

UTT/14/3662/FUL – QUENDON & RICKLING

(MAJOR)

PROPOSAL: Detailed application for the erection of 19 residential units (including 5 affordable units) and a new vehicular access point, incorporating public open space, hardstanding, landscaping and land for educational use

LOCATION: Land South Of Foxley House Rickling Green Road Rickling Green

APPLICANT: CALA Homes (North Home Counties) Ltd

EXPIRY DATE: 16 March 2015

CASE OFFICER: Maria Shoemith

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located adjacent to the B1383, on the southern edge of Quendon and to the east of Rickling Green. The site covers an area of 0.93ha comprising garden land associated with Foxley House, which forms a rough 'dog leg' shape. The land is covered in grass but does not have the manicured appearance of lawn. The eastern boundary of the site comprises mature hedges and vegetation. To the west of the site are the rear gardens of the properties on Rickling Green Road, to the south/west it borders the playing fields to Rickling Green Primary School and the remaining land forms part of the garden to Foxley House. The northern boundary also adjoins land relating to Foxley House.

2.2 The proposed development would be sited outside but adjacent to the Quendon and Rickling Conservation Area which is located to the west and the east of the application site. There are also a number of Listed Buildings to the west and the east of the site.

3. PROPOSAL

3.1 The application is a detailed scheme for the erection of 19 residential units (including 5 affordable units) and a new vehicular access point, incorporating public open space, hardstanding, landscaping and land for educational use. This application sees the combined schemes of 14 open market dwellings, 5 affordable dwellings and change of use of land for educational purposes which have been previously been granted planning permission. Please refer to planning history below.

3.2 The proposed development would take its access from B1383, Cambridge Road and pedestrian footpath would be retained from Rickling Green Road, running south of the primary's boundary into the application site.

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

Unit No.	No. Bedrooms	No. Parking Spaces	Amenity Space (m2)
1	4	5	170
2	4	3	157
3	5	4	205
4	4	4	206
5	4	4	198
6	5	4	334
7	5	4	283
8	3	2	256
9	3	2	130
10	3	2	105
11	3	2	82
12	3	2	104
13	3	2	101
14	3	2	101
15(A)	2	2	52
16(A)	3	2	100
17(A)	3	2	100
18(A)	2	2	50
19(A)	2	2	58
		Visitors Parking Spaces = 5	Total: 20.4dph

3.4 There have been slight changes to the heights of the proposed buildings from the previous scales which were approved at outline stage. The table below outlines this;

Unit No.	Proposed max. height to ridge (m)	Approved max. height to ridge (m)
1	9.5	10
2	9.5	10
3	9.5	9.8
4	8.9	9
5	8.9	9
6	9.5	9.2
7	9.5	9.2
8	8.4	8.2
9	8.4	8.2
10	8.8	7.2
11	8.8	7.2
12	8.8	7.2
13	8.8	7.2
14	8.8	7.2

15(A)	8.4	8.2
16(A)	8.4	8.2
17(A)	8.4	8.2
18(A)	8.4	8.2
19(A)	8.4	8.2

4. APPLICANT'S CASE

- 4.1 *“The application combines all three extant permissions into a single deliverable and viable proposal. This seeks to ensure that the delivery of 14 private units, 5 affordable units and the successful transfer of land for educational use. As part of the wider package of landscape works, the proposed footpath access into Rickling Green will help improve pedestrian accessibility and allow pupils from the primary school to access the local equipped area of play (LAP) adjacent to plots 17 & 18.*
- 4.2 *The issue of concern centres on highway’s request for a further footpath access to join up with that adjacent to Hallfield. While a similar request was previously raised by Highway’s as part of the outline application, the obligation was omitted from the two outline planning permissions.*
- 4.3 *Our understanding is that the proposed footpath link and land for education use were considered to be more important planning obligations for the Parish Council and local planning authority. Furthermore when balanced against the obligations committed as part of the original outline application a further obligation would not be fairly and reasonably related in scale and kind to the development.*
- 4.4 *When determining the appropriateness of an obligation, it is necessary to refer to Regulation 122 (1) of the Community Infrastructure Regulations to understand whether the obligation sought meets the three statutory tests. These statutory tests are as follows;*
- (a) Necessary to make the development acceptable in planning terms;*
 - (b) directly relate to the development; and*
 - (c) fairly and reasonably relate in scale and kind to the development*
- 4.5 *The current application does not change the number or tenure of the units previously approved. Similarly, the application seeks to maintain the principle of the outline permissions and encourage pedestrian footpath accessibility into the village via the new dedicated footpath.*
- 4.6 *The proposed footpath will enable future occupiers to gain access to two bus stops along Rickling Green Road. Bus services operating from Rickling Green Road are No’s 62,322 and SB14 to Bishop Stortford, Old Harlow, Wicken Bonhunt and Elmond. Furthermore, these existing bus stops are located closer to our application site compared to the bus stop along B1389 Cambridge Road.*
- 4.7 *The additional obligation proposed by Essex County Council Highways will require the construction of a footpath 1 meter wide extending approximately 50 meters parallel to the B1383 Cambridge Road. Initial costs for such works are estimated between £20, 000 and £25,000.*

