 satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the adopted Local Plan (2005).

4. Prior to commencement on site, the provision of 2 accesses into the site as shown in principle on Drawing No. 1 4 with minimum 5.5 metre carriageway width and visibility splays of 33 metres x 2.4 metres x 33 metres. 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. The approved scheme of works shall then be implemented in its entirety prior to commencement on site.

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 Policy GEN1 of the adopted Local Plan (2005).

5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

6. 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 Policy GEN1 of the adopted Local Plan (2005).

7. 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 agreed in writing by the Local Planning Authority.

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

8. Prior to occupation, the provision of 3 passing bays along the site frontage of 6 metres in length. 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. The approved scheme of works shall then be implemented in its entirety prior to occupation of site.

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

9. The public's rights and ease of passage over public byway 2, Newport shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

10. 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: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

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

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

12. No development or preliminary groundwork's can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

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

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

14. No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 407.05186.00001 and subsequent letter dated 2nd February.

REASON: In order to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall

events and ensure the system operates as designed for the lifetime of the development in accordance with Policy GEN3 of the adopted Local Plan (2005).

15. In order to discharge the surface water condition, the following information must also be provided based on the agreed drainage strategy:
- Infiltration test results and test locations in accordance with BRE 365.
 - Testing of groundwater levels at different locations across the site.
 - A detailed maintenance regime highlighting how all parts of the surface water drainage scheme will be maintained.
 - A detailed plan showing the final drainage strategy for this site which includes either infiltration or storage for the proposed 1.05l/s discharge rate. Treatment stages will also need to be detailed on any drainage plan.
 - A plan detailing where exceedance flows above the 1 in 100+30% will be directed.

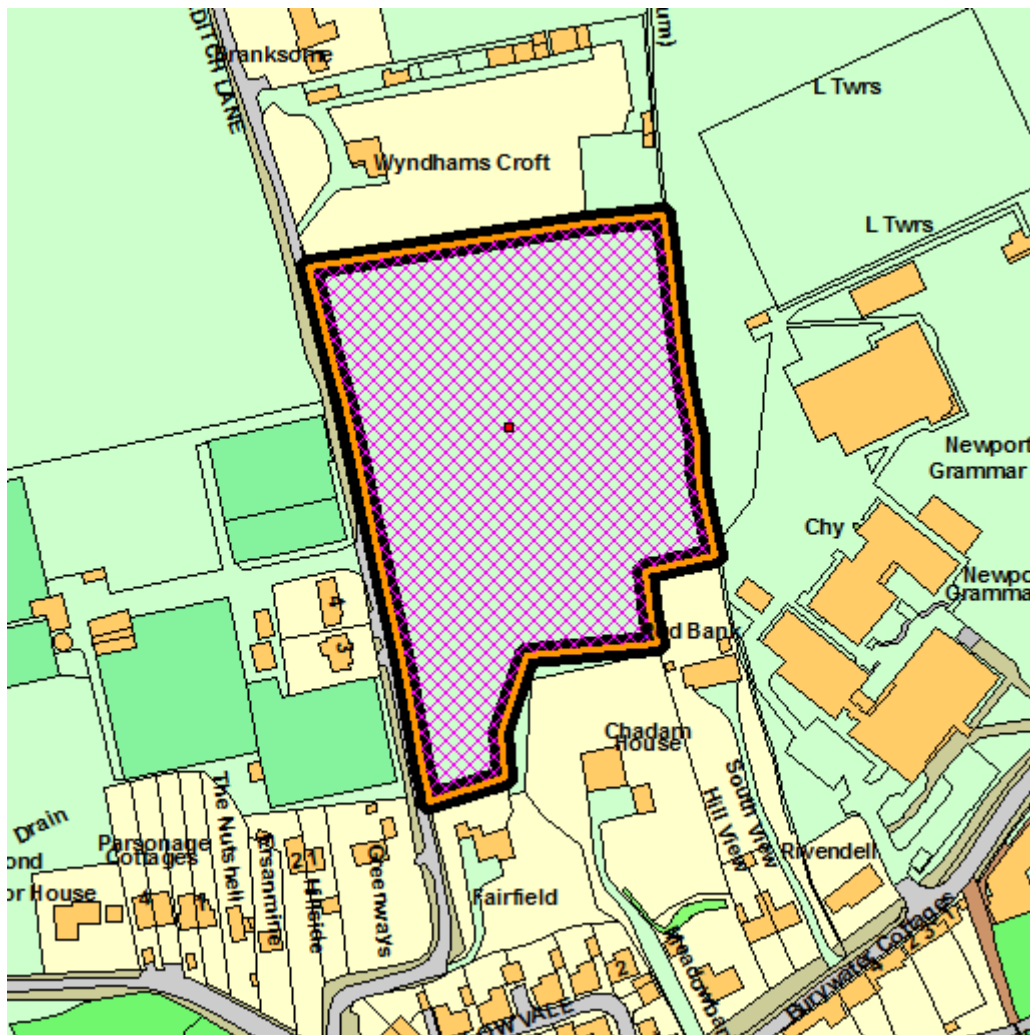
REASON: In order to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with Policy GEN3 of the adopted Local Plan (2005).

16. Prior to the implementation of the hereby approved outline development there is a requirement that all dwellings will need to meet the Lifetime Homes Standard, but in addition that one dwelling will be required to meet the Wheelchair Accessible Housing Standard as set out in Appendix 2 of the SPD on Accessible Homes and Playspace. This is triggered by the number on this site. Details will need to be provided if the application is approved.

REASON: In order for the outline approved development complies with the adopted Supplementary Design Guidance and Supplementary Planning Documents in accordance with Policy GEN2 of the adopted Local Plan (2005).

Application no.: UTT/14/3266/OP

Address: Land South of Wyndhams Croft, Whiteditch Lane, Newport.



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

SLA Number: 100018688

UTT/14/2464/OP (Widdington)

(Referred to Committee by Cllr Rose if recommended for approval. Reason:
Overdevelopment of the site, excessive massing of dwellings, impact on wildlife;
Deferred for site visit)

PROPOSAL: Outline application for the demolition of the existing detached dwelling to be replaced with 3 no. dwellings and new access with all matters reserved except access, layout and scale.

LOCATION: Churchmead, Church Lane, Widdington.

APPLICANT: The Ellis Campbell Group.

AGENT: Cheffins.

EXPIRY DATE: 16 October 2014.

CASE OFFICER: Clive Theobald.

1. NOTATION

1.1 Within Development Limits / Adjacent to Conservation Area.

2. DESCRIPTION OF SITE

2.1 The site lies at the eastern end of Church Lane and contains a 1960's constructed 1½ storey chalet style detached dwelling which stands towards the front of an established garden plot of approximately 0.2 ha with mature hedged frontage. The site is enclosed on its northern side by Dorf House, a two storey detached dwelling and on its southern side by Meadow Croft, a 1½ storey detached dwelling. Widdington Hall, a Grade II listed building stands within large enclosed grounds opposite the site within the village conservation area. A small recently constructed development of 2 to 2½ storey dwellings (Church View) lies to the immediate rear (west) of the site with vehicular access from Church Lane. The dwelling on the application site appears to be unoccupied and the garden has become somewhat overgrown. The site is level.

3. PROPOSAL

3.1 This outline application proposal relates to the erection of 3 No. dwellings with garaging and new access provision involving the demolition of the existing dwelling on the site (Churchmead). Access, layout and scale are those matters which have been selected by the applicant to be considered at outline application stage.

3.2 The indicative site layout drawing for this development proposal shows that the dwellings for Plots 1 and 2 would front onto Church Lane and be accessed from the lane, whilst the dwelling for Plot 3 to be positioned to the rear would face onto Plots 1 and 2, but would be accessed separately via a new entrance from Church View. The development would have a stated density of approximately 15 dwellings per hectare.

3.3 The proposed dwellings for Plots 1 and 2 are shown in two storey traditional form, but with differing footprints, whilst both dwellings would have the same indicated overall ridge height of 7.6 metres with double-pile gabled roofs running across the width of the dwellings. The dwellings are shown to have differing external finishes between brick

and render, although materials are indicative only. The proposed dwelling for Plot 3 is shown to be of 1½ storey form on an L shaped footprint with a ridge height of 6.9 metres with indicated render on brick as external finishes. Each dwelling would be served by a double garage with additional hardstanding parking space and would each have a rear garden amenity area shown to be in excess of 100sqm.

- 3.4 It should be noted that the ridge and eaves heights of the proposed dwellings for Plots 1 and 2 were shown on the originally submitted elevation drawing as being higher than as now indicated and as so described where they have now been reduced from 2½ storeys to two storeys in height at the request of Officers. The height of the dwelling for Plot 3 remains unchanged.

4. APPLICANT'S CASE

- 4.1 The application is accompanied by a supporting planning statement and an arboricultural report providing details of the condition of existing trees at the site. The supporting planning statement describes in more detail the site and its surroundings, the proposed scheme and the planning policy justification for the proposal. The conclusion from the supporting statement is extracted below as follows.

“The application is situated within the settlement boundary for Widdington where there is a presumption in favour of new housing development. The scale and layout of the development is considered to be acceptable, and access, amenity space and parking provision meet all of the relevant adopted standards. The proposed new dwellings are of a scale and massing that is in keeping with the surrounding residential development. For all of the reasons above, we consider that the proposal is in accordance with national and local planning policy and that outline planning permission should therefore be granted”.

5. RELEVANT SITE HISTORY

- 5.1 None (various minor domestic additions relating to Churchmead). However, Members should note that outline planning permission was granted in 2009 for the erection of four dwellings and garages involving the demolition of Church View off Church Lane to the immediate rear of the application site (UTT/1268/09/OP) and a subsequent reserved matters application for the four dwellings was approved in 2011 with minor amendments being subsequently approved. That approved scheme has since been implemented (see site description above) having a site density of approximately 12 dwellings per hectare.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford District Local Plan 2005.

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy H3 – Infilling with new houses
- ULP Policy H4 – Backland Development
- ULP Policy H10 – Housing Mix
- ULP Policy ENV1 – Development affecting Conservation Areas
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design

- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards

6.3 Widdington Village Design Statement.

7. PARISH COUNCIL COMMENTS

7.1 Object on following grounds:

Principle of development - site represents an unsustainable location following a Planning Inspector's previous remarks relating to Widdington's lack of reasonable access to services and amenities in respect of an appeal in respect of proposed residential development at Wood End. Site represents only partially "previously developed land" by NPPF definition and therefore contrary to ULP Policy H3;

Scale – the 2.5 storey dwellings proposed for Plots 1 and 2 seek to replicate the inappropriately scaled and built 2.5 storey development at Church View where this approved scheme should not be viewed as an acceptable precedent. Proposed dwellings would also stand higher on the skyline as the ground rises up from Church View to the application site. Submitted scheme would therefore fail to have good design. The scheme should be reduced to 1½ stories across the site were the Council to be mindful to grant planning permission in principle.

8. CONSULTATIONS

ECC Highways

8.1 From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

UDC Access & Equalities Officer

8.2 Whilst the application is at outline stage, the applicant makes no reference to the SPD on Accessible Homes and Playspace and the layout and design will need to meet the criteria set out in that document at detailed stage relating to Lifetime Homes.

9. REPRESENTATIONS

9.1 Neighbour notification period expired 7 November 2014. Advertisement expired 2 October 2014. Site notice expired 25 October 2014.

17 objections, including one from CPRE, received against the proposal, which are summarised as follows:

- Inappropriate development for the site's edge of village location adjacent to the conservation area
- Overdevelopment of the site
- Dwellings too large
- Inappropriate housing type/mix
- Frontage dwellings would be intrusive and overbearing
- Proposal should be for a single replacement dwelling only

- Lack of affordable housing
- Historic lane
- Church Lane not able to cope with further development after Church View
- Inappropriate building form for this edge of village site
- Widdington recognised as being unsustainable for future housing development
- Building on garden land
- Would set future building precedent for remaining frontage dwellings along Church Lane
- No evidence that the site needs to be developed
- Construction works would block access to Widdington Hall beyond
- Would compound local flooding problems
- Restrictive covenants for Churchmead (no more than two dwellings)
- Insufficient level of detail provided within the application to allow a decision to be properly made at outline stage
- 2.5 storey dwellings reflecting mass and scale of Church View considered too high as a design rationale for this more rural lane location
- Forward facing garages onto Church Lane would not be commensurate with existing building line

Comments on representations received:

Restrictive covenants are not a material planning consideration. The site is not at high risk of flood (Flood Zone 1).

It should be said that a general theme runs through the representations received in that a lot of local resentment is still felt for the granting of planning permission for the adjacent Churchview development and that there are local concerns that the proposed development the subject of the current application at Churchmead could result in a similar massing development.

10. APPRAISAL

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

- A Principle of development (NPPF, ULP Policies S3, H3 and H4);
- B Layout and scale of the proposed dwellings (ULP Policy GEN2);
- C Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);
- D Impact on ecology (ULP Policy GEN7).

A Principle of development (NPPF, ULP Policies S3, H3 and H4)

- 10.1 The application which has been submitted is in outline form only with some matters reserved, but where matters concerning access, scale and layout fall to be considered. The site lies within development limits at the north-east end of the village where the general building grain, scale and character of existing housing is mixed and of generally low density varying between older frontage terraces along the northern end of High Street, to a looser row of detached dwellings along Church Lane extending round to the application site and beyond and the recently constructed Church View development built in between. Other approved developments for the village in recent years have been limited to occasional infilling, the development of a redundant poultry farm at Cornells Lane and the aforementioned Church View development

- 10.2 The current application in effect comprises both infill development along the Church Lane frontage consisting of two dwellings (Plots 1 and 2) and backland development off Church View consisting of one dwelling (Plot 3) where the proposal would represent a net gain of two dwellings at the site given the existence of the dwelling to be demolished. Whilst the dwellings for Plots 1 and 2 would be built over the existing dwelling at Churchmead to be demolished, which is of no architectural merit, the dwelling for Plot 3 would be built on garden land pertaining to that residential property. However, given the overall length of the existing garden plot and the availability of access from Church View, it is considered that this additional dwelling would make more efficient use of the land. At approximately 15 dwellings per hectare, the proposed development would respect the character of this part of the settlement and would reflect the low density of existing development within the area generally.
- 10.3 The NPPF has a presumption in favour of sustainable development encompassing the economic, social and environmental strands of sustainability and requires LPA's to determine planning applications in accordance with this general guidance principle as well as in accordance with its development plan. It should be noted in this respect that the adjacent Church View development was granted planning permission prior to the NPPF coming into effect in 2012. It is acknowledged that Widdington has limited local services, albeit that it has a village hall, public house and a bus service running through the village, a position which has been recognised by separate planning inspectors when considering successive planning appeals against the refusal of planning permission by the Council for the erection of a line of dwellings on a parcel of frontage land at Wood End, Widdington which lies outside development limits to the south of the High Street and considered not to constitute infilling by definition within the countryside (appeal decision currently awaited for the reduction to just one dwelling at this site). The Inspector for the last determined appeal for that site (February 2014) in respect of four dwellings remarked that the occupiers of the new dwellings would need to rely to a significant extent on the use of private transport to satisfy daily needs and services, including employment, shopping and schools. However, he found that the condition of the road links to Newport was reasonable and in this respect the proposal would meet the requirements of ULP Policy GEN1, but that the distance to be travelled to services was "considerable".
- 10.4 Whilst these remarks are noted, the site the subject of the current application lies within existing development limits for the village compared to this greenfield site lying outside development limits within the countryside and this material factor is considered to carry weight in consideration of whether planning permission ought to be granted in principle for infill at Churchmead as proposed as representing further residential development for the village following the completion of the Church View development. The 2009 Widdington Village Design Statement has been adopted as Council Guidance in determining planning applications and can therefore be given some weight. The statement discourages further development within village development limits for Widdington and within the conservation area stating that there is no remaining development space available, adding that any further housing should be confined to suitable infill sites outside development limits or as a village extension and that the existing village infrastructure should be taken into account. The statement also seeks to generally continue to maintain the low density of Widdington, to restrict building to no more than ten houses and to minimise the loss of gardens through residential infill.
- 10.5 The applicant makes the case within the submitted Design and Access Statement accompanying the current application that the site at Churchmead represents an opportunity as a "windfall" infill site in line with ULP Policy H3 which states that infilling with new houses will be permitted on land within the identified settlements (including Widdington) if the development would be compatible with the character of the

settlement. Whilst the planning merits relating to the principle of this development proposal therefore has to be viewed against the sustainability of Widdington as a settlement taken as a whole, it is considered on balance that the proposal would be acceptable at this location within settlement limits where it would have a low density subject to an assessment of access, layout and scale as discussed below.

B Layout and scale of proposed dwellings (ULP Policy GEN2)

- 10.6 The proposed dwellings are shown for illustrative purposes only, although layout and scale are matters which fall to be considered with this outline application. In terms of scale, the proposed dwellings for Plots 1 and 2 as infill dwellings are now indicated at two storey level as previously mentioned, having been subsequently reduced by the applicant from 2½ storeys during consideration stage at the request of Officers as it was considered that such ridge heights would have been too dominating within the context of the site's rural edge compared to the more mews court feel of Church View located behind. The reduction in height of the dwellings to two storey level where the ridge height of the dwellings would now be set at 7.6 metres compared to 8.8 metres (reduction by 1.2 metres) and eaves height at 5.0 metres compared to 6.4 metres as originally shown is now considered to represent a more appropriate scale and massing for its location adjacent to the conservation area with a more traditional appearance and more in keeping with the two storey height of Dorf House located to the immediate north. As such, the dwellings would be stepped down slightly from the larger height and massing of some of the dwellings in Church View to the immediate west.
- 10.7 The proposed dwelling for Plot 3 to the rear of Plots 1 and 2 would be set at 1½ storey level as originally shown with a ridge height of 6.6 metres. The dwelling would therefore have a reduced height and scale as the "backland" unit where it would stand between the 2 storey dwellings proposed at the front of the site and Church View behind. An established 3 metre high hedge runs along the south side of the private drive leading into Churchview, which would be retained by the proposal save for the removal of a section of hedge at the front corner of the drive to provide the vehicular access point to serve Plot 3. Given the height of the hedge, only the upper part of the wall and the roof would be visible from Church Lane at the bottom end of the private drive in terms of streetscene impact. Whilst appearance of the dwelling is a reserved matter, the design of the dwelling as indicated is considered to be acceptable.
- 10.8 In terms of site layout, the dwellings for Plots 1 and 2 would have a similar building frontage as the existing dwelling on the site, whilst there would be a separation distance of 3 metres between the two new dwellings and a distance to the flank boundaries with Dorf House and Meadow Croft respectively of 2 metres. Each dwelling would have private garden amenity areas well exceeding the Essex Design Guide recommended minimum 100sqm amenity standard for 4 bedroomed dwellings and would therefore be acceptable in this respect. With regard to the dwelling for Plot 3, the dwelling would sit comfortably within its site plot and would also have a private amenity area well in excess of 100sqm as an indicated 3-4 bedroomed dwelling.
- 10.9 Other design matters: The final external treatment of the proposed dwellings would be properly addressed at reserved matters stage where no specific written details of external finishes have been provided with the current application. The dwellings would be required to meet Lifetime Homes standards under the Council's SPD, which can also be addressed in the detailed design stage for the subsequent reserved matters application. In terms of likely impact on residential amenity, it would be necessary at detailed design stage to ensure that the residential amenities of the occupants of the new dwelling for Plot 3 in particular would be sufficiently protected from overlooking from the two storey dwellings at the front given this dwelling would represent the

backland dwelling at lower height. The indicative site layout plan shows that a separation distance of 24 metres would exist between the rear elevations of the dwellings for Plots 1 and 2 and the rear boundaries of these properties, whilst an “eye to eye” distance of 32 metres would exist between the dwellings for Plots 1 and 2 and the dwelling for Plot 3. These distances, together with boundary planting should ensure that adequate levels of amenity would be protected for all three dwellings, whilst the reasonable amenities of Dorf House and Meadow Croft either side of the dwellings for Plots 1 and 2 should also be able to be adequately protected subject to detailed design at reserved matters stage.

