

Uttlesford District Council

Chief Executive: John Mitchell

Planning

Date: Wednesday, 29 July 2015
Time: 14:00
Venue: Council Chamber
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors Robert Chambers, John Davey, Paul Fairhurst, Richard Freeman, Eric Hicks, John Lodge, Janice Loughlin, Alan Mills, Vic Ranger (Chairman), Howard Ryles.

AGENDA PART 1

Open to Public and Press

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

- 2 Minutes of the previous meeting** 5 - 8
To consider the minutes of the meeting held on 1 July 2015

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

- 4 Planning Applications**

- 4.1 UTT/14/ 0127/FUL Great Dunmow** 9 - 50
To consider application UTT/14/0127/FUL Great Dunmow

4.2	UTT/15/1615/DFO Little Dunmow To consider application UTT/15/1615/DFO Little Dunmow	51 - 60
4.3	UTT/15/1467/DFO Radwinter To consider application UTT/15/1467/DFO Radwinter	61 - 70
4.4	UTT/15/1046/FUL Little Hallingbury To consider application UTT/15/1046/FUL Little Hallingbury	71 - 86
4.5	UTT/15/0362/FUL Elsenham To consider application UTT/15/0362/FUL Elsenham	87 - 104
4.6	UTT/15/1201/FUL Takeley To consider application UTT/15/1201/FUL Takeley	105 - 114
4.7	UTT/15/1193/FUL Gt Chesterford To consider application UTT/15/1193/FUL Great Chesterford	115 - 122
4.8	UTT/15/1076/FUL High Easter To consider application UTT/15/1076/FUL High Easter	123 - 130
4.9	UTT/15/1655/HHF Ugley To consider application UTT/15/1655/HHF Ugley	131 - 136
4.10	UTT/15/1745/NMA Saffron Walden To consider application UTT/15/1745/NMA Saffron Walden	137 - 140
4.11	UTT/15/1722/LB Saffron Walden To consider application UTT/15/1722/LB Saffron Walden	141 - 144
5	Section 106 Obligations: Financial Contributions held by the District Council To note the current position regarding financial contributions paid by developers	145 - 158
6	Planning Agreements To note the list of outstanding planning agreements	159 - 160

7 Chairman's urgent items

To consider any items that the Chairman 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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Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 1 JULY 2015**

Present:: Councillor Vic Ranger (Chairman)
Councillors Robert Chambers, John Davey, Paul Fairhurst,
Richard Freeman, Eric Hicks, John Lodge, Janice Loughlin,
Alan Mills and Howard Ryles.

Officers in attendance: Nigel Brown (Development Manager), Maggie Cox
(Democratic Services Officer), Christine Oliva (Solicitor), Sarah
Marshall (Planning Officer), Maria Shoesmith (Development
Manager Team Leader), Samantha Stevenson (Planning
Officer) and Clive Theobald (Planning Officer).

PC7 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies or declaration of interests

PC8 MINUTES

The minutes of the meeting held on 3 June 2015 were signed by the
Chairman as a correct record

PC9 BUSINESS ARISING

i) Minute PC3 – TPO 6/14 Elsenham Nurseries

The Development Manager explained that following the committee's
decision to defer this item, a further TPO had been placed on the tree as the
TPO was due to expire before the committee had the opportunity to
reconsider this item.

PC10 PLANNING APPLICATIONS

(a) Approvals

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

UTT/15/0455/FUL Saffron Walden - Reserved matters following outline
application UTT/13/2423/OP, for replacement Ridgeons building, commercial
access road, and bus turning area together with fencing, retaining walls, fuel
tank, cycle parking, substations external racking and associated works -
Ashdon Road Commercial Centre, Ashdon Road for Turnstone St Neots Ltd

Subject to an amendment to condition 4 and an additional condition 5 below

- 4 Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
REASON: In order to minimise the visual impact of the development in the street scene and the wider development of the site in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
- 5 Prior to the installation of the fuel tank, substation and external ranking details shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with those approved details.
REASON: In the interest of the appearance of the development and safeguarding the visual impact upon the surrounding locality in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Paul Belton spoke in support of the application

UTT/15/0326/AV Saffron Walden – update and installation of new illuminated and non-illuminated signage at both Waitrose Store and in and around the car park – Waitrose Ltd, Hill Street for John Lewis Group

UTT/15/1245/HHF Rickling Green – proposed loft conversion – 1 Long Ridge, Rickling Green for Mr R Osbourne.

Michael stiles spoke against the application

(b) District Council Development

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

UTT/15/1659/FUL Stebbing – provision of 2 hardstandings and creation of vehicular access – 12 and 12A Pulford Place for Uttlesford District Council

(c) Refusal

UTT/15/0623/FUL Henham – proposed change of use from Haulage yard to gypsy site for 5 pitches with toilet block – land rear of Hill Top Yard, Mill Road for Mr M Moloney.

The application was proposed for approval. A recorded vote was requested and the voting was as follows

Motion for approval

For: Councillors Chambers, Hicks

Against: Councillors Davey, Fairhurst, Freeman, Hicks, Lodge, Loughlin, Mills, Ranger, Ryles

The motion was lost. The application was proposed for refusal for the following reasons

Reason: The proposed development of change of use of a haulage yard to gypsy site for 5 no. pitches with toilet block and child's play area is inappropriate and unnecessary development for the countryside location and harmful to the countryside amenity. Furthermore, due to the lack of pedestrian access to the site from nearby settlements of Henham and Elsenham it is not considered to be located in a sustainable location. As such it fails to meet Policy S7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

The voting was as follows

Motion for refusal

For: Councillors Davey, Fairhurst, Freeman, Lodge, Mills, Ryles

Against: Councillor Chambers

Abstain: Councillors Hicks, Loughlin, Ranger

Councillor Gleeson, Geoff Gardiner and Jenny Wigley spoke against the application

UTT/15/0377/FUL Stansted – proposed partial demolition of 5 no. extensions. Construction of two storey extension and change of use for residential unit and shop to 3 apartments and shop – 42 Chapel Hill for Mr Howard Berndes

Reason: The proposal would have a materially harmful effect on the living conditions of the neighbouring property to the east of the site by way of the two storey extension along the boundary, which would cause an unacceptable overbearing and overshadowing impact by virtue of its height, length and proximity to the adjacent dwelling contrary to Uttlesford Local Plan policies GEN2 and H8.

Ray Ball and Ruth Clifford (parish council) spoke against the application. Mr Bliss spoke in support of the application

(d) Site visit

RESOLVED to visit the site of the following application prior to the next meeting of the committee

UTT/15/1201/FUL Takeley – erection of new dwelling and associated work
– Land East of Bellstock, Molehill Green for Mr James Salmon.

Geoff Bagnall (parish council) spoke against the application. Emma and James Salmon spoke in support of the application

PC11

LAND SOUTH OF ONGAR ROAD GREAT DUNMOW (UTT/14/0127/FUL)

The Committee was advised that the following application had been recommended for approval at the meeting on 7 May 2014.

UTT/14/0127/FUL Great Dunmow for the erection of 99 dwellings, including 40 percent affordable housing, facilitated by new vehicular and pedestrian access from the roundabout junction off Ongar Road and Clapton Hall Lane, public open space including a children's' play area, green corridors, associated parking and landscaping at Land South of Ongar Road, Ongar Road, Great Dunmow.

Following the issuing of the decision notice, a Judicial Review was received challenging the decision on the basis that the Council failed to carry out an appropriate EIA Screening of the application. The Council accepted this and the decision was duly quashed. The application had now been returned to the Council to re-determine.

Representations in relation to the application were made by the following members of the public.

Alan Storah, Will Lloyd, Smita Price, Ann Dalzell, Sandra Lloyd and Philip Milne (Great Dunmow town Council) spoke against the application. Hayley Ellison spoke in support of the application

The Development Manager explained that the previous approval of the application was not a material planning issue. The application was to be considered afresh, so it was helpful that there were now new members on the committee.

Members discussed the application but felt it would be useful for new members to visit the site and acquaint themselves with the issues before the application was considered.

RESOLVED that the committee visit the site prior to the application being determined at the next meeting.

PC12

APPEAL DECISIONS

The Committee noted the appeals that had been received since the last meeting.

The meeting ended at 5.00pm

UTT/14/0127/FUL (GREAT DUNMOW)

This matter was deferred from Planning Committee on 1.7.15 to allow members to visit the site.

PROPOSAL:	Planning application for the erection of 99 dwellings, including 40 percent affordable housing, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a children's play area, green corridors, associated parking and landscaping.
LOCATION:	Land South Of Ongar Road Ongar Road Great Dunmow
APPLICANT:	Taylor & Ms.J.R.Mortimer, Ms S.M.Staines & Ms C.A.Stoneman
AGENT:	Boyer Planning Limited
EXPIRY DATE:	21 April 2014
CASE OFFICER:	Nigel Brown

1.0 NOTATION

1.1 Outside Development Limits / Protected Lane (part).

2.0 DESCRIPTION OF SITE

- 2.1. The application site is situated to the south-west of the town and comprises a broadly rectangular parcel of arable land comprising 4.07 hectares bounded by the B184 Ongar Road to the north, the unclassified Clapton Hall Lane to the east and south and residential properties and residential amenity land to the west. A mini-roundabout lies at the north-eastern corner of the site, whilst Hoblings Brook and the A120 bypass lie beyond the site's southern boundary. The land comprises countryside lying outside the settlement limits.
- 2.2. The northern side of Ongar Road is characterised by a line of post-war bungalows which stand behind highway verges, to the north of this row of housing is a modern housing estate accessed from Lukin's Drive. Clapton Hall Lane is characterised by a mixture of single and two storey dwellings, including Crofters (the exception with 2.5 storeys) and Crofters Barn, which are listed buildings. Another listed building, Gatehouse, is located close to the appeal site fronting Ongar Road to the east of the roundabout junction with Clapton Hall Lane.
- 2.3. The site is relatively level from east to west, but land levels slope from north to south to the south-western corner of the site with Clapton Hall Lane with a pronounced land level difference between the level of the site and the carriageway of Clapton Hall Lane at this point. The change in levels across the site overall is around 7 metres however on the parts of the site that are proposed to be developed the change in levels from the north to south in terms of finished floor levels is around 5 metres. The northern boundary of the site comprises a line of established trees and indigenous hedgerow with gaps that return along the western boundary, whilst the southern and eastern boundaries are relatively open with verges to Clapton Hall Lane.
- 2.4. A balancing pond is located between the site and the A120.

3.0 PROPOSAL

- 3.1. This application relates to a proposal for 99 dwellings, including 40 affordable houses, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a central children's play area (LEAP), green corridors, associated parking and landscaping.
- 3.2. The proposed layout for the site shows the provision of a central green and play area and perimeter public open space totaling 0.31 ha, parking areas, landscaping, and sustainable drainage measures to include provision of drainage "swales" and a balancing (attenuation) pond with pumping station in the south western corner of the site.
- 3.3. The development would comprise an "outward facing" development, including 40 affordable housing units (40.4%) and a proportion of smaller market housing properties with an average net density of 33 dwellings per hectare across the developable area of the site (as opposed to the total site area). The highest site density is around the central street through the use of terraced and semidetached properties. The lowest density housing would be the detached bungalows on the eastern boundary facing out onto Clapton Hall Lane.
- 3.4. The Design and Access Statement provides a design code which states that the site lends itself to the provision of 1, 2 and 2.5 storey housing having maximum ridge heights of 9.6 metres and 10.5 metres with single storey dwellings fronting onto Clapton Hall Lane having a ridge height of 5 metres. The external appearance of the new dwellings would draw upon the Essex and Great Dunmow vernacular with the use of chimneys and dormers and a palette of external materials.
- 3.5. The highway layout shows the slight realignment of the proposed priority access road from the mini-roundabout to facilitate a short section of segregated access road with turning area for 1 to 7 Clapton Hall Lane rather than leading directly off of the new access road.
- 3.6. Pre application discussions were held to address the relationship of development with Heritage assets such as the Listed Building at Crofters. Units 23 was re-orientated and changed to a true bungalow in order to address previous reasons for refusal and the garage block at units 24 – 25 was reduced from two storey to single storey by way of the removal of the first floor flat and the consequential reduction in footprint was achieved by reason of the removal of a garage space.
- 3.7. The plans were amended in accordance with these agreed changes and the application was submitted. Following a meeting during the application processing further amendments were made to address the previous main reason for refusal and comments of third parties. These amendments included the change of all units on the eastern boundary (19 – 23 inclusive) to single storey bungalows – house type V.
- 3.8. Around the new junction plots 1 – 4 have been amended to provide two bungalows (plots 1 and 4) and two 1.5 storey chalet style half hipped detached dwellings to replace the detached two and two and a half storey gabled dwellings previously proposed. Units 5 – 7 are retained as two storey units but they all now have full hips on their main elevations facing Ongar Road. Units 53 – 56 are two pairs of semi-detached houses and these have been amended to incorporate half hips to reduce their overall mass. The detached unit 57 – 59 has been amended to fully hip its roof slopes in order to reduce the silhouette of this building, which is located adjacent to the

western boundary at the north western corner of the site.

- 3.9. Along the western boundary units such as plots 60, 61, 81, 82, 83 and 84 have been amended to provide half hips in lieu of gables and plots 67 and 80 as well as the units at 62-64 and 97-99 all have full hips in lieu of gables. A larger gap has been provided between plots 82 and 83 and the garages to plots 80 – 82 have been hipped.
- 3.10. On the southern boundary the land level of the site is elevated above Clapton Hall Lane. House types have been changes to reduce ridge heights and hips are again used on a number of properties (plots 26, 27 and 92) and half hips on plots 24 and 25, 93 and 94 and 95 and 96). The houses at plots 93 – 96 have been amended from two and half storey units to two storey units with consequential reductions in ridge height and vertical emphasis.
- 3.11. Within the site generally semi-detached House Types C and D have been changed to a half hipped roof design and House Type P to a fully hipped main roof design. The area has a mixed collection of house styles with a mix of hips, gables and half hips throughout the area. In terms of roof design the proposal now have a much greater mix of roof styles ranging from hips to half hips to gables as opposed to the previous scheme, which proposed exclusively gabled roof designs.
- 3.12. In terms of clustering the affordable housing units have been re-organised on site and 4 of the new bungalows are proposed to be for affordable housing purposes.
- 3.13. Finally amendments were submitted to change the three 2 bed flats above garages (FOGs) from two bedroom units to one bedroom units with inset balconies, these units would all be small relatively inexpensive open market units and the two FOG units previously used as affordable units would be replaced by a pair of semidetached 3 bedroom houses. This represents a significant enhancement on the original affordable housing offer when taken together with the four two bedroom bungalows previously offered.

4.0 APPLICANTS CASE

4.1 The application is accompanied by the following reports:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Tree Survey Report
- Ecological Appraisal
- Phase One Environmental Assessment
- Flood Risk Assessment
- Transport Assessment
- Noise and Air Quality Assessment
- Archaeological Desk Based Assessment
- Drainage and Services Report
- Site Waste Management Strategy
- Surface water Storage Requirements for Site
- Heads of Terms for any legal agreement
- Heritage Report
-

4.2 Summary of applicant's case

- This is a suitable and sustainable site for housing development, confirmed by the Council's published SHLAA (December 2010) and the range of detailed assessments carried out by Taylor Wimpey in connection with the preparation of the application. The SHLAA assesses the site to be suitable, available and deliverable for the scale of development proposed and this application is within the indicative timeframes for development set out in the assessment;
- The recent appeal decision remains a material consideration and the Inspector found the site to be suitable for residential development.
- The Council is currently unable to demonstrate a five-year supply of deliverable housing land as required by national planning policy. In these circumstances there is a presumption in favour of the grant of planning permission for sustainable development.
- The development site relates well to the existing residential area on the southern side of the town and is within walking distance of the town centre, local employment opportunities and sustainable transport options;
- The proposed development of the site will contribute towards meeting requirements for both general market housing and the local need for additional affordable housing. In turn, the occupants of the development will support local businesses and service providers, whilst also contributing to the local labour market. The Framework is clear that sustainable development should not be refused if it complies with its policies, and in this case it is considered that development is needed now in order to help maintain a five year supply of housing land;
- The infrastructure required for the proposed development will either be met on site, funded through the proposed section 106 undertaking or can be accommodated within existing capacity.
- Provision of a new children's play area within the site will not only benefit new residents, but also those within the vicinity of the site;
- The technical reports prepared as part of the application show that there are no physical or environmental constraints, which would restrict or prevent development of this site and mitigation solutions have been developed to ensure that the development has no adverse effect on protected species.
- The amendments incorporated into this application overcome previous reasons for refusal relating to context, amenity and heritage assets.

5 RELEVANT SITE HISTORY

- 5.1. An outline application for 100 houses including details of access only (**ref. UTT/1255/11/OP**) was recommended for approval but refused on four grounds relating to the loss of and damage to the character of the countryside, failure to secure affordable housing, the inability of educational infrastructure to accommodate the development and the traffic generated by the development compromising the safety and convenience of road users.
- 5.2. That decision was the subject of an appeal, which was decided by way of a Hearing. The initial Hearing was adjourned due to issues with the notification of third parties and

following resumption of the hearing the appeal was allowed.

- 5.3. In his decision the Inspector concluded that the site and development would be capable, subject to details, of comprising a sustainable form of development, would not cause traffic safety or flow issues and was entitled to benefit from the presumption in favour of sustainable development arising out of the shortfall in deliverable housing land which outweighed the contravention with Policy S7.
- 5.4. The decision to allow the appeal was the subject of a successful challenge having regard to the conduct of the Hearing. The Inspector's decision to allow the appeal was Judicially Reviewed, and the allowed appeal was duly quashed. This decision was ultimately challenged by both the Planning Inspectorate and the applicant, and the quashed decision was reversed and the allowed appeal reinstated. The result of this later challenge has happened since this matter was reported to Planning on 7 May 2014.
- 5.5. The appeal decision therefore is a material consideration. It should also be reiterated that the site does have outline planning permission for 100 dwellings and this in itself is a material planning consideration.
- 5.6. A full application for the erection of 100 houses at the site was submitted in 2013 (**UTT/13/1979/FUL**) it contained identical access arrangements to the current application and a similar layout. However it contained a high proportion of 2.5 storey dwellings and no single storey dwellings. All buildings had gabled roof designs and tall buildings were located close to sensitive boundaries.
- 5.7. That application was refused under delegated powers for the following reasons:
 1. The proposal would fail to have proper regard to its context and site levels such that it would appear as an incongruous form of development introducing prominent buildings on this edge of town site in conflict with the existing form of development and contrary to Policies GEN2, therefore absent a satisfactory form of development for the site the proposal would cause harm to the countryside contrary to Policy S7 of the adopted Uttlesford Local Plan and the National Planning Policy Framework.
 2. The proposed dwelling at plot 23, by reason of the siting, orientation, levels and design, would lead to an unacceptable degree of overlooking and a loss of privacy to the occupiers of Crofters contrary to Policy GEN2 of the adopted Uttlesford Local Plan.
 3. The application makes no provision to secure the provision and retention of affordable housing needed to provide for local housing needs and as such would be contrary to the provisions of Policy H9 of the adopted Uttlesford Local Plan as well as the National Planning Policy Framework.
 4. The application makes no satisfactory provisions to secure necessary infrastructure in terms of contributions to primary and secondary education, healthcare facilities, improvements to the Hoblong's junction, provision of travel packs and a travel plan contrary to the provisions of Policy GEN6 adopted Uttlesford Local Plan as well as the National Planning Policy Framework
- 5.8. Reasons 3 and 4 could have been overcome by way of a satisfactory section 106 undertaking; however it was the applicant's position at that time that secondary school contributions were not necessary.

- 5.9. It should be noted that no in principle objection was made to the erection the 100 houses subject of that application at the same site.
- 5.10. That refusal of planning permission on detailed grounds was subsequently appealed, however, the appeal was withdrawn following the initial resolution approve of this current planning application.
- 5.11 This application was considered by Planning Committee on 7 May 2014. Members resolved to grant Planning Permission subject to the completion a S106 Legal Obligation and certain conditions. The Section 106 Obligation was completed and planning permission was issued on 31 July 2014.
- 5.12 The planning permission was subsequently legally challenged on the following grounds:
- a. Failure to carry out an Environmental Impact Assessment (EIA) Screening but relied instead upon screening opinions from previous similar applications;
 - b. Failure to consider the cumulative effects of planned developments in Great Dunmow;
 - c. The EIA Screening we relied upon was flawed
- 5.13 The Council accepted the failure on Ground a, but not on Grounds b & c. On this basis the Council did not contest the challenge.
- 5.14 The planning permission was quashed by the High Court on Ground a, alone, and the application has been returned to the decision maker, i.e. the Council, to be re-determined
- 5.15 In response to quashed planning permission, the applicant's submitted a formal request for an EIA Screening Opinion, registered as UTT/15/0460/SCO on 30 March 2015. An officer's screening opinion was provided on 20 February 2015; with a further revised opinion provided on 7 April 2015. Both concluded that the Environmental Impact (including Cumulative) was not significant; so an EIA was not required.
- 5.16 On 15 May 2015; a letter was received from legal representatives of local residents raising various concerns over the robustness of the Screening Opinion of 7 April 2015. In response to this a further Screening Opinion was provided on 10 June 2015; accepting some and addressing other points raised. It was concluded that the Environmental Impact (including Cumulative) was not significant; so an EIA was not required.

6 POLICIES

6.1. National Policies

- National Planning Policy Framework
- National Planning Practice Guidance

6.2. Uttlesford District Local Plan 2005

- ULP Policy S1: Development Limits
- ULP Policy S7: The Countryside
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design

- ULP Policy GEN3: Flood Protection
- ULP Policy GEN6: Infrastructure Provision to Support Development
- ULP Policy GEN7: Nature Conservation
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy E4: Farm Diversification: Alternative use of Farmland
- ULP Policy ENV2: Development affecting Listed Buildings
- ULP Policy ENV5: Protection of agricultural land
- ULP Policy ENV10: Noise Sensitive Development
- ULP Policy ENV13: Exposure to poor air quality
- ULP Policy ENV15: Renewable Energy
- ULP Policy H9: Affordable Housing
- ULP Policy H10: Housing Mix

6.3. Supplementary Planning Guidance

- SPD2 Accessible Homes and Playspace
- SPD4 Energy Efficiency and Renewable Energy
- Essex Design Guide
- ECC Parking Standards (Design & Good Practice) September 2009

7.0 TOWN COUNCIL COMMENTS

- 7.1. Object: This application refers to land outside the designated development limits and the Town Council does not accept that there is a deficit on the five year supply of deliverable housing. Full details are at 9.3.
- 7.2 Two further letters from the Great Dunmow Town Council since the reconsultation of this application are attached as Appendices A & B.

8.0 CONSULTATIONS

Highways Agency

- 8.1. No highway objections are raised to the proposal. The Highways Agency does not intend to issue a Highways Agency direction as the application of itself is unlikely to materially impact on the A120 road at this location or Junction 8 of the M11.

NATS Safeguarding

- 8.2. The proposal has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly raise no safeguarding objection.

Airside OPS Limited

- 8.3. No aerodrome-safeguarding objection subject to the submission of a Bird Hazard Management Plan, which can be secured by condition.

Environment Agency

- 8.4. No objections in principle. Application site lies within Flood Zone 1 defined by Technical Guide to the NPPF as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on site and/or off site if surface water run-off is not effectively managed. A Flood Risk Assessment has been submitted in support of the application. The Environment Agency has no objections to the proposed development on surface water flood risk grounds based upon the

information provided. Waste generation should be considered as early as possible in the property design phase to ensure that minimal volumes of waste arise during the construction of the development and water efficiency measures should be planned into the development. No objection subject to conditions

Water Authority (Anglia Water)

- 8.5. The local sewerage treatment works and foul sewerage network have sufficient capacity to accommodate the new development subject to discharge rates not exceeding 3.8 litres per second via a pumped regime.

Natural England

- 8.6. Refer to our comments on application 2013/01979. The proposal does not appear to significantly affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils. The protected species survey has identified that the following protected species may be affected by this application: Bats and Great Crested Newts. However subject to the imposition of conditions no objection is raised pursuant to the surveys submitted by the applicant. This application may provide opportunities to incorporate features into the design that are beneficial to wildlife and these measures should be secured from the applicant.

Essex County Council Highways

- 8.7. The access design was developed following discussions during the previous application between the applicant and the Highway Authority utilising the existing Clapton Hall Lane arm of the B184 roundabout into the site segregating the existing access for Nos. 1-7 Clapton Hall Lane from the new access road and this is considered acceptable.
- 8.8. The roundabout has no record of Personal Injury Accidents (PIA's) and the applicant's Transport Assessment demonstrates to the satisfaction of the Highway Authority that there is plenty of spare capacity.
- 8.9. The Highway Authority would not wish to raise an objection to the above application subject to the following highway conditions:
- Provision of turning and loading facilities etc within the site
 - An appropriate construction access
 - Parking area during construction
 - Wheel washing etc
 - Means of preventing surface water discharge onto highway
 - Subsequent approval of details of the provision of highway works to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/ Lukin's Drive roundabout along with the access amendments for Nos. 1-7 Clapton Hall Lane
 - Compliance with Essex Design Guide highway standards
 - Provision of bus stop improvements along Chelmsford Road
 - Compliance with adopted parking standards
- 8.10. Section 106 obligations as follows :
- Financial contribution of £27,183.00 toward investigation and works to improve capacity at the B184 Chelmsford Road with the B1256 Hobblings

- junction
- Residential Travel Information Packs
- A Residential Travel Plan

Essex County Council - Archaeology

- 8.11. The site lies within an area of archaeological importance to the south west of Great Dunmow and to the west of an area of prehistoric deposits. A condition is proposed to require trial trenches and open area excavation ahead of any works including preliminary ground works.

Essex County Council - Ecology

- 8.12. Subject to the imposition of conditions no objections are raised (comments from application 2013/1979).

Essex County Council - SUDS

- 8.13. No objections raised to the FRA subject to the Standing Advice Note

Essex Police

- 8.14. No objection subject to imposition of conditions

Essex County Council - Education

- 8.15. There are likely to be sufficient preschool places to serve the needs of the development. However primary and secondary provision in the area is likely to be at or beyond capacity and therefore contributions are required to mitigate the impact of the development. Contributions are calculated in accordance with the 2010 Developers Guide to Infrastructure Contributions and the Education Contribution Guidelines Supplement July 2010. If the development results in a net increase of 93 dwellings of two or more bedrooms contributions of:

£286,194.00 – toward primary education and
£289,854.00 – toward secondary education would be sought.
£576,048.00 - Total

Sport England

- 8.16. No comment.

Uttlesford Access and Equalities Officer

- 8.17. Please confirm that there will be level access to each dwelling on this site and that there will be no stepped access. I have reviewed the various house types and note that from the drawings submitted, house types N, R and R3 show no through floor lift space being identified. There is no mention of the plots to be Wheelchair Accessible plots, these need to be identified and there needs to be provision for 5. These need to be provided across both tenures.
- 8.18. **Note:** The threshold to each unit will be flat to accord with Part M of the Building Regulations. The revised plans show wheelchair accessible plots including seven two-bedroom bungalows of which four are affordable units.

Uttlesford Housing Enabling Officer

- 8.19. I am pleased to confirm the size and tenure mix together with the location of each plot of affordable homes meets the Council's policies and I appreciate the changes Taylor Wimpey have made with regards to the flats over garage (FOG) property types on plots 39 and 85 which were not suitable for affordable homes. I accept the 2X3 bed properties, plots 95 and 96 as suitable alternative properties under the affordable housing banner.

NHS Property Services

- 8.20. Raise a holding objection to the proposal, as the development of 99 new dwellings is likely to have a significant impact on the NHS funding programme for the delivery of healthcare within this area.
- 8.21. There is a capacity deficit in the catchment surgeries and a developer contribution of **£16,800.00**, required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal, is sought.

9.0 REPRESENTATIONS

- 9.1. The application has been advertised by means of letters of notification, site notices and a press notice. **170** letters of representation have been received in respect of the original receipt of the application some comprise multiple replies from the same address, however this does not diminish the weight that should be given to any material planning considerations raised. A petition has also been sent to the Council however it appears to be an on line document and no signatures are attached.

37 further letters of representations have been received since the further reconsultation of this application.