- 4.8 *Based on the package of obligations committed under the current proposal, it is considered that the additional obligation is not necessary to make the application acceptable in planning terms. For the reasons outlined above, there [are] more accessible bus stops in the village and resultantly the obligation fails to demonstrate that it is directly related to the development. Lastly, no footpath condition was appended to the outline planning permissions and the costs are not considered to be fairly and reasonably related to the scale and kind to the development”.*
- 4.9 Regarding the increase in the contribution for education there has not been a material change to the scheme and the increase in cost is unfounded and not Regulation 122 compliant.
- 4.10 With regards to comments on the bulk of the plots 1, 2, 3, 6, 7 and 10-14 a reviews of the design principles have been undertaken and approved parameter established by the outline permissions. The plans have been amended to include permissible heights. Additionally the garden sizes have been reviewed against those which have been approved. Plots 1 & 2 have been amended to reflect a Georgian Farm House. The changes would include lower, traditional, eaves and better the proportioned windows. To further assist in reducing the bulk, parapet to the garages are proposed in lieu of a pitched roof. Plot 3 has been reduced in height with the introduction of eaves to help reduce bulk. The height has been reduced below that of the approved parameters. Catslide dormers and weatherboarding has also been introduced to respond to local vernacular and enhance the character of the development.
- 4.11 Plots 6 & 7 have been reduced in width of the gable in front. The proposed terrace (Plots 10-14) has been broken up with varying roof forms and external materials to reflect cottages within Rickling Green. The materials will include a mix of facing bricks and weatherboarding. Whilst the original garden sizes of the approved scheme ranges from 90-110sqm, with the Essex Design Guide standards being 100sqm for a 3 bedroom dwelling plus the current scheme ranges between 92 and 102 sqm. The gardens are flexible and usable. Whilst deficient garden sizes were allowed under the outline application, the quality and privacy of the gardens will not cause negative impact on the occupiers or neighbouring occupiers.
- 4.12 The proposed scheme intends to remain sympathetic to the features and prevailing characteristics of the wider area, and will utilise the landscape setting to the site as a natural buffer to the adjoining properties and roads wherever possible.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0572/06/OP
Outline application for the erection of one dwelling adjacent to Foxley House refused June 2006 and allowed at appeal November 2006
- 5.2 UTT/2364/11/OP
Outline application for the erection of 4 dwellings on land to the rear of the primary school. Refused November 2011 and dismissed on appeal September 2012.
- 5.3 UTT/1359/12/OP
Outline permission for erection of 14 dwellings with some matters reserved except access, layout and scale. Granted August 2013

- 5.4 UTT/13/0026/FUL
Application for the change of use of a piece of land within the grounds attached to Foxley House to be used for educational purposes. Granted March 2013
- 5.5 UTT/13/0027/OP
Outline application for 5 affordable houses with adjoining area of land for a public play area and new access. Granted August 2013.
- 5.6 UTT/1929/04/FUL – Former Red Star Garage (Hallfield Development)
Erection of 14 dwellings with car parking. Alteration of existing access. Granted 2005

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy S7 - The Countryside
Policy GEN6 - Infrastructure Provision to Support Development
Policy GEN7 - Nature Conservation
Policy L3 – Community Facilities
Policy GEN1 - Access
Policy GEN2 - Design
Policy GEN8 - Vehicle Parking Standards
Policy H9 - Affordable Housing
Policy H10 - Housing mix
Policy H11 – Affordable Housing on “Exception Sites”

Supplementary Planning Document - "Accessible Homes and Playspace"

Essex Developers' Guide to Infrastructure Contributions (Adopted as Essex County Council Supplementary Guidance).

Essex Parking Standards (2009)
Uttlesford Local Parking Standards (2013)

7. PARISH COUNCIL COMMENTS

- 7.1 On the basis that the application and its various supporting documents are self-contradictory (Design and Access Statement) and contain a long list of inaccuracies we do not feel able to comment on it. Main concerns include, but are by no means limited to the following:
- In the application document, answers are given to two questions which are blatantly untrue, regarding proximity to a body of water and visibility of the site from the B1383.
 - The location of the playground changes between two sites depending on which document is studied. Neither of which is regarded as suitable by us on the grounds of safety from moving vehicles, of the children who will use it.