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

10.10 Vehicular access into the proposal site would utilise the existing “in-out” access points situated at the front of Churchmead from Church Lane to individually serve the dwellings for Plots 1 and 2, whilst a new access would be formed off the private drive into Church View to serve the dwelling for Plot 3 where a hammerhead already exists in front of the hedge line. The end of Church Lane is a private road, whilst Church View is a shared private drive. Church View currently serves four dwellings and the addition of a fifth dwelling off this private drive for Plot 3 would still comply with ECC Highway standards. ECC Highways has been consulted on the proposal and has not raised any highway objections. Whilst it is recognised that the proposal is likely to increase the number of vehicle movements along Church Lane, the increase would not adversely affect the character of the lane, which is not a designated protected lane. The proposal would therefore comply with ULP Policy GEN1.

10.11 All three dwellings would be served by double garages/car ports in the positions indicated on the submitted layout plan and by an additional hardstanding space. The dwellings are indicated to be 4+ bedroomed and there would therefore be a requirement for each dwelling to have a minimum of 3 No. parking spaces under currently adopted parking standards. This requirement would therefore be met. The garages/car ports for Plots 1 and 2 would be located behind the established frontage hedge along Church Road and would not be readily visible subject to height restrictions where it would be expected that any grant of permission for the proposal would require this hedge to be retained in the interests of the protection of rural amenity.

D Impact on ecology (ULP Policy GEN7)

10.12 The site currently contains a 1960's chalet dwelling with front driveway and rear garden with a number of trees located within the site and along its boundaries. The residential nature of the site with a lack of suitable hibernacula or ponds does not make the site conducive to suitable habitats for protected species such as reptiles or Great Crested Newts. Whilst the site is located within 500 metres of a large pond located to the east within the grounds of Widdington Hall, the existence of a lawned area between the pond at this nearby property and Church Lane and the presence of the lane itself is likely to discourage any frequent migration of newts from the pond to the application site. Whilst the chalet dwelling on the site appears to be currently unoccupied, the building does not contain any obvious entry points for bats with sealed soffits and is very unlikely in the consequences to represent a roosting site for bats. Whilst reference is made in some of the representations received that the bottom end of Church Lane is a natural corridor for bats coming from the nearby church, it is likely that this corridor would remain after building construction were to be completed should permission be granted for the proposal.

11. CONCLUSION

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

- A The development is considered acceptable in principle as an identified small infill/backland residential scheme within development limits where the low density of the scheme would be consistent with the housing density of the surrounding area.
- B The layout and scale of the proposed development is considered acceptable following the reduction in height of the dwellings for Plots 1 and 2 at the front of the site from 2½ to 2 storeys where the dwellings would now be more appropriate in scale for their edge of village siting adjacent to the conservation area.
- C Access and parking arrangements are considered satisfactory.
- D The proposal would not have any significant harmful impact upon protected species.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. Approval of the details of the landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

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

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

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

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

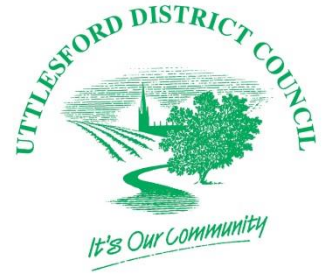
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

4. An accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority relating to the reserved matters application. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005 in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

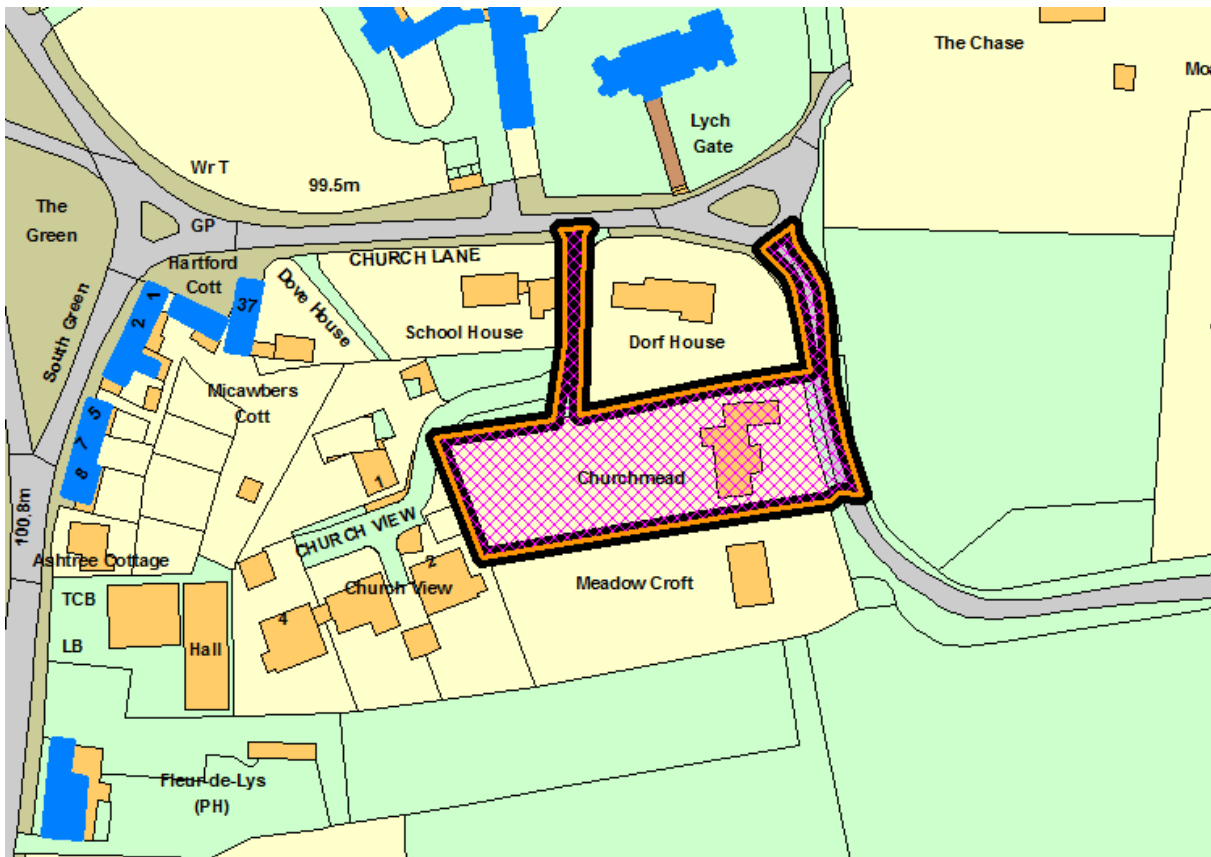
5. All garages/car ports shown to be provided for the development hereby permitted shall meet the specified bay sizes as contained within "Parking Standards – Design and Good Practice", (Essex County Council, September 2009) in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

REASON: To ensure that a satisfactory level of resident parking is achieved at the site and to avoid the necessity for on-street car parking in the interests of highway safety in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).



Application no.: UTT/14/2464/OP

Address: Churchmead, Church Lane, Widdington



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Organisation: Uttlesford District Council
Department: Planning
Date: 29 January 2015
SLA Number: 100018688

UTT/14/3779/OP (Ashdon)

(Referred to Committee by Cllr A Ketteridge. Reasons: 1) Lawful Use Certificate previously refused to use the site as a builder's yard and UDC have not subsequently taken enforcement action to cease the use, 2) The site is located outside development limits and 3) The site is not within a sustainable location as it is not convenient to village services.

PROPOSAL:	Outline application for the erection of 2 No. detached dwellings and garages with all matters reserved except access and scale, and change of use from builder's yard to residential
LOCATION:	Land east of Hops Close Farm, Over Hall Lane, Ashdon
APPLICANT:	Mr I Ford
AGENT:	KMBC Planning
EXPIRY DATE:	9 February 2015
CASE OFFICER:	Clive Theobald

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is situated at the top end of a narrow and winding single track unclassified lane without footpath (Over Hall Lane) which ascends from Steventon End up to Overhall, a large residential property with grounds situated immediately past the site on its south-eastern side. The site itself comprises a builder's yard of 0.45 ha containing a large portal framed workshop building with stores building to the rear positioned onto the south-eastern boundary with large concrete hardstanding area used in part for the external storage of building materials. A large spoil heap of concrete and rubble exists towards the rear of the site with further smaller spoil heaps beyond where more spoil has been brought onto the site in recent months. The site rises gently from the front to the rear, although is relatively level across its width.

2.2 A loose line of dwellings lead up Over Hall Lane primarily along the southern side of the site comprising smaller dwellings at the beginning of the lane and larger dwellings set back from the lane within generous sized curtilages approaching the site. The track leading off the lane extending past Overhall (Lawkens Lane) is a classified public right of way.

3. PROPOSAL

3.1 This re-submitted outline application proposal relates to the change of use of the existing builders yard to residential use involving the erection of 2 No. detached dwellings with garages with all matters reserved except access and scale where planning permission was refused by the Council under delegated powers in November 2014 for an identical proposal due to a failure by the applicant to make affordable housing contributions in connection with the proposed development (see below). The submitted indicative drawings show how two 4+ bedroomed dwellings with detached garages could be accommodated on the site with the dwelling for Plot 1 shown

positioned at the front of the site and the dwelling for Plot 2 positioned to the rear accessed by a long side access drive.

- 3.2 It is stated in the accompanying Design and Access Statement that each dwelling would be 1½ storeys in height and would be of traditional design and appearance. Whilst not a matter for consideration at outline stage, indicative landscaping details have been submitted with the application to show how the development could be screened and assimilated within the site.

4. APPLICANT'S CASE

- 4.1 The application is accompanied by a revised Supporting Planning Statement updated 11 December 2014, the conclusions of which are summarised as follows:

- The site, whilst being just outside development limits for Ashdon, is not located within open countryside and represents a brownfield site which has established use;
- The site is within a sustainable location, being approximately 100 metres from the bus stop with a regular service into Saffron Walden with its full range of services and facilities and is within walking distance to facilities afforded in Ashdon;
- The small scale development proposed is considered not to adversely impact on existing residential amenity where the proposed dwellings would be positioned some 50 metres away from the nearest existing dwelling and in excess of 80 metres away from other existing dwellings;
- The Council has an inadequate housing land supply as identified in the Planning Inspectorate's decision in December 2014 and as a result the "presumption in favour of sustainable development" policy in the NPPF should prevail where this policy requires the Council to grant planning permission unless there are any adverse impacts which outweigh the benefits of the proposal.
- On this basis, it is hoped that the Council will be supportive of this application.

- 4.2 The Executive Summary within the applicant's supporting statement has been updated and now includes the additional paragraph as follows:

"The proposed scheme was found acceptable when considered under application UTT/14/1624/OP subject to a unilateral undertaking for an affordable housing contribution being made, but the recent change to local and national planning policy (and following similar successful appeals by the applicant) makes this contribution now unnecessary and planning approval should logically follow".

5. RELEVANT SITE HISTORY

- 5.1 Retention of stable building and change of use to building store refused in 2003. Use of land as builders' yard and operations centre for a builders' and developers' business, storage of builders' plant, machinery and materials, use of workshop for vehicle and plant repair and servicing and indoor storage refused a Certificate of Lawfulness for an Existing Use or Development in 2003 and again in 2004 (UTT/0102/03/CL and UTT/1545/03/CL) (Hops Close Farm Yard). The decision notice was not appeal against.

- 5.2 The reason for refusal for the grant of a lawful use certificate for both applications was as follows:

"The applicant has failed to provide clear and unambiguous information to support the contention that, on the balance of probabilities, the use of the land as a builder's yard and as an operations centre for a builder's yard developer's business, storage of

builder's plant, machinery and materials, use of workshop for vehicle and plant repair and servicing and indoor storage has been carried out on the site continuously for a period of ten years prior to the submission of the application".

- 5.3 The application was accompanied by statutory declarations submitted by Iain Ford (applicant for the current planning application) and other persons acquainted with Iain Ford and his construction business (Ford Construction). Supporting evidence was submitted with both applications which stated that Hops Close Farm Yard had been used solely as a builder's yard by Ford Construction from 1989 to 2003 and that the site was also the Operating Centre for the applicant's commercial vehicles. Aerial photographic evidence was also submitted with the applications.
- 5.4 Planning permission was refused on 18 November 2014 under planning application reference UTT/14/1464/OP on the sole ground that the proposed development as a two dwelling scheme prior to a subsequent change in government policy advice on 28 November 2014 relating to tariff style contributions generated the need for a financial contribution towards affordable housing for the district in accordance with the Council's Developer's Contributions document dated March 2014 as a "Material Consideration", but where the application provided no mechanism for addressing the need for affordable housing provision. Notwithstanding this reason for refusal, the delegated officer report for the proposal concluded that the proposal was acceptable in principle in terms of its planning merits as follows:

"The site comprises previously developed land of a non-conforming commercial nature which strongly appears to have become established by the passage of time and which is causing material harm to both the rural and residential amenities of the immediate area. The NPPF encourages the re-use of previously developed land for those sites which are not of environmental value, which the site is not, whilst the proposal through the removal of the current unauthorised commercial use and introduction of residential development in its place would bring about significant environmental benefits to both the site and its immediate surroundings. Additionally, the site has a good bus service to both Ashdon and Haverhill and therefore has reasonable connectivity. In these respects, the proposal would comply with the provisions of the NPPF. No highway objections have been raised to the proposal, whilst the scale of the proposed dwellings as indicated would be acceptable within their immediate setting at the top end of Over Hall Lane. The proposal is therefore considered acceptable in principle".

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S7 – The Countryside
- ULP Policy H10 – Housing Mix
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN7 – Nature Conservation
- ULP ENV14 – Contaminated Land

SPD "Developer's Contributions Guidance Document" (January 2015).

7. PARISH COUNCIL COMMENTS

7.1 To be reported.

8. CONSULTATIONS

Essex County Council Highways

8.1 No highways objections.

Essex County Council Ecology

8.2 The applicant has answered “No” to all of the questions on the biodiversity questionnaire. However, the site is bounded by hedgerows and trees and there appears to be a pond in close proximity. I therefore consider there to be potential for protected species at or within the immediate proximity of the site and I recommend that an ecologist is engaged to visit the site. If the applicant considers that there are no issues with protected or priority species, clear photographs of all habitats and a statement from the ecologist explaining why there are no issues will suffice. If they feel there may be issues, a full Preliminary Ecological Appraisal (PEA) should be carried out which will assess the value of the site and identify any further protected species surveys that may be necessary. The statement/PEA and any surveys found to be necessary must be submitted prior to determination to allow the Local Authority to assess the impacts of the proposed development on bio-diversity in accordance with the Natural Environment And Rural Communities Act 2006, the NPPF and Natural England Standing Advice. No site clearance should take place until ecological work is complete”.

9. REPRESENTATIONS

9.1 2 representations received for current application, although representations carried across from refused application UTT/14/1464/OP in view of identical nature of application proposal when 6 representations were received and in view of Councillor call-in request for current application re-submission. Neighbour notification expired 20 January 2015. Site notice expired 27 February 2015.

- Current builder’s yard is unlawful and the Council should be taking enforcement action to cease the inappropriate use rather than be considering approving an alternative use for the site. As such, the application description should read “Change of use from Agricultural to residential”.
- Site has not been a builder’s yard for 20 years. Commercial activity at the site has considerably increased in the last few years.
- Over Hall Lane is a single track lane with no passing places or footpaths thereby making it impossible for vehicles travelling in opposite directions to go anywhere other than reverse to either end of the lane or onto private driveways to allow them to pass. UDC refuse lorries have to turn into the builder’s yard to come back down the lane.
- Over Hall Lane is not, and never has been, a suitable road for HGV’s or indeed regular and sustained vehicle use as has been shown by the damage caused to the road surface, verges, hedges, water pipes, telegraph pole and private property due to the width and weight of these vehicles. Also concerns of structural damage being caused to dwellings along the lane.

- Very recently there has been another incident of a damaged underground water pipe in the lane, which according to Anglian Water was caused by the heavy traffic use, which is totally unsuitable for this environment.
- Occasionally, delivery lorries and lo-loaders that have been unable to access the yard due to the narrowness of the lane are loaded and unloaded outside Michaelmas Fair and Wuddys Cottage causing some inconvenience to local traffic.
- Appear to be faced with the choice between the erection of two large houses or the continuation of a builder's yard.
- Applicant's reasoning for much of the current proposal appears to be that it is better to have residential use at the site than having an illegal builder's yard with noise, general pollution, lane damage and property damage which he created.
- The proposed dwellings offer a way to rid the lane of this often busy, noisy and inappropriately positioned builder's yard.
- The two large houses proposed (and certainly no more) would not be out of keeping with the character of the lane as there is a natural progression up the lane from small residences to the larger dwellings at the top end.
- The development would not be sustainable at this location.
- Site located outside development limits.
- The bus service is irregular and subject to delays due to the minor road nature and frequent flooding. The school bus does not come to Steventon End.
- Dangerous to walk into Ashdon village and there has already been a fatality;
- Ashdon is a small community with limited services which would be diluted by gradually enlarging it and changing its nature.
- The grant of planning permission for this development would set a local precedent for other people with available land to make applications to develop on them.
- It appears that at the same time the applicant is applying for a GVOL for an Operating Centre for goods vehicles at Over Hall Farm, which is the applicant's residence and the registered address of Ford Wells Construction and which is next to the application site. It would therefore lead us to believe that the existing builder's yard would still be in operation, albeit having moved by a few yards to a different address, with the continuing presence of heavy vehicles using the lane, plus the addition of further vehicle traffic from the new residences. This would become untenable and detrimental to the environment.
- Should it be the case that the existing builder's yard was to gradually migrate to Overall Farm, it is possible that this migration would then drift into permanency after building completion if the planned houses are granted permission. If this were the case, and since the presence of two 4+ bedroom detached houses could eventually lead to at least 5 cars per household, this would mean an extra 10 cars at least routinely using the lane, together with the Ford Wells associated light and heavy traffic.
- Is it possible that a constraint could be placed on any part of the Over Hall Farm site from being used as a storage facility/builders yard?
- Recently, lorries have been bringing soil up to the site at weekends to form a bank to provide privacy for residents, although this has disturbed weekend residential amenity enjoyment.