9.2. The Dunmow Society

- Site is outside the settlement limits on countryside and will lead to the loss of such land contrary to Policy S7. The proposed Market housing does not need to be located in the countryside and will harm the character of the area which policy seeks to protect for its own sake
- The proposal would not be able to address local infrastructure shortages such as in education, healthcare and the local highway network contrary to Policy GEN6 and the Guide to Infrastructure Contributions.
- Unacceptable level of traffic generation that will adversely impact on road safety and convenience contrary to Policy GEN1.
- Poor visibility at the proposed roundabout junction
- The scheme is too dense and provides insufficient car parking
- Affordable housing is provided for the benefit of nonresidents of the District

9.3. Great Dunmow Town Council

The Council resolved to object strongly on the following grounds:

- Inconsistencies in the plan approach do not assist local councils and the status of a five year supply should not override local concerns
- The Town permitted built sites amounting to 1090 dwellings. The shortfall is caused

not by a lack of sites but unwillingness to deliver by a developer. The GDTC does not accept that the Council is correct to assert that there is a five year under supply of available housing sites.

- Outside the development limits contrary to Policy S7 which seeks to protect the countryside for its own sake.
- Would prejudice the Local Plan Consultation and it is noted that this site was not included as a draft allocation because of its negative score in the Sustainability Appraisal
- Unsustainable form of development contrary to the social, economic and environmental strands
- Adverse impact on neighbouring dwellings
- Damages the historic settlement pattern of Great Dunmow
- Will lead to the loss of 4 hectares of Grade 2 Agricultural Land which comprises the best and most versatile land
- The Traffic Analysis submitted with the application is inadequate and does not provide a sound basis for a safe decision
- No healthcare or secondary education provision made

9.4. Great Dunmow Neighbourhood Plan Steering Group

No specific response has been received to this application but the summary comments made in respect of application 2013/1979 are reproduced below:

- The development of this site is not envisaged in the draft Local Plan and Sustainability Appraisal and was refused in 2011. The site is of significance to the town and its development would set an entirely negative precedent and is contrary to the emerging Neighbourhood Plan.
- Will adversely affect the rural agricultural setting of Dunmow contrary to the Town Design Statement 2008
- Adversely impacts on the setting of Crofters a Grade 2 listed building
- Poorly designed scheme
- A significant part of the site is blighted by noise from the motorway and trunk road

9.5. Additional points

- In reality everyone drives in this area and the junctions are incapable of providing the additional capacity required
- There is no need for this development
- The site is surrounded by good quality low rise low density properties that will be overwhelmed by the proposed development
- Cramped site layout
- The bridleway will encourage quad bikes and noise
- Unacceptable loss of Greenfield site
- Great Crested Newts from Oaklands will be adversely affected by the development
- The site has been overwhelmingly rejected as a potential development site by residents and town council in questionnaires and at planning consultations well before Taylor Wimpey's planning application.
- The loss of the field and far reaching vistas beyond has been underplayed. UDC commissioned a report which recommended that the views from one side of a valley to another should be protected. In this case the Roding Plateau is considered special and it was recommended that the views from one side of the valley to the other should be protected and remain visible. Furthermore, the massive investment by Highways to sink the A120 to help retain these vistas will be wasted. At the time of building the A120 the Planning Inspector advised Dunmow residents that the A120 would not form

the boundary of the town.

- Residents do not agree with the design and the design does not reflect the rural and semi rural environment that exists. This is compounded by the raised height of the field and the proximity to the edge of Clapton Hall lane
- Unacceptable loss of attractive agricultural land
- This is another housing estate which is not needed in Dunmow
- There is far too little parking on the proposed estate as every working adult will need a car to get to work as public transport in Dunmow is almost nonexistent.
- The access to the estate is inadequate as this will soon be clogged with parked cars.
- Local services such as the doctors' surgeries struggle now to cope with the number of people in Dunmow, never mind hundreds more. The local primary schools are full and the comprehensive far too large and cannot cope with more children.
- Recent studies indicate that there will be future water shortages in this part of the country and the proposed plans do not indicate any water storage facilities for these houses or how they will use grey water for flushing toilets etc.
- Woodlands Park will provide for the needs of Dunmow
- Where will the children play and how will they get to school?
- The existing volume and tonnage of vehicles passing through the town are detrimental to the amenity of existing residents any increase would exacerbate this harm
- The proposed site has been farmed for at least 60 years with good management. It is Grade 2 (excellent) arable land providing much needed crops. This land forms an attractive entrance to Great Dunmow when travelling from the West.
- Despite an exhibition and a poorly managed design workshop, virtually nothing has been incorporated into the proposed plan and layout in response to residents' concerns apart from a few cosmetic changes to layout. Adjoining Clapton Hall Lane, proposed housing has an overbearing presence on existing properties due to house design, unit density, proximity to the lane and the fact that the site is at an increased elevation above existing properties
- Adverse impact on the setting of Crofters a Grade 2 Listed Building
- Major development should not be contemplated in Great Dunmow until the council is satisfied that key infrastructure issues such as water supply, sewage treatment have been addressed. There are general concerns also, which I share, that key demographic information is lacking with regard to provision of education facilities. A key element of this is that, 'pro tem', children of families living in any new development on this site will necessarily have to be bussed through the town to existing primary schools and to the Helena Romanes School and Sixth Form Centre. A pick-up and dropping-off point/bus-bay will be required on the Ongar Road itself.
- High quality agricultural land, and far reaching countryside vistas would be lost unnecessarily in exchange for an estate of 2 and 3 storey houses that do nothing to protect the character of the countryside

9.6. Uttlesford Ramblers do not accept the proposed open space will compensate for existing rights of way.

9.7. Following the receipt of amended plans a further consultation was undertaken. At the time of preparing this report having allowed 14 days for responses no further responses had been received. Any responses received ahead of the committee will be reported orally.

10 APPRAISAL

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

A. The principle of development in this location (NPPF and ULP Policies S1, S7 and

ENV5)

- B. The Impact of the development on the Character and Appearance of the Area (NPPF and ULP Policies S7 and GEN2)
- C. Impact of the Development on the Setting of Heritage Assets (NPPF and ULP Policy ENV2)
- D. Impact on the Amenity of Occupiers of Neighbouring Properties (NPPF and Policy GEN2)
- E. Amenity of Future Occupiers (NPPF and ULP Policy GEN2 and Essex Design Guide)
- F. Mix of housing and affordable housing (NPPF and ULP Policies H9 and 10)
- G. Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice, updated by Uttlesford Local Residential Parking Standards, 2013)
- H. Is this a Sustainable Form of Development? (NPPF and SPD4 Energy Efficiency and Renewable Energy)
- I. Infrastructure provision to support the development (NPPF and ULP Policy GEN6)
- J. Drainage, noise and pollution issues (NPPF and ULP Policies GEN3, GEN4, ENV10, ENV11, ENV13)
- K. Impacts on biodiversity and archaeology (NPPF and ULP Policy GEN7, ENV8, ENV4)

A The principle of development in this location

- 10.1. The site is located outside the development limits and is therefore located within the countryside, an area where there is a presumption against development except for that which needs to take place there.
- 10.2. Residential development would not normally be permitted outside development limits for housing, although an exception to policy can be made for proposals for affordable housing when supported by a Registered Provider. This scheme is for 99 residential units of which 40 would be affordable and the remainder would be market housing.
- 10.3. The NPPF sets a presumption in favour of sustainable development which means approving development which accords with the development plan; and where the relevant policies in the development plan are out of date, granting permission for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 10.4. The NPPF requires Councils to maintain a 5-year supply of deliverable housing land with an additional buffer of 5% .
- 10.5. The 5-year land supply is a rolling target, which moves forward a year each April and therefore the Council must continue to monitor this delivery closely. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with 5.4 year's supply. Based upon the Local Plan's Inspector's indication

that the Council requires a 5% buffer this would indicate that the Council has a 5.1 year's supply. Indications from recent appeal decisions have mainly accepted the Council as a 5% authority; a few decisions have cited the Council as potentially a 20% authority, although this stance is not accepted this would indicate that the Council's has a 4.4 year's supply. It should be highlighted that the outline permission for the site (UTT/1255/11/OP) is included within this supply.

- 10.6. Therefore policies of constraint such as those relating to the protection of settlement limits and the countryside may well carry less weight given the Council may not be able to demonstrate a five year supply of deliverable housing land and does not have in place an up to date development plan that allocates sites for at least the next five years. In any case sites relied upon to deliver the five-year supply of housing breach policies of restraint such as S7.
- 10.7. The development of the application site is programmed in the housing trajectory to come forward in the short term and there are no obvious barriers to delivery from the site.
- 10.8. Consideration must be given to establish whether the site is sustainable for residential development and whether the development proposed can be considered to be sustainable and thus benefit from the presumption set out in the Framework.
- 10.9. As established the site lies outside the development limits of Great Dunmow. The boundary of the development limits of the settlement run along the northern side of Ongar Road to the north of the site and to the east of Clapton Hall Lane along the eastern side of the site. The other two boundaries are with open countryside.
- 10.10. The site has its northern boundary to Ongar Road facing existing and established residential development comprising a row of bungalows interspersed with the occasional chalet bungalow. Behind, to the north of, these bungalows is an estate development of two storey dwellings accessed from Lukin's Drive that are located within the development limits of the settlement. The eastern boundary with Clapton Hall Lane is framed by a row of houses comprising a mix of bungalows chalet bungalows and two storey houses. In addition, and exceptionally for the area, there is also a two and a half storey house that comprises a Grade 2 Listed Building (Crofters). To the east of (i.e. behind) the houses fronting Clapton Hall Lane are open fields comprising a protected Landscape Area and allocated Employment Land both within the settlement development limits.
- 10.11. The southern boundary is largely open with a late twentieth century detached two-storey house with low eaves and ridge height occupying the north most part of this boundary. The western boundary again appears mostly open with the curtilage of Oaklands, a chalet bungalow, occupying the northernmost two thirds of the boundary. To the west of this boundary lies three more bungalows and running northwest – south east beyond them is the A120 trunk road.
- 10.12. The character of this part of Great Dunmow is urban fringe with the town petering out before it reaches the A120. Dwelling houses become more irregular in siting and location such as Oaklands, Tiggers etc.) or whilst maintaining a regular pattern of siting become less prominent via their scale (see the bungalows on the northern side of Ongar Road) or combine an element of both these characteristics in terms of Clapton Hall Lane travelling from north to south.
- 10.13. The Council's *Historic Settlement Character Assessment* (2007) indicates that the land forms part of the wider visual landscape, concluding that development of this area,

whilst not affecting the historic core, would diminish the sense of place and local distinctiveness. The loss of the rural appearance and quality of this site could also detrimentally affect entry into the town from the west, along Ongar Road. An appeal decision concerning housing on land to the north west of the site dated February 2012, concluded, inter alia, that this part of Ongar Road provides a cut-off between town and countryside.

- 10.14. The impact of the proposed housing would be minimised by the existing mature landscaping along approximately 75% of the northern perimeter and it is proposed to retain and enhance this landscaping if development was to be permitted.
- 10.15. The proposals therefore have to be considered in the context of not maintaining a five-year supply of housing and less weight being attributed to policies that restrain housing growth, such as S7 (albeit such policies are broadly consistent with the Framework).
- 10.16. The proposal would clearly lead to the loss of existing countryside formed by the open arable field that comprises the application site. Clearly there are local views over the site and it can be appreciated as part of the wider countryside. These views are most notably from the north east and east. The development of the site would not materially impinge on the parkland setting of Great Dunmow, any loss would be more localised. Therefore, the proposal would not have regard to the intrinsic beauty and character of this part of the countryside of which the application site forms part.
- 10.17. The site is contained on two sides by existing residential development and a third side contains some more sporadic existing residential development. Therefore the consequence of the grant of permission for housing on this site would be residential development that does not extend further west than existing residential development within the town and Development Boundary (i.e. the development along the north of Ongar Road to no. 60 and also within the Lukin's Drive development) and does not extend further south than existing residential development that fronts Clapton Hall Lane ending in 19 Clapton Hall Lane (Crofters) which comprises the edge of the town and Development Limits of Great Dunmow.
- 10.18. Therefore, whilst clearly contrary to the provisions of Policy S7 of the adopted Local Plan, which is in general conformity with the provisions of the Framework, it is material to note that in general townscape terms the development of the site would be contained on two sides by the existing development limits of the settlement (north and east) and would not protrude outwards beyond existing established development limits (west and south).
- 10.19. Given this level of containment the application site would not lead to the loss of land that is part of the open countryside beyond the confines of the settlement and its influence. In his decision on the previous outline application at appeal the Inspector concluded:

The main detrimental effect would be the loss of the open vista from Clapton Hall Lane and around the Ongar Road roundabout. This has a value, recognised in the Historic Settlement Character Assessment, and helps to provide a visual connection between the urban areas and the wider countryside. However, this aspect is not of overwhelming importance. The field itself is relatively featureless, with limited intrinsic landscape value, and it is surrounded on two sides by residential development. The view of the countryside beyond, whilst characteristic of the wider area, is not subject to any special landscape status. There would be the potential, in the detailed design of a new scheme, to ameliorate the impact of the new development by the use of landscaping, and to replace the present openness with a

sense of containment. Changes to the area would not necessarily have a significant negative impact on its character.

10.20. That decision remains a material consideration (following the decision being reinstated from the successful challenge reversing the quashing) Giving additional weight to these findings are the following two facts:

- The Council relies on the provision of circa 100 houses from this site to form part of its housing land supply figure.
- The previous application was refused on detailed grounds and not on grounds related to the principle of developing the land

10.21. The site is located on Agricultural Lane within Classification 2, which comprises the best and most versatile land (Grades 1, 2 and 3a). Given all land in Uttlesford would fall within the definition of best and most versatile land with the vast majority in Grade 2 it is not considered that an objection on the loss of such land could be sustained in the circumstance of the Council being unable to demonstrate a five year supply of deliverable housing land.

10.22. Accordingly it is not considered that the current proposal can be resisted on grounds relating to the principle of development on this site.

B Impact on the Character and Appearance of the Area

10.23. It now falls to consider the details of the siting of the scheme. The northern boundary features outward facing dwellings fronting an internal access road or driveways to the west (i.e. plots 5 to 7 and 54 to 59) or an internal footpath (plots 1 to 4). All these plots are proposed to be located behind structural landscaping which would be a mix of existing and reinforced landscaping in terms of plots 5 to 7 and 54 to 59 but would be largely new planting in terms of plots 1 to 4.

10.24. The outward looking nature of this part of the development is welcomed and reflects the orientation of dwellings on the northern side of the road. The degree of spacing is less regular than on the northern side of the road but the proposal incorporates more generous spacing between buildings overall and this is a welcome and positive divergence from the pattern of development opposite.

10.25. The approach to the eastern boundary with Clapton Hall Lane is less formal and more spacious than that fronting Ongar Road, which to a degree reflects the differences between these two roads and their appearances. The scheme proposes two bungalows fronting Clapton Hall Lane (i.e. plots 20 and 21) and three bungalows with their side elevations facing the lane (such as plots 19, 22 and 23). Landscaping is proposed along the road frontage. In principle such an approach to siting is welcome and responds positively to local context.

10.26. The outward looking nature of the development along Ongar Road is continued on the western and southern boundaries of the site along its countryside boundaries. The southern boundary with Clapton Hall Lane is elevated above local land levels with the eastern part of this boundary some 1 metre above road level rising in the western part to over 1.5 metres.

10.27. Between the proposed housing at plots 24 – 27 and 92 - 96 and the southern boundary an 8 metres wide landscape corridor incorporating swales and a bridleway (in part) is proposed. There are reservations about the true width of the landscape

corridor given the obvious conflict between maintaining an open accessible bridleway and planting any landscaping and any conflicts between the proposed swales and maintaining structural landscaping. Such an approach in siting terms, subject to addressing any conflicts and a detailed landscaping proposal, represents an acceptable response to the local context softening the impact of the development on one of the countryside boundaries.

10.28. The western boundary is again characterised by outward looking dwellings that provide surveillance to the proposed access road and bridleway beyond. Plots 60 – 63 and plot 67 as well as plots 80 – 84 all front the western boundary of the appeal site. These houses are all sited between 14 and 22 metres away from the boundary and between the houses there are proposed to be an access road (4- 5 metres wide) a bridleway (3 meters wide) and the existing ditch (4 metres wide) which runs within the site boundary. Whilst there would appear to be limited opportunities for meaningful additional landscaping save to separate the bridleway and access road the removal of dead trees within and on the ditch side may well present new opportunities to increase screening along this part of the boundary and the combination of planting along the boundary will form a significant structural landscape boundary to the settlement (see Soft Landscape Proposals Plan 13.1705.02).

10.29. Whilst it is disappointing to note the relative proximity of Plot 58/ 59 to the side boundary (10 – 11.5 metres) overall the approach to this siting of dwellings along boundary in siting terms is not harmful.

10.30. In siting terms the internal arrangements within the site are successful and compare favourably with estate development in the area and the requirements of the Essex Design Guide. The central amenity green incorporating a Local Equipped Area for Play (LEAP) is noted and welcomed, as is the role of structural landscaping in this area to green the site.

10.31. The siting of the proposed development is to welcome and broadly follows the approach in the previous scheme to which no objection was raised.

10.32. Overall the scale and impact of the proposed houses was much less successful in the previous scheme and also in the original plans. Drawing 12/030/156B now shows the approach to storey heights at site. The existing area is characterised by a mixture of single storey and two storey dwellings. Of the 28 dwellings facing onto the application site (including Oaklands) the mix in terms of storey heights is:

Storey Height	Percentage
1	64%
1.5	21%
2	12%
2.5	3%

10.33. Taking the proposed buildings facing these properties along Clapton Hall Lane and Ongar Road the proposed mix in storey heights is:

Storey Height	Percentage
1	41%
1.5	12%
2	47%
2.5	0%

10.34. The proposed mix of dwellings together with the use of hips and half hips has led to a scheme that respects and harmonises with its context. In particular the street scene along the eastern boundary would be exclusively single storey, which responds positively to the context given the strong dominance of bungalows in this existing street scene.

10.35. Another positive change from the plans originally submitted has been the use of bungalows and 1.5 storey dwellings fronting onto the roundabout junction (plots 1 – 4). This serves to reinforce the strong pattern of single and 1.5 storey development in the area.

10.36. The presence of existing and proposed reinforced landscaping along the other parts of the northern boundary together with the use of hipped roof designs would make the use of two storey properties in this area complementary to the existing street scene providing both a degree of space and reduced building silhouettes that will assist in harmonising with the existing mixed street scene.

10.37. Overall the proposed development will provide a satisfactory response to the overall context, which is informed by more than just the dwellings fronting Ongar Road and Clapton Hall Lane. For instance the dwellings that sit behind 30 – 60 Ongar Road comprise an estate of late twentieth century housing predominately two storey in height arranged around Lukins Drive. Looking at an area of land from Ongar Road northwards as deep as the application site stretches south including the houses fronting Ongar Road and the houses in Lukins Drive it is estimated that the mix of storey heights is:

Storey Height	Percentage
1	10%
1.5	10%
2	75%
2.5	5%

10.38. Overall the proposed development comprises a mix of 1, 1.5, 2 and 2.5 storey dwellings. The storey heights as proposed are:

Storey Height	Percentage
1	7%
1.5	2%
2	78%
2.5	12%

10.39. The overall scale of the proposed development would therefore compare favourably to the local context both in terms of analysing the street frontages and the development overall.

10.40. I therefore consider that the proposed development will integrate with its urban fringe context successfully given the scale and spacing of dwellings both fronting Ongar Road and Clapton Hall Lane as well as throughout the site.

10.41. The amendments to properties along the western boundary have removed all 2.5 storey dwellings fronting this countryside boundary. Space between buildings has also been increased and the use of hips and half hips to the proposed buildings also assists in creating a sense of space along this boundary allowing viewed into and out of the site and views of landscaping beyond dwellings within and outside the site to form part

of its context.

- 10.42. The effect of amendments on the southern boundary have been to remove a large two storey flat and garage block, reduce ridge heights, remove two and a half storey properties and hip roofs. These amendments taken together with the generous spaces between the properties fronting this part of the site (i.e. 12 metres between plots 26 and 27; 10 metres between plots 27 and 92 and 12 metres between plots 92 and 93) all serve to present a sensitive response to this countryside boundary
- 10.43. As such, the proposed development would comply with Policy GEN2(a) insofar as it would be compatible with the scale, form and appearance of surrounding buildings. The Framework advises that good design is a key element of sustainable development (56). It is considered that the proposed development for the foregoing reasons would respond to local character and reflect the identity of local surroundings and therefore accords with policies of the adopted local plan which are consistent with the Framework as well as the Framework itself.
- 10.44. Furthermore, on balance the development of the fringes of the site by reason of the use of space, set back, scale and landscaping will provide a sensitive response to the countryside edge and whilst the development will be visible from the countryside to the south because of its elevated nature it will be viewed in the context of other buildings in the area and an open backdrop to existing buildings on higher ground (Ongar Road). Therefore the proposed development would provide a suitable edge to the settlement with space and building scale providing a suitable low-density boundary for the settlement. Whilst the development of the site must conflict with policy S7 of the local plan and its appearance would harm the particular character and appearance of the countryside within which the application site is set, it is not considered that the proposed layout and design of the development site would provide an unsuitable edge to the settlement given the issue of principle has already been established.

C Impact on the Setting of Heritage Assets

- 10.45. Two Grade 2 Listed Buildings are located close to the application site. The Gatehouse fronts Ongar Road just to the east of the roundabout junction with Clapton Hall Lane. The proposed developments is separated from that building by the modern housing that already fronts Clapton Hall Lane and a series of single storey outbuildings that wrap around the southeastern limb of the roundabout junction.
- 10.46. The setting of gatehouse is already suburban with modern estate development in the form of David Wright Close directly opposite that building. It is not considered that the proposed development will have any material impact on the setting of Gatehouse.
- 10.47. Crofters (No. 19 Clapton Hall Lane) is located close to the southeastern part of the application site on land below the level of the application site. The closest buildings proposed to the Listed Building are the single-storey garages to plots 24 and 25 and the bungalow at plot 23.
- 10.48. The applicant's approach has been to locate single storey houses along the eastern boundary and to try and introduce some space between dwellings. The report addresses the impact of this approach in section A in terms of the wider context. Plot 23 comprises the closest single-family dwellinghouse. The combination of its overall height (5 metres to ridge) and level mean the proposed building will have a ridge level over 2.2 meters below that of Crofters.
- 10.49. The previous Inspector concluded that the present openness of the application site did

not especially contribute toward the setting of the Listed Building and that the development of the site would preserve the special historic and architectural character of Crofters and Gatehouse.

10.50. In this case it is considered that the amendment to house types fronting Clapton Hall Lane resulting in significant reductions in height and scale of those buildings will overcome objections previously raised in respect of the preservation of the setting of the Listed Building. The proposals will preserve the special historic and architectural character of Crofters in accordance with the duty under the act and the policies of the Framework.

D Impact on the Amenity of Neighbouring Properties

10.51. Whilst there are some height differences between existing houses facing the application site and two storey houses proposed on the site, those houses are generally located some distance apart and have front to front relationships. For instance the houses in Ongar Road and those proposed facing them are sited between 26 metres and 43 metres apart.

10.52. Such a degree of separation, across the road and with intervening existing and proposed landscaping, will ensure that the amenities of the occupiers of properties in Ongar Road are protected.

10.53. Similar conclusions can be reached in the main for properties in Clapton Hall Lane despite the proposed buildings being sited closer to the existing properties. The use of buildings that present their flank elevation to this boundary (plots 19, 22 and 23) also assists in presenting a more open boundary and removing the potential for overlooking. The remaining properties at plots 20 and 21 are single storey and do not feature any roof lights or dormers, as such there is no undue overlooking of neighbouring properties.

10.54. The second reason for refusal on the previous scheme related to overlooking from a two storey building into the garden of Crofters. That has been addressed in the amended scheme by the use of a re orientated single storey dwelling that will not lead to overlooking of any neighboring garden.

10.55. Accordingly, it is considered that the proposed development would not lead to harm to the amenity of occupiers of Crofters or any neighbouring properties and as such it would not conflict with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan.

10.56. With regard to the western boundary only one property shares that boundary, it is known as Oaklands. Oaklands has an extensive curtilage and properties fronting this boundary are separated by a landscaping corridor and access road. Separation distances from the front elevation of plots 68 and 81 – 85 and the side boundary to the rear garden of Oaklands range from 14 – 19 metres and include a wide belt of existing landscaping which is proposed to be supplemented as part of the proposed landscape strategy.

10.57. It is considered that the relationship of the development to properties beyond the western boundary is acceptable.

E Amenity of Future Occupiers

10.58. All dwellings are provided with satisfactory private rear gardens. All gardens exceed

the Essex Design Guide requirements in terms of size. Average garden space for three bedroom units exceeds the 100 sq metre requirement, and there are notable excesses in terms of some of the two bedroom units with gardens to the two bedroom bungalows averaging 130 square metres.

10.59.The Flats over garages are now all one-bedroom open market dwellings and each comes with a six square metre inset balcony.

10.60.Back to back distances and orientation of units to one another are considered to be satisfactory such that units do not lead to significant amenity issues for occupiers of other proposed houses.

10.61.Car parking for individual units is largely provided within or adjacent to the curtilage of the proposed dwelling. The exceptions are the small parking courts to plots 85 – 87 and 99 and 35 - 37. However these spaces are provided in close proximity to the dwelling they serve. Other spaces are not immediately adjacent to the plots they serve, such as car parking spaces for plots i.e. 31, 51, 54, 69; however these spaces are typically located within 12 metres of the front door and/ or have direct access into the rear garden of the property.

10.62.Fifteen visitor car parking spaces are provided centrally within the site.

10.63.A central amenity green is provided incorporating a Local Equipped Area of Play (LEAP) no details of this area and the equipment are provided with the application. However such matters can be the subject of a suitably worded condition and there is adequate space to accommodate such equipment together with landscaping.

10.64.The landscape strategy plan was amended following concerns about the level of planting between buildings in some of the larger rear gardens. The applicant considered such matters could be the subject of conditions however given they include landscaping within their description of development and include a landscape strategy plan it was considered important that the overall strategy is reflected on this plan. The inclusion of more planting between buildings is considered to improve the overall appearance of the site and assist in breaking up the hard materials used on the buildings and hard surfaces.

10.65.All buildings are designed to meet Lifetime Homes requirements and potential through lift facilities can be incorporated on house types A N and R.

10.66.Overall satisfactory living conditions and amenity are considered to be provided for future occupants.

F Mix of housing and affordable housing

10.67.The proposed development comprises a scheme of family dwelling houses with six one-bedroom units mixed in. Otherwise the scheme comprises a satisfactory mix of units as detailed below:

	1 bed	2 beds	3 beds	4+ beds
Proposed Overall	6	28	46	19
Affordable Mix	6	18	16	0

10.68.Policy H10 requires all new development on sites of 0.1 hectares and above to include a significant proportion of market housing comprising small properties. Paragraph 6.10 defines smaller houses as 2 and 3 bedroom market houses. The percentage mix of

market houses is set out below:

	1 bed	2 beds	3 beds	4+ beds
Overall Housing Mix	6%	28%	47%	19%
Market Housing Mix	0%	18%	51%	32%

10.69. It is considered that the proposed mix of market housing with 69% allocated to smaller dwellings would satisfy local need and the terms of Policy H10 and the mix of affordable intermediate units accords with the requirements of the Council's Housing Officer. Of particular note is the provision of four of the proposed bungalows as affordable units.

10.70. It is common ground that 40% affordable housing is necessary to meet the policy requirement and the housing should be split 70:30 between rental and split ownership.

10.71. Any failure to provide an undertaking to secure the satisfactory provision and retention of housing would comprise a reason to refuse planning permission. However the applicant has already indicated willingness to accord with these requirements.

10.72. Whilst the provision of affordable housing to meet identified and substantive local needs is a matter that would weigh in favour of the grant of planning permission any failure to secure such matters and thus not provide satisfactorily for the provision and retention of affordable housing would comprise an objection to the scheme that would carry substantial weight.

G Access and Parking Provision

10.73. Access to the application site is via a limb of the Ongar Road roundabout. Such arrangements have been the subject of discussion and agreement between the Highway Authority and applicant.

10.74. Indeed the access arrangements were finalised as part of the previous appeal application (1255/11) and the Highway Authority raised no objection to these arrangements at that time. The Highway Authority maintain their position that the access arrangements are acceptable on safety and convenience grounds and accept that there is adequate capacity on the Ongar Road roundabout. No evidence that additional traffic from the site would exacerbate the likelihood of accidents on Ongar Road and that the proposed traffic from the application site would materially exacerbate queuing issues at the Hoblong's junction have been provided. The Highway Authority is content that a proposed s106 payment towards addressing queuing issues at the Hoblong's junction would overcome any issues associated with that junction.

10.75. The previous Inspector's decision, which remains a material consideration, did not object to the proposals on technical highway grounds and supported the view of the Highway Authority.

10.76. The Highway Agency raises no objection to the scheme on the basis of any adverse impact on the A120 or M11.

10.77. Therefore, despite the views of local residents, there is no evidence to assist the Council in refusing planning permission on highway grounds. Indeed it is considered that a decision contrary to the advice of the Highway Authority that also sought to go behind the substantive findings of the Inspector in the previous appeal at this site and was also contradictory of findings in the recent North of Ongar Road appeal decision

would run the real risk of being found to be unreasonable.