- The loss of two bedroom market houses from the main development, (Housing Mix).
- Speed should be amended;
- The playground should be located adjacent to the school playing field and the footpath;
- We have met with Cala twice and our objections have been ignored;
- There has been an increase in open market floorspace but not affordable floorspace, with no justification;
- Tandem parking;
- Sufficient trees should remain on site for screening;
- There should be a meaningful contribution to playground and equipment;
- Supply and install fencing around the school field;
- Permanent closure of access points to Foxley House;
- Affordable site to be exception needs;
- Whilst there is opposing the previous applications provision of smaller market 2 bedroom dwellings within the main development was an advantage;
- The scheme does not address the previous grounds of refusal of not being sustainable, limited public transport, little relationship with rest of village, insufficient early years and childcare in the village, no affordable housing provision, design of three bed housing being able to convert to 5 bedrooms

7.2 Further to our previous comments, we note that the ECC response relating to education states that all early years and childcare providers in the ward of Newport, and this would include Rickling school, are at capacity and would not be in a position to accommodate children from this development; and that there is a deficit of 112 secondary school places. This is further evidence of the unsustainability of this scale of development in this village.

7.3 We also note that in the revised plans the rear garden of plot 15, a three bedroom affordable unit, appears unchanged from the original, which the case officer advised us was too small to meet design standards. This is exacerbated by the irregular shape which renders a large portion of the garden unusable as play space.

8. CONSULTATIONS

ECC Highways Authority

8.1 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will

be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following amendments:

- a) Turning heads to be shown.
- b) All parking spaces which are parallel to the carriageway should be 6 metres in length.

If the above points are satisfied approval is recommended subject to condition.

N.B: Amended plans have since been submitted to address the above points.

Environment Agency

- 8.2 No Objection

Affinity Water

- 8.3 Site is located in a ground water protection zone. Construction works would need to be undertaken in accordance with British Standards in order to prevent ground water pollution.

Natural England

- 8.4 No objection.

ECC Ecology

- 8.5 No objections. However, Natural England should be consulted given the proximity of the SSSI. The recommendations set out in Section 6.0 of the Ecology Survey (September 2014) should be adhered to.

ECC Education

- 8.6 Early years and child care facilities are at capacity. Rickling Primary School has a 105 places. The school is forecast to be full by 2018/19 when the pupils from this development are taken into account. The land proposed for educational purposes would need to be fit for purpose, fenced and meet our education site suitability criteria. With regards to secondary provision forecast for 2018/19 there would be a deficit of 112 places. As the secondary school is over 3 miles away ECC are obliged to provide free school transport. In view of the above and in order to mitigate the development there is a requirement of £21,122 for early years and childcare, secondary school sum of £62,537, £14,449.50 for school transport.

- 8.7 ECC has the following comments in response to agent's letter regarding contribution:

- 8.8 “In respect of the above planning reference and the letter from Phillip Wright dated 2 February 2015, obviously Phillip is challenging the amounts in terms of contribution sought compared to the previous applications.
- 8.9 Our assessment is made at the time of the planning application, and based on the data available to us, bearing in mind that things on the ground may change. Taking first the early years and childcare contribution:
- 8.10 According to the current data available to us and advice we were given at the time of current application UTT/14/3662 all EY&C providers within the ward of Newport are at capacity and could not accommodate children from this development, regardless of any previous planning permission.
- 8.11 In terms of secondary places the data given to me at the time of this application was that there is a deficit of 112 places and therefore a contribution for secondary places is still required.
- 8.12 In regard to the request for secondary transport costs, it is our policy to request a contribution towards the cost of providing transport to a school which is over 3 miles the proposed development.

N.B: Since the above consultation response the contribution towards secondary provision has now been omitted as under the new CIL regulations only 5 different contributions can feed into one project. This has been confirmed by ECC Education.

Anglia Water

- 8.13 No objection subject to condition and informative.

Housing Enabling Officer

- 8.14 Shared Ownership is one method of enabling average or median income earners the opportunity to access home ownership. A recent scheme delivered in Arksden (Jan, 2014), required a total of £633.88 pcm based on purchasing 30% property, plus rent on the remaining equity and service charge. Not all schemes are able to offer such a low percentage of equity as it depends on the scheme’s viability. Rural Exception housing, which is what this scheme is, no longer attracts grant from central government.
- 8.15 The majority of shared ownership schemes offer equity shares at 50% which in the example of Arkesden equates to £738.55pcm and therefore may be above the budget of local residents in Quendon and Rickling.
- 8.16 This scheme is a rural exception site which will allocate homes on the basis of local connection and then need. For residents to access shared ownership they will need to be able to access a mortgage and the deposit required. Data from the Office National Statistics shows 60% Uttlesford residents earn below £30k, 40% earn below £20k and 30% earn below £15k.
- 8.17 Therefore, I would suggest 3 affordable rented properties and 2 shared ownership as per the applicant’s suggested mix.