10. APPRAISAL

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

- A Principle of change of use to residential use at this rural site location taking into account the existing commercial use and planning history of the site, sustainability aims and objectives, countryside protection and housing mix (NPPF and ULP Policies S7 and H10).

- B Access (ULP Policy GEN1).
- C Scale (ULP Policy GEN2).
- D Nature Conservation (ULP Policy GEN7).
- E Contaminated land (ULP ENV14).
- F Affordable housing financial contributions (SPD – National Planning Policy Guidance and “Developer’s Contributions Guidance Document” (January 2015)).

A Principle of change of use to residential use at this rural site location taking into account the existing commercial use and planning history of the site, sustainability aims and objectives, countryside protection and housing mix (NPPF and ULP Policies S7 and H10).

- 10.1 As noted from the planning history above, two Lawful Use Certificate (LUC) applications for an Existing Use or Development have previously been refused for this site in 2003 and again in 2004 in connection with the use of the site as a builder’s yard and as an operations centre for a builder’s and developer’s business, together with associated activities on the grounds that the applicant had failed to provide clear and unambiguous information to support the contention that, on the balance of probabilities, the use had been used continuously for a period of ten years, i.e., since at least 1993/1994, notwithstanding the applicant’s claim that the use had first commenced in 1986 in parallel with a farmyard (piggery) and then solely as a builder’s yard (Ford Construction). It is the case that another ten/eleven years have elapsed since those applications without enforcement action having been taken by the Council and it is claimed in the current planning application for change of use that the builder’s yard at the site has now been operating continuously for a total of twenty years until the present day without interruption.
- 10.2 Anecdotal evidence such as Get Mapping aerial photography for the application site for the years 2004 and 2009 shows that the site area and the physical characteristics of the site were similar for both dates and similar to the position on the ground today, although this is not conclusive evidence of course of continuous use, whilst it is stated in the representations received for the current application that the use has intensified only in the last few years. It is the case, however, in planning law that intensification of a prevailing activity does not in itself represent a material change of use (materiality) if the nature and character of the use does not change, which strongly appears to be the case with the current commercial use of the site. As such, whilst it is recognised that the builder’s yard does not currently have a lawful status where no further LUC applications have been submitted since 2003/04, it is the Council’s considered view ten years on from the determination of those previously refused applications that the applicant would most likely be able to successfully prove a lawful use on the balance of probabilities with a further ten years’ worth of evidence to be able to be submitted where enforcement action has not been taken in the intervening period to cease the use. It should be noted that the applicant is not under any obligation to submit a further LUC application to the Council for formal consideration to justify the established use claim made within the supporting planning statement for the current planning application and this would seem unlikely in the near future.
- 10.3 As previously described, the site comprises an active builder’s yard which appears to have increased in commercial activity in recent years. It’s location at the top end of Over Hall Lane, which is a single track lane without footpath which converts into a public right of way track immediately beyond the site is a non-conforming use which is considered inappropriate for this rural location where it is understood that commercial vans and delivery lorries are driven to and from the site on a regular basis in connection with the use. The site visit carried out for the current application revealed that various plant and stacks of building materials were being stored at the site, whilst

an HGV tipper truck was seen parked towards the rear, although no vehicle movements were occurring at the site at the time of the visit. The site has an open and unsightly appearance commensurate with its commercial use and given the expansive areas of internal hardstanding with wide mouthed site entrance, albeit that the site contains vegetation along its flank and rear boundaries which screen the site to a large extent from wider countryside views. As such, it is considered that the existing use by reason of its commercial nature is injurious to the rural character of the area.

- 10.4 The NPPF is a material planning consideration when determining planning applications and the policies contained within the framework are required to be taken into account when considering planning applications. The NPPF defines three strands of sustainability, namely environmental, social and economic and due regard has to be had to their individual and collective importance in assessing the merits of an application proposal. The NPPF states in this regard that applications for housing development should be considered in the context of the presumption in favour of sustainable development. The NPPF also encourages the effective use of land by re-using land that has been previously developed (brownfield land) providing that it is not of high environmental value.
- 10.5 The site itself constitutes previously developed land in view of its present use as a builder's yard, albeit that it is understood that it was formerly a piggery yard during the 1980's. Whilst located within a rural area within a relatively isolated end of lane position, the site itself does not represent a site of high environmental value by reason of its continuing commercial use. As such, the proposed re-use of the site for a lesser intensive use, namely residential development, would conform with the aims of the NPPF in this respect (environmental strand) and would clearly represent an environmental improvement for the site and its immediate surroundings through the removal of the non-conforming builder's yard where the overall visual impact of two dwellings on the countryside at this location if appropriately scaled, designed and landscaped would, it is asserted, have less visual harm on the local landscape compared to the builder's yard they would replace. Whilst it is acknowledged that the use of the site for housing would be strictly contrary to ULP Policy S7, a balance has to be struck in this particular case between the environmental benefits which the introduction of two dwellings on the site would bring compared to the prevailing harm of the existing non-conforming builder's yard, including the traffic problems experienced and lane verge damage sustained along this narrow lane associated with the unauthorised use as reported in the representations for the current application.
- 10.6 The site is located outside development limits for Ashdon within the small hamlet of Steventon End which does not benefit from any local services or facilities. In terms of means of access to public transport (i.e., social strand), the bottom end of Over Hall Lane is served by the No.59 bus which runs between Haverhill to Saffron Walden and which passes through Steventon End up to nine times a day Mondays to Fridays and three times on Saturdays, which is considered quite frequent for the general area. Whilst the site is located at the top end of Over Hall Lane, which does not possess a footpath, it is located approximately ten minutes' walk to the nearest bus stop and it is considered in this regard that the site is situated within a reasonably accessible location relative to Ashdon in terms of connectivity, the nearest settlement situated some two miles away which has some local services, including a primary school, albeit that it is most likely that the occupiers of the dwellings would be more reliant upon the car as a means of transport. In terms of the economic strand, the proposal is likely to provide a source of local employment for the applicant who is a local builder and developer, but that is all.

- 10.7 The site has a stated area of 0.45 ha and consideration has to be given to housing mix where ULP Policy H10 states that all developments on sites of 0.1 ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The proposed development by reason of the two large detached market dwellings as indicated on the submitted plans clearly does not make provision for smaller market dwellings on the site and would not normally comply with this policy in this respect. However, this normal policy requirement has to be clearly weighed against the merits or otherwise of providing smaller additional dwelling units at the site at this rural location, to possibly include affordable housing, where it is considered that both of these alternative options would be inappropriate outside Ashdon village itself.
- 10.8 The applicant makes the case that the Council is not able to demonstrate a readily supply of housing land within its district over the next five years and that there is a need for the development to take place, adding that the Council has had persistent under delivery over the last ten years. As a result, it is contended that this lack of housing is a material consideration when determining planning applications and that the Council's adopted housing plan policies are out of date, adding that the "presumption in favour of sustainable development" policy in the NPPF should prevail. However, it is the case that the Council is currently able to demonstrate a 5.2 year housing supply for the district following the grant of larger residential schemes for the district where it does not consider itself to be a 20% authority. As such, it is considered that this additional argument in favour of the principle of the proposed development carries less material weight than the other main arguments as discussed and reasoned above.

B Access (ULP Policy GEN1).

- 10.9 As previously mentioned, Over Hall Lane is a narrow unclassified single track lane with a blind bend as it ascends up to Overall Farm past the application site. Given its restricted width, the lane is considered unsuitable for commercial traffic associated with the current builder's yard where vans and other commercial vehicles associated with the unauthorised use are driven up and down the lane past residential properties to and from the application site. The redevelopment of the site involving a change of use from commercial to residential would, it is suggested, introduce a less intensive use of the lane in terms of types of vehicles and daily/weekly vehicle flows and would as a consequence lead to less movement pressure on it, notwithstanding that the dwellings proposed are indicated as being 4 bedroomed + in nature and could therefore have potentially up to three cars per dwelling.
- 10.10 Vehicular access into the site would be via the existing commercial entrance as modified where the entrance would have a width of 4.8 metres. ECC Highways have been consulted on the proposal and have not raised any access objections subject to highway conditions. Therefore, it is considered that the proposal would comply with ULP Policy GEN1 in terms of site access. Whilst site layout is an elected reserved matter, the indicative layout drawing submitted shows that parking at the site for both dwellings could be easily achieved (ULP Policy GEN8).

C Scale (ULP Policy GEN2).

- 10.11 Scale falls to be considered with the current outline application which proposes 2 No. 1½ storey dwellings as shown on the indicative layout and elevational drawings of identical cross-wing design to be sited centrally within their respective plots. The dwellings as indicated would be quite sizeable in terms of their overall scale and footprint. However, whilst this is noted, the two dwellings which stand further down the lane from the site to include Hops Farm adjacent are also sizeable in terms of their built

form where these stand within generous grounds, particularly Hops Farm located immediately adjacent to the site. Added to this that the new dwellings are shown at 1½ storey, it is considered that the scale of the proposed development would be appropriate for its immediate surroundings at this rural location commensurate with the scale of adjacent dwellings and would comply with ULP Policies S7 and GEN2 in this respect subject to the provision of appropriate boundary landscaping to soften their collective impact and detailed house drawings being submitted at reserved matters stage.

D Nature Conservation (ULP Policy GEN7).

10.12 The site comprises an established commercial builder's yard in regular use with vehicle movement across the yard which is devoid of any interior vegetation with a large expanse of frontage concrete hardstanding. Whilst the site contains boundary hedgerows which could contain seasonal nesting birds and various spoil heaps which could in other circumstances provide hibernula cover for reptiles, it was considered unlikely for the ecology assessment for the previously submitted application for the same proposed development under UTT/14/1464/OP where ECC Ecology was not consulted that the interior of the site was unlikely to provide suitable natural habitats for protected or priority species and thus was considered to have low habitat value where this view was expressed by the applicant, although it was acknowledged that bats could possibly forage in the lines of mature trees which form the flank boundaries of the site. No ecology objections were therefore raised to the proposal on this basis under ULP Policy GEN7.

10.13 ECC Ecology have been consulted on the current re-submission application and its comments have been set out in the consultation responses section above where it will be noted that it has objected to the proposed development on the ground of lack of sufficient ecology information being provided where it considers that the site has the potential to provide natural habitat for protected or priority species and where Overall Farm to the immediate west contains a large pond (which could harbour Great Crested Newts). As such, ECC Ecology recommends that an ecologist is engaged to visit the site to ascertain the position and for an ecology appraisal and, if necessary, individual species surveys to be conducted to ascertain the extent of any such populations/habitats.

10.14 The applicant's agent has responded to the consultation response by saying that it is considered extremely unlikely given the prevailing site conditions as an active builder's yard with industrial machinery present on hard ground that protected species would be present on the site and that in any event the application has currently been presented at outline stage only whereby any ecology concerns could be dealt with by way of planning conditions, adding that the proposal offers the opportunity for wildlife enhancement through the introduction of soft landscaped and planted areas at the site for the proposed dwellings to replace the existing brownfield site and that no objections were raised with the previously submitted application.

10.15 It is considered that a pragmatic view has to be taken with this application proposal where it is the case that no previous ecology objections were raised to the previous application submission following the officer visit to the site and where the applicant has completed the Natural England checklist tree flowchart for the current "re-submitted" application relating to site conditions. However, this is not to say of course that the development would not be harmful to protected or priority species if the extent of such populations and any nearby habitats are currently unknown in the absence of any formal walk-over survey as now requested. As such, the applicant has been requested

to provide further information on the ecological impacts of the proposed development and this information will be reported to Members.

E Contaminated land (ULP ENV14).

10.16 It is possible that the site may contain traces/deposits of previous/present contaminants such as oil or diesel pollutants associated with the commercial nature of the site, although the site is not registered by the Council as being previously contaminated land where the current use of the site stems from a former agricultural use conducted in the 1980's. Whilst the Environmental Health Officer has not been consulted on the proposal, it is considered that it would be appropriate and expedient in the circumstances to apply the four stage model contamination/remediation condition to any planning permission granted for the proposal to reduce the risk of pollution to human receptors arising from the proposed change of use to residential (ULP ENV14).

F Affordable housing financial contributions (National Planning Policy Guidance update and SPD "Developer's Contributions Guidance Document" (January 2015).

10.17 Changes in the tariff style financial contributions for affordable housing on smaller housing schemes were introduced by the government on 28 November 2014 in its updated National Planning Policy Guidance whereupon the previous requirement for such schemes (where this also included the current proposal scheme for the erection of two dwellings under refused application UTT/14/1464/OP) to require such contributions were removed for ten dwelling units or less where this new national policy guidance is reflected in the Council's updated Developer's Contributions Guidance Document" - January 2015. As such, the proposed scheme as re-submitted under the current planning application no longer requires a financial contribution towards affordable housing and the previous sole reason for refusal given against application UTT/14/1464/OP is no longer relevant and cannot in the circumstances continue to be substantiated.

11. CONCLUSION

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

- A The site comprises previously developed land of a non-conforming commercial nature which strongly appears to have become established by the passage of time and which is causing material harm to both the rural and residential amenities of the immediate area. The NPPF encourages the re-use of previously developed land for those sites which are not of environmental value, which the site is not, whilst the proposal through the removal of the current unauthorised commercial use and introduction of residential development in its place would bring about significant environmental benefits to both the site and its immediate surroundings
- B The site is considered to be in a sustainable location having a good bus service and would comply with the social strand of the NPPF.
- C No highway objections have been raised to the proposal.
- D The scale of the proposed dwellings as indicated would be acceptable within their immediate rural setting.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. Approval of the details of the layout, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

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

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

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

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

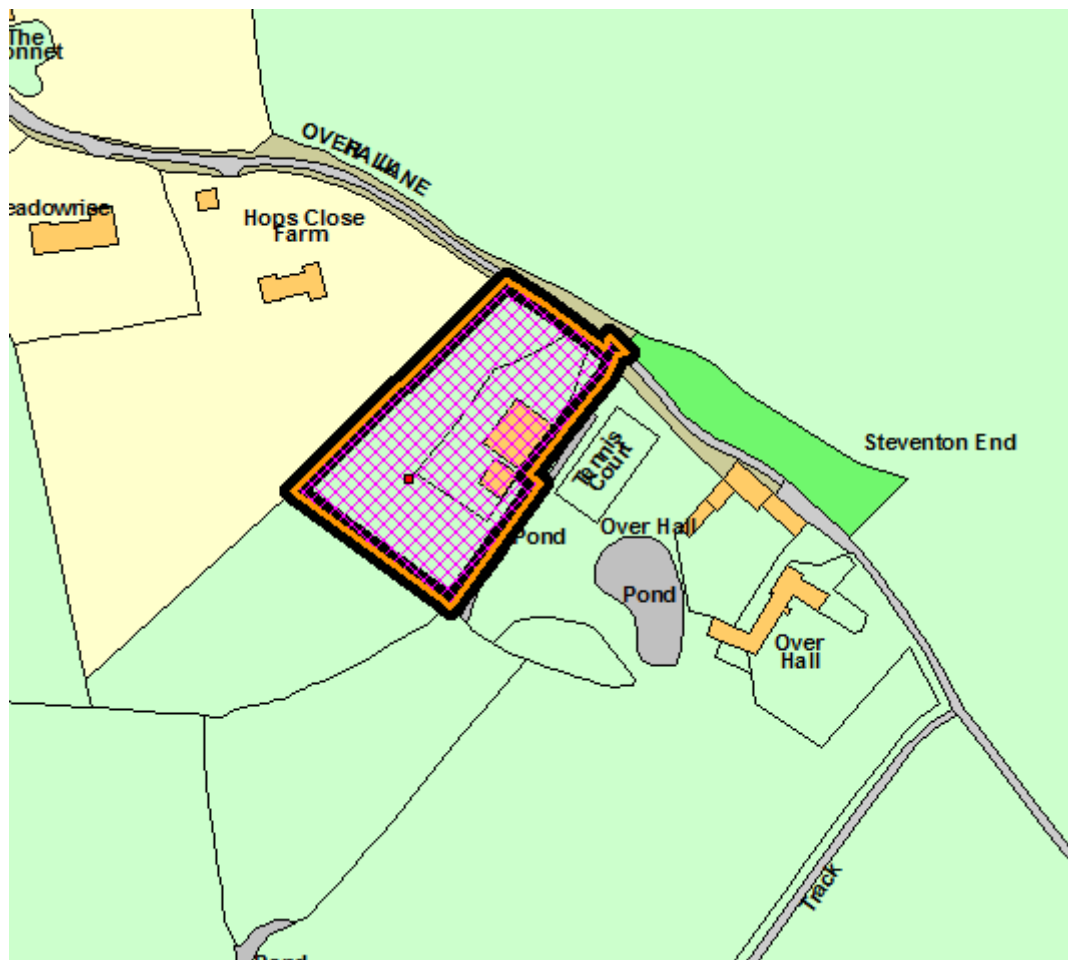
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

Application no.: UTT/14/3779/OP

Address: Land east of Hops Close Farm, Over Hall Lane, Ashdon



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

SLA Number: 100018688

UTT/14/3791/FUL (LITTLE BARDFIELD)

(Deferred for a site visit)

(Referred to Committee by Cllr Perry if refusal due to impact on community and sustainability; deferred for site visit)

PROPOSAL: **Erection of 1 no. detached dwelling.**

LOCATION: **Land East Of Guivers, West Of Three Chimneys,
Little Bardfield Road, Little Bardfield.**

APPLICANT: **Mr R Jones.**

AGENT: **Mr D Walker.**

EXPIRY DATE: **10 February 2015.**

CASE OFFICER: **Samantha Stephenson.**

1. NOTATION

1.1 Outside Development Limits; adjacent Grade II listed building.

2. DESCRIPTION OF SITE

2.1 This application site is located centrally in the small village of Little Bardfield on the southern side of Little Bardfield Road; this side of the road has an open loose knit pattern of development compared to the northern side which is much more dense. It relates to a rectangular shaped area of land that has an area of 570m², a road frontage of 30m and a maximum depth of 20m. It was once part of curtilage of Three Chimneys, the adjacent listed building, but is now in separate ownership. There are existing dwellings to the east, west and north with a cricket pitch and open countryside to the south. The land is currently very overgrown and unused with a number of trees and hedging to all boundaries, there is a small gated access.