10.78. Bridle way access is provided along part of the west and south boundaries of the site the bridle way is 2 - 3 metres wide and proposed to be natural surfaced. Sustrans have objected to this approach and it was suggested as a compromise that at least 1 metre of the bridle way should be hard surfaced so pedestrians can access this resource.

10.79. When requested to consider such an amendment the applicant has responded

“there are constraints that limit our ability to accommodate hard standing within the green corridors; those arising from drainage requirements (AWA), Ecological constraints (Newts) and Arboriculture. We have endeavored to reach a compromise, which allows DDA/cycle compliant access through the centre of the site and foot/horse access along the green corridor. Unless these other constraints are to be given less weight in planning terms than the need for a bridleway, we do not have a choice but to remain with our current proposal. “

10.80. Sustrans do not accept this position. However it is not considered, having regard to the history of this site and the main function of the green corridors for ecology and drainage purposes that a reason for refusal could be sustained on this ground.

H Is this a Sustainable Form of Development?

10.81. The application site is located within 1 kilometre of the town centre with its wide range of shops, employment and community facilities. Employment facilities are located close to the application site and primary and secondary schools facilities are provided within the town.

10.82. I note that the Inspector in his findings on the latest appeal relating to the North of Ongar Road site found that site to comprise a sustainable location for new housing development and noted that it would bring forward a new bus stop and diverted 42A service. That Inspector noted that the diverted service would bring forth sustainability benefits for the site subject of this application.

10.83. Moreover in his 2012 appeal decision at this site the Inspector noted that on balance the application site *“represents an adequately sustainable form of development in respect of accessibility to local facilities and public transport”*.

10.84. Given the findings of two independent Inspectors with regard to sites in Ongar Road it is concluded that the site comprises a sustainable location for new housing development.

10.85. The proposed houses will be constructed to Code for Sustainable Homes Level 3 (or its equivalent), which meets the minimum requirements of the adopted Energy Efficiency and Renewable Energy SPD. Further measures to reduce carbon dependency may well be capable of being incorporated into the proposed homes and the applicant has invited the Council to impose a condition to secure such matters.

10.86. The location for these new homes and their fabric can be considered to be sustainable together with the principal of developing this site. It is considered that the proposals would accord with the three strands of sustainable development insofar as they would provide satisfactory relationships with the existing urban properties that bound the site, respect their environment and context as well as allowing social cohesion with existing residents and populous and providing economic benefits in terms of the development

of the site and greater markets for local businesses.

10.87. Any failure to secure the affordable housing and its retention and necessary contributions toward infrastructure would create concerns about the sustainability of the proposed development in particular its social dimension.

I Infrastructure provision to support the development

10.88. The application was the subject of pre application discussions to secure a range of facilities and or contributions to ensure that the development will be served by adequate infrastructure.

10.89. The application was accompanied by Draft Heads of Terms that relate to:

- the provision of 40% affordable housing split 70:30 between rented units and shared equity units
- to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years
- Primary education contribution of £294,013.00
- Highway contribution of £27,183 toward improvements of the Hobblings junction
- Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops
- Healthcare contribution of £16,800.00
- The Council's reasonable legal costs

10.90. It is understood that the applicant is willing to enter into an agreement with the Council to secure these necessary contributions and works. The Council's solicitor has advised that an agreement would be necessary and it is understood that the applicant has no objection to such an approach.

10.91. Subsequently confirmation has been received from the applicant that a contribution for secondary education (£297,773) is acceptable. Furthermore, the Heads of Terms and any undertaking can secure the Travel Plan and Travel information packs required by the Highway Authority.

10.92. One significant change since the previous consideration of the application in May 2014; is as from April 2015; under the CIL Regulations, pooling of contributions to a single project is restricted to only five planning permissions. This has resulted in a change of stance from Essex County Council Education with regards to contributions to secondary school education. In this case the County Council have indicated that contributions from this development would be considered as one of the five. As such, the contribution is still sought..

J Drainage, Noise and Pollution Issues

10.93. A Phase 1 Environmental Assessment accompanies the application and confirms that the site has low to medium environmental sensitivity and has identified no potentially complete pollutant links to Human health. It is clarified that the site has never been used as landfill.

10.94. A Drainage and Services report also accompanies the application with no connection problems or issues identified and foul and surface water drainage solutions demonstrated to work. A packaged pumping station is proposed with connection to the Foul Sewer on Ongar Road. It is proposed that Anglian Water would adopt this facility.

- 10.95. The FRA confirms the site is located in zone 1 and proposes a surface water drainage solution for the site with a hierarchy of SuDS measures as well as ponds and swales.
- 10.96. The developable area of the site falls with Noise Exposure Category B where Annex 1 to the now revoked but not replaced PPG24 advised that Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
- 10.97. The scheme has been designed to mitigate the main sources of noise to the site (traffic noise from Ongar Road and the A120) with the private garden spaces to houses facing these sources either located to the rear of the dwellings and thus shielded by the dwelling itself from the source of noise or mitigated through the use of close boarded fencing to bring the amenity spaces within World Health Organisation noise criterion levels.
- 10.98. Air quality is also investigated and the report concludes that the annual mean air quality objectives will be met at the most exposed receptor locations and therefore air quality over the site is acceptable for residential development.

K Impact on Biodiversity and Archaeology

- 10.99. There would be no impacts likely to ecological value of wildlife sites within 2 kilometres of the application site. The site is considered to have low nature conservation value and it is proposed that the landscape strategy would enhance ecological value by supplementing the existing gappy/ remnant hedgerow.
- 10.100. Great Crested Newts occupy ponds close to the application site and therefore it is reasonable to assume that they use terrestrial habitats within the site. Mitigation measures are proposed and will be the basis for a detailed mitigation strategy to be presented to Natural England as part of a post planning permission European Protected Species license application.
- 10.101. Green corridors are provided along the west and south site boundaries these will assist GCN dispersal between wet areas and ponds including the new large pond in the southwest corner of the site.
- 10.102. There is potential for the development to proceed subject to suitably worded conditions without significant ecological effects and with the potential for some habitat enhancement and biodiversity gains.
- 10.103. A desk based assessment has been undertaken and concludes that the site has been undeveloped throughout its mapped history. The study has identified low potential for Palaeolithic and Mesolithic, Iron Age and Anglo Saxon, Medieval, Post Medieval and Modern period. Moderate potential is identified for the Neolithic and Bronze age periods and Good potential for the Roman period.
- 10.104. The applicant has therefore suggested that a condition similar to that imposed by the Inspector on the outline permission would be appropriate. Essex County Council concurs and proposed the wording of suitable conditions.

11 CONCLUSIONS

- 11.1. The proposal provides for development outside the existing settlement and would harm the aims of Policy S7, which seeks to protect the countryside for its own sake.

However reduced weight has to be given to such matters as the obligation of the Council to maintain a five year supply of housing. The current situation at 5.1 year's supply, and the fact that this site contributes to this supply (through the outline planning permission, this factor is material to the consideration of this application.

- 11.2. The proposed development would provide a satisfactory mix of market housing and affordable housing in an area where there is a need for deliverable housing land. These matters are to be afforded substantial weight in the planning balance. Satisfactory access arrangements are provided to the site and the landscaping strategy demonstrates that the site can be satisfactorily landscaped whilst incorporating an equipped play area.
- 11.3. The application, as amended, has overcome previous objections relating to the scale of proposed dwellings and a failure to relate satisfactory to the immediate and wider context. Concerns about overlooking of neighbouring properties and the impact on heritage assets have also been overcome.
- 11.4. The site would provide satisfactory amenity for future occupants with garden spaces largely conforming to or exceeding the Essex Design Guide requirements. Car parking is provided within or close to the curtilage of all dwellings and separation distances between all proposed dwellings are acceptable.
- 11.5. The agreement to secure necessary infrastructure requirements associated with the scheme overcome previous objections to the scheme.
- 11.6. The benefits of developing this site for housing in the short to medium terms outweigh any harm to outdated local plan policies seeking to protect the countryside. Therefore, the application is recommended for favourably.

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 agreement to secure the following:**
 - (i) the provision of 40% affordable housing split 70:30 between rented units and shared equity units**
 - (ii) to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years**
 - (iii) Primary education contribution of £294,013.00**
 - (iv) Secondary education contribution of £289,854.00**
 - (v) Highway contribution of £27,183 toward improvements of the Hobblings junction**
 - (vi) Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops**
 - (vii) Healthcare contribution of £16,800.00**
 - (viii) Travel Plan**
 - (ix) Council's reasonable legal costs**

- (x) Monitoring contribution**
- (II) In the event of such an agreement 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 agreement by 28 August 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
- (i) Lack of contributions to essential healthcare and primary and secondary education facilities**
 - (ii) Lack of provision of 40% affordable housing**
 - (iii) Lack of open space and play equipment**
 - (iv) Lack of improvements to Hobblings junction, local bus stops**
 - (v) Failure to provide a Travel Plan**

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

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

3. 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).

4. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works consistent with the approved Landscape Strategy Plan 13.1705.01E and the Soft landscaping proposals Plan 13.1705.02 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. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;

- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. retained historic landscape features and proposals for restoration, where relevant.

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

5. 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, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by Hannah Reed & Associates, reference C211058/MH/January 2014, and the following mitigation measures:

1. Limiting the surface water run-off generated by the 1 in 100 year storm event, inclusive of an allowance for climate change, so that it will not exceed the current run-off from the site of 10.76l/s.
2. Provide surface water attenuation on site for a volume of 1200m. in accordance with drawing number C-211058/110P3.

REASON: To accommodate storm events up to and including the 1 in 100 year with climate change AND To mimic the current discharge rates to ensure flood risk is not increased off site.

REASON: To enhance the sustainability of the development through efficient use of water resources.

7. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

8. No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

9. Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A120 has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any dwelling is occupied.

REASON: In the interests of the amenity in accordance with Policies GEN2, and GEN4 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 and PPS9 of the Uttlesford Local Plan (adopted 2005).

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

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

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

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

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

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

14. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include confirmation of:

- planting and plant maintenance in the perimeter of waterbodies;

- measures to limit access during the development stage e.g. goose proof fencing surrounding all waterbodies;
- signs deterring people from feeding the birds;
- access to the site for representatives of Stansted Airport as required for the purposes of monitoring bird activity.

The Bird Hazard Management Plan shall be implemented as approved, prior to the start of development and remain in force for the life of the development. 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 development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

15. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

16. 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 (), 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).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of protecting the character and amenities of the locality in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

18. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

19. The dwellings shall not be occupied until a means of vehicular, pedestrian and/or cyclist access has been constructed in accordance with the approved plans.

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

20. The garages and car parking spaces hereby permitted and shown on Planning Layout Plan 12/030/111E shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

REASON: In the interests of the highway safety and ease of movement and in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the ECC Parking Standards (adopted 2009).

21. Before development commences, a Construction Management Plan including any phasing arrangements and which includes:

- a. adequate turning and off loading facilities for delivery/construction vehicles within the limits of the site
- b. an appropriate construction access
- c. an adequate parking area clear of the highway for those employed in developing the site
- d. wheel cleaning facilities
- e. dust suppression measures
- f. visitors and contractors parking facilities
- g. secure on site storage facilities

shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented on commencement of development and

maintained during the period of construction.

REASON: In the interests of amenity and highway safety

22. Before development commences the highway works as shown in principle on drawing number ITB6214-GA-010 Rev. G, to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/Lukin's Drive Roundabout along with amendments to the access arrangements for 1-7 Clapton Hall Lane shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To provide safe access and 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.

23. Before occupation of any dwelling, the bridleway as shown in principle on Architectus drawing number 12/030/11A running from Ongar Road along the western and southern boundaries shall be provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: In the interests of highway safety, efficiency and accessibility.

GREAT DUNMOW TOWN COUNCIL

CAROLINE FULLER, MILCM
FOAKES HOUSE
Town Clerk
47STORTFORD ROAD
& Responsible Financial Officer
GREAT DUNMOW
ESSEX CM6 1DG
CHARLOTTE BRINE
Deputy Clerk



Tel: 01371 872406 / 876599
Email: info@greatdunmow-tc.gov.uk

29th May 2015

Mr N Brown
Development Manager
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

Dear Mr Brown

UTT/14/0127/FUL Land South of Ongar Road, Great Dunmow – Amended

The Town Council met on 28th May 2015 and resolved unanimously to continue to object strongly to this planning application as it does not comply with local or national planning policy and would cause significant unsustainable economic and social harm to the town and environmental harm to the countryside.

It is noted that Uttlesford District Council refused permission to applications UTT/1255/11/0P and UTT/13/1979/FUL. Although this latest application and its amendments go some way towards meeting those reasons for refusal, our objections remain as stated below:

OUTSIDE DEVELOPMENT LIMITS

UDC refused planning application UTT/1255/11/0P as the site lies outside the development limit where, in accordance with Policy S7 the countryside is to be protected for its own sake and the countryside will be protected from development unless it needs to be there or is appropriate to a rural area. This development does not need to be there, would not protect the character of the countryside, and would be harmful to the character of the area. The Inspector in the 2012 appeal (paragraph 15 explicitly accepted this judgement). However he went on to give limited weight to the harm and without explaining his reasoning accepted the fact that S7 would be breached. We strongly disagree with this conclusion, which we consider is not justified. However, bearing in mind the ambiguity over the status of the ALP and S7 we would also argue strongly that the development of this site would be contrary to the core principles of the NPPF which require Councils to recognise the intrinsic character and beauty of the countryside, to protect and

enhance valued landscapes and to use land of lesser environmental value (14 and 109). We deal below with the specific characteristics and value of this particular site and with the very urgent and significant policy implications. Fails to comply with Policy S7.

CONTRARY TO UDC LOCAL PLAN CONSULTATION 2012

Responses to the draft Local Plan consultation (January-March 2012) showed overwhelmingly that development would be unacceptable to local people in this location (identified as GtDUN03). The sustainability appraisal that supported both the January 2012 and July 2012 consultations did not recommend the inclusion of GtDUN03 but, on the contrary, identified a number of strong negative factors. We are entitled to conclude that this site was not included as a draft allocation in 2012 precisely because of the negative score arrived at by the SA.

Fails to take regard of Local Plan Consultation and Sustainability Appraisal results

UNSUSTAINABLE DEVELOPMENT

The application does not contribute to the achievement of sustainable development as required by the National Planning Policy Framework (NPPF).

Economic

It is not sustainable to introduce the population of a further 99 homes, on top of Draft Local Plan allocations and other planning commitments, into the town which has limited employment opportunities. This development will speed it towards the inevitability of being a dormitory town with people living here but working elsewhere. The Neighbourhood Plan Questionnaire (2012) asked residents whether this was what they wanted for Great Dunmow over the next 15-20 years. Less than 1% of participants want this for the town.

This development will do absolutely nothing to broaden the economic base of the town. On the contrary it will impose economic burdens.

Social

The location of the development is detached from the town centre and will do nothing to further social interaction and healthy inclusive community as the NPPF requires (69). The high density of housing results in an overcrowded layout more suited to an urban setting. The design is inappropriate in this rural setting.

The proliferation of tandem parking may address the developer's need to provide sufficient parking spaces, but in practice residents will often find themselves blocked in and park elsewhere which will not only look unsightly, but could result in damaged property and blocked streets.

As can be seen at Flich Green, garages 'en bloc' tend not to be used for the purpose of parking cars, which park out on the roads. These garages are often used for storage instead and are therefore more vulnerable to vandalism and being broken into. The Town Council would prefer to see individual garages placed next to houses to encourage cars to park off the roads and discourage crime.

Contrary to NPPF Policies 56 & 64

The current application does not provide an acceptable or accurate analysis of the accessibility of the site but focuses merely on modelled traffic movements. This is

unacceptable and should not be used as a basis for taking a decision. More analysis that demonstrates the sites sustainability should be required.

The Transport Report contains an accessibility assessment and design review. The document shows all the main facilities are outside the 'acceptable' 1km walking distance. Hence the town centre, for example is, at 1.3km, beyond an acceptable walking distance.

The nearest bus stop is 450m away and bus services are shown but without making it clear that only the 42, 42A and 542 (which are essentially the same service) are valid being 7 day, and run at best once per hour. The Rodings service can be ignored for this purpose as it runs only once per week.

The development demonstrably does not support reductions in greenhouse gas emissions and reduce congestion as set out in NPPF Policy 30.

The development does not fulfil the NPPF's policy to promote sustainable transport. Contrary to NPPF Policy 30

Environmental

The Adopted Local Plan contains no locally specific policies. The environment section, 5, however has the following aims:

- To safeguard the character of Uttlesford historic settlements;
- To conserve and enhance the historic buildings in Uttlesford and their settings;
- To protect the natural environment for its own sake particularly for its biodiversity, and agricultural, cultural and visual qualities.

The evidence base of the local plan contains the Historic Settlement Character Assessment and the Landscape Appraisal. The landscape appraisal discusses the western fringe of Dunmow but not in great detail. It is quoted in the Town Profile

'Views across the (Rodings) plateau to Great Dunmow are an important characteristic of this area'.

Great Dunmow Town
Profile 2012 (UDC)

It recommends protecting the rural character and it recognises the pressures such as ' the expansion of suburban character and pattern Pressure on open character of countryside gaps.

It recommends a policy to protect and enhance the locally distinctive and historic character of the ..urban settlements and their settings..' (8.3.6)

The Historic Settlement Character Assessment described the area of the site as follows:

This general approach, whilst being rural in nature, is also characterised by the presence of occasional buildings before the A120 crossing is reached. At this point the A120 is in a cutting and because of this its impact on the landscape is minimal. Immediately beyond the new bypass and to the north, there is an area of former parkland with a number of quality individual trees whilst to the south west there is an area of flat open arable countryside hemmed in by the bypass and Clapton Hall

Lane. The open arable farmland with the clear-cut and precise urban edge abutting it makes a firm transition point between town and country. Despite being separated by the bypass from the wider countryside beyond, the arable farmland is visually part of the wider landscape because the A120 is in cutting in this location.

And it concluded:

'It is considered that development in this sector (Land on the Ongar Road approach north of the A120)

would diminish the sense of place and local distinctiveness of the settlement.

Historic Settlement Character
Assessment 2007 (UDC)

The Town Design Statement which the Council adopted in its Guidelines for New Development draws specific attention to the need to protect and enhance the setting and the agricultural land to the west of the town fringing the A120. (pps 30-31)

The Inspector in the 2012 appeal explicitly accepted much the same view:

"Whilst the rectangular shape, gentle slope, and lack of internal landscape features gives the appeal site a utilitarian, arable character, views across it provide continuity with the countryside beyond. This effect is most marked at the north eastern end of the site, which presently has an open, semi-rural appearance"

The site is bounded by a protected land, which despite new frontage development largely retains its rural character and continues to be worthy of protection and enhancement.

In addition and by no means least the site is adjacent to a very significant colony of great crested newts, a protected species. The ecological report accepts this but fails to reflect the cumulative effect on this unique habitat of this development and those of Smiths Farm and Ongar Road North. The inevitable result of this massive scale of development would be serious ecological damage and the loss of the protected species. We are not persuaded that the scrutiny given to the ecological evidence matches the importance of the asset.

It is the firm view of the GDTC that the significance of the site, described in the above extracts from important policy documents is poorly reflected in the application.

The developer's statement in the Design and Access Statement that 'the site is unused field land with no significant features' does not convey the reality that the land is on the outer fringe of this rural market town offering long reaching views over the countryside. The application does contain a landscape analysis that touches on the site and the developer has provided a Built Heritage Impact Assessment, but we request that a landscape appraisal is carried out by an independent body (eg ECC), and the impact on the listed building in Clapton Hall Lane should be the subject of a specific appraisal by the Conservation Officer or independent expert.

Furthermore the GDTC believes that the low weight given to this site in the past is a direct result of the inadequacy of the policies to protect and enhance the unique setting of Great Dunmow in general and this site in particular. We intend that the emerging Neighbourhood Plan will propose such policies and trust that the Council will give greater weight to the setting as described in the above documents in particular the Town Design Statement in the interim so that irrevocable damage is avoided.

AGRICULTURAL LAND

The development would result in the loss of 4 ha of the best and most versatile Grade 2 agricultural land. The NPPF requires Councils to take into account the economic and other benefits of BMV. Faced with the need to develop agricultural land it should seek land of lesser value. There is no evidence of the value of this land being taken into account. The case for the applicant is based on mere supposition. In the absence of such an evaluation the proposal is contrary to the NPPF (112 and Annex 2).

INFRASTRUCTURE

There is not the necessary evidence for assessing the implications of new development for infrastructure in the town as clearly required by the NPPF (156, 157 and 162). It is urgent and essential that this gap is remedied so that decisions can be taken on major developments with more consistency and confidence and that necessary financial contributions can confidently be secured.

Doctors

One of the town's doctor's surgeries is at capacity and the other is close to it. This development will put further strain on the town's health facilities. It is noted however that a financial contribution of £16,800 would be secured via a Section 106 agreement.

Schools

UDC refused application UTT/1311979/FUL on the grounds that it made no satisfactory provisions to secure the necessary infrastructure in terms of contributions to primary and secondary education. Essex County Council has calculated an education and childcare contribution of £591,786 for this size of development. However, only £294,013 has been included in the draft Heads of Terms of the Section 106 agreement for primary education. There is no financial provision as yet for secondary education.

Sports

The Neighbourhood Plan Steering Group has identified that all of the town's sports clubs are at capacity. There are deficiencies in sports and recreational and play facilities. This proposal will exacerbate these deficiencies.

The approval of this application will stretch the local infrastructure close to breaking point. No provision is made for community facilities, school capacity, public services or transport provision.

Fails to comply with Policy GEN6 and the infrastructure requirements of the NPPF (7, 17, 21, 156, 157 and 162).

ROADS & ROAD SAFETY

Ongar Road carries over 5000 vehicles per day and the peak flows are in excess of 500 (ECC 2007). UDC refused the outline proposal on the grounds that it would 'give rise to unacceptable level of road safety and traffic generation which would compromise the safety and convenience of users of the highway'. This application does not address this reason for refusal and concerns remain that the increased amount of traffic using the only access onto the roundabout (Clapton Hall Lane/Ongar Road) will result in increased safety risks for vehicles and pedestrians.

The plans show a visibility distance of only 35m at the roundabout junction of Clapton Hall Lane and Ongar Road. We need assurance that this is adequate for road safety when exiting Clapton Hall Lane. The design of the roundabout shows visibility lines for the internal junctions but omits any for the roundabout itself. This underlines the need to have the roundabout independently verified in the light of the increased flow onto it.

The accompanying traffic analysis is considered to be inadequate and does not provide a sound basis for a safe decision.

Fails to comply with Policy GEN1 and the NPPF (32 and 35).

The Town Council has listened to residents and strongly objects to this development. It urges the District Council to uphold its original refusal of planning permission on this site on the grounds that it is unsustainable and contrary to local and national planning policies.

GREAT DUNMOW TOWN COUNCIL

CAROLINE FULLER, MILCM
FOAKES HOUSE
Town Clerk
47STORTFORD ROAD
& Responsible Financial Officer
GREAT DUNMOW
ESSEX CM6 1DG
CHARLOTTE BRINE
Deputy Clerk



Tel: 01371 872406 / 876599

Email: info@greatdunmow-tc.gov.uk

3rd June 2015

Mr N Brown
Development Manager
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex CB11 4ER

Dear Mr Brown,

UTT/14/0127/FUL Land South of Ongar Road, Great Dunmow – Amended Application

Further to my letter dated 29th May 2015 this letter raises further objections to the above application particularly in light of two recent planning appeal decisions. The reasons given for dismissal in each case could apply equally to the above application.

Firstly, appeal ref: APP/C1570/A/14/2222950 by Gladman Developments Ltd. Up to 120 dwellings on Land off Walden Road, Thaxted which was dismissed on 1st June 2015 for the following main reasons:

- The effect on the character and appearance of the surrounding area.
- The provision of open space within the development along with the provision of affordable housing and contributions to mitigate the impact on healthcare and education would do little to make up for the harm of the loss of the countryside.
- The effect on heritage assets, including nearby listing buildings and conservation area.
- Acceptance that the five year housing supply is close to the target.

The inspector concluded that extent of harm to the character and appearance of the area and balancing social, economic and environmental roles would still not result in sustainable development. He noted that the Thaxted Design Statement was produced by local people with guidance from professionals and subject to public consultation and 'reasonable weight should be attached to it'. The benefits of the development would not outweigh the harm.

Secondly, appeal ref: APP/C1570/A/14/2221494 by Kier Homes Ltd. Up to 300 dwellings on Land off Thaxted Road, Saffron Walden which was dismissed on 2nd June 2015 for the following main reasons:

- The effect on the character and appearance of the area. The inspector noted that the appeal site is in a location where the countryside meets the town and development will amount to a 'substantial urban built form that will have a very significant effect on the character of the area.
- A materially adverse effect on the efficient operation of the local highway network.
- Loss of the best and most versatile agricultural land which was not justified.
- Effects on local infrastructure and services including education and waste water treatment.

The inspector concluded that, in the presence of a five year housing supply, along with the reasons above, the development is not sustainable and should be dismissed.

With the failure of the Local Plan at examination in 2014, Land South of Ongar Road remains outside of development limits in the adopted 2005 Local Plan. The site is also outside development limits in the emerging Neighbourhood Plan which, although not yet 'made', has reached its current stage with full public involvement.

The Great Dunmow Town Design Statement draws specific attention to the need to protect and enhance the setting and the agricultural land to the west of the town fringing the A120. It was, as was the Thaxted Design Statement, produced by local people, guided by professionals, subject to public consultation and adoption by the Town Council, and should therefore have 'reasonable weight' attached to it.

The Winslow Neighbourhood Plan, which succeeded at examination, set out what it deemed to be sustainable housing numbers for the town when the Vale of Aylesbury Local Plan had been withdrawn. The Great Dunmow Neighbourhood Plan sets out development limits when the Uttlesford Local Plan had been withdrawn and these limits do not include Land South of Ongar Road. The Neighbourhood Plan Steering Group and the Town Council therefore feel fully justified in omitting the Land South of Ongar Road (and indeed Land North of Ongar Road) from the development limits and are encouraged by the Winslow case that this decision would be supported if tested in law.

The application does not take into account the impact of the development on the town's infrastructure, nor the cumulative impact with other recently granted applications, eg Smiths Farm. The Town Council feels that the consents already granted will push the town's infrastructure and public services to (and in some cases beyond) its limits.

The Neighbourhood Plan Steering Group and the Town Council strongly object to the application as the proposed development is unwanted, unnecessary and unsustainable and urges the District Council to refuse planning permission.

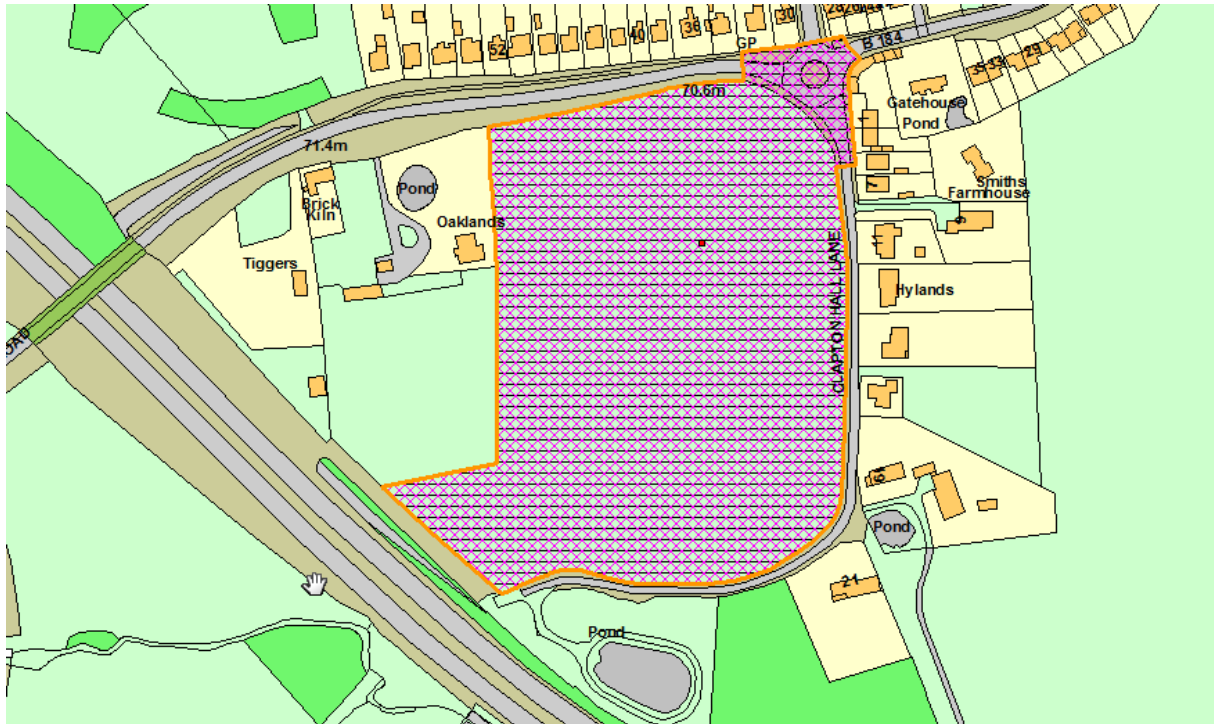
Yours faithfully

Caroline Fuller
Town Clerk

Cc District Councillors G.Barker
J.Davey
P.Davies
E.Hicks
V.Ranger

Application number: UTT/14/0127/OP

Location: Land South of Ongar Road Great Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/15/1615/DFO (LITTLE DUNMOW)

(MAJOR)

PROPOSAL: Details following outline application UTT/13/2340/OP (outline application for removal of existing earth bunds; demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site; and erection of 40 dwellings with associated access, parking and garaging and provision of public open space) – details of appearance, landscaping, layout and scale

LOCATION: Former Dunmow Skips Site, Station Road, Little Dunmow

APPLICANT: Persimmon Homes

AGENT: Persimmon Homes

EXPIRY DATE: 21 August 2015

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located to the north of the Flitch Green estate on the western side of Station Road. It covers an area of 1.09ha and formerly comprised a pair of semi-detached cottages on the northern third of the site with the remaining two thirds formerly used as a waste transfer station. There were some structures on the site which were used as part of the previous use. The waste transfer activities have now been relocated to Chelmsford and the site is vacant and has now been cleared.