N.B: It should be noted that this site is not a rural exception site.

Conservation Officer (comments on original plans)

- 8.18 The site subject of this application is outside development limits and immediately adjacent to Quendon and Ricking Conservation Areas. The proposal is the formation of 19 new dwellings at Rickling Green.
- 8.19 The principle characteristic of the locality is the openness of the green which is surrounded by selection of small predominantly plastered dwellings with occasional weatherboarding. The homes here are mostly storey and half and formed on a traditional narrow span. Lesser number of structures like the school and the pub are formed in traditional soft, handmade clay red brick. These occasional brick or brick and flint buildings successfully contribute to the architectural variety of the area.
- 8.20 It appears that the proposed development would consist mostly of two storey brick buildings of excessively wide span which would result in an unsightly and untraditional gable ends. The three storey units with disproportional number of windows and dormers and area of flat roof at the top would assume an air of prominence totally at odds with the rural unassuming characteristics of the Green. The units with the integral double garage would again result in the very wide and untraditional span of the gable cross wing be spoiling otherwise promising elevation. Finally the elevational treatment of the terrace houses interspaced by integral garages and overwhelming fenestration would result in monotonous and ugly street scene further denuding the scheme of any architectural merit.
- 8.21 In addition to the inappropriate overall form of the housing the Georgian-esque detailing consisting of small pain sealed units, probably nasty upvc windows, and totally misunderstood proportions would have an overpowering effect on this very rural locality. I suggest further negotiation leading to a development which would respond better to the local character in terms of scale materials and detailing.

N.B. Amended plans have since been submitted to address the above points.

Landscape Officer

- 8.22 The submitted Landscape Master Plan [Dwg. No.L1008-2.1-9000 Rev.B] shows, inter alia, the provision and general arrangement of new tree, hedge and shrub planting. The soft landscaping arrangement is in the most part considered to be appropriate. However, there are no submitted planting specification/planting plans allowing the scheme to be fully assessed. These further details are required to be submitted for approval.
- 8.23 In addition, I do have concern that on the B1383 frontage of the site the removal of 4 individual trees and sections of hedgerow, albeit all in relatively poor condition, will open up the development in views from the B1383. As part of the landscaping of the development native hedging should be sort to provide screening and enclosure along this frontage in order to maintain a sense of rurality along this section of the main road. In order to make sufficient room for such provision, the positioning of the proposed dwellings 1 and 2, and 18 and 19 would need to be adjusted. The proposed

boundary/garden fencing along this frontage is a combination of 1.8m high close board fencing, and 1.2m high close board fencing with 600mm high trellis on top. In order to soften and screen this fencing it is advised that it is set back from the boundary line to accommodate the planting of a mixed native species hedge in front.

- 8.24 The tree protection plan [Dwg. No.TRP1 Rev.1] for existing trees to be retained is considered satisfactory. In total some 30 individual trees are proposed to be felled [3 Norway spruce, 1 beech, 16 Leyland cypress, 3 ash, 2 sycamore, 3 elm, and 2 juniper]. None of these trees are considered to be of high amenity value.

9. REPRESENTATIONS

- 9.1 98 neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press. Three letters of representation have been received raising the following points;

- Opportunity to reduce speed limit;
- Site is close to conservation area;
- Height of proposed properties would enhance overlooking;
- Previously opposed the application;
- Concerned that the adjacent plot would be developed;
- Errors in statement submitted;
- Pedestrian and Highway safety;
- Unsustainable site;
- There are no services in the area to serve development;
- School is full;
- There are no businesses nearby that would provide employment;
- Loss of fields

10. APPRAISAL

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

- A Principle of development
- B Design
- C Highways
- D Infrastructure provision to support the development
- E Mix of Housing and Affordable Housing
- F Ecology
- G Other Considerations

A Principle of development

- 10.1 Whilst this application is a full planning application it is a submission incorporating the three previous applications for the affordable housing, the school land and the open market housing. The submission of a combined application ensures the security that the school land is transferred, affordable housing and playspace area would be provided, whether as previously the separate three applications were secured through a legal obligation to ensure their provision. It should be noted however that the previous granted consents are extant.

10.2 The principle of the development for all three elements has therefore been previously approved and accepted. Nonetheless, any material changes since the granting of the previous application need to be taken into consideration. In this respect, other than the withdrawal of the draft local plan which placed minimal weight on the determination of the previous applications, the level of weight afforded to the suitability of the site, its contribution towards the Council's 5 year land supply and community benefit are still relevant considerations. Hence, the principle of the development is still considered acceptable, in accordance with Local Plan Policy S7 and the NPPF.