3. PROPOSAL

3.1 It is proposed to erect a two storey dwelling on this site. The dwelling would have three bedrooms and a footprint of approximately 75m². The dwelling would have maximum dimensions of 9.5m in width, 9.5m in depth with a ridge height of 7m. Proposed materials are brick, render, weatherboarding and clay tiles.

3.2 There would be two parking spaces and a cartlodge, the existing access would be modified to improve entrance visibility splays involving the removal of part of the existing hedge.

3.3 However there are discrepancies on the submitted plans that would need to be addressed should the proposal be recommended for approval these are;
The west elevation plan shows two windows at first floor level however on the submitted floor plan only one window is shown
The south elevation plan shows two openings on the ground floor however the floor plan shows three.

4. APPLICANT'S CASE

- 4.1 Outlined in Design and Access Statement, also submitted is a Lifetime Homes Statement, Protected Species Survey & Supporting Statement.

5. RELEVANT SITE HISTORY

- 5.1 UTT/1209/98/OP Erection of two-storey dwelling and garage. Refused 10.12.98 and dismissed at Appeal.
- 5.2 UTT/14/1958/FUL Erection of 1 no. detached dwelling. Refused 12.09.14.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy GEN1 - Access
- Policy GEN2 - Design
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy ENV2 - Development affecting Listed Buildings
- SPD Accessible Homes and Playspace
- SPD Energy Efficiency and Renewable Energy
- Uttlesford Local Parking Standards 2013

7. PARISH COUNCIL COMMENTS

- 7.1 Proposed dwelling is appropriate to “infill” what has been a long standing gap in the build line. Application is well presented and would sympathetically fit amongst the existing varied styles of adjacent properties. It is less so than the planning application recently approved for an additional building at “Fridays”. In relation to previously lodged objections the term “loose grouping” is in appropriate as it is being applied to this one gap in the existing build line. The proposed property would not “adversely affect the appearance of the village” but to contrary would remove what is currently an overgrown distraction. Misleading and irrelevant to refer to “unsustainable due to inaccessibility to local services”, all of the properties in Little Bardfield suffer from inaccessibility to local services but very few move away. No one walks to Thaxted or Great Bardfield as there are no safe or paved walkways out of Little Bardfield in any direction. All children of school age are either picked up by school bus or taken either directly to school or to another bus stop in Thaxted. The Parish Council fully supports this application. Expired 20.01.15.

8. CONSULTATIONS

ECC Ecology

- 8.1 Thank you for consulting us on the above application. I note the Ecology Survey dated November 2014. The report found the site to be unsuitable for protected species and considers no further surveys to be necessary. I agree with these findings. I have no objections to the proposals. Expired 13.01.15.

ECC Highways

- 8.2 From a highway and transportation perspective the impact of the proposal as shown in principle on Drawing No. 1109/PL02 is acceptable to the Highway Authority subject to conditions. Expired 13.01.15.

9. REPRESENTATIONS

- 9.1 16 Neighbours were notified. Consultation expired 20.01.15.
5 responses objecting to the application were received. Comments as follows;
Planning application was refused in September 2014 and the re-submission provides no substantial reason for the decision to be altered.

Site is not brownfield.

Development is not sensitive infilling. Site is of historic architectural merit; a modern chalet type property will detract from the appearance of this part of the village and be out of keeping, out of character, adverse impact on adjacent listed building. Will dwarf adjacent site Three Chimneys.

Site is not an eyesore

Road is dangerous with bends and speeding traffic another access opposite an existing access would be extremely dangerous.

Site is unsustainable due to inaccessibility of local services, Little Bardfield is 1.6km from the nearest local services. Little Bardfield has a church but no other local amenities. There is no footpath and the road from Little Bardfield to Great Bardfield and from Little Bardfield to Thaxted is a narrow and winding road.

There is no regular public transport. There is a community bus which runs only on a Wednesday. The bus picks up from Little Bardfield at 10.17am on route to Braintree. It then returns from Braintree at 13.16pm. This means we have one bus out and one bus back - hardly adequate. Residents rely primarily on private car as a means of accessing work, school, shops etc.

Application not discussed at a Parish Council meeting, no opportunity for local residents to discuss application.

Rising land elevation of site and subsequent run-off cause periodic flooding on the road, this will be exacerbated by development of a property on this site.

New dwelling would block sunlight of existing dwelling opposite and overlook it.

Plot is haven for wildlife.

10. APPRAISAL

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

- A Principle of development / Design (NPPF, ULP Policies S7, GEN2 and SPDs "Accessible Homes and Playspace and "Energy Efficiency and Renewable Energy";
- B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8, UDC Parking Standards);

- C Impact on adjacent residential amenity (ULP Policy GEN2).
- D Impact on adjacent listed building (ULP Policy ENV2)
- E Nature Conservation (ULP Policy GEN7)

A Principle of development and whether the proposed works would be of an appropriate design and scale

- 10.1 The application site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. ULP Policy S7 of the adopted local plan states that the countryside will be protected for its own sake and that planning permission will only be granted for development that needs to take place there or is appropriate to a rural area where dwellings are not normally considered as an exception to policy. The exception to this constraint is whether the proposal would qualify as an appropriate infill site as a small gap within a small group of dwellings outside development limits, but close to settlements subject to being acceptable in terms of design etc.
- 10.2 Officers are in agreement with the Appeal Decision APP/C1570/A/99/1017593/P8 on this site in 1998 in which it was stated that Little Bardfield is a small village within a predominantly linear form. Most of the development is on the north side of the road which runs through the village. Three Chimneys, a Grade II listed building, is one of a widely spaced group of three dwellings on the south side of the road. The village does not have a 2-sided street, there is a continuous ribbon of development on the north side of the road but the loose group of dwellings containing Three Chimneys has a character which is transitional between the built-up north side of the road and the surrounding countryside. I am of the opinion that the 55m wide gap between Three Chimneys and Guivers is too wide to count as a small gap in terms paragraph 6.13 and 6.14 of the Housing Chapter of the Uttlesford Local Plan. More importantly I consider that the erection of another house in that gap would begin to consolidate the existing loose grouping and would have an adverse effect on the character and appearance of the village and on the setting of the adjacent listed building. Even though much of the frontage hedge is proposed to be retained, the house would be clearly visible from the road, as demonstrated by the site block plan/elevation sketch submitted with the planning application. The proposal would not therefore be acceptable in terms of design, siting and appearance.
- 10.3 LPA's are now required under government policy to grant permission in favour of sustainable development where they cannot currently demonstrate a five year supply of deliverable housing within their districts. The Council is currently able to demonstrate a five year housing supply within its district, nevertheless even when the Council has a 5 year land supply it is important for the Council to continue to consider, and where appropriate, approve development which is sustainable, to ensure delivery in the future and to ensure that the level of housing supply is robust and sustained over time in the years to come.
- 10.4 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 in this case.
- 10.5 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. Beyond the activity of its construction this proposal for one new home would not appear to deliver a lasting economic role.

- 10.6 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. If permitted the proposal might make a contribution towards the delivery of the housing needed for Uttlesford District as a whole. However implementation of permission for one three bedroomed dwelling could not be considered to significantly address elements of the pressing locally arising need for a variety of new homes in and around the community of Little Bardfield. Indeed the Village Design Statement states that new construction should be tailored towards the elderly, first time buyers and low cost housing.
- 10.7 In assessing the sustainability of the application site in terms of its accessibility to local services that reflect the community's needs and support its health, social and cultural well-being. Paragraph 29 of the NPPF advises - "...The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Little Bardfield is not listed as a defined settlement within the adopted local plan where it does not benefit from any local services or facilities. This lack of local provision and distance from a full range of services and employment opportunities is recognised by the applicant, although the applicant has argued that the site's location halfway between Thaxted and Great Bardfield and the existence of a local bus service through the village (times/frequency not specified) makes the site sustainable. However, whilst noting this, this is not a location that has good accessibility by a range of transport modes, there is a community bus but this runs only on a Wednesday. The bus picks up from Little Bardfield at 10.17am on route to Braintree. It then returns from Braintree at 13.16pm. Residents are likely to rely heavily on private vehicles for most journeys, the access road is very narrow, with blind bends on route and there are no pedestrian footpaths. It is considered from this and lack of service provision that the proposal would not represent a sustainable form of development at this location.
- 10.8 Environmental role: The NPPF identifies this as contributing to protecting and enhancing the natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. At present the application site is a well hedged area that represents an important gap in this sporadic pattern of development. In that guise it contributes to the visual and functional openness of the countryside which Policy S7 of the ULP seeks to protect. It follows that the site is fundamentally unsustainable in environmental terms.

B Whether access and parking arrangements would be satisfactory

- 10.9 The proposed access arrangement has been assessed by ECC Highways who have not objected to the intensification of the existing access on highway grounds despite the bends in the road either side of the site subject to existing visibility sight lines being improved where a 2.m wide visibility band should be achieved across the entire site frontage. As such, the proposal would comply with ULP Policy GEN1. Sufficient parking space is shown within the proposed hardstanding parking area to accommodate 3+ cars given the three bedroomed size of the dwelling, whilst sufficient on-site turning would be able to be achieved also. The proposal would therefore comply with ULP Policy GEN8 and UDC Parking Standards. .

C Impact on adjacent residential amenity (ULP Policy GEN2, ULP Policy ENV2)

10.10 With regards to the design, the submitted details indicate that the site would be capable of accommodating the indicated dwelling without impacting on the amenity of neighbouring properties. However if this were to be approved a condition would be imposed requiring the two first floor windows on the western elevation be obscure glazed to prevent overlooking to Guivers. The proposed dwelling would have sufficient amenity space in accordance with Local Plan Policy GEN2 and as advised by the Essex Design Guide (adopted 2005).

D Impact on adjacent listed building (ULP Policy ENV2)

10.11 Three Chimneys, a Grade II listed building lies adjacent to the proposed site; it is one of a widely spaced group of three dwellings on the south side of the road. The village does not have a 2-sided street, there is a continuous ribbon of development on the north side of the road but the loose group of dwellings containing Three Chimneys has a character which is transitional between the built-up north side of the road and the surrounding countryside. The erection of another house in that gap would begin to consolidate the existing loose grouping and would have an adverse effect on the setting of the adjacent listed building.

E Nature Conservation (ULP Policy GEN7)

10.12 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. As part of the application a Biodiversity Questionnaire and Protected Species Survey have been submitted. As part of the determination of the application the County Ecologist has been consulted who commented that as the report found the site to be unsuitable for protected species and considers no further surveys to be necessary, there are no objections.

11. CONCLUSION

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

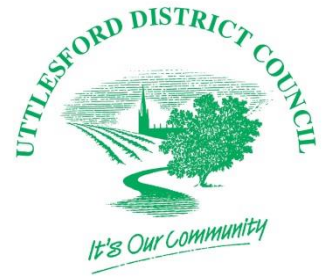
- A The erection of a house on this site would begin to consolidate the existing loose grouping and would have an adverse effect on the character and appearance of the village and on the setting of the adjacent listed building.
- B The site is not in a suitable or accessibly "sustainable" location accessibility to local services that reflect the community's needs and support its health, social and cultural well-being.

RECOMMENDATION – REFUSAL

REFUSE FOR THE FOLLOWING REASONS

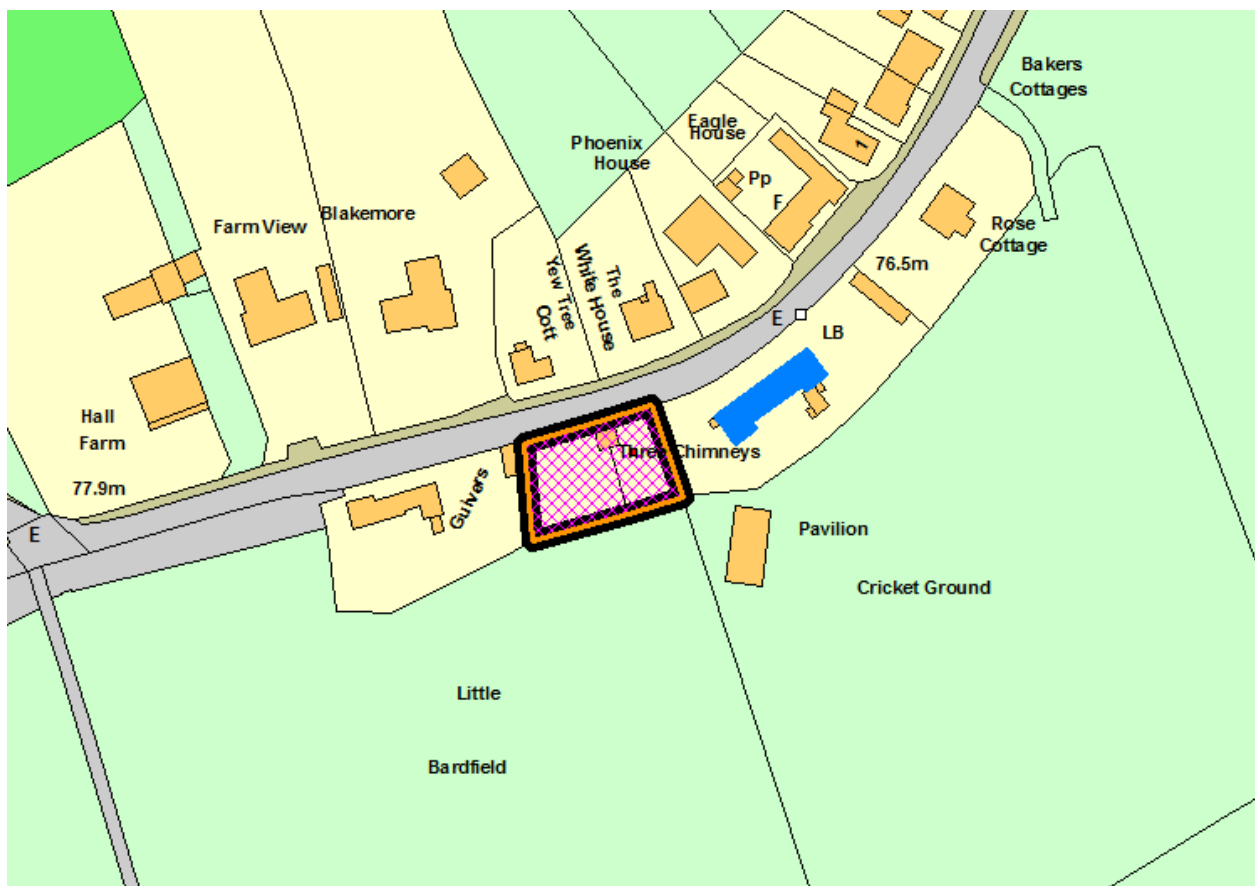
1. The application site is situated within a location where new development would begin to consolidate the existing loose grouping on the south side of the road and would have an adverse effect on the character and appearance of the village and on the setting of the adjacent listed building contrary to Policies S7, GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).
2. The application site forms part of the open countryside and the proposed development is fundamentally unsustainable by virtue of the location's relative inaccessibility to local services that reflect the community's needs and support its health, social and cultural well-being. The proposed development would therefore be contrary to Policy S7 of the

Uttlesford Local Plan (2005) and Paragraph 17 - "Core Planning Principles" (fifth, eleventh and twelfth bullet points) within the National Planning Policy Framework.



Application no.: UTT/14/3791/FUL

Address: Land East Of Guivers West of Three Chimneys, Little Bardfield Road,
Little Bardfield



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Organisation: Uttlesford District Council
Department: Planning
Date: 29 January 2015
SLA Number: 100018688

UTT/14/3788/FUL (Wendens Ambo)

(Referred to Committee by Cllr Menell: Reasons: Overdevelopment, highway hazards and inadequate parking).

PROPOSAL: Revisions to roof line to create 1 No. residential unit, extension to southern elevation, including lift shaft, addition of dormer windows to roof; alterations to main entrance on western elevation to create glazed atrium.

LOCATION: The Mill, Bearwalden Business Park, Royston Road, Wendens Ambo.

APPLICANT: Mr R Wells (c/o BRD Tech Ltd)

AGENT: BRD Tech Ltd

EXPIRY DATE: 16 February 2015

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Within Development Limits / Ground Water Protection Zone.

2. DESCRIPTION OF SITE

2.1 The site comprises a two and three/four storey slate and red brick former flour mill building with later added recessed northern extension of imposing appearance incorporating a lower ground floor last used for B1 office purposes which stands parallel with the London to Cambridge railway line on the eastern side of the private service road leading down into the Bearwalden Business Park from Royston Road. The mill building across all of its levels has recently been converted to residential apartments with the exception of an office suite located at the northern flank end of the later extension which does not form part of the application site, whilst commercial and industrial premises are located to the immediate south of the site. A large office building currently stands vacant to the immediate north-west of the site across the service road close onto Royston Road (Mill House).

3. PROPOSAL

3.1 This proposal relates to the provision of one additional 2 bedroomed residential apartment for this comprehensive residential conversion scheme where the scheme would now incorporate 17 No. units in total where the additional unit proposed (Unit 17) would be provided at second floor level within the northern section of The Mill, the extension of Units 5, 10 and 15 as existing 1 bedroomed apartments to form three additional two bedroomed units at three storey level at the southern end of the building over a new basement store, the provision of a new internal lift to all floors, a new full height glazed entrance atrium to the front of the building and new roof dormers at the northern end to facilitate Units 16 and 17, together with fenestration improvements.

4. APPLICANT'S CASE

Letter dated 15 December 2014 from the applicant's agent as follows:

- 4.1 “The extension of the building is limited to the southern end of the new block. It will allow our client to install a lift within the building to allow access to all floors in accordance with Council policy. It also allows the extension of the habitable space, but does not in itself increase the number of the proposed units. At present, the roof over the newer wing of the building is at two heights. The higher roof is an open void that will easily accommodate a two bedroomed apartment. If the adjacent roof were to be raised, a second two bedroomed apartment in this space can be achieved, thus this part of the proposal adds new apartment space to the scheme. The extension will be built in a brick and bond to match existing, the roof will be finished in a tile to match existing and the window size and distribution would match existing. A bank of dormer windows have been added to both the east and west facing roof slopes to create the new habitable space and to adequately ventilate and fenestrate it. At present, there are 18 No. car parking spaces on the site over which my client has control, plus others on the site that are occupied on a more casual basis. It has been agreed that this number of spaces is adequate for 16 No. units and the addition of a single residential unit to this building [to create 17] will not affect the existing approved car parking on the site. A substantial area for private amenity space is not provided for within this scheme, although there is an area within the site that will be retained as open green space and it is felt that the market will decide if the amenity space provided in this rural location is adequate or not”.