2.2 The site boundaries comprise a mix of native species hedging, an earth bund around the waste transfer station area and close boarded fencing to the road frontage.

3. PROPOSAL

3.1 The proposal relates to the submission of reserved matters following the grant of planning permission for 40 dwellings, associated access, parking and garaging and provision of public open space under reference UTT/13/2340/OP.

3.2 The reserved matters relate to appearance, landscaping, layout and scale. Access was previously approved under the outline application.

3.3 The proposal relates to the provision of 21 x 3 bedroom and 8 x 4 bedroom market dwellings, 1 x 2 bed bungalow, 6 x 2 bedroom and 4 x 3 bedroom affordable housing units. The affordable units, with the exception of the bungalow, will be 2 storey and the market dwellings will be a mix of 2 and 2.5 storeys (7 dwellings will be 2.5 storey).

3.4 The majority of the dwellings would be brick finish, although 4 dwellings would be render and five would have a render frontage. Four dwellings would be clad in black hardiplank to the front elevations. The brick dwellings would be clad with farmhouse

red Grovebury concrete pantiles and the render plots would be clad with Redland concrete Landmark slate.

4. APPLICANT'S CASE

4.1 Summary of the Design and Access Statement:

The proposed development at Felsted will provide:

1. A new and attractive development to the area
2. A safe, attractive and secure environment
3. High quality development with a sense of place
4. Character and identity which relates to its wider context
5. Additional visitor parking within the development
6. An increased parking standards for new development
7. Public Open Space to encourage interaction between residents
8. Retained and enhanced natural landscape features
9. Interesting views and vistas
10. A good mix of dwelling sizes and types
11. Sustainable drainage for the area
12. Sustainable development principles that achieves level 3 of the code for sustainable homes, lifetime homes and wheelchair accessible homes.

5. RELEVANT SITE HISTORY

- 5.1 UTT/14/3675/DFO: Details following outline application UTT/13/2340/OP (outline application for removal of existing earth bunds; demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site; and erection of 40 dwellings with associated access, parking and garaging and provision of public open space) – Refused 1 May 2015 on grounds of cramped layout, lack of play facilities, insufficient boundary screening and lack of visitor parking.
- 5.2 UTT/13/2340/OP: Removal of existing earth bunds and demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site. Outline application for the erection of 40 dwellings with associated access, parking and garaging and provision of public open space. All matters reserved except access – Approved subject to S106 27 October 2014.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- GEN2 – Design
- GEN4 – Good neighbourliness
- GEN8 – Vehicle Parking Standards
- H9 – Affordable Housing
- H10 – Housing Mix
- GEN7 – Nature Conservation
- ENV7 – The Protection of the Natural Environment – Designated Sites
- ENV8 – Other Landscape Elements of Importance for Nature
- GEN3 – Flood Protection

- GEN6 – Infrastructure Provision to Support Development

7. PARISH COUNCIL COMMENTS

Flitch Green Parish Council

- 7.1 Members would like to reiterate concerns highlighted by FGPC when the original planning application was submitted regarding the access road to the development. The parish councillors consider the entrance/exit road to be potentially dangerous and would stress that they would like reassurance that Essex County Council's Highways Department will be involved in advising on lights of sight to ensure that the road does not become a hazardous junction. The Flitch Green members would also like to stress that pedestrian access, i.e. a proper footpath must be provided from the new development ensuring safe access for pedestrians walking to school, the new shop at Flitch Green etc.

8. CONSULTATIONS

Sport England

- 8.1 Does not wish to comment on this particular application.

Airside OPS Ltd

- 8.2 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Therefore we have no objection to this proposal.

NATS (En Route)

- 8.3 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.

Natural England

- 8.4 No objection in relation to statutory nature conservation sites. Refer to standing advice in relation to protected species.

Highways Agency

- 8.5 Offers no objection.

ECC Ecology

- 8.6 No further comments to make or objections to raise.

ECC Highways

- 8.7 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to a condition requiring a Construction Method Statement.

ECC Flood and Water Management

- 8.8 We object to this application and recommend refusal of planning permission until a satisfactory surface water drainage scheme has been submitted.

NHS England

- 8.9 We have no objection to the proposal and as the number of dwellings falls below our criteria we will not be seeking a developer contribution.

Access and Equalities Officer

- 8.10 All plots, except bungalow need to show through lifts. House types F, F1, H and Ha3 do not meet the lifetime homes criteria. The bungalow on plot 5 does not meet the wheelchair accessible criteria.

9 REPRESENTATIONS

- 9.1 This application has been advertised and 4 letters of representation have been received. Notification period expired 29 June 2015.

- 9.2 Issues raised are as follows:

- Development inappropriate for the prevailing road conditions
- Road already stretched to its limit with continuing growth of Oakwood Park
- Lack of services such as bus service, doctors and schools
- Will add to congestion in Felsted
- Support the previous reasons for refusal
- Development cramped, lack of play facilities, lack of open space and visitor parking
- Concerns about flooding
- Felsted has enough housing
- No more than 10 houses should be allowed and they should be screened
- Figure of 40 houses is far too high for size of site
- Pavement between development and Little Dunmow is unsafe to use

10 APPRAISAL

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

- A Whether the layout, design and appearance of the proposal is acceptable (NPPF, ULP Policy GEN2)
- B Dwelling mix and affordable housing provisions (NPPF, ULP Policies H9 and H10)
- C Parking provision (ULP Policy GEN8; SPD Parking Standards – Design and Good Practice)
- D Landscaping and open space (ULP Policies GEN2)
- E Drainage (NPPF, ULP Policy GEN3)

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

- 10.1 Paragraph 58 of the NPPF 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.

- 10.2 ULP 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 safeguard 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.
- 10.3 In line with the outline application, the proposal relates to 40 dwellings. These would be a mix of 3 and 4 bedroom market dwellings and 2 and 3 bedroom affordable dwellings. The dwellings would range from single storey (1 unit) to 2.5 storeys (7 units). The dwellings would be largely constructed in multi-red bricks, 4 units would be render and 5 further units would have a render front elevation and 4 units would have a weatherboarded front elevation. Roofs would be a mix of farmhouse red concrete pantiles and Redland concrete slate.
- 10.4 This site does sit in relative isolation and was the former site of a skip business and there was a pair of semi-detached chalet bungalows finished in render and plain tiles. Pound Hill Cottages, located to the north of the site are a mix of render and brick properties and whilst predominantly two storey, there are some with dormer windows and thus the appearance of 2.5 storey dwellings. Flitch Green, located to the south is a mix of property types and finishes, including 2 and 2.5 storey dwellings and brick and render finishes.
- 10.5 The proposed dwellings are of an appropriate scale and design for the local area. The mix of materials and finishes for the proposal are considered acceptable. The garden areas largely comply with the standards set out in the Essex Design Guide. Only plot 21 falls 2sqm short of the requirement. Whilst this does not meet the required garden size for the property, the shortfall is minimal. In addition the site is constrained and planning permission has been granted for 40 dwellings on this site. Therefore, on balance, it is considered acceptable for this plot to be undersized. In this respect it is considered that the applicant has largely overcome the previous reason for refusal in respect of garden sizes.

Plot No	No of beds	Car parking	Garden size	Plot No	No of beds	Car parking	Garden size
1	3	2	137	21	3	2	98
2	4	3	115	22	3	2	104
3	3	2	102	23	3	2	102
4	4	3	117	24	3	2	128
5	2	2	92	25	3	2	100
6	2	2	69	26	3	2	100
7	2	2	66	27	4	3	103
8	2	2	80	28	4	3	124
9	2	2	136	29	4	3	113
10	3	2	144	30	3	2	117
11	3	2	119	31	3	2	100
12	3	2	118	32	3	2	100
13	3	2	113	33	3	2	100
14	2	2	60	34	4	3	114
15	2	2	76	35	3	2	105
16	3	2	102	36	3	2	102
17	3	2	100	37	3	2	98
18	3	2	100	38	4	3	114

19	3	2	107	39	4	3	101
20	3	2	113	40	3	3	102

- 10.6 Due to the location of the site there would not be any adverse impacts on existing properties in the locality due to overlooking, overshadowing or overbearing. Within the development itself, there would be some overlooking from plot 18 to the rear garden of plot 5, although the revised layout indicates additional screening to be planted on the boundary of plot 5, including a Hornbeam tree. The private amenity space of plot 3 is located to the side of the dwelling and there would be some overlooking from plot 38. Whilst these issues raise some concern, on balance it is not considered that these are sufficient to warrant a refusal of the scheme.
- 10.7 The outline planning application indicated an area of public open space along the western boundary. However, due to the condition imposed on the outline consent requiring the reserved matters application to comply with the garden sizes as set out in the Essex Design Guide, and a requirement for the parking provision to meet adopted standards, this larger area of public open space has been substantially reduced. The S106 legal obligation requirement was just to provide open space which would be areas outside the residential curtilages. The reserved matters application shows three small areas of open space. These are located to the front of plot 5 and between plots 24 and 25, although this area also includes the visitor parking spaces and the parking spaces to plots 25 and 26.
- 10.8 The open space provision does not provide any meaningful area of open space that can be used for enjoyment by the residents. However, as already stated, this element of the proposals has been significantly diluted in order to comply with the condition requiring compliance with garden sizes. The areas provided comply with the definition of open space as set out in the S106 legal obligation and therefore it is considered, on balance, that there are not sufficient grounds to warrant a refusal in relation to this element of the proposals. It is acknowledged that members previously refused the scheme on the basis of insufficient amenity space, however this is a reserved matters application and it complies with the parameters set in the outline application.
- 10.9 The site adjoins the Flitch Way with the rear boundaries of plots 12-15. Other development proposals in the district backing onto the Flitch Way have required a buffer zone of 5m of additional planting. The scheme indicates a buffer zone of planting to the rear boundaries of plots 10-12. Whilst no buffer zone is indicated to the rear of plots 13-15, these would be bound by a significant area of planting along the modern section of the Flitch Way. This element of the scheme has not been amended and therefore the reason for refusal has not been overcome. However, as these plots back onto the modern stretch of the Flitch Way there needs to be a balance between providing a buffer and providing an environment that meets the reasonable needs of all potential users, for example by ensuring garden sizes are adequate. On this basis it is considered that the proposals are acceptable.

B Dwelling mix and affordable housing provisions (NPPF, ULP Policies H9 and H10)

- 10.10 The proposed development includes 11 affordable dwelling units. These are located at plots 5-15 on the southern part of the site. These would comprise a 2 bedroom bungalow, 6 semi-detached 2 bedroom dwellings and 4 semi-detached 3 bedroom dwellings. This has been revised from the original submission and now meets the requirements in respect of affordable housing and complies with Policy H9.
- 10.11 The proposed market housing would consist of a mix of 21 three bedroom and 8 four bedroom houses. The proposed mix would be in accordance with Policy H10.

C Parking provision (ULP Policy GEN8; SPD Parking Standards – Design and Good Practice)

10.12 The proposed parking provision for each property is set out in the table above. As can be seen, each property would have the required number of parking spaces as set out in the adopted standards. Plot 40 would have an additional parking space. In terms of parking provision for the proposed dwellings the proposal complies with the standards.

10.13 The proposal has a requirement for 10 visitor parking spaces, and the previous scheme only indicated 3 such spaces. This revised scheme incorporates 10 visitor parking spaces, three adjacent to the electricity substation, three between plots 24 and 25, 1 adjacent to plot 30, 2 to the front of plots 32-33 and 1 adjacent to plot 31. It is therefore considered that the applicant has now overcome the previous reason for refusal in respect of visitor parking provision and the proposals now comply with Policy GEN8.

D Landscaping and open space (ULP Policies GEN2)

10.14 As previously stated, the provision of open space within this scheme has been compromised by the requirement to comply with the condition relating to garden sizes. The open space provision is now limited to small areas next to the visitor parking between plots 24 and 25, and a small area in front of plot 5. The provision technically complies with the requirements of the S106 legal obligation. There was no condition relating to the provision of open space, and as such it is considered that the provision is adequate given the limits of the consent already granted. Whilst the scheme has not been amended to overcome the previous reason for refusal, it is considered that refusing the application purely on the basis of lack of open space provision, particularly when the provision proposed complies with the outline consent, can be substantiated.

10.15 A landscaping scheme has been submitted detailing the proposed planting. This indicates that the existing boundary screening will be retained. The new landscaping scheme still indicates that the frontage of the site would be planted with a “native hedgerow mix” including Field Maple, Common Hazel, Hawthorn, Privet, Buckthorn, Guelder Rose and Field Rose. The feature trees along the frontage would be Bird Cherry. Adjacent to the entrance of the site, where room is restricted, it is proposed to plant a privet hedge. This is considered to be acceptable in terms of the impact on the character of the rural area.

E Drainage (NPPF, ULP Policy GEN3)

10.16 The outline application was submitted with a FRA which the Environment Agency raised no concerns with, subject to a condition requiring the development to be carried out in accordance with the measures contained within the FRA. Since the outline consent was granted the responsibility for flood risk has transferred to the Lead Local Flood Authority (LLFA) which is Essex County Council. They have raised concerns in relation to the FRA and the fact that a detailed drainage scheme has not been submitted. Further information has been submitted to the LLFA by the applicant and the officer is currently awaiting a formal response. The applicant has stated that they would expect the submission of the full drainage scheme to be the subject of a condition. This is a reasonable request and as such it is considered the proposals comply with Policy GEN3.

11 CONCLUSION

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

- A The house types, design and materials are considered appropriate to the area. The layout of the scheme has some design flaws, but these are not considered sufficient to warrant a refusal. It is acknowledged that not all the previous reasons for refusal have been overcome. However, on balance Officers considered the previous scheme was acceptable, given the previous grant for outline planning permission for 40 units on this site, and this revised scheme overcomes the shortfalls in garden sizes and parking provision. Therefore, on balance, the scheme is considered acceptable.
- B The private and affordable housing mixes are considered appropriate. The affordable housing provision meets the required size standards.
- C The parking provision for the properties meets the required standards. The visitor parking has been amended since the previously refused scheme and now meets the required parking standards.
- D The landscaping scheme has been amended and includes native planting to the front boundary, with privet hedging adjacent to the entrance to the site. The revised landscaping scheme is considered acceptable.
- E The FRA submitted with the outline application was considered acceptable by the Environment Agency. The LLFA has raised some concerns but these can be dealt with by way of a condition.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. Prior to the commencement of the development details of the drainage scheme shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details.

REASON: To ensure the development does not increase the risk of flooding within the site or the vicinity of the site, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005)

STATEMENT: This condition is required to ensure that the drainage scheme is capable of being delivered to the requirements of the LLFA as this has not been clearly demonstrated with the details submitted.

2. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no PR029.01B. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

3. Notwithstanding the landscaping scheme submitted, prior to the commencement of development a scheme showing the measures for the protection of the existing boundary trees and hedges shall be submitted to and approved in writing by the local planning authority. The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

STATEMENT: The protection of the existing boundary screening is a fundamental element of the development of this site, given its countryside setting.

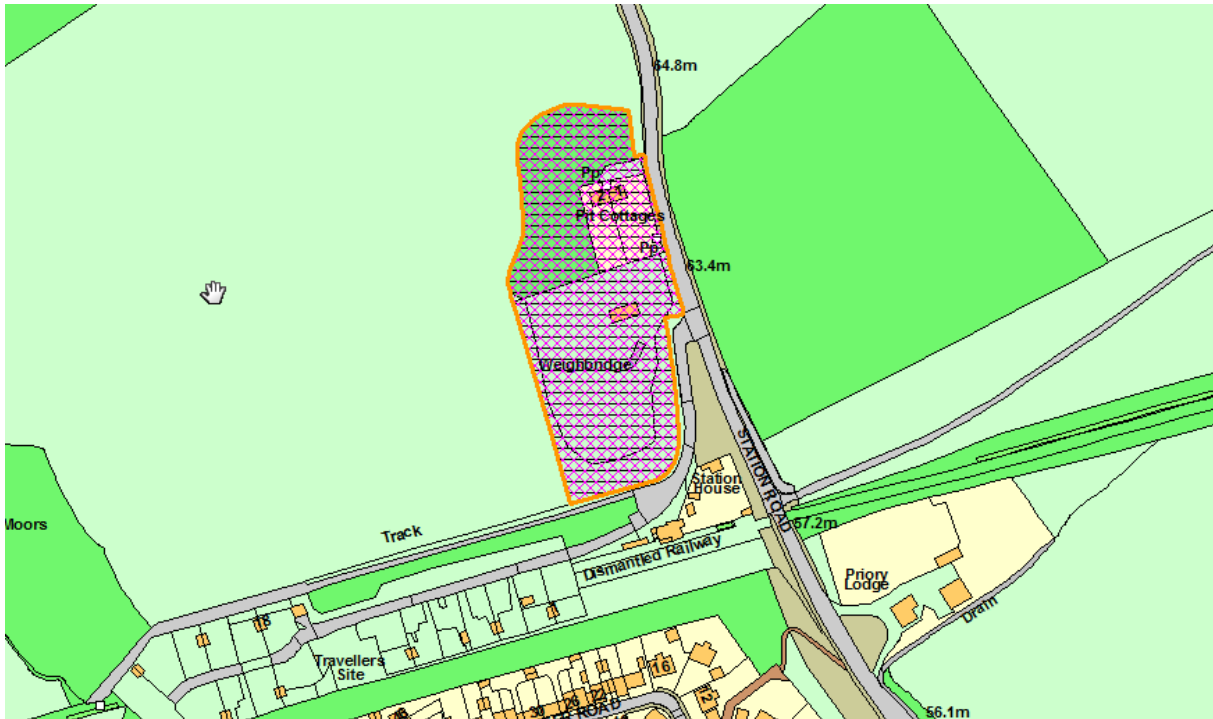
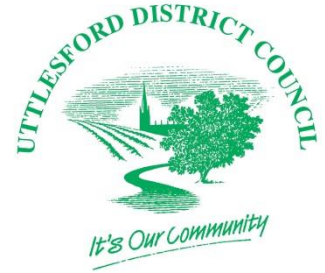
4. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide 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 Uttlesford Local Plan Policy GEN1 (adopted 2005).

STATEMENT: The above condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Application Number: UTT/15/1615/DFO

Location: Former Dunmow Skips Station Road Felsted



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/15/1467/DFO (RADWINTER)

(MAJOR APPLICATION)

PROPOSAL: Details following outline application UTT/0142/12/OP (for the erection of 35 dwellings with vehicular access) - details for appearance, landscaping, layout and scale.

LOCATION: Land Off East View Close And Walden Road East View Close Radwinter

APPLICANT: Enterprise Property Group Limited

AGENT: Bidwells

EXPIRY DATE: 12.08.2015

CASE OFFICER: Emmanuel Allannah

1. NOTATION

- 1.1 Outside development limits, Public Rights of Way and Part of site in Flood Zone 2 and 3a.

2. DESCRIPTION OF SITE

- 2.1 The site is located on the Eastern edge of Radwinter village, which is approximately five miles east of Saffron Walden. The east of the boundary is formed by the Lower House Brook.
- 2.2 To the north it is bounded by agricultural fields. To the south the majority of the site is abutted by the B1053 with an inset bounding a power station.
- 2.3 Radwinter Primary School lies at the south east; and to the west it is bounded by East View Close and the village overall is surrounded by agricultural land.
- 2.4 The proposed development site is 2.6 ha and consists of two parcels of land. The parcel to the south comprises of unmanaged enclosed field with mature hedgerows and trees. Whilst the northern parcel is currently unmanaged grassland.

3. PROPOSAL

- 3.1 This application relates to the reserved matters following the granting of outline planning permission which was for the erection of 35 dwellings, the provision of land for the extension of the Recreation Ground and a parcel of land for the extension of the school land. The application includes a new access on to the B1053 and an additional access via East View Close.
- 3.2 The scheme would provide 12 affordable houses with a mixture of tenure. 5% bungalows will be provided across all tenures.
- 3.3 The reserved matters for consideration now relates to appearance, landscaping, layout and scale for the erection of 35 dwellings.

4. APPLICANT'S CASE

- 4.1 The applicant engaged with the Planning Officers and the Parish Council with extensive pre-application meetings in order to incorporate their advice and comments in the preparation and submission of these reserved matters.
- 4.2 The applicant has provided a Design and Access Statement to explain and justify the proposed reserved matters. In addition, with the following supporting documents:
- Statement in respect to discharge of conditions No. 3 of the outline planning approval Ref: UTT/13/3118/OP.
 - Landscape Management Plan
 - Construction Method Statement
 - Extended Phase 1 Habitat Survey
 - Radwinter – Landscape Design
 - Ecological Method Statement
 - Specification for Archaeological Excavation Consultation Report
 - Tree Survey, Arboricultural Impact Assessment

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/0518/PA. Advice in preparation of reserved matters for outline application of 35 dwellings (UTT/13/3118/OP)
- 5.2 UTT/13/3118/OP. Approve with condition. Outline application for 35 dwellings with all matters reserved except for vehicular access.
- 5.3 UTT/1186/97/FUL. Approve with condition. Erection of six affordable houses and construction of access to highway.

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 GEN5 – Light pollution
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 – Open spaces and trees
- Policy ENV12 – Groundwater protection
- Policy ENV15 – Renewable Energy
- Policy H1 – Housing development
- Policy H9 - Affordable housing
- Policy H10 – Housing Mix
- Policy LC3 – Community facilities

- Radwinter Parish Plan 2007-2012
- Supplementary Planning Document (SPD_ - Accessible Homes and Play Space
- SPD – Energy Efficiency and Renewable Energy
- Urban Place Supplement to the Essex Design Guide

PARISH COUNCIL COMMENTS

6.1 No comment received..

7. CONSULTATIONS

Historic Environment Advisor

7.1 No objection subject to recommended planning condition.

Natural England

7.2 No objection.

ECC Highways Authority

7.3 No objection subject to recommended planning conditions.

Aerodrome Safeguarding

7.4 No objection.

Housing Enabling Officer

7.5 No objection considering the scheme will provide 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

8. REPRESENTATIONS

9.1 Ten letters of objection and concerns received and the summary of their comments/objection includes the following:

- Object to the use of East View Close as a vehicular access
- Access on the main Walden Road B1053 is on a bend and visibility is poor and access would lead to accidents.
- The proposal would add parking problem to the existing parking problem at the nearby school.
- Concerned about the existing capacity of sewage infrastructure in the area and some properties often experience flooding
- Development is out of character and not in keeping with the existing village character or infrastructure in terms of access, and parking for the village school.
- There should be no visual impact over the hedge from the garden at 26 East View Close.
- Concerned about the proposed window in the roof of the property in plot 1 which overlooks 26 East View Close.
- Concerned about plots 1, 8, 9, 10 and 11 might lead to loss of sunlight from reaching the 26 East View Close. The size of the 4 and 5 bedroom houses are going to look

out of place as the houses in the cul-de-sac are bungalows and 2 and 3 small houses.

9. APPRAISAL

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

- A Whether the layout, scale and appearance would harm the character or amenity of the area (NPPF, Local Plan Policy GEN2)
- B Whether the proposed landscaping scheme is acceptable (NPPF, Local Plan Policy ENV8)
- C Whether the dwelling mix and affordable Housing provision is acceptable (NPPF, Local Plan Policies H9 and H10)
- D Other matters

A Whether the proposed layout, scale, appearance and design would harm the character or the amenity of the area (NPPF, Local Plan Policy GEN2).

10.1 Paragraph 56 of the National Planning Policy Framework (NPPF) affirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 (the sixth bullet points) stated that planning policies and decisions should aim to ensure that development respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

10.2 Policy GEN2 affirms that development will not be permitted unless its design for example is compatible with the scale, form, layout, appearance and materials of surrounding buildings; if it would materially have an adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

Layout

10.3 The proposed layout has been developed with essential Essex design guide principles which allowed some proportion of the proposed houses to perform a particular role according to their position in the layout.

10.4 The proposed layout for example establishes a creation of a strong visual and physical link to East View Close. An enhanced and developed footpath to provide via safer and more pleasant connection linking the heart of the village and the school to the public open space. The assessment of the proposed layout and scale demonstrated it would not harm the living condition of the adjoining occupiers in terms of loss of sunlight, daylight, overlooking or overshadowing or overbearing.

10.5 Given the approval of the proposed access during the outline application stage off Walden Road, a safe and secure vehicular entrance off Walden Road has been created separating the proposed safe footpath.

10.6 The proposed layout therefore used the opportunity of the site as it is located at the edge of the village built environment to establish an extension of the village in a more appropriate visual manner which is in keeping with the character of the village. Hence, thereby creating a suitable relationship to the newly designated Public open space. In addition with the introduction of landscaping which blend with the rural

character with careful consideration to boundary treatments facing the public open space.

Scale

- 10.7 The application site and its surroundings comprised both old and modern architectural history which defines the period of individual buildings or estate. The area comprised of different design approach ranging from bungalows, two storey and semi-detached properties and two and half storey residential buildings.
- 10.8 In order to mirror the existing scale of buildings within the surrounding area, considering the topography of the site slopes downwards from East Close View, the applicant used the opportunity to design the variety of dwelling types and sizes which form part of the character of this part of Radwinter Village. Hence, the development provides different scale of buildings such as single storey bungalow, two storey 2 and 3 bedroom cottages, and 2.5 storey 4 and 5 bedroom detached houses.
- 10.9 The existing residential properties along the East View Close for example comprise of bungalows and two storey dwellings. In terms of proposed scale the bungalow on Plot 1 is located adjacent to the existing bungalows in East View Close and which assisted in creating a transition in scale to the adjacent two storey houses such as Plots 2 and 3.
- 10.10 Given the gradient of the land which slopes downwards from East View Close towards the River Pant provided the opportunity which allows the new development to step down towards the river and away from the existing residential buildings on East View Close by creating an unobtrusive and appropriate scale to the development which is considered compatible with the scale of the surrounding buildings. For example; the larger properties which have second floor in the roof space has been carefully designed to avoid breaking the skyline of the surrounding area, thereby avoiding an overbearing and incongruous presence, at the same time providing houses with views across to the surrounding open countryside.

Appearance

- 10.11 The appearance of the proposed individual buildings incorporated part of the design philosophy which defines Radwinter which also dates back to some of the influence of Nesfield. Such design for example lends itself to an asymmetrical vernacular form with the function of various rooms of the building expressing themselves indirectly on the elevations through the use of painted render, red brick with strong gable forms in a red clay plain tile. And other cottages and houses emulate the simple rendered elevations on brick plinths with plain clay tiles or slate roofs from the earlier timber framed cottages and farm houses which date back to 16th to 18th centuries.
- 10.12 The proposed larger houses some of them have a more formal 'symmetrically' arranged frontage wing with a central doorway, painted sash windows and a less normal, smaller scale rear wing. This is seen as a typical farmhouse which forms part of the character of the immediate built environment.
- 10.13 In order to embrace the appearance of buildings associated within this part of countryside, the external proposed facing materials which has been incorporated to some the proposed buildings include stained weatherboarding over brick plinth and slate roofs. In order to create an inclusive community the design approach that has been taken involves making sure that both the appearance of the affordable and shared ownership are designed to blend seamlessly. This is welcome and acceptable.