B Design

10.3 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. 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.

10.4 As to whether the scheme would be compatible with the character of the settlement and countryside, the scheme would see development on the urban fringe of Quendon and Rickling Green. Built form is fundamentally in a ribbon form along the Cambridge Road. The area is characterised by large grass verges and predominately large dwellings which are set back from the road on large plots. There are elements of the more modest terrace houses within the village. There is a recent development in Hallfields which has been built to traditional design.

10.5 The outline application for the open market housing granted the access, layout and scale of the development, thereby only appearance and landscaping were reserved matters, whereas the application for the affordable housing granted the access, all other matters were reserved. It has been stated within the submission that the previously approved scheme was designed to a 'farm court yard' style implying a heavily hard surfaced courtyard. Whilst the principle of the design intend to continue with such a theme the scheme has evolved now proposing to provide greater landscaping and defined car parking provision, which would ultimately soften the design of the development. In turn this would be more in keeping with the surrounding wider area.

10.6 The proposed scheme would be a mixture of detached, semi-detached, and terrace housing between 2 and 2 ½ storeys with traditional pitched roofs reflecting the locality. The ridge height of the dwellings located to the front of the site adjacent to Cambridge Road have been reduced from 9.8m & 10m in height to 9.5m facilitating in reducing the level of bulk and mass of those properties that would be the most prominent even though the site would be set behind existing landscaping. Even though the proposed terrace (Plots 10-14) would see a height increase from 7.2m to 8.8m this is considered to be acceptable, still maintaining low in height and a modest appearance it would not be dominant within the streetscene. The dwellings would be broken up in its massing through having set back and subordinate roof elements. The amendments following the Conservation Officers advice is now considered to address the concerns. This is acceptable and would be in keeping with the existing design principles of the surrounding area, in accordance with Local Plan Policy GEN2 and the NPPF. The proposal would also continue to protect and enhance the character and appearance of

the adjacent Conservation Area in accordance with Local Plan Policy ENV1.

- 10.7 The site backs onto a number of Listed Buildings such as Tudor Cottage, The Thatch, and opposite Woodmans Cottage and near The Cricketers Arms. No detrimental impact is considered upon the setting of the Listed Buildings due to the size, scale, design and orientation of the proposed dwellings. This is also considered the case as the principle of development has already been previously accepted. No objections have been raised by the Conservation Officer in this respect. This is in accordance with Local Plan Policy ENV2.
- 10.8 Details of materials would need to be conditioned in order to protect the character and appearance of the surrounding area, the adjacent Conservation Area and the setting of the neighbouring Listed Buildings should planning permission be granted.
- 10.9 The existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing, in accordance with Local Plan Policy GEN2. This complies with the 25m back to back distances which are sought under the Essex Design Guide (2005).
- 10.10 No loss of light or outlook are considered would result from the scheme both in terms of the existing surrounding neighbouring occupiers and for the future occupiers of the site. 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 its design, siting and orientation of the properties, in accordance with Local Plan Policy GEN2 and GEN4.
- 10.11 Amenity space requirement for 3 bed plus dwellings should be at least 100 square metres and 1 and 2 bed dwellings at least 50 square metres. All of the proposed dwellings apart from Plot 11 meets or exceeds these criteria, which is 18sqm short. The proposed rear garden space for Plot 11 nonetheless is still considered to provide quality usable space. It should also be noted that Plot 11, whilst not private, also has the use of a small front garden which exceeds the amenity shortfall at 20sqm. On balance this element accords with Local Plan Policy GEN2 and the requirements of the Essex Design Guide.
- 10.12 It has been confirmed within the application submission that dwellings have been specifically designed to meet Lifetime Homes Standards and is capable of taking future adaptations to meet the specific needs of residents with one unit being fully wheelchair accessible, in accordance with Local Plan Policies GEN2 and GEN1.
- 10.13 The application submission states that “*The proposed development has been designed to achieve policy compliance with regards to sustainability, with the application to be accompanied by a completed ‘Sustainable Construction Pre-Application Checklist’.* Whilst the code of construction has not been specified and in consideration of emerging new guidance the proposed development would need to comply with current Building Regulations, therefore should planning permission be granted a condition would not be imposed. This is in accordance with Local Plan Policy GEN2, Paragraph 206 of the NPPF and the Planning Practice Guidance regarding conditions, Paragraph: 003 Reference ID: 21a-003-20140306.