Email received from applicant’s agent to the Council dated 19 February 2015 as follows:

- 4.2 “I can confirm that my client now owns the adjacent parcel of land to the south of The Mill building. This was not the case when we submitted the application and so is not shown in blue on the submitted plan. This space may well be able to be used for plant to serve the existing building and for additional car parking if deemed necessary. With regard to the new apartment at second floor level, I confirm that this will be the 17th unit on the site. As the proposed apartment is adjacent to a railway line, we will specify additional acoustic control measures to line the roof and walls against any external noise from passing trains. This will be in the form of additional specialist acoustic lining to the extended walls and to the underside of the new roof”.

5. RELEVANT SITE HISTORY

- 5.1 Prior approval deemed not required (permitted user change) in March 2014 under the provisions of Part 3, Class J of the GPDO for the change of use and conversion of The Mill from Class B1 Offices to C3 (Dwelling houses) comprising 14 No. one and two bedroomed apartment units consisting of seven units on the ground floor, five units on the first floor and two units on the second floor (UTT/14/0733/P3JPA).
- 5.2 Four storey south flank extension (to include lower ground floor level) of The Mill building to form a three storey lift shaft, additional apartment lobbies, lower ground floor store with additional apartment bedrooms above at upper ground, first and second floor levels to create 3 No. additional two bedroomed units for the building conversion scheme as a whole, glazed entrance atrium and raising of the existing roof of the two storey section of the building at its northern end to create additional apartments withdrawn September 2014 (UTT/14/2227/FUL).
- 5.3 Prior approval deemed not required (permitted user change) on 11 December 2014 under the provisions of Part 3, Class J of the GPDO for the change of use and conversion of The Mill from Class B1 (Offices) to Class C3 (Dwelling houses) comprising 16 No. apartments consisting of thirteen 2 bedroom units and three 1

bedroom units with addition of a series of skylights for the apartments proposed at second floor level within the front and rear roof planes (UTT/14/3091/P3JPA). This subsequent prior notification as submitted by the same applicant for sixteen units thus represented an increase of two additional residential units for The Mill building overall compared to the prior notification submitted under UTT/14/0733/P3JPA for fourteen units as previously submitted.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy H9 – Affordable Housing
- ULP Policy ENV11 – Noise Indicators
- ULP Policy ENV12 – Ground Water Protection

6.3 Wendens Ambo Parish Plan 2012

7. PARISH COUNCIL COMMENTS

Object:

- 7.1 General: Wendens Ambo Parish Council is objecting to this application on the grounds of overdevelopment. We believe that if granted this application will result in a poor quality of life/amenity in the village. We have serious concerns about the resulting lack of parking for this additional flat and also the 16 other flats being developed. An increase in the number of dwellings at The Mill site will increase safety issues for pedestrians and for other users of the access road to the Bearwalden Business Park. We believe the current provision for parking spaces does not meet Essex County Council's Parking Standards adopted by Uttlesford District Council in 2009 - 2 parking spaces per unit. We also have concerns about the arrangement (or lack thereof) for waste water drainage from the site.
- 7.2 Overdevelopment: The proposal for alterations to the roof to accommodate another 2-bed dwelling within a building which already has 16 dwellings is excessive and to the detriment and overall quality of the building. The windows proposed on the east and west elevations are unsightly as are the proposed changes to the roof line, and are therefore to the detriment of the appearance of the building. The same is true of the proposal for black-boarding on the north elevation and the addition to the building of a large glass atrium. Individually, and as a whole, these conflicting elements detract from the physical attractiveness of a building which is prominent in the village. The result is reduced amenity.
- 7.3 Highway Safety: The Parish Council also objects to the external extension for a lift on the grounds that this is a further reduction in the ground area available for parking. The impact will be insufficient spaces for residents and visitors to The Mill site and the likelihood of dangerous and unacceptable parking along the top of the access road to the Bearwalden Business Park. We note that Essex County Council (Highways) has

declined to comment on this application, but we would draw attention to Uttlesford District Council's policies on parking and on highway safety as we believe that they do apply. We cite the Planning Application - Mill House (UTT/14/3843/FUL) which is also located at Bearwalden Business Park as an example. It is unreasonable to apply different sets of criteria to sites which are adjacent to each other and share an access road. An increase in the number of residential units at The Mill will increase safety issues for pedestrians and for other users of the access road to the Bearwalden Business Park. The current provision for parking does not meet Essex County Council Parking Standards adopted by Uttlesford District Council for 2 spaces per dwelling. There are no pavements – either on the south side of Royston Road or on the road accessing the Bearwalden Business Park. This access road is the access for both The Mill site and the residential development proposed at the Mill House site. Pedestrians at present face an unlit, blind crossing point (across Royston Road) adjacent to the hump-backed bridge in Royston Road. This will not change. The Royston Road is particularly busy in both directions during work and school commuting hours, and has a large number of vehicle movements of in/out traffic to/from Audley End Station. The road accessing the Bearwalden Business Park is currently used by workers arriving at the Business Park. In addition there are a number of large articulated multi-axle delivery vehicles turning into the site and passing the entrances of both The Mill site and the Mill House site. In addition, because of a pay to park scheme within the Bearwalden Business Park, there is an increasing number of rail commuters arriving to park in the Business Park in the morning and leaving for home in the evening.

7.4 Drainage: There is no mains drainage in Wendens Ambo on the west side of the railway line (London/Cambridge). This point is not understood by the Applicant as the application states clearly that drainage is via a sewer. There are various rumours but no hard evidence to confirm that waste water from the numerous buildings in the Bearwalden Business Park is processed by a number of treatment plants within the site. In any event, the output from these treatment plants eventually is discharged into the adjacent river. There is a variety of wildlife resident on the river banks, including Kingfisher birds which are specifically protected by law. Local residents are complaining about the odours which are now to be found in the area of the river and this suggests that the current treatment facilities are inadequate. This is the situation before either the dwellings at The Mill site or the dwellings at Mill House are occupied.

7.5 Suggested Conditions: If this planning application is granted, we respectfully request that permission is granted with the following conditions:

1. Provision for 2 spaces per unit - applied to the whole development.
2. Financial provision for pedestrian crossing/safety scheme for residents of The Mill.
3. Financial or other contribution towards Affordable Housing. We believe that there is an attempt to circumvent the normal procedure which would require an appropriate contribution to affordable housing. We believe that given the total number of dwellings (17) now proposed, a contribution is required. However no mention of this has (as we understand) been made. We suggest that this point should be pursued. We highlight – Reference - Uttlesford District Council's Developer Guide – Item 2.7 as rules which we believe apply in this case. Item 2.7 is shown below for clarity –
Reference – Uttlesford District Council's Developers Guide Item 2.7 *“2.7 Developments which are contrived to try and avoid the clear policy requirements will be resisted. The Council will expect the schemes to comply with policy requirements as if the schemes were submitted jointly as one proposal. For example: a development of 14 houses at a very low density, out of character with the surrounding area, will be resisted. A scheme for 7 houses which has been broken down into applications for individual units in order to avoid affordable housing contributions will be resisted. The sub-division of sites into*

two or more smaller developments in an attempt to avoid a higher provision of affordable housing will be resisted.“

4. Careful attention including consultation with Anglian Water should be given to the safe treatment and disposal of waste water from this site.

8. CONSULTATIONS

Network Rail

- 8.1 Network Rail strongly recommends that the developer contacts its Asset Protection Anglia Team prior to any works commencing on site as the site is located adjacent to Network Rail's boundary and operational railway infrastructure.

ECC Highways

- 8.2 The Highway Authority has no comments to make on this proposal from a highway and transportation perspective as it is not contrary to relevant transportation policies contained within the Highway Authority's Development Management Policies adopted as County Council Supplementary Guidance in February 2011 and ULP Policy GEN1.

UDC Environmental Health Officer

- 8.3 This building is adjacent to the railway line and industrial premises. The following condition is recommended to protect occupiers from noise: The apartment shall be designed to protect occupiers from external noise with provision for ventilation to the following targets: Living rooms (07:00-23:00) not exceeding 35dB LAeq, Bedrooms (23:00-07:00) not exceeding 30dB LAeq and 45dB LA max.

9 REPRESENTATIONS

- 9.1 None received. Notification period expired 28 January 2015.

10 APPRAISAL

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

- A Principle of development (NPPF and ULP Policy S3);
- B Access (ULP GEN1);
- C Design (ULP Policy GEN2);
- D Whether parking arrangements would be satisfactory (ULP Policy GEN8);
- E Noise Generators (ULP ENV11);
- F Other Matters: Affordable Housing (ULP Policy H9), Drainage.

A Principle of development (NPPF and ULP Policy S3).

- 10.2 As previously explained above in the Relevant Site History section, it is the case and important for Members to appreciate that sixteen of the seventeen residential units originally proposed for this residential conversion scheme at the top end of Bearwalden Business Park are subject to a permitted user change made under two previous prior notification submissions to the Council from B1 Offices to C3 Dwelling houses (residential) under the provisions of Part 3, Class J of the GPDO where this new legislative provision to relax some of the existing planning rules for change of use came into force on 30th May 2013 whereby planning permission for the residential conversion of The Mill building is thus not required. Under this provision, it should be noted that a local planning authority can only have due regard to (a) transport and

highways impact of the development, (b) contamination risks and (c) flooding risk subject to procedural requirements being met when assessing whether the prior approval of the local planning authority will be required for B1 to C3 change of use under such prior notification submissions. It should be emphasised that ECC Highways did not object to these two prior approval notifications. The building is not considered to be at either contamination or flood risk.

- 10.3 As such, it will be seen that the principle of the change of use of The Mill to residential use at this commercial location within development limits for the village has already been determined by this permitted change of user procedure and consideration of the planning merits of the current planning application is therefore restricted to the proposed additions and alterations as submitted, described and as aforementioned where external roof changes proposed to provide the additional apartment unit (Unit 17) would not make the unit otherwise permitted development under the Class J permitted user procedure, and various fenestration changes as indicated in association with the conversion. It should be noted that a similar Class J B1 to C3 use prior approval has been given by the Council to a 1980's extension to The Mill House comprising 6 No. apartments where this building is located immediately to the north-west of The Mill building (i.e. the current application site), although work on that conversion scheme under this permitted user change has yet to commence and where reference is made to this permitted conversion by the Parish Council in its representations to the current application.
- 10.4 Due consideration has been given in this respect with reference to the current proposal to the Wendens Ambo Parish Plan 2012 and section 10 in particular ("Planning and Development") where this plan constitutes Council approved guidance in determining planning applications for the Parish. It is noted at paragraph 10.2 of the document in respect of the types of buildings that it identifies should be converted to residential use in the village that "*Focus should be on developments that support the conversion of redundant buildings and single dwellings in controlled areas*". Notwithstanding the extensive representations made by the Parish Council against the current application, which are noted, it is the case that the redundant Mill building represents such a building conversion where the additional unit proposed to make the 17th unit for the conversion scheme would be contained within the footprint of the building. Furthermore, the NPPF at para 17 (Core Principles) states that new development should "encourage the re-use of existing resources, including the conversion of existing buildings".

B Access (ULP Policy GEN1).

- 10.5 Vehicular access to the site is via the private service road which leads down past the mill building from Royston Road to the lower end of the Bearwalden Business Park. Clearly, given the commercial nature of the immediate area, there is a high level of commercial traffic which uses the service road and which passes the site to gain access to the commercial and industrial units beyond. Whilst the comments of the Parish Council are noted regarding the highway safety of the proposed development where it states that the future occupants of The Mill as pedestrians would be required to use this road to link up with Royston Road and then possibly walk back down to the train station on the other side of the railway line, it should be stressed once again that the current planning application represents an increase of only one additional unit on the sixteen residential units which already have permitted user status under Class J and as such it would be difficult to make a cogent argument in support of the contention that the application should be refused on highway grounds on this basis under ULP Policy GEN1. Furthermore, it should be stressed that a pedestrian bridge exists over the railway line immediately to the south of the site linking Bearwalden Estate with the

train station situated directly opposite meaning that future occupants would be able to access the station without necessarily having to walk around on Royston Road should this facility remain available to the occupiers of the development. The proposal would therefore comply with ULP Policy GEN1 in this regard.

- 10.6 A lift is being provided as part of the current application to serve the proposed units on the upper floors where this facility would be in addition to the existing staircase. The introduction of this facility would clearly be an additional benefit to occupants of the new building and would as a consequence conform with the Council's SPD "Accessible Homes and Playspace".

C Design (ULP Policy GEN2).

- 10.7 The proposal introduces various design changes to the mill building which were not included as part of the prior notification submissions as these would not have benefited from permitted development. The original mill building dates back to 1897, although is not listed, whilst the site itself is not included within the conservation area for the village. Notwithstanding this, the building has an imposing and austere presence within its setting commensurate with a former industrial building of this type having strong vertical proportions and also good retained and undisturbed architectural features, including the use of red brick with Flemish bonding and curved soldier coursing above the series of windows at all levels within the original building, although not in the later northern end extension.
- 10.8 The proposed changes would introduce a front atrium screen feature with grey metal framing over a newly laid out front reception entrance at the interface of the two and three storey building elements extending up to the roof eaves of the building incorporating a new glazed roof. Whilst this new entrance feature would have a contemporary design and appearance, its introduction would complement and contrast with the otherwise continuous red brick frontage of this historic building where its 2½ storey glazed height would echo the strong vertical proportions of the building as a whole. The proposed lead flat roofed dormers for the two storey northern extension of the building as shown would be an appropriate dormer specification in keeping with the traditional appearance of the building. The proposed four storey extension to the original mill building at its southern end where this would include the lower ground level would have slender vertical proportions with matching slate and red brick and would be subordinate in scale with the size and proportions of the original building with matching roof pitch. The extension would incorporate outward facing blind window openings with matching arched heads in vertical series where this fenestration detailing would also be appropriate. No design objections are therefore raised to the proposal as presented under ULP Policy GEN2 where the specification finishes would be of high quality.
- 10.9 It is accepted that the additional apartment unit proposed (Unit 17) would not in and of itself enjoy any practical outside amenity space where this would normally be a design requirement under ULP Policy GEN2. However, as repeatedly stated, the conversion of this building to residential use with the exception of this unit has been undertaken under permitted development rights and in the circumstances it would be extremely difficult to enforce this amenity requirement for the 17th and final unit of the scheme where part of the sales literature for this new prestigious development is that the site is situated immediately adjacent to the train station convenient for commuting and for travelling.

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

- 10.10 Resident parking for the conversion scheme at The Mill would be along the forecourt in front of the recessed northern section of the building and along a line of parking which exists directly opposite the building across the service road. The conversion scheme overall involves 17 No. apartment units where the extension of Units 5, 10 and 15 as proposed by the current application would make all of the units across the development two bedroomed in size meaning that ordinarily the scheme would require a total of 34 No. parking spaces (17 x 2) under current parking standards as two bedroomed units. The two areas of indicated parking combined on the proposed site layout drawing has an indicated total of 31 No. parking spaces, meaning that this parking provision falls short of current parking standards by three spaces. Again, it has to be emphasised that the parking provision for this residential conversion scheme has been considered by ECC Highways to be acceptable under the previous prior notification process where it was additionally stated as an informative for prior notification UTT/14/3091/P3JPA that: *"It is noted that the documents do not show any parking provision for the proposal, but there is adequate space within the application site to comply with the requirements of the current parking standards"*. This assessment was based upon the plans which were available for that notification where it should be noted that such information to be provided is less stringent than for a planning application.
- 10.11 The applicant's agent has stated in an email to the Council dated 19 February 2015 that the adjacent cleared parcel of land on the south side of The Mill building not previously within the applicant's control and ownership has now been purchased and that this land could be utilised for additional resident parking if required. This rectangular strip of land in question could quite easily in practice in terms of available area make up the slight net deficiency in parking spaces currently available at the site in order to make the development as a whole fully compliant with current parking standards if it were so used (or for Unit 17 in particular) even if some associated plant was placed on this land, whilst it should also be highlighted that The Mill conversion has been very much orientated towards the commuter market where a likely reliance in part on the train station for commuting could mean that a dependence upon two cars per apartment unit may be not be an essential requirement. It is therefore considered that the proposal conforms to ULP Policy GEN8.

E Noise Generators (ULP ENV11)

- 10.12 The site backs onto the main London to Cambridge railway line with the railway station located opposite and there would normally be a requirement under ULP Policy GEN2 relating to design for the reasonable residential amenities of the occupants of the mill building conversion to be considered. However, it should be emphasised that noise is not one of the three specifically identified issues that falls to be considered under the Class J prior notification process and where the current proposal only relates to the provision of one additional unit for this conversion scheme over and above the sixteen units already subject to this permitted user change and where the proposed extensions to Units 5, 10 and 15 relate to existing provided units to provide extra bedrooms.
- 10.13 Environmental Health have been consulted on the proposal and have requested a noise mitigation condition be imposed should Members be mindful to grant planning permission. However, it is considered that it would not be appropriate in the circumstances to impose this condition given the above, although the applicant's agent has been approached on this subject and has advised that the level of noise reduction required would be able to be achieved through enhanced sound insulation measures (see email dated 19 February 2015 above at Section 4 – Applicant's Case). The proposal would therefore comply with ULP Policy ENV11 in this respect.

F Other Matters: Affordable Housing, Drainage.

- 10.14 The proposal includes one additional unit of market housing for this residential conversion development where the requirement for affordable housing provision does not apply and where in any event the sixteen apartments already provided for the scheme under the prior notification process are exempted from this requirement (ULP Policy H9). It is therefore not possible to collect affordable housing contributions for this scheme and for the current application in particular as the Parish Council request.
- 10.15 Concern has been expressed by the Parish Council that there is an inadequate drainage system in the area and that the proposed development would exacerbate this situation. Furthermore, it has been stated that there is no mains drainage on the west side of the railway line. Whilst this position has not been properly established, nor how waste for the previous B1 use of the building was dealt with, it is nonetheless not disputed. The applicant's agent has stated that foul waste for the conversion will be to a new foul waste treatment plant on the site that will discharge into the existing run-off system. Whilst the comments about a lack of mains drainage is noted, it would be necessary for the applicant to obtain any necessary discharge consents from the appropriate waste authority at the relevant time where no specific drainage objections are therefore raised to the proposal in this respect.

11. CONCLUSION

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

- A The principle of the residential conversion of The Mill Building has already been established under the Class J prior notification process (prior approval not required) where the current proposal relates only to one additional residential unit for the site;
- B Vehicular access to the site is well established with a direct pedestrian link across to the railway station, whilst the internal lift to be provided for the development would conform with current Council policy relating to access and mobility;
- C The design and appearance of the additions and alterations as shown would be acceptable;
- D Resident parking at the site would be close to or would meet current parking standards;
- E It would be unreasonable to impose a noise condition against measured background railway noise for Unit 17 (and the extensions to Units 5, 10 and 15) for the reasons stated;
- F Drainage at the site can be satisfactorily resolved.