- 10.14 In order to create an inclusive community the design approach taken to ensure both the affordable and shared ownership houses are designed to be seamless reflects through the appearance of the development by selecting palette of materials in variety of ways to define the qualities of these houses.
- 10.15 The proposed rear elevation details of these houses are considered also very contemporary for example; with large openings and bi fold or sliding doors, onto larger open family kitchen/dinners.

B Landscaping

- 10.16 Policy ENV8 states that development that may adversely affect landscape elements will only be permitted if the need for the development outweighs the needs to retain the elements for their importance to wild fauna and flora; mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality. Appropriate management of these elements will be encouraged through the use of conditions and planning obligations. Given that the site is bordered by existing hedgerows and trees every effort has been taken to retain and enhance the natural features and the retention of the mature trees and hedges would improve both the visual and ecological amenity value to the overall landscape strategy.
- 10.17 The landscape strategy in this proposal involves the integration of the landscaping schemes within the proposed development, for example by softening and connecting the edges of the development. In addition by creating a green corridor from north to south along the River Pant which will be framed with new landscape.
- 10.18 The landscaping scheme proposed demonstrated how it would enhance the existing pedestrian routes. In order to ensure good connectivity and ease of movement across the site to surrounding areas, including links with surrounding public rights of way and connections to local facilities.
- 10.19 In order to improve views into the development boundaries will be designed sensitively to permit key views in and out of the site and at the same time providing a level of screening and by integrating it with the surrounding village and rural landscape. For example, views to the east looking out to the countryside would be retained.
- 10.20 The enhancement of the biodiversity from the landscaping scheme include establishing rich and diverse habitat types and ecological corridors that traverse the site, and enhancing existing boundary vegetation. For example; by maintaining the existing boundary hedgerows and tree buffers; enhancing the diversity and quality of existing native hedgerows; creating new hedgerows using mixed native species and by creating new blocks of native buffer planting that are in keeping with local landscape character. In addition; by increasing tree canopy cover within the site and planting tree species that produce flowers and berries for birds and insects. These landscaping schemes are considered appropriate and welcome. Such landscaping schemes would be secured through planning condition in order to ensure the implementation of a satisfactory landscaping scheme.
- 10.21 In order to safeguard the direction of run-off water, the role and function of the landscaping strategy proposed involves incorporating free draining (permeable) hard surface where possible to reduce surface water run-off. This is welcome and environmentally friendly particularly by incorporating surface water attenuation

features within the green open spaces. This will be secured through planning condition.

10.22 Each of the proposed dwelling in terms of their layout include standard amenity space, garden sizes and cycle storage which are considered acceptable as each comply with Council standards as shown in the accommodation schedule below.

Plot no.	House type	Proposed storey height	Type	Garden size (sq.m)	Parking requirement (off street)	Cycle storage (no. of bikes)
01	2 bed bungalow rented	1	terrace	101.0	2	2
02	3 bed house rented	2	terrace	101.0	2	2
03	3 bed house rented	2	terrace	98.0	2	2
04	4 bed type a (w)	2.5	detached	207.0	3	2
05	4 bed type a	2.5	detached	150.0	3	2
06	4 bed type a	2.5	detached	183.0	3	2
07	5 bed type b	2.5	detached	220.0	3	2
08	1 bed flat rented	2	linked	95.0	1	2
09	1 bed flat rented	2	linked	95.0	1	2
10	2 bed house rented	2	terrace	101.0	2	2
11	2 bed house rented	2	terrace	100.0	2	2
12	2 bed house rented	2	terrace	110.0	2	2
13	2 bed type b	2	terrace	121.0	2	2
14	2 bed type b	2	terrace	150.0	2	2
15	3 bed type b	2	terrace	100.0	2	2
16	5 bed type b	2.5	detached	200.0	3	2
17	5 bed type a (w)	2.5	detached	289.0	3	2
18	4 bed type c	2.5	detached	175.0	3	2
19	4 bed type c	2.5	detached	174.0	3	2
20	4 bed type b	2.5	detached	230.0	3	2
21	2 bed type b2	2	semi detached	200.0	2	2
22	3 bed type b	2	semi detached	112.0	2	2
23	3 bed b - SO	2	linked	106.0	2	2
24	2 bed house SO	2	semi detached	109.0	2	2
25	3 bed type a	2	detached	130.0	2	2
26	2 bed house SO	2	semi detached	114.0	2	2
27	2 bed house	2	semi	100.0	2	2

	SO		detached			
28	2 bed type a	2	semi detached	100.0	2	2
29	2 bed type a (w)	2	semi detached	118.0	2	2
30	4 bed type b	2.5	detached	141.0	3	2
31	4 bed type a (w2)	2.5	detached	140.0	3	2
32	3 bed type b	2	terrace	167.0	2	2
33	3 bed type b (w)	2	terrace	153.0	2	2
34	3 bed type b	2	terrace	117.0	2	2
35	5 bed type a	2.5	detached	235.0	3	2
Visitor parking					9	
Sub total					89	70

C Whether the dwelling mix and affordable Housing provision is acceptable (NPPF, Local Plan Policies H9 and H10)

10.23 Policy H9 affirms that the Council will seek to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfalls sites, having regard to the up to date Housing Needs Survey, market and site considerations.

10.24 Policy H10 states that all developments on sites of 0.1 hectares and more or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties.

10.25 In consideration to the above policies and in consultation with Housing Enabling Officer advised that the proposed scheme is acceptable and complies with the Council's affordable housing policies. The scheme will provide 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's Registered Providers.

D Other matters

10.26 The proposed access was considered acceptable during the outline stage. The proposed car parking standards and amenity space comply with Council standards.

10.26 In consideration with the ecological implication of this proposal, the ECC Ecological Consultant have requested for further information and clarification from the applicant which will be included in the Supplementary Planning Committee Report update.

10. CONCLUSION

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

A The proposed layout, scale and appearance are considered acceptable because it would not harm the character of the built environment within this area of Radwinter village or harm the living condition of the adjoining occupiers (ULP Policy GEN2).

- B The proposed landscaping strategy is acceptable because it would assist in retaining some existing trees, hedgerows and addition with the planting of new trees, hedgerows, private and public amenity space (ULP Policy ENV8).
- C The proposal would provide opportunity to secure affordable housing (ULP Policies H9 and H10).
- D The proposal would comply with car parking standards (ULP Policy GEN8). And with appropriated recommended planning conditions in place the proposal would not have a harmful effect on ecology (ULP Policy GEN7)

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. 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).

3. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

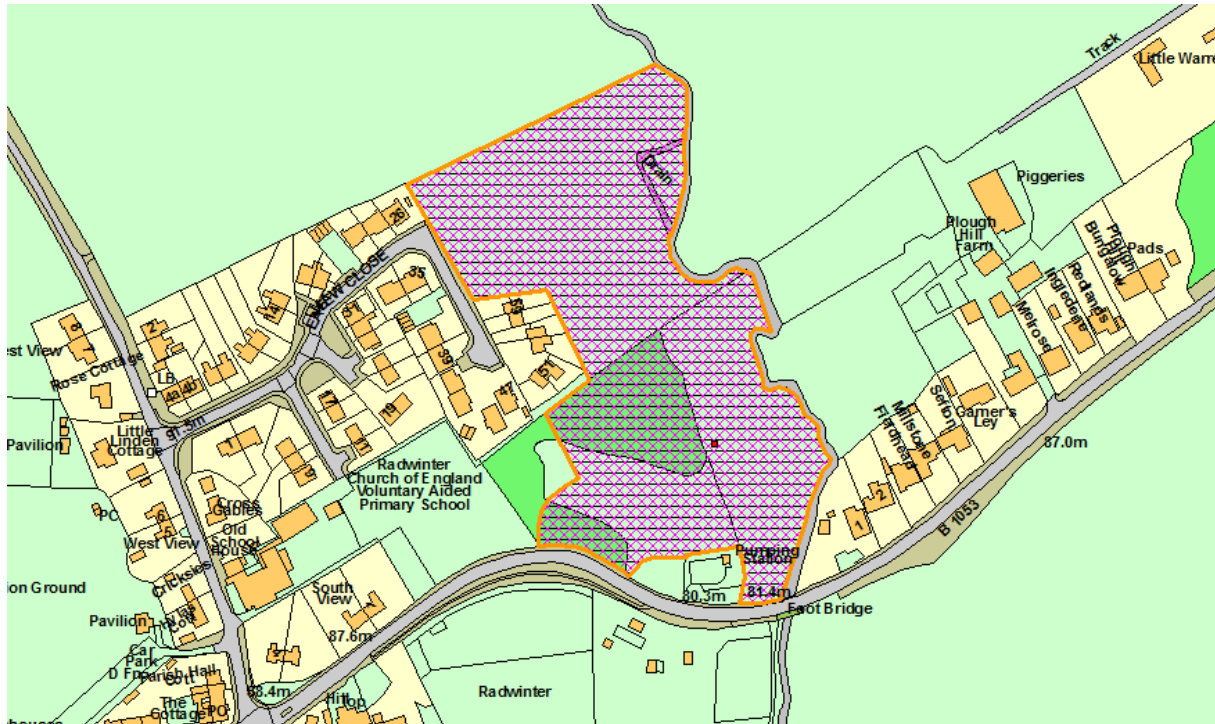
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

REASON: In order protect and safeguard archaeological findings or remains within the site in accordance with Policy ENV4 of the adopted Local Plan (2005).

Application number: UTT/15/1467/DFO

Location: Land off East View Close and Walden Road Radwinter



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/15/1046/FUL (LITTLE HALLINGBURY)

(MAJOR)

PROPOSAL: Affordable housing development comprising 16 no. dwellings and associated vehicular access, pedestrian access, field access, roads and landscaping

LOCATION: Land at Dell Lane, Little Hallingbury

APPLICANT: Hastoe Housing Association

AGENT: Parsons and Whittley

EXPIRY DATE: 31 July 2015

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Metropolitan Green Belt.

2. DESCRIPTION OF SITE

2.1 The application site is located off Dell Lane in Little Hallingbury. It comprises a portion of an agricultural field, bounded to the north by a residential area, to the west by a single residential property and to the east by Latchmore Bank (A1060).

3. PROPOSAL

3.1 The application is for planning permission to erect 16 affordable dwellings, including associated access off Dell Lane, pedestrian access off Latchmore Bank and field access to the agricultural land to the south. Landscaping includes parking spaces and gardens, and an area of public open space.

3.2 The schedule of accommodation is as follows:

Plot No.	Bedrooms	Parking Spaces	Garden Size (sq m)
1	1	1	63
2	1	1	32
3	1	1	29
4	1	1	39
5	1	1	43
6	2	2	101
7	2	2	104
8	2	2	95
9	2	2	239
10	2	2	194
11	3	2	360
12	2	2	112
13	2	2	81
14	2	2	103
15	2	2	125

16	2	2	237
-	-	6 visitor spaces	-

4. APPLICANT'S CASE

4.1 It is suggested in the submitted Design & Access Statement that:

- the proposal would appear compatible with its surroundings
- car parking would be provided to the sides of dwellings to prevent car domination in the street scene
- a footpath link would provide easy access to bus stops and village services
- adequate off-street parking would be provided
- dwellings would be built in accordance with the Lifetime Homes standards

5. RELEVANT SITE HISTORY

5.1 In January 2000, planning permission was refused under application number UTT/1403/99/OP for a low-cost housing development on land that includes part of the current application site. The reasons for refusal indicate that a local need was not demonstrated, a Housing Association had not been engaged, the proposal conflicted with Green Belt policy and there were road safety concerns regarding the access off the A1060.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework
- Planning Practice Guidance
- Ministerial Written Statement (HCWS161) regarding 'Sustainable drainage systems'

6.2 Uttlesford District Local Plan 2005

- Policy S6 – Metropolitan Green Belt
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN5 – Light Pollution
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development affecting Listed Buildings
- Policy ENV5 – Protection of Agricultural Land
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
- Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft
- Policy H11 – Affordable Housing on "Exception Sites"

6.3 Guidance

- Supplementary Planning Document – Accessible Homes and Playspace
- Developer Contributions Guidance Document
- Parking Standards: Design and Good Practice
- Local Residential Parking Standards
- The Essex Design Guide

7. PARISH COUNCIL COMMENTS

- 7.1 Little Hallingbury Parish Council supports the application, citing a need for affordable housing.

8. CONSULTATIONS

Essex County Council – Infrastructure Planning Officer

- 8.1 The proposal is for 100% affordable housing, non-profit. Therefore, no education contributions are required.

Ecological Consultant (Essex County Council)

- 8.2 No objection. Extract:

“...Given the current land use, habitats present and limited potential for protected species, I consider that the ecology information submitted is sufficient to determine the application. The site does have potential for ecological enhancement however, and I recommend [that a] condition is appended to any consent to ensure the scheme delivers maximum benefit for biodiversity in accordance with NPPF paragraph 109...”

Stansted Airport

- 8.3 No objection regarding aerodrome safeguarding.

Lead Local Flood Authority (Essex County Council)

- 8.4 Initial objection removed following the submission of further information. Extract from updated position:

“...Having reviewed the submitted Surface Water Drainage Strategy in response to our earlier objection of 23 April 2015, we now consider that full planning permission could be granted to the proposed development.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Surface Water Drainage Strategy (SWDS), submitted with this application are implemented and secured by way of a planning condition on any planning permission...”

Natural England

- 8.5 No objection regarding statutorily protected sites or landscapes.

Highway Authority (Essex County Council)

- 8.6 No objection, subject to the use of planning conditions regarding the following:

- Management of construction traffic
- Construction of vehicular access prior to occupation of the dwellings
- Surface water drainage
- Ease of passage over public footpath

Housing Enabling Officer

- 8.7 “This site is for 16 affordable homes delivered through the Rural Exception Policy [in the adopted Local Plan].

This scheme meets an identified housing need within the Parish of Little Hallingbury. The Rural Exception Policy allows affordable homes to be delivered outside of development limits in perpetuity for the benefit of residents with a strong local connection, (as per the Councils’ Housing Allocation Scheme), in the Parish of Little Hallingbury and neighbouring Parishes. The affordable rented properties are protected from the Right to Acquire (as they will be owned and managed by one of our Registered Providers) whilst the shared ownership properties have covenants placed on them to protect the re-sale of the properties.

I confirm that this scheme meets all Council policy and has been brought forward with the support of the Parish Council.”

Environmental Health

- 8.8 The dwellings would be subject to noticeable aircraft noise. A planning condition should be used to protect occupants from loss of amenity due to aircraft noise.

Highways England

- 8.9 No objection.

Thames Water

- 8.10 No objection regarding sewerage infrastructure capacity.

Access and Equalities Officer

- 8.11 No objection.

9. REPRESENTATIONS

- 9.1 Neighbours were notified of the application by letter and notices were displayed near the site. The following comments have been made in opposition to the proposal:

- Unjustified harm to the Green Belt
- Inadequate assessment of the local need for housing
- Inadequate assessment of sites for affordable housing
- Inappropriate eligibility criteria for the affordable homes
- Limited local services, facilities and employment opportunities
- Poor public transport
- Harmful encroachment into the countryside
- The layout and design do not comply with planning policies and guidance
- Damage to highway verges and hedges
- Adverse effect on road safety
- Adverse impacts from construction traffic
- Nuisance during construction
- Harm to the setting of a listed building – Bonningtons
- Harm to biodiversity
- Overlooking of existing properties – 8 George Green Villas
- Loss of daylight to existing properties – 8 George Green Villas

- Overbearing impact
- Disturbance from aircraft
- Inadequate electricity infrastructure
- Inadequate school capacity
- Loss of desirable view from existing properties
- Devaluation of existing properties
- A similar application was refused in 2000
- Site required to land air ambulances
- Loss of hedge on boundary with 8 George Green Villas

9.2 The following comments have been made in support of the proposal:

- There is a need for affordable housing in the area
- Little visual impact
- Safe vehicular access
- Easy access to local services and facilities
- Good public transport options – hourly bus service to Bishop’s Stortford

10. APPRAISAL

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

- A Green Belt (ULP Policy S6 and H11; NPPF)
- B Sustainable transport (ULP Policy GEN1; NPPF)
- C Vitality of rural communities (NPPF)
- D Landscape and visual impact (NPPF)
- E Design (ULP Policy GEN2; NPPF)
- F Light pollution (ULP Policy GEN5)
- G Heritage assets (ULP Policy ENV2)
- H Biodiversity (ULP Policy GEN7 and ENV8)
- I Sustainable drainage (NPPF; Planning Practice Guidance; Ministerial Written Statement)
- J Agricultural land (ULP Policy ENV5)
- K Road safety and vehicle parking (ULP Policy GEN1 and GEN8; Parking Standards: Design and Good Practice; Local Residential Parking Standards)
- L Noise (ULP Policy ENV10)
- M Infrastructure (ULP Policy GEN6; Developer Contributions Guidance Document)

A Green Belt (ULP Policy S6 and H11; NPPF)

10.2 Policy S6 and the Proposals Map indicate the extent of the Metropolitan Green Belt, and the relevant policy for development in the Green Belt is contained in the NPPF.

10.3 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

10.4 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.5 Paragraph 88 of the NPPF requires planning authorities to give substantial weight to any harm to the Green Belt. It also states that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 10.6 Paragraph 89 of the NPPF confirms that planning authorities should regard the construction of new buildings as inappropriate in Green Belt, albeit there are a number of exceptions.
- 10.7 In assessing whether the proposal conflicts with Green Belt policy, it is necessary to consider whether it meets any of the abovementioned exceptions. The relevant exception to the proposed development is described as limited affordable housing for local community needs under policies set out in the Local Plan. The relevant policy in the Uttlesford Local Plan is Policy H11.
- 10.8 Policy H11 states that affordable housing development will be permitted outside settlements, on a site where housing would not normally be permitted, if it would meet the following criteria:
- a) 100% of the dwellings would be affordable and provided through a Registered Social Landlord
 - b) The development would meet a particular local need that cannot be met in any other way
 - c) The development would be of a scale appropriate to the size, facilities and character of the settlement
 - d) The site adjoins the settlement
- 10.9 The proposal is for 100% affordable housing, provided by Hastoe Housing Association – a Registered Social Landlord. This arrangement could be secured using a planning obligation.
- 10.10 Taking into account the comments of the Housing Enabling Officer, it is considered that the applicant has demonstrated a particular local need that cannot be met in any other way. Little Hallingbury is the only settlement in the parish with which a 16-dwelling development on adjoining land would be compatible, and it is inevitable that Green Belt land would be used because it surrounds the village.

B Sustainable transport (ULP Policy GEN1; NPPF)

- 10.11 Policy GEN1 states that development will only be permitted if it encourages movement by means other than driving a car.
- 10.12 Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It recognises the need to take account of other policies in the NPPF, particularly in rural areas.
- 10.13 The application site is located adjacent to the village, with access to local services and facilities including a primary school, church, village hall and public house. A regular bus service to nearby Bishop's Stortford can be accessed using bus stops on Latchmore Bank, which are within walking distance of the site.
- 10.14 It is considered that public transport and, to a more limited extent, walking and cycling offer realistic transport options. As stated in the NPPF, it is necessary to take into account other factors in rural areas, which are addressed separately and in the conclusion of this report.

C Vitality of rural communities (NPPF)

10.15 Paragraph 55 of the NPPF states that rural housing should be located where it will enhance or maintain the vitality of rural communities, and an example is given of development in one village supporting services in a village nearby. It also states that planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

10.16 The site is located adjacent to the village of Little Hallingbury, and is therefore not considered isolated. It would enhance the vitality of the rural community through increased use of the local services and facilities available in the village.

D Landscape and visual impact (NPPF)

10.17 Paragraph 17 of the NPPF states that a core land-use planning principle is that planning should recognise the intrinsic character and beauty of the countryside.

10.18 The application site forms part of an agricultural field, bounded to the north by residential development, to the west by Wallbury House and its curtilage, and to the east by Latchmore Bank. The landscape to the south is predominantly open and rural in character.

10.19 The proposal represents an encroachment into open countryside. However, any potential harm to the landscape would be mitigated by the existing residential character of land to the north, west and east. In views from the public rights of way to the south and west of the site, it would appear as an appropriate infill of a corner of the field against the backdrop of existing residential development. While users of the public right of way along the western boundary of the site would notice a marked difference upon access from Dell Lane, the existing boundary of Wallbury House prevents panoramic views of countryside to the south and west. The majority of the public right of way network in the vicinity would retain open views of the countryside. Overall, it is considered that the harm to the character of this part of the countryside would be limited.

E Design (ULP Policy GEN2; NPPF)

Character and appearance

10.20 Policy GEN2 states that development will not be permitted unless it is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

10.21 Paragraph 58 of the NPPF states that developments should:

- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation
- be visually attractive as a result of good architecture and appropriate landscaping

10.22 The proposed dwellings would be laid out in a cul-de-sac, primarily arranged in pairs with the exception of two short terraces of three. This reflects the use of semi-detached pairings along both Dell Lane and Latchmore Bank.

10.23 All but the bungalow on Plot 16 would be two-storey in scale, although the single bedroom houses on Plots 1 to 5 would have a single storey scale at the rear owing to a lower eaves height compared to the front. The flank elevations of the houses would be presented to the road, each with a canopy at the entrance. In these respects, the scale

and form of the dwellings are compatible with the existing properties in the vicinity. Nevertheless, there are pockets of different house types so it is considered appropriate that the new development establishes its own character.

10.24 The uncluttered approach to detailing produces a contemporary appearance, while the proposed finishes of render and brick are consistent with the character of the area.

10.25 Low picket fencing to the front of properties would provide a suitable degree of enclosure and at the same time would appear appropriate in the street scene. Close-boarded fencing is considered suitable between rear gardens on the northern boundary, where there would be no significant impact on the appearance of the area and where privacy is desired. The eastern and western boundaries would be bordered by a secure and semi-transparent mesh fence, which would be placed inboard of hedgerow planting that would reflect the rural character of the area. Post and rail timber fencing in the south-western corner of the site would be compatible with the rural landscape to the south.

10.26 To assimilate the development into its rural surroundings, a full landscaping scheme to supplement the indicative scheme should be secured using a planning condition. This would include a substantial native species hedgerow along the southern site boundary.

Environmental features

10.27 Policy GEN2 states that development will not be permitted unless it safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate.

10.28 A group of trees on the northern site boundary are protected by a Tree Preservation Order. All would be protected during construction in accordance with the submitted Arboricultural Method Statement. Two trees would be removed at the access to the site, but these are not covered by the TPO and their loss would not cause significant harm to the character of the area.

Accessibility

10.29 Policy GEN2 states that development will not be permitted unless it provides an environment which meets the reasonable needs of all potential users. The policy is supplemented by the SPD entitled 'Accessible Homes and Playspace', which requires compliance with the Lifetime Homes standards.

10.30 Paragraph 58 of the NPPF states that developments should create accessible environments.

10.31 Taking into account the comments of the Access and Equalities Officer, it is considered that the proposal complies with the requirements of the above SPD. One wheelchair accessible dwelling is provided at Plot 16, in accordance with the requirements.

Crime

10.32 Policy GEN2 states that development will not be permitted unless it helps to reduce the potential for crime.

10.33 Paragraph 58 of the NPPF states that developments should create safe environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

10.34 It is considered that the proposed layout would create a safe environment, where vehicles and public open space would be overlooked, private gardens would be secure and front property boundaries would be clearly marked to provide a defensible space.

Private amenity space

10.35 Policy GEN2 states that development will not be permitted unless it has regard to guidance on layout and design. The policy is supplemented by 'The Essex Design Guide', which indicates that dwellings with three or more bedrooms should have at least 100 sq m of private amenity space. A lower provision of 50 sq. m may be acceptable for dwellings with two bedrooms, and unextendable houses may have smaller gardens.

10.36 In general, the proposal meets the above requirements. However, the gardens serving four of the five one-bedroomed properties would measure between 29 and 43 sq. m, below the desired standard of 50 sq. m. 'The Essex Design Guide' states that unextendable houses with one or two bedrooms may be provided with communal amenity space measuring 25 sq. m per dwelling. With this in mind, it is considered that the private gardens for the proposed one-bedroomed houses would provide an adequate level of amenity for future occupants.

Waste and recycling

10.37 Policy GEN2 states that development will not be permitted unless it helps to reduce waste production and encourages recycling and reuse.

10.38 The proposal makes appropriate provision for the storage of bins in private rear gardens, and their collection by refuse vehicles.

Living conditions

10.39 Policy GEN2 states that development will not be permitted unless it would avoid materially adverse impacts on the reasonable occupation and enjoyment of a residential property. The policy is supplemented by 'The Essex Design Guide', which includes guidance on issues such as loss of privacy and loss of daylight.

10.40 Taking into account the scale and layout of the proposed buildings, it is considered that there would be no harmful loss of daylight to existing properties. The nearest property to the site, 8 George Green Villas, is orientated at approximately 90 degrees to the rear elevation of Plot 8 so the corner-to-corner separation distance of 15 m would prevent harmful overlooking in accordance with the above guidance.

10.41 Within the site, the layout of buildings and positions of windows ensure that future occupants would not suffer a harmful loss of daylight or privacy.

Public space

10.42 Paragraph 58 of the NPPF states that developments should optimise the potential of the site to accommodate development, and create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments).

10.43 Taking into account the guidance in the 'Developer Contributions Guidance Document' and the submitted schedule of accommodation, the proposal generates a requirement for 110 sq. m of children's play space and 440 sq. m of amenity greenspace.

10.44 The proposal includes approximately 232 sq. m of public open space, which could be used as informal children's play space. Equipped play space is not required for a development of the size proposed. While there would be no separate amenity greenspace, it is considered that shared use of the public open space and access to

the public right of way network via the existing footpath ensure that the level of provision is appropriate.

F Light pollution (ULP Policy GEN5)

10.45 Policy GEN5 states that a lighting scheme will not be permitted unless the level of lighting and its period of use is the minimum necessary to achieve its purpose, and glare and light spillage from the site is minimised.

10.46 A planning condition could be used to secure the approval of any external lighting details, thereby preventing undue harm to the character of the area from light pollution.

G Heritage assets (ULP Policy ENV2)

10.47 Policy ENV2 states that development will not be permitted if it would adversely affect the setting of a listed building.

10.48 The nearest listed buildings are Willow Cottage to the south and Bonningtons to the north. Both are Grade II listed. As there is intervening residential development between the listed buildings and the application site, it is considered that the proposal would have no material impact on their setting. The backdrop of open countryside to the west of Willow Cottage would remain.

H Biodiversity (ULP Policy GEN7 and ENV8)

10.49 Policy GEN7 states that development which would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation.

10.50 Policy ENV8 states that development which may adversely affect hedgerows and tree belts will only be permitted if the need for the development outweighs the need to retain the landscape elements for their biodiversity value, and if appropriate mitigation measures would be provided.

10.51 Paragraph 109 of the NPPF states that planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

10.52 Taking into account the comments of the Ecological Consultant, it is considered unlikely that the proposal would cause harm to protected species or important habitats. Nevertheless, the consultant has identified opportunities for biodiversity enhancement, which could be secured using a planning condition.

I Sustainable drainage (NPPF; Planning Practice Guidance; Ministerial Written Statement)

10.53 A Ministerial Written Statement (HCWS161) was made on 18 December 2014 regarding 'Sustainable drainage systems'. It states that the Government expects local planning decisions relating to major development to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. It also states planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable

drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

10.54 Taking into account the comments of the Lead Local Flood Authority, it is considered that the sustainable drainage system proposed within the submitted Surface Water Drainage Strategy is appropriate. Adherence to the strategy should be secured using a planning condition, and the suitable ongoing maintenance of the system should be secured using a planning obligation which would require payment to the Council of a monitoring fee. This could not be achieved using a planning condition because it would, in practice, be impossible to detect a contravention.

J Agricultural land (ULP Policy ENV5)

10.55 Policy ENV5 states that development will only be permitted on the best and most versatile agricultural land where opportunities have been explored on previously developed land and within Development Limits.

10.56 The application site is located on Grade 3 agricultural land. In the absence of a site-specific survey, it is not possible to establish whether the land is classified as Grade 3a and therefore whether it is amongst the best and most versatile agricultural land. The proposal therefore includes insufficient information to demonstrate compliance with Policy ENV5. However, given the relatively small size of the site in agricultural terms, 0.61 ha, limited weight is given to this potential breach of policy.

K Road safety and vehicle parking (ULP Policy GEN1 and GEN8; Parking Standards: Design and Good Practice; Local Residential Parking Standards)

10.57 Policy GEN1 states that development will only be permitted if its design would not compromise road safety.

10.58 Policy GEN8 states that development will not be permitted unless the number, design and layout of vehicle parking places are appropriate for the location. This policy is supplemented by 'Parking Standards: Design and Good Practice' and 'Local Residential Parking Standards', which set minimum parking standards to prevent on-street parking.