10.14 Local Plan Policy ENV3 for Open Spaces and Trees states “*The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.*” There are an existing number of mature trees along the western, southern and eastern boundaries of the site, which facilitates in providing screening for the site. None of these trees are covered by Tree Preservation Orders. As part of the proposed development a number of lower grade trees are proposed to be removed. This is stated to be broadly similar to those which were approved as part of the outline application. However, replanting proposals together with landscaping measures have been included as part of the submission in order to fully mitigate against these losses. The Council’s Landscape Officer has raised concerns regarding the removal of trees along the eastern boundary and the increase in exposure of the site. Whilst he has sought the resiting of the proposed dwellings moving them away from the eastern boundary in order to allow for further planting this is considered to be achievable through a Grampian condition. Even though the planting concerned is located technically outside of the application redline the land is considered to be within the ownership of the applicant. It should be noted nonetheless that this would need to be weighed against the need to retain visibility splays in the interest of pedestrian and highway safety. Thereby the scheme is considered acceptable in this respect subject to conditions relating to details of planting specification/planting plans, and boundary treatments should planning permission be granted, in accordance with Local Plan Policy ENV3.

10.15 An area of open space is proposed as part of the scheme which would provide an area of play for the local residents and surrounding area. Whilst the Parish Council have raised concerns stating that they want the open space to be located further south where Plots 15-17 are located, its position is considered more appropriate due to the level of natural surveillance that it would be afforded in order to design out crime, in accordance with Local Plan Policy GEN2.

C Highways

10.16 Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.*
- e) The development encourages movement by means other than driving a car.”*

10.17 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

10.18 As part of the application a public footpath would be retained and upgraded to provide a 1.5m access from the application site to Rickling Green village enabling easy access

to the village bus stop, school, Public House and the Village Green. The provision of this footpath has been previously agreed and secured through a Section 106 Agreement which would be transferred to this application should planning permission be granted. Whilst ECC Highways have previously sought to secure a further footpath from the application site to the Quendon side of the village on Cambridge Road this was considered at the time of the application as an unreasonable request in relation to the scale of the development.

10.19 It has been confirmed within the submission that the proposed scheme would accord with current local parking standards. The above table of accommodation, in Section 3.3, demonstrates that this would be the case. The scheme is therefore accords with Local Plan Policy GEN8 and both the Essex Parking Standards (adopted 2009) and the Local Residential Parking Standards adopted (February 2013).

10.20 A Transport Statement has been submitted as part of the application. This highlights that based on the scale of the proposed scheme there would be minimal impact upon the existing highway network and no mitigations measure are therefore required. No objections have been raised by the Highways Authority subject to conditions and S106 agreement.

10.21 In considering the above the proposed development is acceptable in terms of highways subject to conditions; it is also therefore in accordance with Policies GEN1, GEN2, and GEN8 of the adopted Local Plan (2005).

D Infrastructure provision to support the development

10.22 Policy GEN6 seeks for infrastructure provision to support development. The following is proposed to support the development in terms of infrastructure and mitigation.

Open space

10.23 The public open space including playspace areas situated within the residential part of the development to be transferred to the Parish Council or Management Company.

Highways

10.24 Whilst the highway implications have been discussed above in Section C, in terms of mitigating the proposed development and providing in some areas betterment, the following proposed works and contributions are proposed;

10.25 Improvement and provision of public footpath from the application site to access the bus stop in Rickling Green.

Education

10.26 A payment of an education contribution relating to the number of school places generated by the application has been confirmed will be paid. This will address the education capacity issues that have been raised. The contribution towards secondary provision has now been omitted as under the new CIL regulations only 5 different contributions can feed into one project.

10.27 In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development, in accordance with Policy GEN6 of the Local Plan, and the NPPF.

E Mix of Housing and Affordable Housing

10.28 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. The proposed development would provide five affordable housing units which would be 40% of the total of 19 units which is proposed to be provided in accordance with Local Plan Policy.

10.29 The scheme has been designed to provide a balanced mix of 2, 3, 4 and 5 bedroom dwellings, in accordance with Local Plan Policy H10.

10.30 No objections have been raised by the Council's Housing Enabling Officer regarding the proposed dwelling mix or affordable housing provision.

F Ecology

10.31 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

10.32 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*" This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

10.33 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

- The consented operation must be for "*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*"; and
- There must be "*no satisfactory alternative*"; and
- The action authorised "*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*".

10.34 Owing to the site's siting in relation to Quendon Woods, which is a designated SSSI an Extended Phase 1 Habitat Survey has been undertaken. This identified that the SSSI which is located to the east of the site is separated by a major road, and it is

considered that the development would not have a negative impact on this site. The main protected species identified and relevant were records of 2 species of bat within the local area. The ecological survey undertaken on the site in 2014 did not raise any issues in relation to ecology at the site, but did identify the value of the mature tree boundaries for the bats. A number of recommendations and mitigation/enhancement measure have been identified within the report. ECC Ecology has raised no objections subject to conditioning the recommendations set out in Section 6.0 of the Ecology Survey (September 2014) should be adhered to. Natural England has also raised no objections based on the sites proximity to the SSSI. This is in accordance with Local Plan Policy GEN7, and the NPPF.