RECOMMENDATION – CONDITIONAL APPROVAL

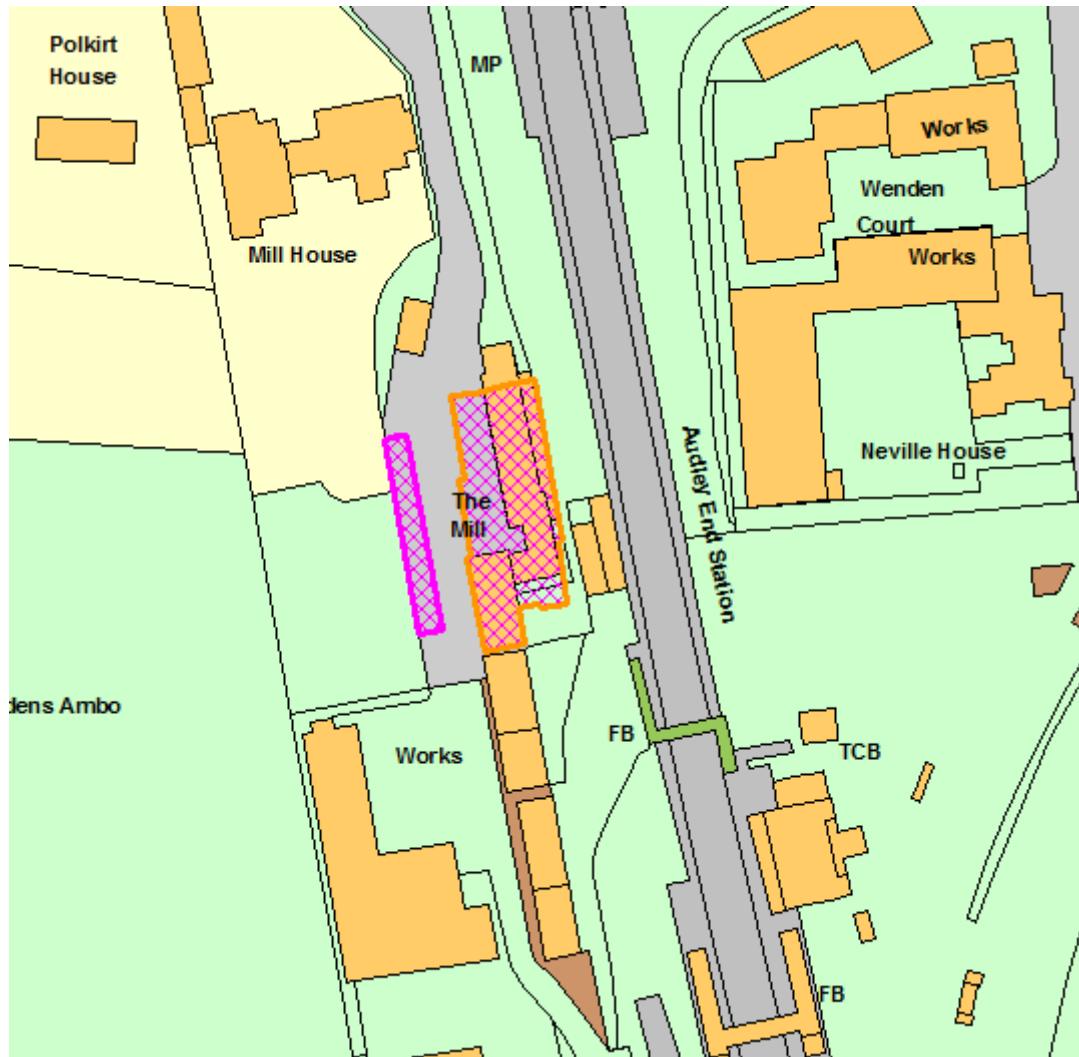
Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The area of cleared land to the immediate south of The Mill building shall be made available for the laying out and parking of at least three resident car parking spaces measuring 5.5m x 2.9m in size in connection with the development hereby permitted prior to occupation of the dwelling(s) and shall continue to be made available and maintained for this sole purpose thereafter in connection with the approved development.

REASON: To ensure that the development complies with the Council's adopted parking standards in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/3788/FUL

Address: The Mill Bearwalden Business Park Royston Road Wendens Ambo



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Organisation: Uttlesford District Council
Department: Planning
Date: 27 February 2015
SLA Number: 100018688

UTT/14/3326/FUL (Little Canfield)

(MAJOR APPLICATION)

PROPOSAL: Change of use of land, erection of stable building and construction of surfaced exercise area, all in connection with the keeping of and exercising of horses

LOCATION: Land east of Ladlers, Stortford Road, Little Canfield

APPLICANT: Mr and Mrs Rea

AGENT: Alun Design Consultancy

EXPIRY DATE: 26 February 2015

CASE OFFICER: Lee Smith-Evans

1. NOTATION

1.1 Outside development limits, gas pipeline, within 6km of Stansted Airport. Development Affecting Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The application relates to two fields of 12.34 hectares to the east of a group of buildings forming as a farmstead around Little Canfield Hall, a listed building. Between the Hall and the field is a mature row of trees with a loose hedge under layer. The fields are currently used for agriculture and have a small herd of cows grazing on one whilst the other is arable, producing fodder for the cattle.

2.2 The applicant resides in the closest building to the fields which is Ladlers, a barn that has been recently converted into a dwelling. The farm complex built around Little Canfield Hall sites behind the applicant's house, to the west of the site

2.3 The site is open to agricultural fields to the south, east and north with the A120 being a field away to the north, a distance of some 270 metres. Access to the field is from the long private drive leading to the Hall with a small track diverting from this road directly to the field and the modern, metal clad, barns from which the applicants run their farm business. To the south is Stortford Road from which the site and neighbouring uses are accessed via the long private drive.

3. PROPOSAL

3.1 The proposal is to change the use of fields owned by the applicant for an equestrian use, providing a fully serviced livery for horses. In association with this use the proposals include an all-weather surface enclosed by post and rail fencing and a stable complex for 20 horses. It should be noted that the floodlights in the original description of the proposal have been omitted from the application. The site is located close to the applicants dwelling to provide security and observation of the livery.

3.2 The stable block is almost a square of 34 x32 metres facing onto an internal exercise area that has a circular horse walking apparatus in the centre. Storage rooms, tack rooms and changing facilities are located in the corners of the square. The external

sides of the square are low key, single storey with a slack pitched slate roof with minimal fenestration provided to the stable units as grilled windows with louver covers. The stable block has an entrance feature on the south side which is a tall central gable in the elevation with high gates. The northern end which provides direct access in the ménage for horses is open in the centre with smaller gates enclosing the central yard.

- 3.3 The Stable block is predominantly finished in black weather board above a red brick plinth. It will be roofed in natural slate with a tiled ridge.
- 3.4 There has been provision made for the parking cars for staff and horse owners which includes provision for the storage of client's horse boxes that may be left at the livery. This parking has been placed at the south of the site at the closest point to where clients will arrive. Some landscaping has been provided to screen the parking from Ladlers.
- 3.5 There are additional elements of landscaping provided across the wider site to provide some mitigation on the visual impact of cars and vehicles on the predominantly residential buildings in the farmstead and in particular the listed building Little Canfield Hall. The details of the additional landscape are poorly described in the drawings although the necessary provision of it is acknowledged in principle.

4. APPLICANT'S CASE

- 4.1 As part of the application submission the following supporting statements have been submitted;
 - Design and Access Statement;
 - Organic Livery description and justification by Sworders
 - Business Case
 - British Horse Society Guidance
- 4.2 The applicant proposes a full commercial livery which would use organic parameters as much as possible. This would be in line with the ethos of the farm from which has Soil Association certificated organic fields. The proposal would provide full livery services for up to 20 horses. Full livery provides for the feeding, exercising, cleaning and care of the horses by the employees of the livery which is unlike standard liveries where the horse owners rent a stable and care for their own animals themselves.
- 4.3 The business case submitted by the applicants establishes that the applicants have qualifications and experience suited to the business. The research indicates that full livery services do not exist in the locality and the applicants have letters of support that indicate demand and potential customers. The applicants propose that the organic philosophy of the farm and the Livery have greater benefits for the environment and wildlife than a non-organic similar facility.
- 4.4 The livery will employ up to 10 part time staff when the livery is full.

5. RELEVANT SITE HISTORY

- 5.1 The proposals were the subject of pre application advice in 2010. The advice indicated that the facility could be located within the complex of existing farm buildings, since this time many of the buildings within the complex have been converted to residential uses.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy GEN1 - Access
- Policy GEN2 – Design
- Policy GEN3 – Flood risk protection
- Policy GEN5 – Light Pollution
- Policy GEN8 - Vehicle Parking Standards
- Policy E4 - Farm Diversification: Alternative use of Farmland
- Policy ENV2 – Development affecting Listed Buildings
- Policy ENV4 – Sites of Archaeological importance
- Policy ENV5 – Protection of Agricultural Land

7. PARISH COUNCIL COMMENTS

Little Canfield Parish Council

- 7.1 The Parish Council has not responded.

8. CONSULTATIONS

ECC Highways Authority

- 8.1 No Objection

Natural England

- 8.2 No Objection

National Grid – Gas

- 8.3 No Objection

ECC Archaeology

- 8.4 The following recommendations are in line with the National Planning Policy Framework.

RECOMMENDATION: A Programme of Trial Trenching followed by Open Area

Excavation

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 this 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.

National Grid –Electricity

- 8.5 Standard Response – no objection

Essex Ecology Services

- 8.6 Thank you for consulting us on the above application. I note the 'no' answers on the biodiversity questionnaire and having reviewed the aerial image I agree with this. The site appears to be an expanse of arable land with some boundary trees. Any boundary trees and hedgerows should be retained.
I have no further comments or objections.

Health and Safety Executive

- 8.7 No Objection

9. REPRESENTATIONS

- 9.1 None received.

10. APPRAISAL

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

- A Principle of development and impact on countryside (NPPF, ULP Policy S7 of ULP)
- B Compliance with Policy E4 Farm Diversification:
- C Protection of Agricultural Land (Policy ENV5 of ULP)
- D Whether access and parking arrangements would be satisfactory (Policy GEN2 of ULP)
- E Assimilation of the proposal into the countryside and landscaping (S7 of ULP)
- F Impact upon Listed Buildings (Policy ENV2 of ULP)
- G Impact on Archaeology (Policy ENV2 of ULP)

- A Principle of development and impact on countryside (NPPF, ULP Policy S7 of**

ULP)

- 10.2 The proposals in the context of government guidance are considered acceptable as the NPPF (chapter 3) promotes the development and diversification of agricultural land and the growth of rural businesses in general. The site is within the countryside and must therefore be considered against the criteria of the ULP policy S7. In this regard the development is considered appropriate to a rural area in principle. A livery is, most often, a rural enterprise and the typology of buildings are intrinsically rural.
- 10.3 The design and layout of the proposal has been amended to relate more appropriately to its location. As such the proposal does impact on the countryside, in that the openness is changed through the addition of a building, but the use of the countryside for this purpose requires such an impact. It can be considered that the potential harm is relatively minimal as views to the location are predominantly only glimpses from public places and the single storey stable block would appear very low in what will be mostly long distance views, predominantly from the A120

B Compliance with Policy E4 of ULP, Farm Diversification:

- 10.4 Policy E4 of the ULP requires that farm diversification includes proposals for landscape and nature conservation enhancement. The application in this regard proposes additional hedging and areas of planting which, whilst primarily intended as screening will provide some benefits to nature conservation as well. It should also be noted that the organic ethos of the proposals as defined in the business plan and Design and Access Statement have inherent positive effects for wildlife and nature conservation.
- 10.5 The other elements of Policy E4 require development to not cause harm to through noise or place unacceptable pressure on the road network. The proposals are not considered to represent harm in either of these aspects, the highway authority has not objected to the proposal. The final aspect of policy E4 states that the proposal must not harm the vitality of the existing agricultural holding. The applicants state that the livery will support the function of the farm with profits being returned to the farm business.

C Protection of Agricultural Land (Policy ENV5 of ULP

- 10.6 The change of use is considered to not cause the loss of agricultural land which is protected under ULP Policy ENV5. This is because the land is currently used for the grazing of cattle and hay making. The basic use of the land is not changed by the proposals in that horses will graze as an alternative to cattle. Although the original pre application advice suggested that the livery may be better located within the existing group of buildings these have subsequently been converted to residential use. This would potentially make the livery a poor neighbour within the farm complex.

D Whether access and parking arrangements would be satisfactory (Policy GEN2 of ULP)

- 10.7 The parking standards adopted by the council allow for uses such as the livery to be considered on a case by case basis. The scheme has been amended to allow for more parking than originally proposed and to also accommodate horse boxes that may be left on site by clients of the livery. The parking has been arranged to provide convenience for clients and has been kept away from the listed buildings to the northwest of the site. The parking has been screened from the applicant's house and is considered appropriately located within the site. As such the application complies with Policy GEN8 of the ULP 2005

E Assimilation of the proposal into the countryside and landscaping (S7 of ULP)

- 10.8 The design of the proposals has been amended during the application at the case officer request. The amendments have involved the reorientation of the stable and ménage to provide greater separation of the new building from the listed Hall. The design of the stable block has also been simplified to better reflect the modest nature of the buildings in the immediate vicinity and appear more appropriate in the rural environment. As such the proposals accord with policy GEN2 of the ULP 2005
- 10.9 The use is a rural one and, as such, will be appropriate to the countryside. The site layout shows the retention of the hedgerows and additional landscape planting to strengthen the offsite boundary to Little Canfield Hall. Other elements of Landscape are proposed that add visual mitigation to vehicle parking areas. The boundary treatments are also suitable to the rural environment and the use. The level of detail for the new areas of hard and soft landscaping is not satisfactory and will require a condition to be imposed on a grant of permission to provide certainty over both the suitability of trees and plant species as well as the suitability and sympathy of hard surface materials for the rural environment. The drawings indicate that permeable surfacing is to be used but have not submitted a surface water drainage strategy. Members may wish to impose a condition to any grant of permission that requires a satisfactory means of surface water drainage is submitted and approved by the local planning authority prior to commencement of the proposals. Providing satisfactory landscaping can be agreed the scheme would be in accordance with Policy GEN2 of the ULP 2005

F Impact upon Listed Buildings (Policy ENV2 of ULP)

- 10.10 The impacts on Little Canfield Hall have been considered by the Councils Conservation Officer and following the amendments to the scheme and relocation of the stable block there is considered to be no adverse impacts on the setting of the listed building. Additional landscaping is proposed to strengthen the existing hedge to the boundary of the Hall, through which glimpses to the Ménage are possible. As such the proposals are in accordance with Policy ENV2 of the ULP 2005

G Impact on Archaeology (Policy ENV2 of ULP)

- 10.11 Members will see from the consultation response form the County Archaeologist that the potential for archaeological interest in the location is high and that a series of works are recommended prior to commencement to investigate. Conditions recommended by the County Archaeologist would ensure the application accords with Policy ENV4 of the ULP 2005.

11. CONCLUSION

- 11.1 The application provides a diversification for the farm business that currently uses the site. The proposals have been amended to include sufficient vehicle parking which is suitably placed within new landscaping. The revised arrangement of stable block and ménage is considered appropriate in the countryside and suitably placed to not harm the setting of Little Canfield Hall (listed building).

RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS

Conditions/reasons

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

the date of this decision.

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

2. No Flood Lights shall be erected on the site.

REASON: to preserve the openess and character of the countryside and to be in accordance with Policy S7 of the ULP 2005

3. Prior to the commencement of the development a full scheme of hard and soft landscaping shall be submitted to and approved by the local planning authority. Thereafter the scheme shall be completed in accordance with the approved landscape plans.

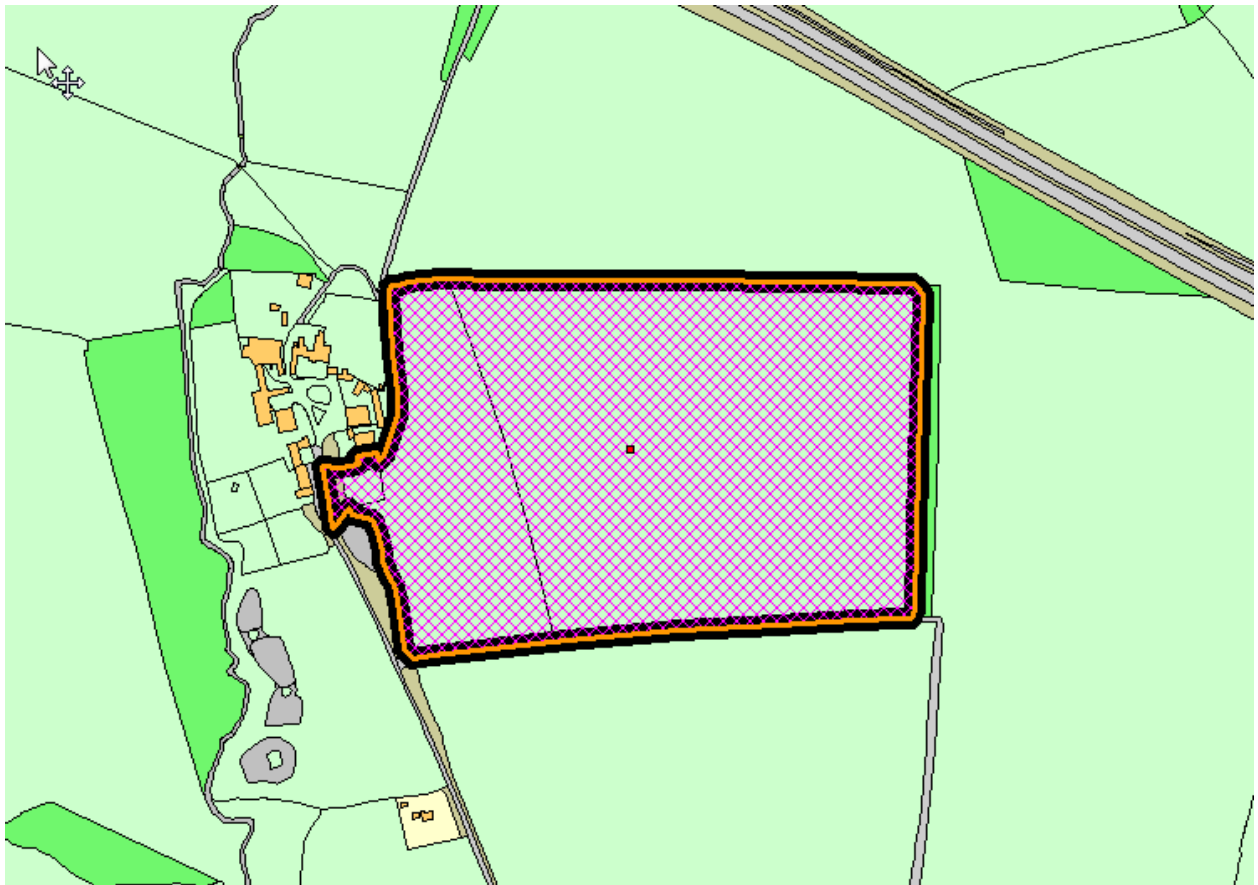
REASON: to ensure that a satisfactory scheme of landscaping appropriate to the countryside setting is created and to be in accordance with policy GEN2 of the ULP 2005

4. Prior to the commencement of the development a scheme of Surface Water Drainage shall be submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be constructed in accordance with the approved surface water drainage scheme.