10.59 Taking into account the comments of the Highway Authority and Highways England, it is considered that the proposal would not compromise road safety. The conditions suggested by the Highway Authority are appropriate, although the issue of surface water drainage has been suitably addressed in the Surface Water Drainage Strategy. Surface runoff from the access road would be directed to a soakaway within the site.

10.60 The adopted parking standards require the provision of one parking space for dwellings with one bedroom, and two spaces for dwellings with two or three bedrooms. Four visitor spaces are required for a development of the proposed size. Each property would have adequate parking in accordance with the minimum standards, and six visitor spaces would be conveniently positioned adjacent to the road.

L Noise (ULP Policy ENV10)

10.61 Policy ENV10 states that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance from aircraft.

10.62 Taking into account the comments of the Environmental Health Officer, it is considered that a planning condition should be used to protect future occupants from a loss of amenity due to aircraft noise associated with Stansted Airport.

M Infrastructure (ULP Policy GEN6; Developer Contributions Guidance Document)

10.63 Policy GEN6 states that development will not be permitted unless it makes appropriate provision for infrastructure which it necessitates.

10.64 Essex County Council, in its role as the Education Authority, has confirmed that a financial contribution towards education provision is not required because the proposal is for 100% affordable housing.

11. CONCLUSION

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

- A The proposal represents an encroachment into the countryside, on Green Belt land. Nevertheless, Green Belt policy and Policy H11 inherently permit the loss of countryside for affordable housing exception sites. There would be only limited harm to the character of the countryside, and a limited loss of agricultural land.
- B Taking into account all relevant development plan policies and material considerations, it is recommended that planning permission be granted subject to appropriate conditions. A planning obligation should be used regarding the tenure of the dwellings and the long-term maintenance of the proposed sustainable drainage system.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL AGREEMENT:

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) secure suitable provision of affordable housing**
 - (ii) pay Council's costs of monitoring the maintenance of the approved sustainable drainage system**
 - (iii) pay Council's reasonable legal 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 28 August 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) Lack of suitable provision of affordable housing**
 - (ii) Lack of payment of Council's costs of monitoring the maintenance of the approved sustainable drainage system**

Conditions/reasons

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

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

2. Prior to commencement of the development, details of the external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

3. Prior to commencement of the development, details of hard and soft landscaping (including planting, hard surfaces, boundary treatment and external lighting) must be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must 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 must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the rural character of the area and in the interest of good design, in accordance with Policy S3 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must be in line with the recommendations provided in the Ecology Report (Denny Ecology, January 2015).

The plan should focus on protecting and enhancing the boundary hedgerows, ensuring the southern boundary hedgerow are designed appropriately with a grassland margin, providing additional biodiversity features including bird and bat boxes, as well as maximising the biodiversity gain within the public open space through inclusion of wildflower grassland. The Plan must also include:

- a) A description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving the aims and objectives of the project;

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) On-going monitoring and remedial measures.

The development hereby permitted must be implemented in accordance with the approved plan.

REASON: To enhance the natural environment, in accordance with paragraph 109 of the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

5. Prior to commencement of the development, details of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The details must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The development must be carried out in accordance with the approved details.

REASON: To protect future occupants from a loss of amenity due to aircraft noise, in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

6. Prior to commencement of the development, details of the access onto Dell Lane and the footpath onto Latchmore Bank, as shown on Drawing No. 3163.22 Rev F, must be submitted to and approved in writing by the Local Planning Authority. The access and footpath must be provided in accordance with the approved details prior to occupation of any dwelling.

REASON: In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

7. The development must be carried out in accordance with the approved Surface Water Drainage Strategy (June 2015, Job No. 19591, Plandescil Consulting Engineers) and the following design criteria detailed within the SWDS:

- Provide storage area of at least 164m³ (4 soakaways) within the development to contain the 1 in 100 year event inclusive of climate change.
- Providing 1 treatment stage for runoff from roofs, and 2 treatment stages for treating runoff from access roads and vehicle parking areas.

The above design criteria must be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, with the Local Planning Authority.

REASON: To ensure the provision of an appropriate, and suitably maintained, sustainable drainage system, in accordance with the Ministerial Written Statement (HCWS161) on 18 December 2014 regarding 'Sustainable drainage systems'.

8. Prior to commencement of the development, a Construction Method Statement must be submitted to and approved in writing by the Local Planning Authority. The Statement must 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

The development must be carried out in accordance with the approved Statement.

REASON: To prevent risks to road safety from on-street parking and loose material, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

9. The development must be carried out in accordance with the Arboricultural Method Statement contained within the submitted 'Arboricultural Implications Assessment & Tree Protection Plan'.

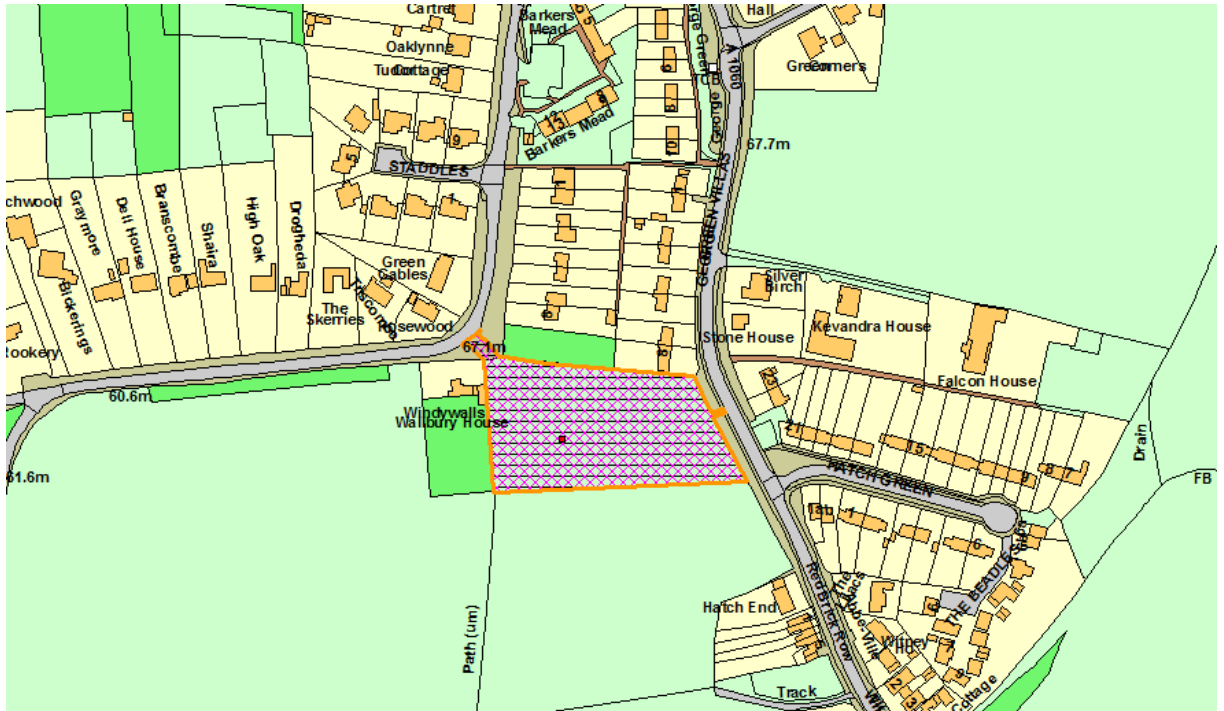
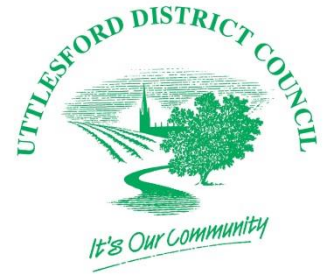
REASON: To protect trees of value, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. The public's rights and ease of passage over public footpath 20 (Little Hallingbury) must 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.

Application number: UTT/15/1046/FUL

Location: Land at Dell Lane Little Hallingbury



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/15/0362/FUL (ELSENHAM)

PROPOSAL: Proposed erection of 6 dwellings with associated access, parking provision and landscaping

LOCATION: Elsenham Goods Yard (North) Old Mead Lane Elsenham

APPLICANT: Mr H Schneck

AGENT: Mr T Allen

EXPIRY DATE: 24th April 2015

CASE OFFICER: Madeleine Jones

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The application site is a rectangular site located between the railway line just north of Elsenham Station and Old Mead Lane, Henham. and north of the village centre of Elsenham. The site is a former railway goods yard but has been used for storage of lorry trailers for several years and is overgrown in parts. The surface is mainly hardstanding. There is a trailer on the site and there is also evidence that it has been used to dump rubbish. There is a vehicular access to the centre of the frontage. Either side of the entrance are large mature trees, with a group of seven to the north of the gates. The entrance to the site has metal gates exceeding 2m in height. The boundary to Old Mead Lane has a grass verge and close boarded timber fencing. The northern boundary also has close boarded fencing. Beyond the fencing is mature hedging which is higher than the fencing and a large detached house. To the south of the site is a site (which also formed part of the former railway yard) that has planning permission for ten houses that were recently granted at appeal.

2.2 To the west of the site is the railway line and beyond that to the west are open fields. To the south east of the site is a warehouse site that is safeguarded from redevelopment and is a key employment site, as is a Gold Enterprise Zone on the opposite side of the railway.

3. PROPOSAL

3.1 The proposal is for the erection of 6 residential units and 12 car parking spaces.

3.2 The units would have the following:

Unit	Type of dwelling	Number of bedrooms	Garden size	Parking provision
1	End of Terraced	2	51	2
2	Mid Terraced	2	50	2
3	Mid Terraced	2	53	2
4	End of Terraced	2	70	2
5	Semi - detached	2	51	2

6	Semi - detached	2	51	2
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- 3.3 The terraced properties would be at right angles to Old Mead Lane and would have a total width of 22.8m, depth 9.8m and height of 8.8m
The pair of semi-detached properties would face the road and would be set back from the road. They would have a combined width of 11.6m, depth of 9.8m and height of 8.6m.
It is proposed to use a mix of zinc cladding, horizontal dark stained timber cladding and red facing brick
All properties would have solar panels on their roofs.
The development would use the existing access which is central position to the frontage of the site onto Old Mead Lane

4. APPLICANT'S CASE

- 4.1 The proposals are for a change of use from the existing vacant former goods yard to provide 6 No residential dwellings and associated off-road parking and amenity facilities.
- 4.2 The application seeks to significantly upgrade the appearance of the site as a whole, maximising its potential without over development.
The site presents an opportunity to provide high quality modern residential accommodation which responds to the needs of the community as identified by the local authority ensuring that key aspirations of the Essex Design Guide are incorporated and specific challenges of the site and its location are successfully mitigated against.
- 4.3 The gap area location bounded by the railway, requires a fully bespoke solution to provide a new cohesive development which contributes positively to the area, building sensitively and appropriately on the existing surrounding residential usage, to maximize the sustainability and long term potential of the site.
The scheme is mindful of the nature of the site location and seeks to ensure quality of outlook and privacy for future residents and existing adjacent occupiers focusing on creating a safe environment and a sense of community through design and orientation to ensure good quality proposals, suited to the specifics of the site. The end result is a bespoke scheme, which considers the challenges of the site, to create a pleasant, safe and secure environment for new occupiers.
- 4.4 The NPPF establishes a presumption in favour of sustainable housing development, paragraph 14 advises that where the development plan is either absent, silent or that the relevant policies are out of date permission should be granted unless either specific policies in the NPPF indicate that development should be restricted or that:
“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole”
The Local Planning Authority are unable to identify a five-year housing land supply for the district given the current status of the emerging Local Plan and therefore paragraph 49 of the NPPF establishes a presumption in favour of sustainable housing development.
The future supply of housing is therefore a most material consideration in the determination of this application, and clearly the fact that the site lies outside of the current settlement boundary in the extant local plan should not therefore in itself result in a refusal of planning permission.
- 4.5 The application site has little visual or environmental benefit and is constrained by existing roads and railway infrastructure and can provide safe and convenient access

to the local highway network. The site is located in relatively close proximity to the settlement's railway station and other amenities and constitutes without doubt a sustainable housing site.

- 4.6 The site is "sandwiched" between existing and consented residential development and can provide safe access, parking and servicing. It has been designed to accord with the principles established on the adjacent site from a design and servicing perspective and also avoids any unacceptable impacts on residential amenity.
- 4.7 The benefits of the scheme include the creation of additional housing in a sustainable location adding to housing choice in the settlement and can be delivered quickly without harm to the appearance of the area, the amenities of neighbouring properties and highway safety.
- 4.8 It is against such an impressive list of benefits and avoidance of harm that the Council are asked to grant permission on the presumption in favour of sustainable housing development which is clearly established in the NPPF given the Council's current five year housing land supply.
- 4.9 The application is accompanied by the following documents:
 - Design and Access Statement
 - Biodiversity questionnaire
 - Ecological Appraisal
 - Report on Environmental Noise Levels
 - Noise Impact Assessment
 - Planning Statement

5. RELEVANT SITE HISTORY

- 5.1 UTT/12/6116/FUL Proposed erection of 10 no. dwellings Allowed at appeal 07/02/2014

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S7 The Countryside
- H3 Infilling with new houses
- ENV10 Noise sensitive development and disturbance from aircraft
- GEN2 Design
- GEN1 Access
- GEN8 Vehicle Parking Standards
- ENV14 Contaminated land

7. PARISH COUNCIL COMMENTS

Henham Parish Council:

- 7.1 Henham Parish Council lodged an objection to the original submission and feels that the reasons for the original objection still stand against the revised plans.
- 7.2 Development Design

Criterion (a) of UDCs Policy GEN2 - Design states that the development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The whole of the design for the development is based upon 2- storey dwellings, which is contrary to the form and appearance of buildings in the area surrounding this proposed development. Existing dwellings adjacent to the site are formed exclusively by bungalows and are located in a rural setting on the edge of the countryside and farmland. The introduction of 2-storey dwellings into this rural setting will be out of place and incompatible with the existing surrounding area. The site is also close to Elsenham railway station, a part of which has Grade II listed building status. The Parish Council therefore considers that the proposed development does not meet the requirements of Policy GEN2 Design. As this is phase two of the already passed development immediately adjacent on Old Mead Road, we consider this to be over development of a too small plot.

7.3 Vehicle Parking

The Uttlesford District Council Parking Standards states that for dwelling houses of 2+ bedroom dwellings, a minimum of 2 spaces per dwelling should be provided. In addition, 0.25 spaces per dwelling should be allocated to visitor/unallocated parking. The applicant proposes that six, 2-bed dwellings will form the development and shows within the development plans only parking spaces for 8 vehicles being provided. Applying the UDC parking standards to this housing development, 8 resident parking spaces and 2 visitor parking spaces are required. It is therefore clear that the developers proposed parking provision does not meet the requirements, as laid down by UDC.

Given the lack of sufficient on-site (off-road) parking at the site, it is likely, if not inevitable that regular and persistent on-road parking will occur, which will result in unacceptable obstruction to the roadway and create a safety hazard for both pedestrians and other road users. In addition, the railway crossing, which is close to the site, is frequently closed for significant periods throughout the daytime (and night-time), which creates a queue of vehicles (cars, buses and lorries) forming along the length of Old Mead Road. Any residential or visitor parking from the development onto Old Mead Road can only further exacerbate the obstruction and safety problems. In the Parish Councils view, the application does not meet the Councils planning policy requirements for parking - Policy GEN8.

7.4 Access to the Site

Contrary to criterion (a) of Policy GEN1, the sites access onto the main road (Old Mead Road) is not capable of carrying the traffic generated by the development safely. The site borders and accesses a narrow lane that is close to the level crossing at Elsenham railway station and subject to regular levels of high traffic flow from cars, vans and local buses that use Old Mead Road as a route to the western side Henham (via Church Street) and to the B1383 (via North Hall Road). In addition to this, HGVs also use Old Mead Road via the railway level crossing to access the warehouse facilities located close to the proposed development site.

Contrary to criterion (c), the design of the site compromises road safety and does not take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired. The site borders a busy, narrow lane, and there is no pedestrian footpath to provide a safe access to Elsenham railway station, or the village and its facilities. Due to the nature of Old Mead Road at this point, the narrowness of the lane offers no space for a pedestrian footway; thus residents exiting the site on foot will be required to walk along the roadway to gain access to the station and village.

Criterion (d) requires that the development must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have

access. Given the style and design of the housing proposed for this development 2-storey properties it is unlikely that the needs of people with disabilities will be met. Given the above, the proposed development does not meet the criteria of Policy GEN1 Access.

7.5 Other

The application states connection to mains sewage. In discussions with local residents, the Parish Council is informed that there is no mains sewage in the immediate area and access would be from the other side of the railway and therefore totally impractical.

7.6 Elsenham Parish Council:

The Parish Council would like to object to the planning application and make similar comments as Henham Parish Council

8. CONSULTATIONS

Highways

8.1 This recommendation supersedes the previous dated 9 March 2015.

The applicant has submitted a revised layout drawing showing an additional 4 car parking spaces which now overcomes the previous highway authority recommendation of refusal.

Taking the above into account, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Environmental Health

8.2 Noise

The site is subject to railway noise day and night, including diesel engine pulled heavy goods trains, which would potentially be a source of vibration. As a consequence there is a risk of loss of amenity and sleep disturbance. A survey of noise levels have been submitted with the application showing levels of 65-67 dB LA eq and 89 dB LAF max at the boundary. WHO standards suggest a level of 55 dB LA eq should not normally be exceeded in outdoor areas.

Proposed mitigation measures in terms of insulation and design to protect future residents against the impact of noise have been included. The proposed bedrooms of house type B facing the railway are to be provided with glazing which will achieve a level of 35 dB LA eq with the windows closed, which is at the limit of acceptability for sleep purposes.

A condition is therefore recommended to require a scheme of works to be submitted and approved by the LPA prior to construction. The scheme shall demonstrate mitigation measures in terms of construction and design to aim to achieve the standards set out in BS 8233:2014, namely 30dB LAeq 8hr in the bedroom areas, and 35dB LA eq 16hr in the living areas. In view of the noise from passing trains during the night, the level of insulation should in addition aim to protect against individual noise events from exceeding 45dB LAF max. The scheme shall also include sufficient outdoor mitigation measures to aim to achieve 55 dB LA 16hr.

The survey concludes that levels of vibration at the site are less than the threshold of human perception and no additional protection measures are necessary. However, it is recommended that a condition is applied to require isolation of foundations to protect structures, as a precautionary measure against current use of the track and changes in usage.

8.3 Land contamination

The site is potentially contaminated due to historic and more recent use of the land. Historically the land has been associated with the storage and distribution of coal and the storage of haulage vehicles and coaches. More recently the site has been used for the ad hoc storage of building waste including tanks and lining materials. Some structures remain on site from the historic usage, and evidence from regulatory investigations by the Council and the Environment Agency suggests some material may have been buried on site.

A condition should be applied to ensure risks to all receptors on and off site including human health, controlled waters and building services, are minimised.

8.4 Lighting

The introduction of a new source of artificial lighting for the site may cause loss of amenity for the nearby residents. A protective condition is recommended:

8.5 Construction phase

The construction phase has the potential to cause loss of amenity to nearby residents due to noise and dust, and it is recommended that an informative is attached to ensure compliance with the UDC Code of Construction Practice.

Access and Equalities Officer

- 8.6 Review of application and documents submitted and the drawings .jw527-157 rev D, jw527-156 rev d and jw527-152 rev d .indicates that the dwellings would meet the requirements of the SPD on Accessible Homes and Playspace.

Network Rail

- 8.7 The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

- 8.8 The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

8.9 Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand-off requirement is to allow for construction and future maintenance of a building and

without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

8.10 Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

8.11 Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

8.12 Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

8.13 Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

8.14 Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

8.15 Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

8.16 Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

8.17 Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

8.18 Network Rail strongly recommends the developer contacts

AssetProtectionAnglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.

ECC Ecology

8.19 No objections subject to conditions.

Natural England

8.20 Natural England has no comments to make regarding this application.

9.0 REPRESENTATIONS

9.1 This application has been advertised and two representations have been received. Expiry date: 13th June 2015. The following issues have been raised:

- Location of proposal. The site is in Henham, not Elsenham.

- *Design and Access Statement* The document is disgracefully inadequate.
- Justification for development. The location is unsatisfactory and further housing is not needed.
- Intensity of development. The number of houses proposed is wholly excessive.
- Footpath. The applicants' intentions must be clarified.
- The new plan shows an alteration to add a parking area to the southern corner of the site. There is a total of five parking spaces in this addition, a row of three adjacent to a row of two. There are some flaws in this plan.
 - the middle spaces will be unusable if the outer spaces are occupied.
 - There is implied access through this parking area, however the parking area straddles two separate development sites. The southern site is in the process of being sold. There is therefore no guarantee that it will have been developed as shown on the plans by the time this northern site is completed. Access to the southern parking spaces, however depends upon this development.
- There are further causes for concern regarding the development. The Director for Operations: Environment & Economy states-
- There shall be no discharge of surface water onto the Highway. 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.
- As has been previously stated, all water brought onto this site will be discharged into the ditch alongside the road, as there is no mains sewerage. Old Mead Road floods regularly each winter with surface water remaining for many weeks. The addition of another 6 houses waste water, added to 10 houses water from the site immediately to the south of this one, can only exacerbate the problem and therefore cannot be said to be compliant with the requirements from the Director for Operations: Environment & Economy
- There is neither pedestrian footpath nor street lighting in Old Mead Road. As there is little room for parking on the proposed site, presumably householders will be expected to use public transport. The lack of lighting, footpaths combined with a narrow road will result in a real safety risk.
- There are no garages on the site at all. The design implies some green spaces, all of which will require maintenance. With no areas for storage of garden tools, it is likely that the site will be further cluttered by the addition of sheds/storage buildings.
- There is no mains sewerage on Old Mead Road. Unless a new sewer is planned to run underneath the railway line, the dwellings will require a biodisc-style septic tank, which is the norm in Old Mead Road. There is no provision for this on the plans. The use of such a tank would necessitate drainage of all household water into the ditch in Old Mead Road, which is already prone to flooding during moderately wet conditions. In addition, intensive development of the area will reduce surface drainage from the site, further increasing the risk of flooding.
- The northern access road is almost opposite my drive. Visibility onto Old Mead Road is restricted to the north by a slight bend, and to the south by a pronounced hump in the road. Access to and from Old Mead Road is likely to be hazardous. As the car parking areas are very restricted, there is a likelihood of large vehicles reversing onto the main road. This will produce a further safety hazard.
- There are incorrect statements regarding railway noise for this development, which are repeated from previous planning applications for this site. Specifically, that trains slow down, thus mitigating the noise, as they pass through the Elsenham level crossing as a result of the fatal accident in 2006. This statement is as untrue as it is distasteful; the trains do not slow down. To attempt to use the deaths of two schoolgirls to justify a planning application is inappropriate.
- Incorrect statements on the Planning Application.
- Section 12. Assessment of Flood Risk

The applicant states that surface water will be disposed of by Main Sewer. There is no main sewer on this site. The documents supporting this planning application make this quite clear.

In the same section, the question is asked, "Will the proposal increase the flood risk elsewhere?" and the applicant has answered "No". As I have stated, there is no main sewer. All water arriving at this site, either through pipework, or precipitation, will be disposed of via soakaways and Klargesters, ultimately draining into the very small ditch in Old Mead Road. The flooding in this ditch in wet weather has been extensively documented and reported. As recently as February last year, the proposed entrance to the site and the site itself were flooded to a depth of approximately one foot of water. As all water from this site will ultimately end up exactly where this flooding occurred, the applicant's answer to this question is not true.

Practical experience shows that there is clearly a flood risk both to the site and the surrounding areas

- Section 14. Existing Use.

The answer supplied by the applicant is "ad hoc vehicle body storage". The applicant has omitted "prolonged storage of building waste".

Following on from this, the statement "Land where contamination is suspected for all or part of the site" is answered in the negative. This is also untrue.

This part of the site was used for illegal tipping of building waste material during 2006. The material appeared to be wall-plaster like, with an appearance of removed Artex, which contains asbestos material.

The tenant at the time eventually piled all this material into a bund, which is now covered in vegetation. The material has never been examined or analysed for content. As I live opposite the site, I am concerned at the potential for disturbance of this material, particularly by operators who are unaware of the content of the bund.

- Environmental Noise.

The statements for measuring environmental noise are misleading and the methodology is not valid for this particular site.

The environmental report, originally commissioned in 2012 is not relevant for this site. The noise measuring equipment was placed further south and outside the boundary of this proposed development.

Specific to this site is the requirement that trains sound their horns directly abeam the site, due to the public footpath which crosses the railway immediately to the north of this Goods Yard. The public footpath is temporarily closed, nonetheless, Network Rail confirmed to me that the necessity to sound horns will continue until the footpath is permanently closed, which they have also confirmed, will take some time.

- In summary, there are numerous errors, omissions and untrue statements throughout this application. I have only covered some of the more major items. The Planning Committee should not be misled in this way.

10.0 APPRAISAL

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

- A The development of this site for residential purposes is appropriate (NPPF and ULP Policies S7, H3, ENV10);
- B The layout, design and scale of the proposals is appropriate (ULP Policies GEN2, S7 & SPD: Accessible Homes and Playspace);
- C The access and parking arrangements are appropriate (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);
- D Other material planning considerations – Biodiversity (ULP policy GEN7)

A The development of this site for residential purposes is appropriate (NPPF and ULP Policies S7, H3, ENV10);

- 10.1. The site is located outside the development limits and is therefore located within an area where there is a presumption against development except for that which needs to take place there. Residential development would not normally be permitted outside developments limits for market housing, although an exception to policy can be made for proposals for Affordable Housing when supported by a Registered Provider. This scheme is for 6 residential units which would be market housing.
- 10.2 The NPPF sets a presumption in favour of sustainable development which means approving development which accords with the development plan; and where the relevant policies in the development plan are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the NPPF indicate development should be restricted. The NPPF retains the requirement to have a 5-year worth of housing against their housing requirement but with an additional buffer of 5% to ensure choice and competition in the market for land. Para 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a 5-year supply of deliverable housing sites.
The applicants argue that the Council does not have a five year housing supply, however, at the present time the council is considered to have a five year land supply and a 5% buffer. This has been supported at appeal: APP/C1570/A/14/2221494 and APP/C1570/A/14/2222958. As such there is no onus to approve planning permissions for this site in light of paragraph 49 of the NPPF; however the Council will still give favourable consideration to sustainable proposals on appropriate sites and ensure it has a forward supply of housing. Windfall sites are still needed to make a contribution to the housing supply.
- 10.3 With the requirements of the NPPF in mind consideration must be given as to the suitability of the site for development and whether the location can be considered sustainable. A major consideration in the determination of this case is the recent appeal decision for UTT/12/6116/FUL relating to the adjacent site for ten dwellings which was allowed. The inspector stated that “although rural, the site has moderately decent sustainability credentials”
- 10.4 Additionally the site is a brownfield site for which paragraph 17 of the NPPF states as a core planning principle that “planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value.” This site is not of high environmental value.
In view of the above, the principle of residential development on this site is considered to be acceptable.
- 10.5 The site has formerly been used as a goods yard and in more recent years for the storage of building materials and as a dumping ground. There is a risk that contamination of the site has occurred in the past. Contaminated land is a planning consideration and the NPPF requires local planning authorities to consider whether a site is suitable for development. Environmental Health officers have advised that this can be addressed by appropriate conditions and subject to these conditions the proposal would comply with Policy ENV14.

B The layout, design and scale of the proposals is appropriate (ULP Policies GEN2, S7 & SPD: Accessible Homes and Playspace);

- 10.6 Policy H10 has a requirement for sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of 3 or more homes must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home. The housing mix of this application is for six two bed dwellings. The proposal, does not technically comply with the requirements of Policy H10.
- 10.7 Given the size of the site, its proximity to the railway and neighbouring residential properties together with the dwellings already given permission at appeal on the adjacent site the development options are limited.
- 10.8 The proposed dwellings are two bedroom which the Essex Design Guide recommends the provision of 50 sqm private garden space. All of the properties meet this requirement.
- 10.9 Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 10.10 Representations raise concern about local drainage issues and that the development proposed would exacerbate the situation. The site is not located within a flood zone and drainage provision would need to comply with Building Regulations. The adjacent site, which is very similar in nature to the application site, was found not to warrant a condition for drainage by the Planning Inspector.
- 10.11 In view of the limited space available to accommodate the development proposed it is considered that a condition removing certain permitted development rights is required to prevent the site becoming overdeveloped.
- 10.12 The site is located adjacent to the railway line and any development of this site could be adversely affected by noise and vibration. Policy ENV10 seeks to prevent sensitive development from being carried out in locations where such adverse impacts would arise. Notwithstanding this, in some instances it is possible to mitigate the impacts through careful design. The application is accompanied by a Noise Levels and Ground Vibration report which assesses the current noise levels and the level of ground vibration experienced on site. Environmental Health Officers have been consulted and state:

C The access and parking arrangements are appropriate (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);

- 10.13 The proposed dwellings are two bedroom for which the adopted parking standards require the provision of two parking spaces and also visitor parking spaces. The proposal has been revised and all spaces are now of the recommended dimensions of 5.5m x 2.9m. Each dwelling would have two parking spaces. There are no spaces for visitor parking provided. The proposal is therefore generally consistent with the requirements of the SPD and the absence of one visitor space is outweighed by other benefits. Vehicular access to the site is acceptable. Objections have been received in respect of the sites proximity to the level crossing and highway safety. The Highway Authority has been consulted and have raised no objections to the proposal subject to conditions being applied.