G Other Considerations

10.35 The Flood Risk Assessment which has been undertaken as the site falls within Flood Risk Zone 1 where there is low probability of flooding from tidal or fluvial sources. The site falls below the 1 ha area whereby a FRA is actually required. The Environment Agency has raised no objection on flood risk grounds. Anglia Water has also raised no objection subject to a drainage management condition. This is in accordance with Local Plan Policy GEN3.

11. Conclusion

- 11.1 The principle of the development is considered to be acceptable. Outline planning permission has been previously granted in this site which is extant. There are no material changes since the granting of the previous consent to alter the decision. The level of weight afforded to the suitability of the site, its contribution towards the Council's 5 year land supply and community benefit are still relevant considerations. The principle is in accordance with Local Plan Policy S7 and the NPPF.
- 11.2 The proposed design, layout, size and scale of the proposed development are considered sensitively designed and acceptable. The scheme would not have a detrimental impact upon the residential and visual amenity of neighbouring residential occupiers. No impact is considered upon the character and appearance of the adjacent Conservation Area or the setting of neighbouring Listed Buildings. This is in accordance with Local Plan Policies GEN1, GEN2, GEN4, ENV1 and ENV2.
- 11.3 The scheme would provide sufficient amenity space in accordance with Local Plan Policy GEN2 and the NPPF. The concern regarding the loss of landscaping and the ability to seek replacement planting can be conditioned should planning permission be granted. This is in accordance with Local Plan Policy ENV3.
- 11.4 Sufficient parking has been provided in accordance with parking standards. No objections have been raised by the Highways Authority regarding this or the trip vehicle movement implications upon the existing highway network subject to conditions. This accords with Local Plan Policy GEN1, GEN2, GEN8 and the ECC Parking Standards (adopted 2009), and locally amended March 2013.
- 11.5 In terms of infrastructure with respect of securing the affordable housing, open space, school land transfer, education contribution and provision of footpath this would be undertaken through a Section 106 Obligation in accordance with Local Plan Policy GEN6 and the NPPF.

- 11.6 With regards to ecology a number of recommendations and mitigation/enhancement measure have been identified within the Extended Phase 1 Ecology report submitted as part of the application. ECC Ecology has raised no objections subject to conditioning the recommendations set out in Section 6.0 of the Ecology Survey (September 2014) should be adhered to. Natural England has also raised no objections based on the sites proximity to the SSSI. This is in accordance with Local Plan Policy GEN7, and the NPPF.
- 11.7 There are no flood risk issues which are raised as part of this application, in accordance with Local Plan Policy GEN3. The Environment Agency has raised no objection on flood risk grounds. Anglia Water has also raised no objection subject to a drainage management condition.

12. 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) Education contribution**
 - (ii) Provision of playground and its transfer**
 - (iii) Provision of footpath**
 - (iv) Transfer of land for educational purposes**
 - (v) Provision of 40% affordable housing**
 - (vi) Payment of monitoring fee**
 - (vii) 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 1 July 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 Education contribution**
 - (ii) Lack of Provision of playground and transfer**
 - (iii) Lack of Provision of footpath**
 - (iv) Lack of Transfer of land for educational purposes**
 - (v) Lack if Provision of 40% affordable housing**

CONDITIONS:

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

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

2. Prior to commencement 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.

Justification: The access into the site would be first part of the development that would be implemented as the site is landlocked at present and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

3. The vehicular access to the site 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 and shall be provided with 8 metre radius kerbs.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policies GEN1 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

4. The proposed development hereby permitted shall be implemented in accordance with the recommendations set out in Section 6.0 of the Ecology Survey (September 2014).

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.

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 Policy GEN3 of the Uttlesford Local Plan and the NPPF.

6. Prior to the commencement 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 [for example]:-

- i. hard surfacing materials;
- ii. means of enclosure, including boundary treatment for the land to be transferred over to the school;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. location and design of refuse bins

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).

Justification: The removal of landscaping would be first part of the development that would be implemented and therefore it is essential that these details are submitted for approval in advance of the works being undertaken to ensure their long term protection.

7. 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).

8. 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).

Justification: The details of the heights of the buildings would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

9. 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).