REASON: to accord with policy GEN3 of the ULP 2005.

Application no.: UTT/14/3326/FUL

Address: Land east of Ladlers, Stortford Road, Little Canfield



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

SLA Number: 100018688

UTT/14/3730/FUL - TAKELEY

MAJOR

PROPOSAL: Application to vary condition 5 (staff parking arrangements) of planning permission UTT/14/2812/OP (Outline application with some matters reserved for the development of a hotel comprising 8,670sqm of accommodation space (329 bedrooms) and associated parking and vehicle access) to include the concluding phrase “or until other temporary arrangements have been made available for the use of staff car parking to accommodate the lost staff spaces, which shall be available until the replacement staff car park is complete”

LOCATION: Land south west of Enterprise House, Stansted Airport

APPLICANT: Stansted Airport

AGENT: Stansted Airport (Mr A Andrew)

EXPIRY DATE: 18 March 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Within Development Limits/Policy AIR1: Development in the Terminal Support Area.

2. DESCRIPTION OF SITE

2.1 The application site is located to the south west of Enterprise House. It comprises the majority of what is currently the upper section of the staff car park, which currently accommodates 339 car parking spaces. There are some small trees planted within the car parking area but these are still very immature. To the north west boundary is the operational airfield. To the north east are Enterprise House, a glazed office building, and then the terminal building. To the south west is the lower section of the staff car park and the control tower beyond. To the south east are Bassingbourn Road and Coopers End Road/Terminal Road North, with the railway line running between the two roads. There is a grassed area and footpath along the south eastern side of Bassingbourn Road. There is a “temporary” staircase providing pedestrian access to the operational level of the terminal building and the bus station.

3. PROPOSAL

3.1 The proposal seeks to vary the wording of condition 5 relating to the provision of replacement car parking spaces which would be lost as a result of the approved development.

3.2 Condition 5 currently states:

“No works relating to the construction of the hotel hereby permitted shall be commenced until such time the works to the staff car park as shown on drawing no 7369-L(00)80A, dated 24 September 2014, contained in the document “Design

Proposals for the Vertical Circulation Core and Horizontal Walkway” have been carried out and made available for staff use.”

3.3 The applicant would like an additional sentence added to the condition which states:

“or until other temporary arrangements have been made available for the use of staff car parking to accommodate the lost staff spaces, which shall be available until the replacement staff car park is completed.”

4. APPLICANT'S CASE

4.1 The purpose of this application is to seek to vary the condition to allow for a contingency period and temporary arrangement between the replacement car parking being completed and the conclusion of the commercial negotiations and handover of the site to the contractors to develop the hotel.

4.2 It is proposed that land at Northside is set aside for a contingency staff car park. This is on land that is currently vacant, on the site of the original airport facility and which forms part of the Bury Lodge Lane Employment Allocation, within the recent submission draft of the Uttlesford Local Plan. This land is proposed for development, but will be vacant and available during the April 2015 period. This temporary site will be served by a dedicated staff bussing operation to ensure prompt accessibility to the Terminal and Airside security validation points.

5. RELEVANT SITE HISTORY

5.1. There are numerous planning applications relating to Stansted Airport. In terms of this particular site, planning permission has been granted for a hotel under reference UTT/14/2812/OP.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S4: Stansted Airport Boundary
- Policy GEN1: Access
- Policy GEN8: Vehicle Parking Standards
- Policy AIR1: Development in the Terminal Support Area

7. PARISH COUNCIL COMMENTS

7.1 Request conditions with a time limit for the temporary arrangement and reassurance that the temporary site provides sufficient spaces to accommodate all staff parking.

8. CONSULTATIONS

Airside OPS Limited

8.1 The proposed variation of condition 5 has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Natural England

8.2 No comment to make on the variation of condition 5.

Network Rail

8.3 No observations to make.

ECC Highways

8.4 No comments to make on this proposal.

Fisher German

8.5 No direct impact upon our client's apparatus.

NATS

8.6 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Highways Agency

8.7 No objection.

Stansted Parish Council

8.8 No comment.

9. REPRESENTATIONS

9.1 This application has been advertised and 1 letter of representation has been received. Notification period expired 28 January 2015.

9.2 Titan Airways oppose application because of negative effect on employee base and business. Will cause inconvenience to our visitors and aircrew alike. Add considerable time to the employee day by way of bus journey around the airport.

10. APPRAISAL

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

A The variation of the condition will impact on parking provision and highway safety (ULP Policies GEN1 and GEN8)

B Any other material conditions

A The variation of the condition will impact on parking provision and highway safety (ULP Policies GEN1 and GEN8)

10.1 Planning permission was granted on 17 November 2014 for the erection of a terminal-linked hotel at Stansted Airport. The proposal results in the loss of 340 staff parking spaces, although 170 were to be retained for the proposed hotel. Details were

submitted with the application indicating that replacement car parking would be provided under works carried out as permitted development. To ensure that the parking provision was secured a condition was imposed on the planning permission granted under reference UTT/14/2812/OP requiring the car parking to be completed and made available for staff use prior to the commencement of the development of the hotel.

- 10.2 Negotiations have been ongoing between the applicant (Manchester Airport Group) and a prospective client to take over the hotel site. The scheduled handover of the hotel site is 30 March 2015 under the terms of the current commercial negotiations.
- 10.3 Work was due to commence on the alternative car parking arrangements on 5 January 2015, with an approximate construction period of 11 weeks. This would mean the works were scheduled to be completed on 27 March 2015. This timescale does not allow for any slippage due to adverse weather conditions or any other potential delays.
- 10.4 In order to ensure the handover of the site to the new owner can proceed in accordance with the commercial negotiations, MAG is seeking to vary the condition relating to the provision of the new car parking facilities. This would be a temporary arrangement and involve land located at Northside, currently forming part of the Bury Lodge Lane Employment Allocation. Shuttle bus facilities would be provided to ensure staff can access their employment facilities.
- 10.5 MAG has confirmed that work has commenced on site clearance works. Construction work on the car park is expected to commence on 2 March 2015.
- 10.6 No objections are raised to the proposed temporary use of the land at Northside for additional staff car parking until such time as the new facilities are provided. It is therefore recommended that the condition be amended as requested.

B Other material considerations

- 10.7 The objection letter received from Titan Airways has been noted. However, this relates to issues between the landlord and tenant and they fall outside the scope of the control of the local planning authority.

11. CONCLUSION

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

- A The principle of providing temporary staff parking facilities until the completion of the permanent facilities is considered appropriate.
- B The objection from Titan Airways relates to matters outside of the control of the local planning authority.

RECOMMENDATION – CONDITIONAL APPROVAL

1. Approval of the details of the landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and

Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

3. Prior to the commencement of the development hereby permitted a construction management strategy shall be submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- details of cranes and other tall construction equipment (including the details of obstacle lighting) – Such schemes shall comply with Advice Note 4 ‘Cranes and Other Construction Issues’ (available at www.aoa.org.uk/policy-campaigns/operations-safety/).
- control of activities likely to produce dust and smoke etc.
- details of temporary lighting – Such details shall comply with Advice Note 2 ‘Lighting Near Aerodromes’ (available at www.aoa.org.uk/policy-campaigns/operations-safety/).
- control and disposal of putrescible waste to prevent the attraction of birds

The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

REASON: To ensure that construction work and construction equipment on the site and adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Stansted Airport and to ensure that the development does not endanger the safe movement of aircraft or the operation of Stansted Airport through interference with communication, navigational aids and surveillance equipment.

4. Prior to the commencement of the development hereby permitted a Bird Hazard Management Plan shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’ (available at www.aoa.org.uk/policy-campaigns/operation-safety/). The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the local planning authority.

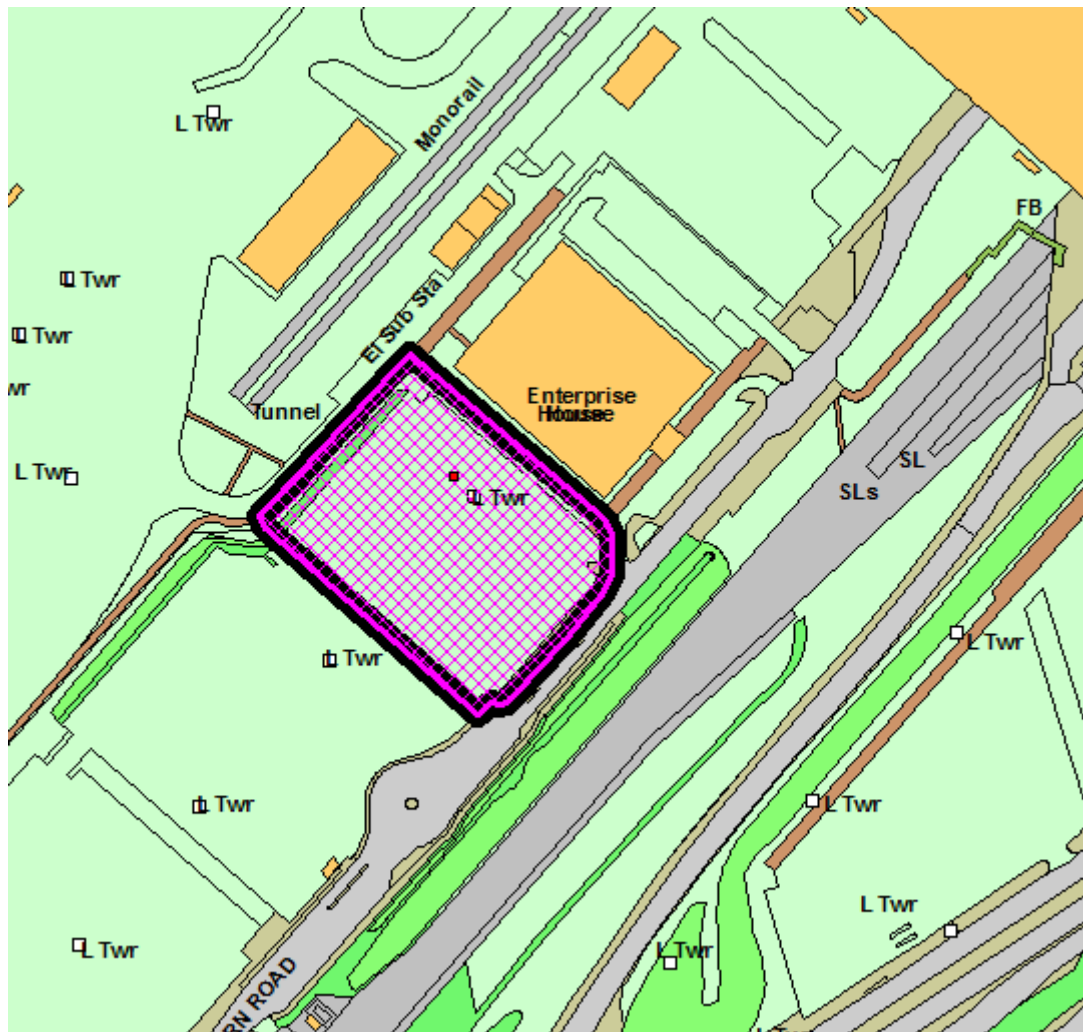
REASON: It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

5. No works relating to the construction of the hotel hereby permitted shall be commenced until such time the works to the staff car park as shown on drawing no 7369-L(00)80A, dated 24 September 2014, contained in the document "Design Proposals for the Vertical Circulation Core and Horizontal Walkway" have been carried out and made available for staff use, or until other temporary arrangements have been made available for the use of staff car parking to accommodate the lost staff spaces, which shall be available until the replacement staff car park is completed.

REASON: To ensure there is adequate parking within the airport boundary in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1.

Application no.: UTT/14/3730/FUL

Address: Land South West Of Enterprise House Bassingbourn Road Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

SLA Number: 100018688

UTT/15/0227/FUL (GREAT EASTON)

(Applicant is a District Councillor).

PROPOSAL: Proposed demotion of 2 no. Stables and tack room and replacement with 4 no. stables and tack room

LOCATION: Homefield, Mill End, Great Easton

APPLICANT: Miss M Felton

EXPIRY DATE: 25 March 2015

CASE OFFICER: Madeleine Jones

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located in a backland position approximately 1.3m to the north east of Great Easton village. It currently forms part of a yard and paddock area to the rear of the property known as Homefield. It is accessed via an existing access point for Homefield. Within this area is a small stable block, a large stable block, a garden shed and a storage barn. There are agricultural fields to the south, east and west of the site.

3. PROPOSAL

3.1 The proposal is for the demolition of a two stables and tack room and for the erection of four stables and a tack room.

3.2 The stable building would be built from traditional materials. The building would be an L shape and its dimensions would be 3.6m high, 13.3m(reducing 3.5m) deep and 13.1m (reducing to 3.5) wide. They would be constructed in timber with a felt shingle roof. The building would be located to the south of the residential house known as Homefield.

4 APPLICANT'S CASE

4.1 A Design and Access Statement has been submitted with the application, this outlines the design proposal for the site.

4.2 Homefield is located approximately 1.3m to the north east of Great Easton and is situated in a rural area characterised by agriculture and scattered residential dwellings. A small country lane runs along the northern perimeter of Homefield, with a farmhouse, agricultural barns and arable fields located beyond. Arable agricultural fields also bound Homefield to the south, east and west.

Within the wider Homefield site, the proposed development area is situated in the central east of the site to the south of the farmhouse and associated garden. The proposed development area is currently comprised of a fenced off horse paddock.

4.3 The proposed new stables are of timber construction designed by Jon Williams stables with a felt shingle roof.

- 4.4 The site will have its own access from splitting existing driveway to Homefields. It is entered via a driveway located in the north east corner, with a hardstanding of tarmac heading south. There are good site lines in both directions.
- 4.5 There are no changes to existing landscaping.
- 4.6 The site lies outside development limits within the rural area where there is a presumption against development. However, the text set out in paragraph 2.2.8 of the Local Plan states as follows:
- 4.7 “Examples of development that may be permitted in principle include re-use of rural buildings, suitable farm diversification, outdoor sport and recreational use and affordable housing and other facilities to meet local community needs”
- 4.8 The proposed 4 stables are to provide accommodation for our horses that have been living here for many years.
- 4.9 The application is supported by a Phase 1 Habitat survey, and biodiversity checklist

5.0 RELEVANT SITE HISTORY

- 5.1 UTT/14/2223/FUL – Change of use of land from paddock to residential. Demolition of outbuildings, erection of single storey bungalow and single storey barn. Conditionally approved September 2014

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN2 – Design
- Policy GEN1 – Access
- Policy GEN8 – Vehicle Parking Standards
- Policy GEN7 – Nature Conservation

7.0 PARISH COUNCIL COMMENTS

- 7.1 No reply received to-date. Expiry date: 2nd March 2015 – To be reported

8.0 CONSULTATIONS

ECC Ecology

- 8.1 No objections to the scheme. The measures outlined in Section 5.2 of the preliminary Ecological Assessment (T4 Ecology July 2014) should be adhered to.

9.0 REPRESENTATIONS

- 9.1 The occupiers of 2 neighbouring properties have been notified via letter. No letters of objection have been received. Expiry date 23rd February 2015

10.0 APPRAISAL

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

- A Whether the erection of the stable block would be acceptable development in the countryside that is appropriate to a rural area and protects or enhances the character of the countryside (ULP policy S7)
- B The proposed access to the site and parking provision and highway issues (ULP Policy, GEN1, GEN8 and ECC Parking Standards);
- C Design, scale and impact on neighbour's amenity (ULP Policy GEN2, GEN4)
- D Impact on nature conservation (ULP Policy GEN7)

A Whether the erection of the stable block would be acceptable development in the countryside that is appropriate to a rural area and protects or enhances the character of the countryside (ULP policy S7)

10.1 The application site is located outside the development limits of Great Easton within open countryside and is therefore located within the Countryside where ULP 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. The proposed stables would be replacing existing stables and would be located overlapping the footprint of the existing stables. The stables are of traditional design and of modest height. The stables would be sited at the edge of the field and not in the open which would reduce any detrimental visual impact they would have on the character of the countryside setting.

A further material consideration is that a stable block is to be demolished as part of the previous planning application approval UTT/14/2223/FUL. The proposed stables would be smaller than the combined scale of those to be demolished. As such the proposal is considered to be appropriate for the rural area.

B The proposed access to the site and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards);

10.2 The proposal would reuse an existing access point. This access is to be widened to improve visibility under the previously approved scheme. Due to the anticipated levels of use of the site it is not likely that the use will be intensified to the extent of resulting in unacceptable pressures on the surrounding rural road network or being detrimental to highway safety. As such the proposal is in accordance with the requirements of policies GEN1 and GEN8 of the Local Adopted Plan

C Design, scale and impact on neighbours amenity (ULP Policy GEN2,& SPD Accessible Homes and Playspace, SPD Energy Efficiency)

10.3 A proposal of this nature has the potential to cause nuisance to neighbouring properties by way of noise, smell, light and disturbance.
In view of the separation distance of the site from neighbouring properties the proposal would not have any material detrimental impact on neighbour's amenity. The use of the stabling is solely for private use.

In view of the open location of the site to the west there should be strict control of external lighting. This however, can be achieved by the use of an appropriate condition.

D Impact on nature conservation (ULP Policy GEN7)

- 10.4 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.

The proposal involves the demolition of the existing stables. As such the proposals have the potential to impact on protected species. There is also a pond 100m to the north of the site, however, given the presence of a road, hardstanding, managed landscapes and grazing paddocks situated between the site the pond, it is not considered that there would be a potential connectivity between the site and the pond and therefore unlikely for great crested newts to be impacted by the proposal. Phase 1 Habitat Survey has been undertaken and this concluded that the site is currently subject to regular disturbance and is considered to be of low ecological value. Essex County Council Ecologists have been consulted and they have no objections to the scheme provided that the recommendations within the ecology survey are adhered to. As such, subject to a suitably worded condition, the proposal would not have any detrimental impact on biodiversity. Therefore the application would comply with Policy GEN7.