The proposal is considered to comply with policies GEN1 and GEN8 of the Local Plan.

D Biodiversity

10.14 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 application is accompanied by an ecological appraisal and arboricultural baseline assessment.

Essex County Council Ecologists have been consulted and they have no objections to the scheme subject to conditions. Providing that these conditions are complied with the application would comply with Policy GEN7.

11 CONCLUSION

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

- A The site is located outside the development limits, however the site constitutes previously developed land and is sustainable in its location.. Development on the adjacent land was allowed recently on appeal. The principle of residential development on the site is considered to be acceptable.
- B The design of the properties is similar to that on the adjacent site and is considered to be acceptable. The Scheme would provide sufficient amenity space
- C Adequate parking provision for the number of dwellings is provided to comply with ECC parking standards (adopted 2009) and locally amended March 2013. The proposal does not however include any visitor parking. The Highways Authority have no objections. On balance the proposal is acceptable.

12.0 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. Prior to occupation of the development the vehicular access shall be widened to 5.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Uttlesford. Local Plan policy GEN1.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Uttlesford. Local Plan policy GEN1.

4. 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 Uttlesford. Local Plan policy GEN1.

5. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and for compliance with Local Plan Policy GEN7

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

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

The Plan shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from

monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

REASON: In the interest of the protection of the biodiversity in accordance with policy GEN7

- 7 .A scheme of works shall be submitted and approved by the LPA prior to construction. The scheme shall demonstrate mitigation measures in terms of construction and design to aim to achieve the standards set out in BS 8233:2014, namely 30dB LAeq 8hr in the bedroom areas, and 35dB LA eq 16hr in the living areas. In view of the noise from passing trains during the night, the level of insulation should in addition aim to protect against individual noise events from exceeding 45dB LAF max. The scheme shall also include sufficient outdoor mitigation measures to aim to achieve 55 dB LA 16hr.

REASON: To protect the future occupier's amenity in accordance with policy ENV10

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within classes A to E of Schedule 2 shall be erected within the curtilage of any dwelling house without the prior written consent of the local planning authority.

REASON: To prevent the site becoming overdeveloped and to ensure the development is compatible with the character of the surrounding area in accordance with policy GEN2.

9. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
 - (i) A survey of the extent, scale and nature of contamination including the presence of asbestos containing material
 - (ii) An assessment of the potential risks to: human health, service lines and pipes, adjoining land, and the water environment
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the Essex Technical Guidance for the redevelopment of land affected by contamination third edition.

REASON: to ensure risks to all receptors on and off site including human health, controlled waters and building services, are minimised. In accordance with policy ENV14

- 10 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the above receptors has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14.

11. The remediation scheme shall be implemented in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 12.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14.

13. No development shall take place until full details of all external lighting, including position and height, have been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

REASON: To ensure that the introduction of a new source of artificial lighting for the site does not adversely affect the rural character of the area or have any impact on railway safety in accordance with policies GEN4 and GEN5.

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) means of enclosure
 - b) hard surfacing, other hard landscape features and materials

- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

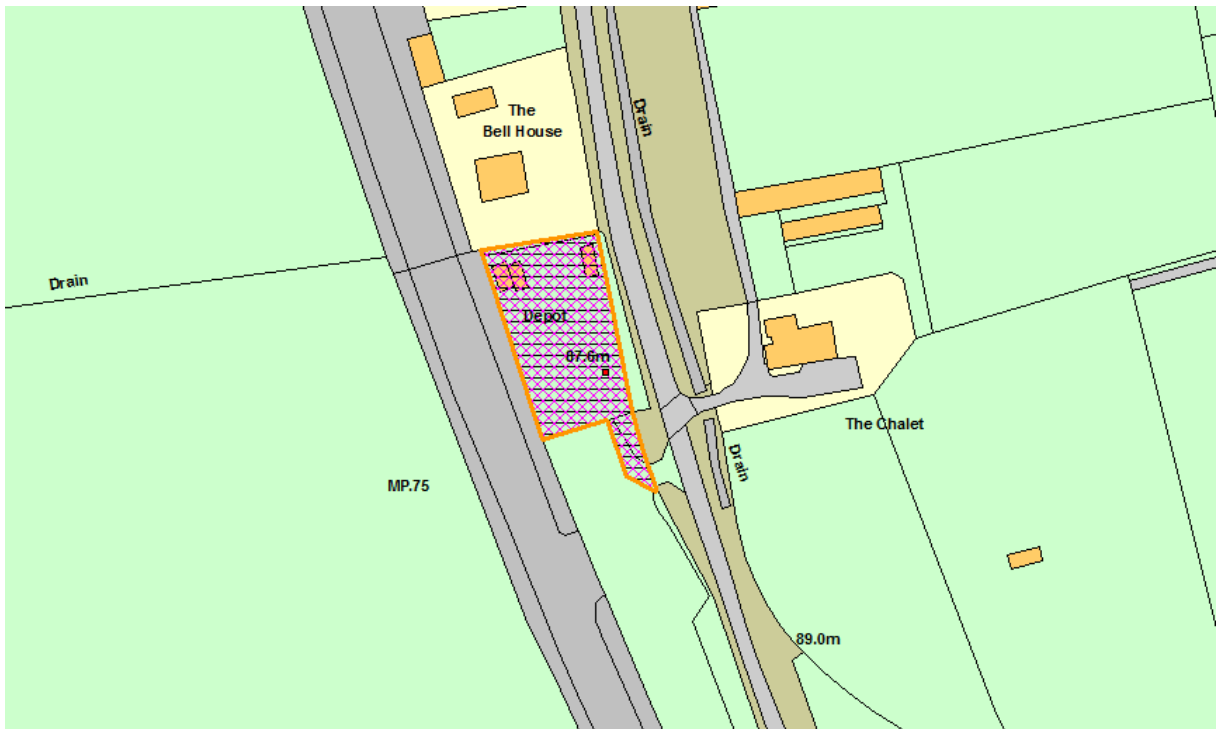
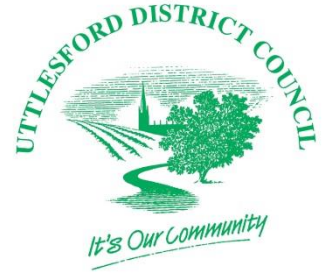
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with policy S7

15. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy S7.

Application number: UTT/15/0362/FUL

Location: Elsenham Goods Yard (North) Old Mead Lane Elsenham



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/15/1201/FUL (TAKELEY)

Application called in by Cllr Parr if recommended for refusal by officers for the reason that it would result in potential benefits for the local community.

Application called in by Cllr Jones if recommended for approval by offices for the reason that the proposal would result in back land development and be detrimental to the countryside.

This application was deferred at the previous planning committee meeting held on the 1st of July 2015 to allow members to undertake a site inspection.

PROPOSAL: **Erection of new dwelling and associated work**

LOCATION: **Land East of Bellstock, Molehill Green, Takeley**

APPLICANT: **Mr James Salmon**

AGENT: **No agent details were submitted with the application.**

EXPIRY DATE: **1st July 2015**

CASE OFFICER: **Lindsay Trevillian**

1. NOTATION

1.1 Outside development limits, Countryside Protection Zone

2. DESCRIPTION OF SITE

2.1 The application site as outlined in red on the submitted location plan is located on the edge of the small settlement known as Molehill Green. The site itself is relatively level, long and narrow in shape and is approximately 0.12 of a hectare in size. Apart from a small derelict timber framed outbuilding, the site is vacant of any built form.

2.2 The site is accessed via an unmade track which provides access to the cricket ground to the east of the site. The site known as 'School Villas' abuts the western boundary of the site which also uses the unmade track for access. A linear row of housing fronting onto Chapel End is located further beyond to the west of the site. Additional housing that fronts onto School Lane is located south of the site. A large open field used for agricultural is located to the north.

3. PROPOSAL

3.1 Planning permission is sought for the construction of a single detached one and a half storey dwelling that would contain 4 bedrooms.

3.2 The principle elevation of the new dwelling house would front onto the unmade track. At its closest point, it would be setback set back 8m from the unmade track and 4m from the eastern side boundary. The main form of the dwelling would be 'L' shaped with a single storey rear element. It would measure 13m wide by 12m in depth with a building footprint of approximately 146sqm. The dwelling would have a maximum height of 6.6m and it would consist of a half hip, half gable roof form with a rear gable end projecting feature. It is proposed that the external appearance of the dwelling would be finished from clay roof tiles with facing brickwork and render walls.

- 3.3 In addition, it is proposed to construct a single storey detach garage to the western side of the new dwelling to provide an undercover parking and storage area.
- 3.4 A new hedgerow and tree planting is proposed along the eastern side and rear boundaries to provide screening for the private garden area to the rear of the new dwelling.

4. APPLICANT'S CASE

- 4.1 Along with the submitted application form and relevant plans, the applicant has provided a planning 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.
- 4.2 The applicant concludes that the proposal does not represent inappropriate development within the countryside and that it complies with the 3 strands of sustainability. Furthermore it is regarded that the proposal would provide public benefits and it has overcome the concerns raised in previous refused applications by reducing the amount of proposed housing and applying adequate mitigation measures such as landscape buffering.

5. RELEVANT SITE HISTORY

- 5.1 DUN/0106/72 – Site for dwelling (refused 19/6/72)
- 5.2 UTT/0453/80 – Outline application for one bedroom detached bungalow and garage (refused 2/6/80)
- 5.3 UTT/13/1190/OP – Erection of 4 dwellings with all matters reserved (refused and later dismissed at appeal 5/12/13)
- 5.4 UTT/13/2113/OP - Outline application for erection of 4 no. dwellings with all matters reserved (refused 25/9/13)

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy S8 – The Countryside Protection Zone
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN4 – Good Neighbourliness
- Policy – GEN7 Nature Conservation
- Policy GEN8 – Vehicle Parking Standards

6.3 Supplementary Planning Documents

- ECC Parking Standards (February 2013)
- Uttlesford Local Residential Parking Standards (February 2013)

7. PARISH COUNCIL COMMENTS

7.1 Takeley Parish Council: - Objects

- The proposal is for a substantial 3-4 bed property and would create a backland form of development that would be out of character with the existing linear layout and form of development in this settlement.
- The development would encroach into the open countryside and could set a precedent for similar developments in the future.
- The proposed development would have an adverse impact on the open characteristics of the Countryside Protection Zone.
- The applicant has failed to provide information about means to dispose of foul water/sewage and any provision for waste/recycling facilities.
- The introduction of a private dwelling does not provide public benefits.
- Inappropriate access due to narrow laneway.

8. CONSULTATIONS

ECC Ecology:

- 8.1 No objection – The Preliminary Ecological Assessment provided by T4 Ecology deems no further surveys to be necessary and I agree with the findings.

ECC Highways:

- 8.2 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.

Thames Water:

- 8.3 Sewerage - Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 8.4 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.
- 8.5 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. With regard to water supply, this comes within the area covered by the Affinity Water Company.

Airside OPS Limited:

- 8.6 No objection - The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

NERL Safeguarding:

- 8.7 No objection - 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.

Natural England:

- 8.8 Natural England has no comments to make regarding this application.

9. REPRESENTATIONS

- 9.1 The application was notified to 40 surrounding occupiers and a site notice displayed. No representations have been received at the time of writing this appraisal.

10. APPRAISAL

The issue to consider in the determination of the application is:

- A Whether the principle of the development is appropriate (ULP S7, S8 and the NPPF);
- B Whether the design and appearance of the proposal is appropriate (ULP Policy GEN2 and the NPPF);
- C Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)
- D Highway safety and parking (ULP Policies GEN1, GEN8 and NPPF)
- E Landscaping, ecology and Biodiversity (ULP policies GEN2, GEN7 and the NPPF)

A Whether the principle of the development is appropriate (ULP S7, S8 and the NPPF);

- 10.1 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.
- 10.2 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 and as such there would be some positive economic benefit.
- 10.3 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 a school, local shop, village hall, public house and public transport. The proposal would comply with the social aims of the Framework.
- 10.4 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 proposal would not result in harm to the historic environment or upon biodiversity.
- 10.5 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.

- 10.6 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
- 10.7 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. 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. In addition, the site falls within the countryside protection zone where policy S8 is similar to policy S7 although in addition it also stipulates that development will not be permitted if either the new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open countryside.
- 10.8 In the scheme that was recently dismissed at an appeal (ref: UTT/13/1190/OP) and although it was for the construction of 4 dwellings rather than the single dwelling as now proposed, the inspector clear states:
- 10.9 *To my mind, the appeal site visually forms part of the rural surroundings beyond the built confines of this part of Molehill Green. Thus, it provides a pleasant and open backdrop to the built up area. I consider the existing dwellings to the south and west of the site clearly define the edge of the built-up part of the village and the proposal would result in the harmful encroachment of new development into the open and undeveloped land.*
- 10.10 Although the proposal to construct a single dwelling house would result in less harm upon the countryside due to the reduction in built form than the proposal to construct four dwellings that was dismissed at appeal, it is still considered that detrimental harm to the countryside would occur.
- 10.11 Specifically it is regarded that the new dwelling along with its general domestic paraphernalia associated with it would still result in a significant intensification in the built form encroaching into the open countryside and thereby it would still intern cause harm the rural character of the surrounding locality.
- 10.12 In view of the above, the proposal would cause harm to the intrinsic value and beauty of the countryside, this being one of the core principles set out at paragraph 17 of the National Planning Policy Framework.
- 10.13 Within the supporting text of policy S7, it sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 10.14 For the avoidance of any doubt, it is considered that proposed scheme for the erection of a single dwelling house on this site would not represent infilling but extend into the open countryside.
- 10.15 The Planning Inspector came to the same conclusion under the previous dismissed scheme where they state:

10.16 *The applicant promotes the site on the basis that the development should be regarded as 'infilling' within part of the built up area. However, I do not support that view because the site cannot realistically be regarded as a 'gap' enclosed by development.*

10.17 Furthermore, although it is regarded that there would be no direct coalescence between the airport and the proposed development, it would however conflict with policy S8 in that the proposal would adversely affect the open characteristics of the countryside protection zone.

10.17 Although the applicant has reduce the number of housing on the site from four to one, for the reasons outlined above, the proposal to construct a single dwelling house on the site would be contrary to local polices S7 and S8 and the National Planning Policy Framework.

10.18 It is therefore required to assess whether there are any other considerations that would outweigh the harm in which the proposal would have upon the countryside.

10.19 The applicant has provided justification within their planning statement justifying the reasoning in which why planning permission should be allowed. These reasons include:

- The proposal complies with the three strands of sustainability contained within the NPPF.
- The applicant refers to a number of other housing schemes allowed outside of development limits within the countryside.
- The proposal would result in public benefits to the local community.

10.20 It is acknowledge that the proposal is sustainable and it may provide some limited local benefit to the local economy, however this does outweigh the rural harm that the proposal would have upon the character of the surrounding area. In relation to the other examples of similar schemes allowed by the Council, it should be noted that each scheme should be judged on its own merits and besides, the individual circumstances and characteristics vary significantly from those of the proposed scheme and therefore have been assessed differently.

10.21 Further to the above, the applicant has acknowledged that the proposed dwelling is to be self-built. It is recognised that Central Government are promoting custom build dwellings however it is considered that the benefits of a self-built building would still not outweigh the harm the proposal would have of the character of the countryside.

10.22 It should be noted that similar reasons were presented under the previous application that was appealed. The planning inspector dismissed these reasons as sufficient justification to outweigh the harm the proposal would have upon the character of the countryside.

B Whether the design and appearance of the proposal is appropriate (ULP Policy GEN2 and the NPPF);

10.23 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.

- 10.24 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.
- 10.25 The proposed siting within the street scene would be akin to a traditional street layout with the dwelling house arranged in a traditional street-facing format. Although it would be setback slightly further from the highway than the adjoining bungalow of 'School Villas', it is regarded that this alone would not be at odds to the street scene character in terms of siting.
- 10.26 In terms of the general appearance of the dwelling house, it is not regarded to be the most attractive in terms of its overall design particular in relation to its architectural rhythm and more significantly its design is one which would not be of a typical building that you would find within a rural setting.
- 10.27 The principle elevation of the dwelling contains a central porch feature with identical windows openings positioned either side of it portraying what would be a very symmetrical and well balanced building. Nonetheless the building would be simplistic in design and appear rather plain in form lacking any great detailing that would provide any visual interest within the public realm.
- 10.28 The design of the main roof form incorporating a half hip, half gable form is not strictly in accordance with the guidance set out within Essex Design Guide. Normally a building found within a rural setting such as the proposed would usually incorporate high pitch roofs over the narrow plain of the building.
- 10.29 However given the mixture of building types and forms within the surrounding locality, it is considered that the proposal is not that drastically unpleasant in terms of its appearance to justify a reason of refusal and therefore on balance the proposal's general design is considered to be appropriate. Furthermore it is noted that the proposed external finishing materials of the new dwelling are appropriate.
- 10.30 The scale of the dwelling has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and single storey bungalows including that of the adjoining property known as 'School Villas'. Although the building footprint of the new dwelling would be slightly larger than adjoining surrounding properties, it is considered that the overall size and scale of the proposal is appropriate.
- 10.31 For a four bedroom dwelling house, the provision of 100sqm of amenity area has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. 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.
- 10.32 The proposal would provide an adequate amount of private amenity space to the rear of the dwelling house that would meet the recreational needs of future occupiers.
- 10.33 In accordance with local policy GEN2, the Council will require that a new dwelling house should be designed to lifetime homes standards. No response has been received from Council's access and equalities officer at the time of writing this appraisal.

however it is regarded that with appropriate conditions, the dwelling could be design to lifetime homes standards if planning permission was granted consent.

C Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)

10.34 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.

10.35 The orientation of the site and the degree of separation between the new dwelling and adjoining properties are such that they would ensure that the amenities of these properties will be largely protected. 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.

D Highway safety and parking (ULP Policy GEN1 & GEN8)

10.36 In relation to the concerns raised by the Parish Council, it should be noted that the application was referred to Essex County Council's highways officer who stated that they had no objections to the proposal. It is considered that the amount of traffic movements to and from the site would not result in a great deal of intensification of the daily vehicle use of this unmade track to comprise road safety or cause significant traffic congestion. Amongst other criteria, it is considered that the proposal would comply with the objectives and guidance of local policy GEN1.

10.37 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.

10.38 The Adopted Council parking standards recommends that a maximum of three vehicle spaces is provided for a four bedroom dwelling house such as the proposed. The dimensions of the proposed garage fall short of what would constitute as a designated undercover vehicle parking space and therefore the garage can only be classified as an outbuilding providing domestic storage ancillary to the dwelling house. However, the site plan does indicate that three off street parking spaces can be accommodated on the hard standing area in front of the garage. As such it is considered that adequate car parking provisions have been made available.

E Landscaping, ecology and Biodiversity (ULP policies GEN7 and the NPPF)

10.39 New development should require comprehensive landscaping – for which it 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 and softening the definition of space and enhancing the public realm.

10.40 A landscaping scheme has not been submitted to support the application however indicative planting has been shown on the submitted block plan. The planting shows a new hedgerow consisting of native mix and tree planting consisting of oak, ash, field maple and wild cheery.

10.41 However Airside Operations Limited have stated within their consultation response as an informative that any planting proposed as part of the development should be carefully designed to avoid any increase in the bird-strike hazard at Stansted Airport. Berry/fruit bearing species (trees and hedges) should be kept to a minimum, should ideally not exceed 5% of the proposed planting palette and be dispersed throughout the scheme. Tree planting should be at centres of 4 metres or greater and should not include Oak (*Quercus* sp.) or Beech (*Fagus Sylvatica*) as these can provide attractive habitat for pigeons which is an increasing bird strike hazard at the airport.

10.42 Although the landscaping on the submitted block plan is indicative, it could in fact be contrary to the above requirements set by Airside Operations Limited. 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. Furthermore this would allow the development as a whole to integrate into the wider setting and ensure a sense of well-being for future occupiers.

10.43 An Extended Phase 1 Habitable Survey was submitted in support of the application which concludes that the site is not considered to present a notable or significant variety of habitats, and therefore presents limited potential to provide habitat for protected species. The application was consulted to Essex County Council's ecology officer who agreed to the findings within the report and therefore had no objection in relation to the proposal.

11. CONCLUSION

11.1 It is concluded that the proposal to erect a new single dwelling house would result in an inappropriate encroachment into the open countryside that would significantly alter the character of locality and the open characterises of the countryside protection zone contrary to policies S7 and S8 of the Adopted Local Plan and the National Planning Policy Framework. No adequate reasoning has been demonstrated that would outweigh the harm in which the development would have upon the character of the countryside. The application is therefore recommended for refusal.

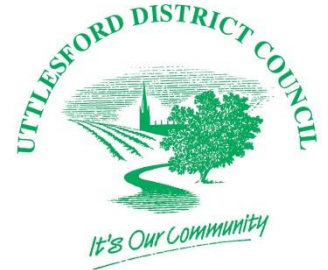
12. RECOMMENDATION – REFUSE

Reason of refusal:

1 The site is within the area identified in the Uttlesford District Local Plan as Countryside Protection Zone and outside the established development limits. The development to construct a single dwelling house would result in a significant intensification in the built form encroaching into the open countryside that would in turn alter the character of the surrounding locality harmful to the setting and character and appearance of the countryside. No adequate special reasons have been provided why the development in the form proposed needs to take place to outweigh the harm that it causes. The development is therefore contrary to Policies S7 and S8 of the Adopted Local Plan and the National Planning Policy Framework.

Application number: UTT/15/1201/FUL

Location: Land East of Bellstock Molehill Green Takeley



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/ 15/1193/FUL (GREAT CHESTERFORD)

Referred to Committee by Cllr J A Redfern. Reason: Over development and detrimental to surrounding area and not deliverable due to access.

PROPOSAL: **The erection of 1 no. 3 bed dwelling and alteration to access.**

LOCATION: **Land North of Dabbs House, London Road, Great Chesterford,**

APPLICANT: **Scott Cranfield**

AGENT: **DS Designs**

EXPIRY DATE: **16 June 2015**

CASE OFFICER: **Emmanuel Allannah**

1. NOTATION

1.1 Within Development Limits, Contaminated Land Historic Land Use Area, Aerodrome Direction and Water Authority.

2. DESCRIPTION OF SITE

2.1 The application site is part of an existing rear garden to Dabbs House. It is bounded on three sides by wooden fence and hedgerows. The rear garden is approximately 33m in length and 18m in width and narrowed down to 14m in width.

3. PROPOSAL

3.1 The proposal is to construct a one and half storey three bedroom dwelling to the rear of Dabbs House.

3.2 The proposed access would be via an existing access point to the North West of the property.

4. APPLICANT'S CASE

4.1 The submitted Planning Statement concludes that the revised proposed plans would accord with all of the Council's adopted Local Plan policies relevant to the proposed development.

5. RELEVANT SITE HISTORY

5.1 UTT/0740/00/FUL – Two storey side/rear extension and single storey rear extension for domestic use. Approve with condition on 27 July 2000.

5.2 UTT/1489/01/REN – Renewal of outline permission for erection of bungalow and garage. Approve with condition on 4 January 2002.

5.3 UTT/2162/04/REN – Renewal of outline permission for erection of bungalow and garage. Approve with condition on 19 March 2005.

5.4 UTT/15/0151/FUL – Proposed new dwelling and altered access arrangements.
Withdrawn on 16 March 2015.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S3 – Other Settlement Boundaries
- Policy GEN1 – Access
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV4 – Ancient Monuments and Site of Archaeological Importance
- Policy H1 – Housing Development
- Policy H4- Backland Development

7. PARISH COUNCIL COMMENTS

7.1 Object to this proposal. The Parish Council has received numerous representations from neighbours expressing concern about the details of the application and the perceived aggressive manner of the applicant. The Parish Council is concerned that considerable distress has been caused to neighbours and considers that the use of strong arm tactics such as removing a fence from neighbouring property without permission is unacceptable.

7.2 The Parish Council wishes to object on the grounds that the property would be overbearing and inappropriate to its surroundings and has insufficient access provision.

8. CONSULTATIONS

The Historic Environment Advisor

8.1 The Historic Environment Advisor has identified the above application from the weekly list, as having potential archaeological implications. And recommended appropriate planning conditions in order to protect and safeguard any archaeological findings within the site.

ECC Highways Authority

8.2 No objection subject to recommended planning conditions.

ECC Ecological Consultant

8.2 No objection.

Minerals and Waste Planning Sustainable Environment

8.3 No comments.

Access and Equality Officer

- 8.4 Application appears to meet the internal design requirements of the SPD on Accessible Homes and Playspace.

9. REPRESENTATIONS

- 9.1 Twenty one letters of objection have been received raising the following points:

- The proposal is a backland development which would lead to overlooking, overbearing and overshadowing.
- Overdevelopment and detrimental to surrounding area and not deliverable due to access.
- No viable strategy of gaining access
- It would lead to loss of light
- It would affect wildlife
- It would affect archaeological remains
- The design is poor and not good
- It would spoil the character of the area.

10. APPRAISAL

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

- A The principle of the proposal (National Planning Policy Framework (NPPF); Uttlesford Local Plan (ULP) 2005 Policies H1 and S3).
- B Whether the scale, mass, form, height, location, width, design and materials would harm the character of the area or the amenity of the area (NPPF; ULP Policies GEN2 and H4, SPD Accessible Home and Playspace).
- C Impact on wildlife (NPPF; ULP Policy GEN7).
- D Heritage impact (NPPF; Policy ENV4).
- E Traffic impact (NPPF; ULP Policies GEN1 and GEN8).
- F Other issues

A The principle of the proposal in which NPPF and ULP Policy S3 applies.

- 10.1 The National Planning Policy Framework paragraph 7 and 8 affirms that there are three dimensions to sustainable development namely economic, social and environmental. These roles should not be undertaken in isolation, because they are usually depended. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. The principle of the development needs to be judged against saved Policy S3 – other settlement boundaries because the site is located within development limits. Given that the site area is also characterised by existing residential buildings; the principle of one three bed dwelling. Taken into consideration that the proposed site is easily accessible to Greater Chesterford Railway Station and local Bus Services, the proposal in principle is also within a sustainable location.

B Whether the scale, mass, form, height, location, width, design and materials would harm the character of the area or the living condition of the adjoining occupiers (NPPF; ULP Policies GEN2 and H4, SPD Accessible Home and Playspace).

- 10.2 The application area comprised of different scale and footprint of residential dwellings with staggered building line. The “L” shape of the proposed footprint of the proposed revised scheme mirrored some shape of footprint of some residential buildings in the area. The site is also screened from other existing residential properties through an existing 1.8m high wooden fence coupled with some hedgerows. The height of the proposed scheme has been amended in addition with the design details because of the concerns raised by adjoining occupiers concerning overlooking.
- 10.3 The design approach taken to overcome the concerns raised by adjoining occupiers would involve designing the proposed dwelling by having an accommodation in the first floor roof space by reducing the ridge height to 6.72metres. The height would be further reduced by setting the dwelling 300mm into the ground effectively reducing the ridge height to 6.42m and making it lower than the closest property, ‘Byways’ to the north and other neighbouring properties on the site frontage.
- 10.4 In order to prevent an overlooking to properties identified as Kismet and Byways, the first floor windows has been designed to serve bedroom 3, the stairway and an en-suite bathroom. And as result the distance between the first floor rear facing windows and Palm Glades is stated to be more than 34m.
- 10.5 The distance between Dabbs House and the first floor windows of the new dwelling is given as more than 35m and the window would serve an en-suite bathroom.
- 10.6 The proposed rear of the dwelling would be sited between 1.5m and 1.8m from the boundary with the end of the rear garden of Medway House. A previously proposed landing rooflight has been removed, leaving two obscure-glazed bathroom rooflights and a secondary window to bedroom 2. Such window would also be obscured glazed and fitted with window restrictors to prevent wide opening that might lead to overlooking. Such details would be secured through planning condition in order to protect and safeguard the amenity of the adjoining occupiers.
- 10.7 Whilst the existing matured trees and hedges to its boundaries would be kept and untouched in order to integrate the new dwelling into its setting; such existing boundary features would equally assist in screening the development. Hence, the proposed development has been sited towards the south-east corner of the site in order retain the prime trees, and to minimise the its impact on adjacent residents.