10. Prior to the erection of the development hereby approved 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).

Justification: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

11. The plans and particulars submitted in accordance with condition 6 above shall include:

- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

- (b) and in relation to every tree identified a schedule listing:

- i. information as specified in paragraph 4.2.6 of British Standard BS5837 - Trees in Relation to Construction - Recommendations);
- ii. any proposed pruning, felling or other work;

- (c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.2.2 of BS5837)

- ii. all appropriate tree protection measures required before and during the course of development (in accordance with Clause 7 of BS5837)

- (d) areas of existing landscaping to be protected from construction operations and the method of protection.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

12. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (a) All tree work shall be carried out in accordance with British Standard BS3998 -

Recommendations for Tree Work.

(b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

(c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition 6, at such time as may be specified in writing by the local planning authority,

(d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

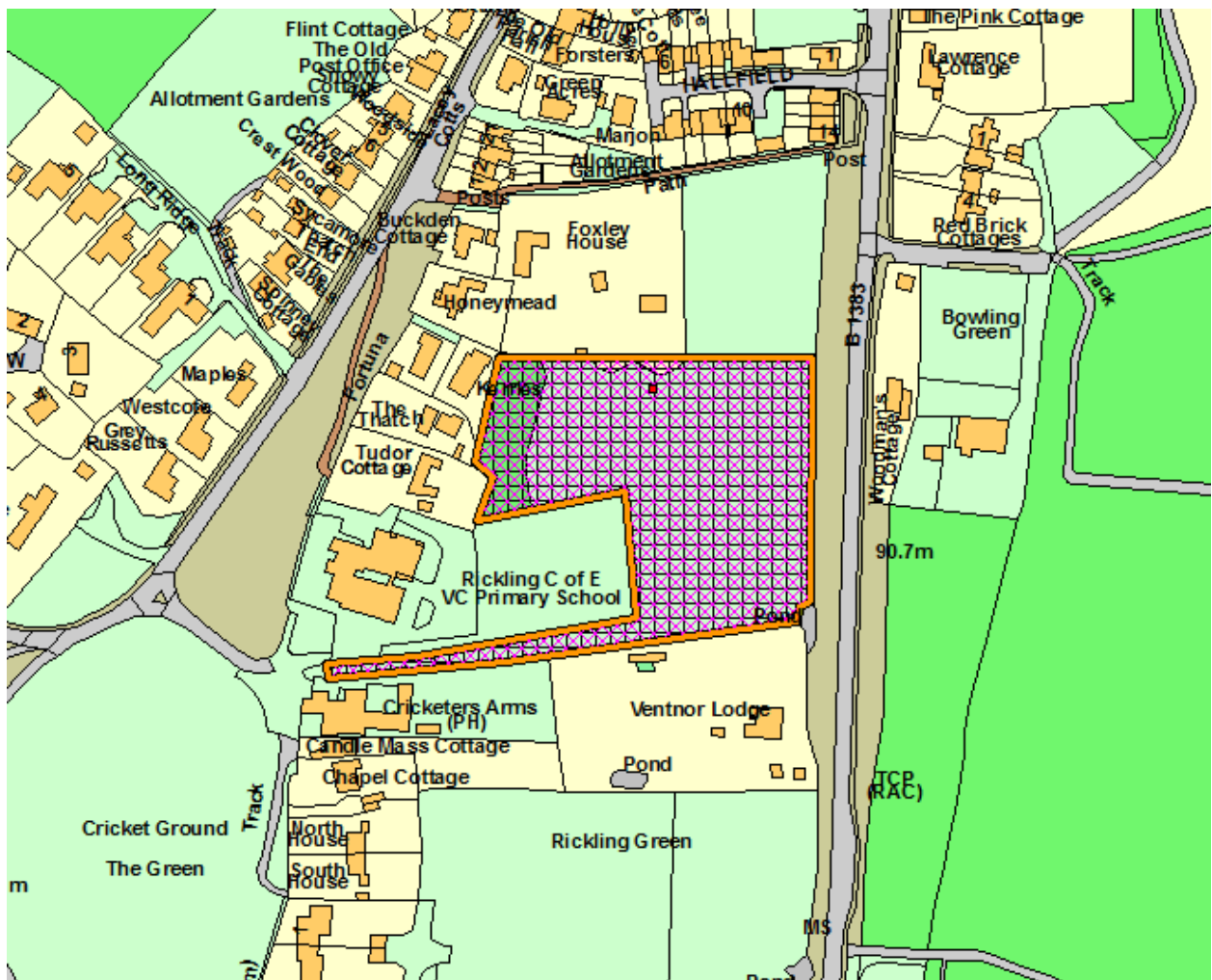
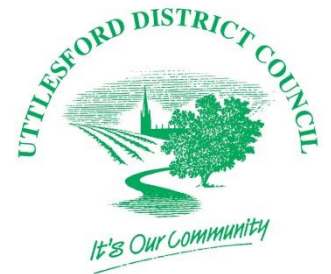
(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/14/3662/FUL

Address: Land South of Foxley House, Rickling Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

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