11.0 CONCLUSION

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

- A The principle of the proposal is on balance acceptable.
- B Is acceptable with regards to highway safety
- C The design, scale and form of the development is acceptable in this location
- D The proposal would not have any material detrimental impact on biodiversity.

RECOMMENDATION – CONDITIONAL APPROVAL

CONDITIONS:

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

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

2. There shall be no floodlighting or other form of external lighting constructed within the application site or erected on the stable building without the prior written consent of the local planning authority.

REASON: In the interest of amenity and to ensure the development does not adversely affect the rural character of the area in accordance with Uttlesford Local Plan (adopted 2005) policy S7.

3. The development hereby permitted shall not be used for any separate business or commercial use, other than the personal use for equestrian purposes only (not any other form of recreational use).

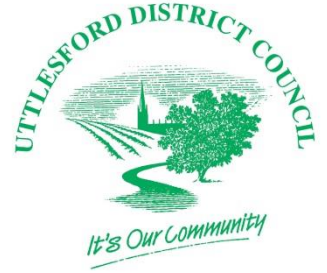
REASON: Permission is granted solely to serve the domestic needs of the applicant and a commercial use would be inappropriate in this rural location in accordance with Uttlesford Local Plan (adopted 2005) policy S7.

4. The development hereby permitted shall be implemented in accordance with the recommendations within paragraph 5.2 of the Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment Incorporating Bat Survey Inspection) submitted with the application in all respects.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Uttlesford Local Plan (adopted 2005) policy GEN7

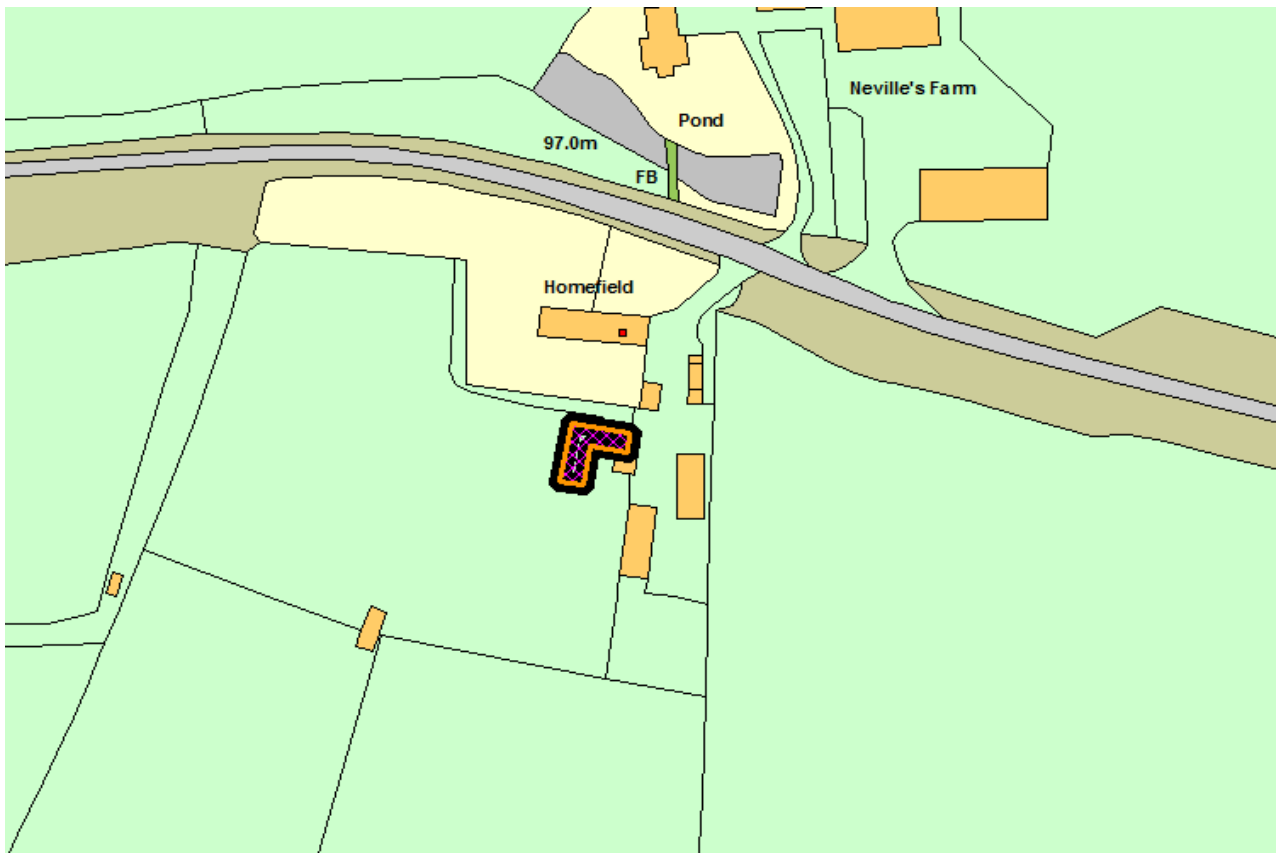
5. The stables to be demolished as part of the previously approved scheme UTT/14/2223/FUL shall be demolished within 2 months of the completion of the stables hereby permitted.

REASON: To avoid over-development of the site in accordance with Uttlesford Local Plan (adopted 2005) policy S7.



Application no.: UTT/15/0227/FUL

Address: Homefield, Mill End, Great Easton



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Organisation: Uttlesford District Council

Department: Planning

Date: 27 February 2015

SLA Number: 100018688

Committee: Planning

Agenda Item

Date: 11th March 2015

5

Title: UTT/ 15/0156/TPO

Application for consent to fell one horse chestnut tree at 12, Saville Close, Clavering subject to UDC Tree Preservation Order No.1/76.

Author: Ben Smeeden
Landscape Officer

Item for decision

Summary

1. This item seeks the Committee's consideration of an application for consent to fell a horse chestnut tree at 12, Saville Close, Clavering. The tree is subject to a tree preservation order and is situated on land in the ownership of the District Council.

Recommendations

2. Approval is granted for the horse chestnut tree to be felled and a suitable replacement tree planted.

Financial Implications

3. The costs associated with the felling and replanting would be met within existing budgetary provisions.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

UTT/15/0156/TPO

Impact

- 5.

Communication/Consultation	Details of decision entered onto the public register of TPO applications.
Community Safety	None
Equalities	None
Health and Safety	None

Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Clavering
Workforce/Workplace	None

Situation

6. The horse chestnut tree is situated in the garden area of 12, Saville Close, Clavering (appendix 1). This property is in the ownership of the District Council. The tree is subject to a UDC tree preservation order (TPO 1/76). The application to fell the tree has been made by Housing Property Services. The reason for seeking to fell the tree is that it is causing building damage to 12, Saville Close.
7. The tree has been inspected by the Council's Landscape Officer and found to be a mature specimen of some 18m in height and in fair condition with no obvious defects. This tree has been previously subject to an overall crown reduction (appendix 2). The tree is in close proximity to the northern elevation of 12, Saville Close, and cracking has occurred in the porch structure which is considered likely to have been caused by the presence of the tree. In order to avoid the risk of further damage it is considered appropriate to fell this tree.
8. The felling of the horse chestnut tree would result in a loss of visual amenity and it is therefore considered that if the horse chestnut is removed a suitable replacement tree, such as holly, is planted. Common holly is relatively slow growing with moderate water uptake demands unlikely to cause damage to the dwelling in the future.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with the recommendation	1. None	1. No impact	None

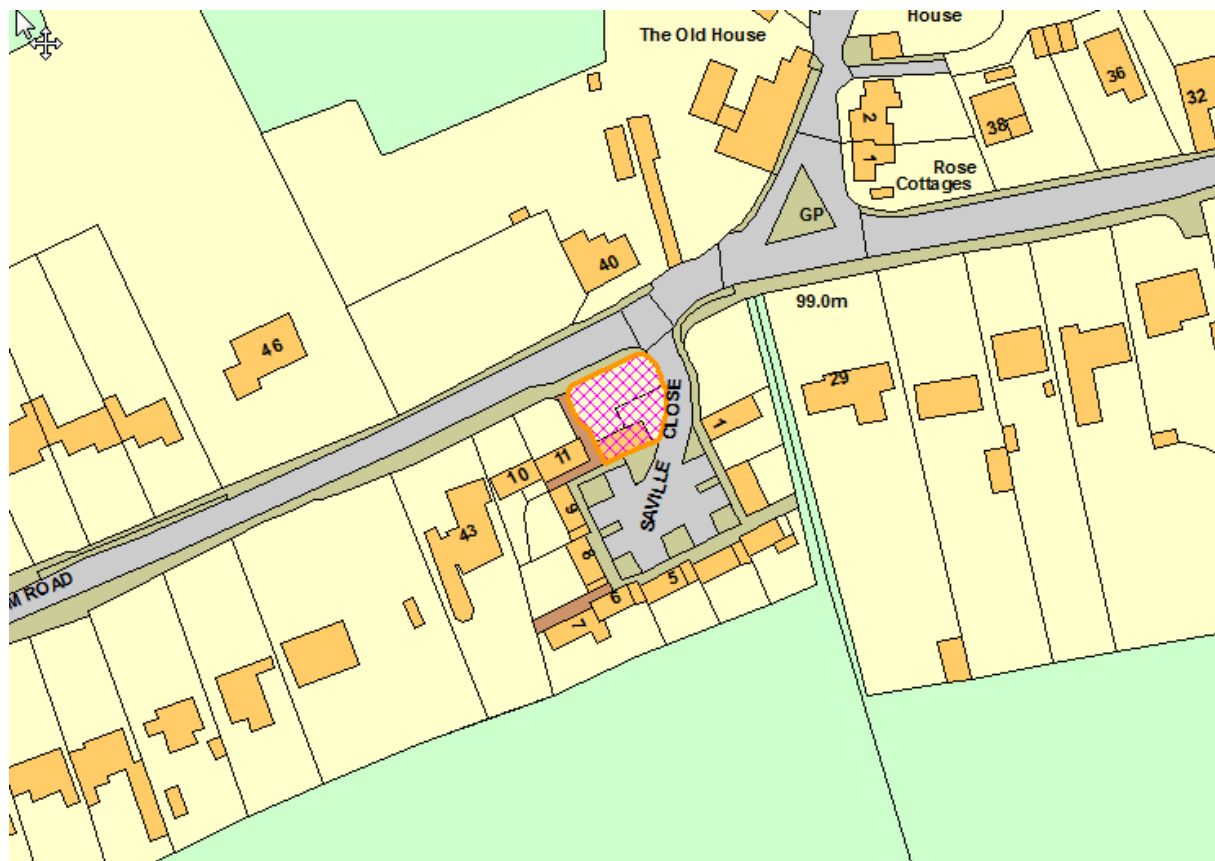
1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location plan



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- Organisation: Uttlesford District Council
- Department: Planning
- Date: 2 March 2015
- SLA Number: 100018688

Appendix 2: Horse Chestnut Tree



Title: Appeal Decisions

Item 6

Author: Nigel Brown –

SITE ADDRESS	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION	DECISION BY OFFICER/OVERTURNED BY COMMITTEE
Land At 40 Bentfield Road Bentfield Road Stansted	UTT/14/1999/FUL	Erection of 1 no. dwelling	Dismissed 21/01/2015	The Inspector accepted that there was an extant outline planning permission for the construction of a dwelling on this site, but she considered that there was “no substantive evidence that this dwelling would be constructed should the appeal be dismissed”. Notwithstanding the extant outline planning permission she considered that a dwelling on this site would be detrimental to the character of the area and the living conditions of the adjacent property 38a Bentfield Road.	Conditional approval – overturned by committee
Chelmer House Watling Lane Thaxted	UTT/14/1631/OP	Outline application with all matters reserved for the demolition of existing dwelling and outbuildings and erection of 5 detached dwellings	Dismissed 05/01/2015	The Inspector considered that “the development would be at odds with the character of the area and would detract from it”. He considered that the benefits of the proposal did not outweigh the harm caused to the character and appearance of the area.	N/A

Land North Of Aylands Bannister Green Felsted	UTT/14/1649/FUL	Erection of 1 no. Dwelling complete with outbuilding and related infrastructure.	Dismissed 27/01/2015	<p>The Inspector concluded that the proposal “fails to secure the intrinsic character of the locality where the footpath passes through the site. As such, the proposal would result in significant adverse effects upon the rural character and appearance of the locality”</p> <p>This inspector has been unique in stating that in her opinion the authority has under persistently under delivered housing and therefore required a 20% buffer. However, this did pre-date the Local Plan Inspector’s formal letter that concluded the contrary.</p>	N/A
Springwell Nursery Josephs Farm Walden Road Little Chesterford	UTT/13/3095/OP	Outline application for removal of structures and the erection of 6 No. dwellings with all matters reserved except access and scale	Dismissed 20/01/2015	<p>The application proposed the redevelopment of an existing garden centre/nursery site. The Inspector considered that the “provision of the dwellings and the associated domestic form and associated requirements would be more imposing than the existing buildings”. This more imposing form would reinforce a suburban appearance rather than a rural character.</p> <p>The Inspector concluded that the site is not a sustainable location, with particular regard to community facilities and transport opportunities”</p>	N/A

Land South Of Birchanger Lane Birchanger	UTT/14/0876/OP	Outline application with all matters reserved for one 3/4 bedroom house with double garage and access from Birchanger Lane	Dismissed 21/01/2015	<p>The Inspector considered that the new dwelling on the site would contribute to urban sprawl and erode the openness of the area which would undermine the aim of keeping land in the Green Belt permanently open.</p> <p>The appellant argued that the having a dwelling to care for her horses was special circumstances to outweigh the harm. The Inspector concluded she was “not persuaded that the appellant had fully explored the options including obtaining accommodation within an existing settlement nearer to the site”</p>	N/A
Land West Of 19 Bradley Common Bradley Common Birchanger	UTT/14/2152/FUL	Erection of 1 no. dwelling.	Dismissed 22/01/2015	The sole consideration within this appeal was the issue of overlooking onto 12 Bradley Common. The Inspector concluded that “the siting of the dwelling in relation to the rear garden to No. 12 would lead to direct and unacceptable overlooking”	N/A
Land At Wood End Wood End Widdington	UTT/14/1987/FUL	Erection of 1 no. detached dwelling with detached garage	Dismissed 28/01/2015	The Inspector noted that the site lay outside of the development boundary of Widdington. She stated that she had “no doubt that the introduction of a dwelling, particularly of the size proposed together with the domestication of the plot...would materially change the character and appearance of the site. This in turn would harm the rural character of the lane and	N/A

				<p>the local area by removing the openness of the site”</p> <p>She also considered that due to the substantial size of the gap as well as the varied pattern of development on either side, it did not fall within the definition of sensitive infilling”</p>	
<p>Land East Of Stones Corner Bardfield End Green Thaxted</p>	<p>UTT/14/0232/OP</p>	<p>Outline application with all matters reserved for the erection of six dwellings with garage/carport/parking provision and access point off Bardfield Road</p>	<p>Dismissed 01/12/2014</p>	<p>The Inspector concluded that although Thaxted was a sustainable settlement with appropriate services, he concluded that as the site was 3km from Thaxted, it would not be sustainable development. Residents would be unlikely to walk into Thaxted for services and would therefore be more reliant on the car to access services.</p> <p>He added that the proposal would introduce isolated dwellings into a rural setting. He stated “that the proposal would be visually intrusive and would introduce an urban form of development into a rural setting. For these reasons it would be harmful to the character and appearance of the area”</p>	<p>N/A</p>

Land East Of Stones Corner Bardfield End Green Thaxted	UTT/14/0246/FUL	Erection of one dwelling and garage with new access to highway	Dismissed 01/12/2014	As above.	N/A
Land North Of Cox Ley Cox Ley Hatfield Heath	UTT/13/2313/OP	Outline planning permission for the erection of 5 No. dwellings with all matters reserved	Dismissed 05/02/2015	<p>The Inspector noted that the site formed part of the open playing field which adjoins open farm land. He considered that the proposal would significantly reduce the openness of the Green Belt. He gave substantial weight to that harm. He did not consider that the development of the five dwellings was considered very special circumstances to outweigh caused by the proposed development.</p> <p>He gave moderate weight to the harm caused in prejudicing the use of the playing fields by the erection of dwellings adjacent to it.</p>	N/A
Down Farm Elsenham Road Stansted	UTT/14/1384/FUL	Construction of 5 x 4-bedroom eco-friendly dwelling houses with associated car parking, amenity space, landscaping and means of access	Dismissed 17/02/2015	<p>The Inspector considered that the scale and the layout of the proposal would have a materially harmful effect upon the character and appearance of the area so as to warrant an objection on this basis alone". She did not consider that the design of the dwellings in itself caused any harm to the character and appearance of the area.</p> <p>She also concluded that the proposed development would not</p>	N/A

				<p>present sustainable development.</p> <p>She did not consider that the proposal caused harm to the setting of the Grade II Listed Down Farm.</p> <p>She did consider that locations of Plots 1 & 2 in close proximity to the M11, would result in harm to the living conditions of the future occupants of these plots.</p>	
<p>Ashtree Market Garden Starlings Green Starlings Green Road Clavering</p>	<p>ENF/14/0057/C</p>	<p>Appeal against enforcement notice</p>	<p>Dismissed/Notice upheld with corrections</p> <p>11/02/2015</p>	<p>The appeal was solely on Ground (c) i.e. the appellant has to show that there is not breach of planning control. With regards the field shelters, the Inspector concluded that although they were moveable, they had not been regularly mobile and as such were considered as buildings constituting development. At the time of their construction the land was not being used for agriculture and therefore they would have required planning permission.</p> <p>Notwithstanding the appellant's stated plans for the mobiles, neither was being used for agricultural purposes and as such planning was required.</p>	<p>N/A</p>

Cherrywood Cannons Lane Hatfield Broad Oak	UTT/14/2315/HHF	Proposed extensions and roof alterations	Dismissed 06/02/2015	The Inspector concluded that the proposed extension would be harmful to the character and appearance of Cherrywood. The rear extensions' scale and design would not be respectful of the host property.	N/A`
Land At The Forge Duddenhoe End Duddenhoe End Road Elmdon	UTT/13/2890/OP	Outline application for the erection of 1 No. dwelling and cartlodge with all matter reserved except access .Demolition of existing garage and outbuildings	Allowed 30/01/2015	The Inspector concluded that "Whilst I accept that the majority of journeys would take place be car, the development would help support local services and therefore was considered sustainable development". She acknowledged that the size and design of the proposed dwelling would be considered at the reserved matters stage. She concluded that "Given this, and the lack of the uniformity in the layout of dwellings in the village a house in the position indicated would not appear incongruous or harmful to the character of the settlement or the open character of the countryside."	N/A