C Impact on wildlife (NPPF; ULP Policy GEN7).

- 10.8 The application site also comprised of an existing pond at the rear of Dabbs House and it considered it could be a potential habitat for wildlife. The revised scheme demonstrated that the proposed scheme would not be close to harm existing nearby matured trees. Having consulted Essex County Council Ecologist Consultant; it has been confirmed that the proposal would not have any ecological implication hence no objection on ecological terms.

D Heritage impact (NPPF; Policy ENV4)

- 10.9 The application site lies within archaeological zone and in the absence of any submitted mitigation measures; the Essex County Council Archaeologist advised that in order to protect and safeguard the likely finding of any archaeological remains within the site appropriate planning condition has been recommended in accordance with Policy ENV4.

E Proposed access and traffic impact (NPPF; ULP Policies GEN1 and GEN8)

10.10 Given that the application site is a backland development the proposed access would be via an existing access point to the north-west of the Dabbs House. The applicant stated in the Planning Statement that the proposed access would be widened to enable two vehicles to pass at the entrance.

10.11 Policy GEN1 affirms that Development will be permitted if it meets all of the following criteria:

- Access to main road network must be capable of carrying the traffic generated by the development safely. The current proposed Byway leading to the proposed development as the applicant suggested would need to be widened to allow two vehicles to pass at the entrance.
- The traffic generated by the development must be capable of being accommodated on the surrounding transport network. The proposed development although located at rear of Dabbs House, the traffic that might be associated to such scale of development can be said to be accommodated with the existing transport network such local bus services and the Great Chesterford Railway Station.
- The design of the site must not compromise road safety and must take account of the needs of cyclist, pedestrians, public transport users, horse riders and people whose mobility is impaired. The proposed development would rely upon an existing Byway which appeared to be too narrow to accommodate both vehicles, horse riders, pedestrians and other road users at the same time. It is partly for such reason the applicant agreed that the existing Byway would be widened.
- It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access. This is not a public building but a proposed private dwelling.
- The development encourages movement by means other than driving a car. The proposed alteration to the proposed access would make the development easily accessible by pedestrians, horse riders and cyclist once the Byway has been widened. In traffic terms, it would appear that the proposed development would not satisfy all the above policy criteria which amounts to some of the concerns raised by adjoining occupiers.

10.12 The Essex County Council Highways Authority have considered the applicant's submitted documents in support of the proposed development and advised they have no objection; and recommended appropriate planning conditions in order to protect and safeguard traffic in the area in accordance with Policies GEN1 and GEN8.

11. CONCLUSION

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

- A The application site is located within a development limits and also within easy reach of Greater Chesterford Railway Station and other local bus services, it is considered to be in a sustainable location. Therefore the proposal is not in conflict with NPPF and Policy S3 of the adopted Local Plan (2005).
- B The proposed location, mass, height, width, length, form, appearance and design of the proposed development is considered acceptable because it would not adversely harm the character or the amenity of the area; hence it is not contrary to Policies NPPF and Policies GEN2 and H4 of the adopted Local Plan (2005).

- C The Proposed access and alteration would improve accessibility to the proposed backland development which appeared not to satisfy all the Policy criteria of Policy GEN1; and notwithstanding the Highways Authority having considered the proposed development and access is acceptable subject to the recommended planning condition in order to protect and safeguard traffic in the in accordance with Policies GEN1 and GEN8 of the adopted Local Plan.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/Refusal reasons

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

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

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

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

JUSTIFICATION: Prior to development it is imperative that the appropriate materials are agreed.

3. The proposed two bathroom rooflight shall be obscured glazed and the secondary window to bedroom 2 shall be fitted with restrictors.

REASON: In order to prevent overlooking and to safeguard the amenity of the adjoining occupiers in accordance with Policy GEN2 of the adopted Local Plan (2005).

4. No development or preliminary groundworks can commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON: The Historic Environment Record identifies the proposed development as being located within the cemetery area to the south of the nationally protected monument of Great Chesterford walled Roman town (SM 24871). Evidence of burials have been recovered from within the area of the proposed development (EHER 4949). This is in accordance with Policy ENV4 of the adopted Local Plan (2005).

JUSTIFICATION: Important heritage assets could be destroyed if programme of works is not agreed prior to development.

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

REASON: In order to protect and safeguard archaeological findings within the site in accordance with Policy ENV4 of the adopted Local Plan (2005)

6. Prior to the occupation of the proposed dwelling, the proposed private drive shall be widened to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

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

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

Application number: UTT/15/1193/FUL

Location: Land North of Dabbs House London Road
Great Chesterford



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/15/1076/FUL – (High Easter)

(Referred to Committee by Cllr Barker. Reason: Considered that the proposal would be an improvement of what is already there)

PROPOSAL: Conversion of redundant farm building to dwelling

LOCATION: Tarr Potts, Slough Road, High Easter

APPLICANT: Mr P Johnson

AGENT: Mr Mark Jackson, Mark Jackson Planning Ltd

EXPIRY DATE: 23rd July 2015

CASE OFFICER: Sarah Marshall

1.0 NOTATION

1.1 Outside of Development Limits

2.0 DESCRIPTION OF SITE

2.1 The site is comprised of a 0.4hectare parcel of land which adjoins an open filed along the northern and eastern boundaries. The site lies to the north of the road, directly north of a tight corner of Slough Road and the front of the site follows the road around.

2.2 There is a single storey breeze block building with a high pitched roof with two projecting bays with gable ends. At present the site is used for keeping a few geese and is not considered to be used for agricultural purposes.

2.3 The site is situated approximately 800 metres north west from the settlement of High Easter. The surrounding location is characterised by open agricultural fields, farm buildings and farm houses. There is existing mature vegetation around southern boundary which provides screening from the road.

3.0 PROPOSAL

3.1 The proposal is to convert the existing building on site into a 4 bedroom dwelling with modifications including the increase in the height of the ridge of the roof to accommodate the installation of a first floor.

3.2 There will be glazing to the front of the building and to the flank walls. The only openings to the rear of the dwelling will be a window and a door on the ground floor and 10 rooflights providing all of the light into the rear rooms on the upper floor. The building will be clad with featheredged timber and the roof materials will be changed to a mixture of red pan tiles and slate.

4.0 APPLICANTS CASE

4.1 The applicants have stated in their planning statement that development meets the requirements of the NPPF and the Council's policies set out in the Uttlesford Local Plan. This is supported in the comments from Simon Randle of Gray's Inn Square Chambers. The planning statement then goes onto say that the regard for the recent

changes to the permitted development allowances should be taken into consideration. The new regulations allow for changes of agricultural buildings to be converted into residential properties however this site fails the tests and it could not be converted under the new regulations.

- 4.2 A structural engineering report has been submitted to confirm that the building is structurally sound and minimal works will be required to accommodate the proposed development with the exception of the works to increase the height of the roof.

5.0 RELEVANT SITE HISTORY

- 5.1 UTT/14/0321/FUL - Retention of existing brick piers only Approved 25th March 2014
- 5.2 UTT/14/1145/FUL - Retention of existing gates- Refused 17th June 2015. This decision was appealed against and the Inspectors decision dismissed the appeal and upheld the refusal of permission
- 5.3 UTT/15/1098/CLP - Erection of 2m high gates- Certificate of Lawfulness for Proposed Development issued by the Council as the proposed gates meet the tests of Part 2 Class A of the Town and Country (General Permitted Development) Order 1995 (as amended) on the 12th May 2015

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF)

6.2 Uttlesford District Local Plan 2005

- S7 - The Countryside
- GEN1 -Access
- GEN2 – Design
- GEN8 – Vehicle Parking Standards
- E5 – Re-use of rural buildings
- H6 –Conversion of rural buildings to residential use

7.0 PARISH COUNCIL COMMENTS

- 7.1 The Parish Council discussed this application at its meeting on Monday 6th June and agreed by a majority to object to the application on the grounds that the size and scale of the proposed extensions to the property would have a detrimental visual impact on the character and appearance of this part of Slough Lane and the surrounding countryside.

8.0 CONSULTATIONS

Highways

- 8.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:
No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

The above condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

ECC Ecology Advice

- 8.2 Thank you for consulting us on the above application. I have no objections. The planning statement describes the building to be constructed from brick with a corrugated iron roof. Such buildings lack dark crevices for bats and are unlikely to support them. I do not consider the proposals to show potential to harm any other protected species.

Environmental Health

- 8.3 No Objections Subject to conditions

Public Health

Tarr Potts Farm is supplied with water via a private distribution network. This is mains water supplied by Affinity Water to a customer at a different property, and which is then further distributed by the primary customer to other properties. Private distribution networks are risk assessed and regulated by the local authority. A risk assessment of this supply was carried out by the Environmental Health Department on 8th September 2014. Sampling of the water at residential properties found the water to be of unacceptable quality, and the affected consumers have been advised on appropriate measures to mitigate this. The applicant advised us that the water at Tarr Potts Farm was not used for human consumption, so no mitigation has been put in place here. It is not appropriate for a new residential property to receive unwholesome water for human consumption through the existing informal arrangement.

RECOMMENDED CONDITIONS

A direct supply of wholesome water shall be provided to the dwelling.

INFORMATIVES

The wholesome water may be from the public supply, or a private supply such as a borehole. A private supply should be registered with the Environmental Health Department. The applicant is advised to contact Environmental Health prior to installing a private water supply.

9.0 REPRESENTATIONS

- 9.1 Site notices were put up on the 4th June 2015 and six neighbourhood letters were sent out. The Council received two responses. The two responses support the application for the following reasons:
- The proposed development will fit in sensitively with the local countryside
 - The central government are encouraging rural properties to be converted into residential property
 - The site is well within the village area for communal activities and has neighbours
 - By having occupants on the site safety in the area will improve

10.0 APPRAISAL

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

- A The principle of the development (NPPF, S7, H6)
- B The visual impact on the countryside setting (S7, GEN2)

A The principle of the development (NPPF, S7, H6, GEN1)

- 10.1 At the heart of the NPPF is a presumption in favour of sustainable development, a key element of which is the role of contributing to the protection of the natural environment and recognising the intrinsic character and beauty of the countryside. Paragraph 7 and 14 of the NPPF outlines the three strands to sustainable development being economic, social and environmental.
- 10.2 Paragraph 55 of the NPPF states that in order to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. It goes on further to say that isolated sites should be avoided in the countryside unless the development meets the four criteria there are special circumstances. The four criteria for special circumstances are that
- there is essential need for a rural worker to live permanently at or near their place of work; or
 - where such development would represent the optimal viable use of a heritage asset would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling.
- 10.3 Policy GEN1 states that development shall only be permitted if it meets a number of criteria including that the development encourages movement by means other than driving a car. Due to the location of the site and the lack of cycle lanes or foot paths and that there are no bus routes which go past this site it is considered that the occupants would not be able to use alternative transport and would be reliant on vehicular transports.
- 10.4 Uttlesford Local Plan Policy S7 states that the countryside shall be protected for its own sake, and planning permission shall only be granted 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 unless there are special reasons why the development in the form proposed needs to be there. The character of the location is open countryside with the exception of a residential dwelling approximately 150 metres north-west of the site.
- 10.5 The site is located approximately 800 metres from High Easter which benefits from some services and facilities; Slough Road is a narrow country lane. There are no cycleways, footpaths or any street lighting and there are no public transport service routes on this road for the occupants to use who would then be dependent on private motor vehicles to get to and from the site. This is contrary to the NPPF and Policy GEN1 of the ULP.
- 10.6 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out. Policy S7 has been found to be partially compatible with the NPPF taking a more positive approach for protecting the environmental strand of sustainable development. Policy GEN1 is generally consistent with the NPPF which has more of an emphasis to sustainable transport modes.

- 10.7 Policy H6 of the ULP states that the re-use of the agricultural buildings will be permitted if all of the five criteria are met. The criteria is as follows
- it can be demonstrated that there is no significant demand for business uses, small scale retail outlets, tourist accommodation or community uses;
 - they are in sound structural condition;
 - their historic traditional or vernacular form enhances the character and appearance of the rural area;
 - the conversion works respect and conserve the characteristics of the building; and
 - private garden areas can be provided unobtrusively.
- 10.8 The policy then goes on further to say that substantial building reconstructions or extensions will not be permitted and the conversion will not be permitted to residential uses on isolated sites in the open countryside located well away from existing settlements. It is considered that the proposal meets four of the five criteria, however it has not been demonstrated that there is not the significant demand for the site for a commercial activity.
- 10.9 Whilst this development will be reusing an existing building and will improve the visual appearance of the site, it is considered that the site is not located in a sustainable location and the occupants would be reliant on private motor vehicles to access any services and facilities and as such would not meet the social and economic strands of sustainable development as set out in the NPPF.

B The visual impact on the countryside setting (S7, GEN2)

- 10.9 Policy GEN2 of the ULP states that development will not be permitted unless the design is compatible with the scale, form, layout appearance and materials of surrounding buildings; it safeguards important environmental features and helps reduce visual impact of new buildings or structures where appropriate; it helps to reduce the potential for crime; it minimises the environmental impact on neighbouring properties by appropriate mitigating measures; it would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. The proposed alterations to the building involve the increase of the ridge height by 2.5 metres to a total height of 7.5 metres. The current building is not considered to be special or to particularly enhance the open countryside character. The proposed alterations will result in a building with the appearance of a traditional vernacular Essex Barn.

11.0 CONCLUSION

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

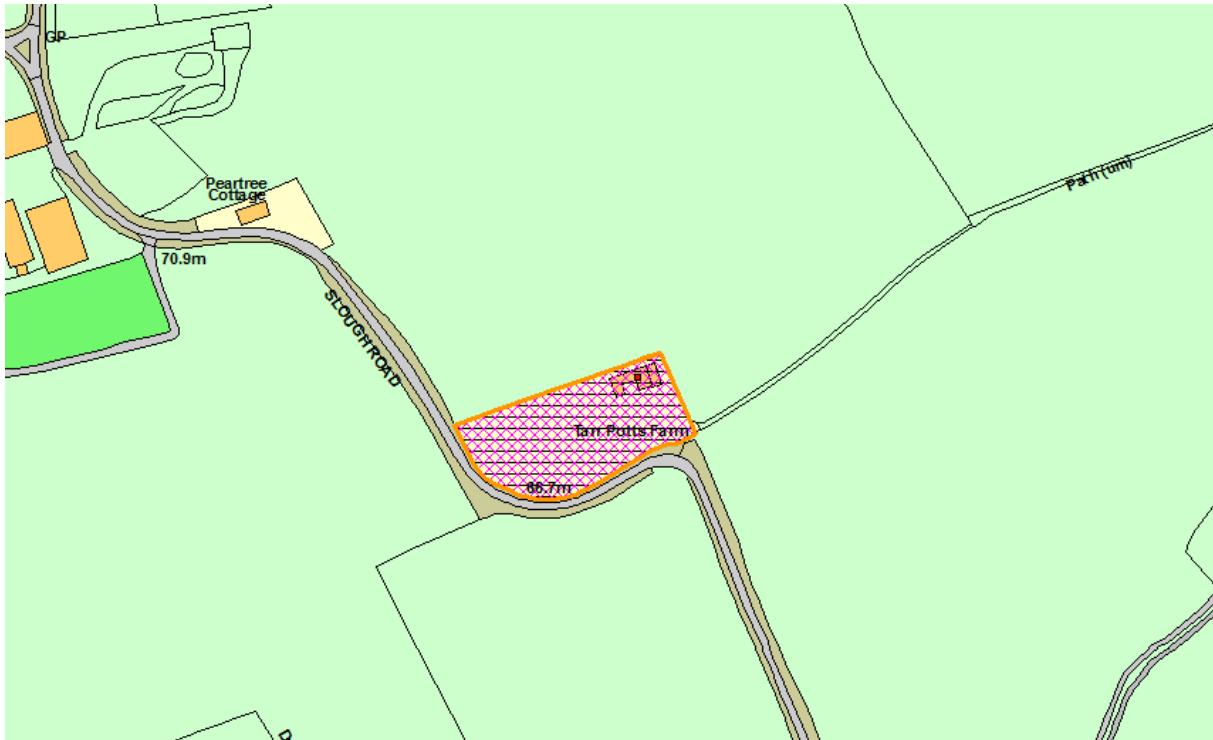
- A Whilst the development will be reusing a redundant agricultural building, it is not considered that the site is within a sustainable location or necessary for this location and as such the occupants would be dependent on private motor vehicles to access services and amenities. As such the development fails to meet the NPPF, policies S7 and GEN1 of the ULP. Furthermore it has not been demonstrated that there is not the demand for a commercial activity in this location which could utilise this building and as such it is considered that the development does not accord with Policy H6 of the ULP.
- B It is considered that the proposed works to the building will improve the visual appearance of the building, and it would accord with policy GEN2 of the ULP.

RECOMMENDATION – REFUSAL

1. It is considered that this development is not necessary for the countryside location and does not constitute sustainable development as required by the National Planning Policy Framework. Furthermore, due to the location of the site and the lack of footpaths, cycle ways and street lights there would be a reliance on private motor vehicles. The development is contrary to Policies S7, H6 and GEN1 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

Application number: UTT/15/1076/FUL

Location: Tarr Potts Farm Slough Road High Easter



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/15/1655/HHF (UGLEY)

(Referred to Committee by Cllr. Loughlin. Reason: Effect on neighbouring properties, out of keeping with surrounding properties, overlooking.)

PROPOSAL: Proposed loft conversion and single ground floor link extension to connect garden room to main house. Retention of existing garage but with roof rotated 90 degrees and a new infill extension to front to form front entrance porch.

LOCATION: 7 Patmore Fields, Ugley

APPLICANT: Mr R Warry

AGENT: Mr R Stretton

EXPIRY DATE: 27 July 2015

CASE OFFICER: Samantha Stephenson

1. NOTATION

1.1 Outside development limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises a detached two storey blue rendered dwelling with detached double garage and off road parking for 2/3 vehicles. It is located within a residential area amongst dwellings of similar size and design. The dwelling is sited on level ground with neighbouring properties. Neighbouring dwellings in the immediate vicinity have been extended.

3. PROPOSAL

3.1 The application proposes the conversion of the loft, to include one rear dormer and three front dormer windows. It is also proposed to erect a single storey rear extension to link the dwelling to the garage, to rotate the roof of the garage by 90 degrees and to infill the front porch.

3.2 The front infill porch dimensions are 3.8m x 1.3m, the dimensions of the rear extension are 2.4m x 6.9m and 2.7m in height with flat roof and lantern light. Materials are to match existing.

4. APPLICANT'S CASE

4.1 None.

5. RELEVANT SITE HISTORY

5.1 N/A.

6. POLICIES

6.1 **National Policies**

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN2 - Design
- Policy H8 - Home Extensions

- SPD Home Extensions
- Uttlesford Local Parking Standards 2013

7. PARISH COUNCIL COMMENTS

- 7.1 Ugley Parish Council would like to object to this planning application on the following grounds; 1. It does not meet certain requirements of Policy GEN2 – Design, as it is out of keeping with the surrounding properties. 2. Effect on neighbouring properties, the windows on the back of the property will overlook the neighbouring house.

8. CONSULTATIONS

- 8.1 None.

9. REPRESENTATIONS

- 9.1 8 Neighbours were notified. Consultation expired 25.06.15.

10. APPRAISAL

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

- A Whether the proposal would detract from the character of the countryside (ULP Policy S7)
- B Whether the proposed works would be of an appropriate design and scale (ULP Policies H8, and GEN2).
- C Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policy H8 and GEN2)
- D Whether the proposal meets the required parking standards (Uttlesford Local Parking Standards 2013)

A Whether the proposal would detract from the character of the countryside

- 10.1 ULP Policy S7 is concerned with the protection of the countryside and supports development that needs to take place there or is appropriate to a rural area but places strict control upon other forms of development, where such development is permitted where an application is required, it can only be permitted under planning permission if its appearance protects or enhances the particular character of the countryside in which it is set. Although the site is outside development limits and within the countryside, it is generally accepted that appropriate development includes limited extensions and alterations to dwellings and outbuildings. However each case is considered on its own merits with regard to protecting the character of the countryside.

B Whether the proposed works would be of an appropriate design and scale

- 10.2 The site is within the countryside and although Policy S7 adopts a restrictive approach, modest alterations to dwellings can be acceptable. Local Plan Policies H8 and GEN2 as well as the Supplementary Planning Document (SPD) -Home Extensions indicate that development should respect the appearance of the existing dwelling with regard to design and appearance, in addition the SPD requires that all development should respect the scale, height and proportions of the original house.
- 10.3 In this case the key issue in terms of design is the impact of this proposal on the appearance of the property. The proposed development is well designed and respects the character and appearance of the original dwelling. The proposed porch infill is modest in size and scale and would not look out of keeping in the street scene; No. 4 has a porch canopy. There are other dwellings in the near vicinity with dormer windows on the front elevation (No.'s 3 & 6 Patmore Fields) so this proposal would not be out of keeping in the street scene. The rear extension would not be visible from within the street and is modest in size and scale at approximately 16m² in footprint. The rotation of the garage roof involves no additional footprint and would not detrimentally affect either the appearance of the property or the character and appearance of the street scene. With regard to the proposed rear dormer, this could be constructed under permitted developments rights, indeed nearby properties have applied for rear dormers under applications for a Certificate of Lawfulness which have been approved (No.'s 4 and 5 Patmore Fields). These subordinate extensions would be in keeping with the character of the dwelling and will not have a dominating or detrimental impact on the character of the dwelling or surrounding buildings, they are considered to be proportionate additions which would respect the character of the original using matching materials. The SPD indicates that the choice of materials is important, as the existing property utilises these materials already, the proposed materials are considered to be acceptable.
- 10.4 It is considered that given the scale of the proposed work in comparison to the dwelling and site size, it would not result in overdevelopment of the site and the openness of the countryside would be retained, consistent with Policy S7 of the ULP. It is considered that the proposal is of acceptable size, scale and design. In addition, given the scale of the existing dwelling and the size of its curtilage, is capable of accommodating the proposal whilst leaving sufficient amenity land. Given the position of the proposal, its scale, design and appearance, it is considered that the proposal would have no harmful impact on the visual amenities of the area.

C Whether the proposal would adversely affect amenity values of neighbouring residents

- 10.5 With regard to neighbouring amenity, it is considered that the additional windows to the front elevation will have no significant impact compared to what already exists on the site. The rear dormer incorporates 4 windows, one of which lights a stairwell and the other serves a bathroom which will be obscure glazed. The remaining two will serve a bedroom. There is 2m high fencing and established planting on the rear boundary which will help screen this development, in addition any potential for overlooking would not be to private amenity areas. Therefore it is considered that there is no significant detrimental impact on amenity with regard to overlooking. In addition, the distance remaining between the site and neighbouring dwellings and the fact that the extensions are modest in size and scale, will ensure that there will be no overshadowing or overbearing impact and no detrimental impact on amenity.

C Whether the proposal meets the required parking standards

10.6 The Uttlesford Local Parking Standards 2013 state that a five bedroom dwelling should have three parking spaces and while this proposal utilises half of the garage, the applicant has demonstrated that three parking spaces (at the required dimensions) will remain within the curtilage of the dwelling.

11. CONCLUSION

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

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

RECOMMENDATION – CONDITIONAL APPROVAL

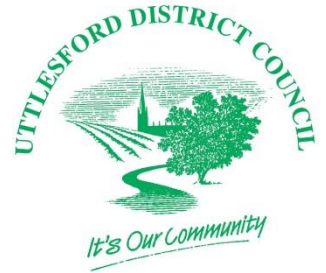
Conditions/reasons

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

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

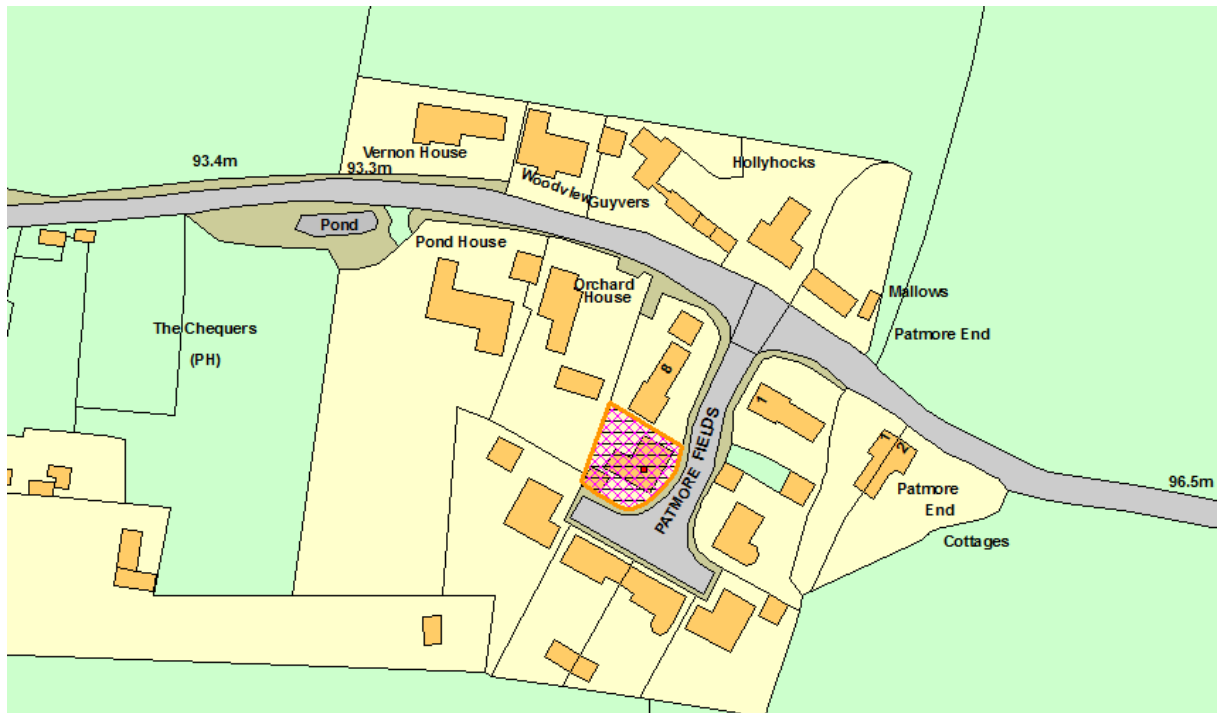
2. The proposed second floor window on the rear elevation serving the en-suite bathroom as shown on submitted drawing 10828/04 Rev B shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration shall thereafter be maintained for that window

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



Application number: UTT/15/1655/HHF

Location: 7 Patmore Fields Ugley



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

UTT/15/1745/NMA (Saffron Walden)

PROPOSAL:	Non Material Amendment to UTT/14/2514 – Brick detail removed from brick plinth. Columns to porches removed
LOCATION:	Garage site at Catons Lane Saffron Walden
APPLICANT:	Uttlesford District Council
AGENT:	Saunders Boston Limited
EXPIRY DATE:	1 July 2015
CASE OFFICER:	Maria Shoosmith

1. NOTATION

- 1.1 Within Development Limits, and Stansted Airport Safeguarding Zone

2. DESCRIPTION OF SITE

- 2.1 The application site forms a parcel of land which consists of approximately 40 redundant Council garages. The site is in the form of a peculiar 'dog leg' shape.
- 2.2 The site is bound by the gardens of residential properties which are located on Little Walden Road, The Green, Catons Lane and the new affordable dwellings which have been recently constructed in Lime Avenue. The site is accessed through an existing access track to the west of 14 Catons Lane.
- 2.3 The ground levels on the site all away from the houses on Little Walden Road towards the dwellings on Lime Avenue by approximately 1m to 1.5m. The application site being on almost a middle plateau. There are various mature trees within the application site and hedges which form part of the some of the shared boundaries. There is an existing right of way for the residents of 21-29 (odd) Little Walden Road and a public footpath which runs through the site from The Green are both proposed to be retained.

3. PROPOSAL

- 3.1 Planning permission was granted in 17 October 2014 for the demolition of garages and the erection of 6 Local Authority dwellings. This application is for a non-material amendment to that approved scheme by seeking the removal of a projecting brick plinth and the removal of columns on porches to those approved dwellings.

4. APPLICANT'S CASE

- 4.1 N/A

5. RELEVANT SITE HISTORY

- 5.1 UTT/14/2514/FUL -The demolition of existing garages (40 no.) and the erection of residential units. The proposal shows 6 units in total. 4 no. 2 bed house and 2 no. 1 bedroom houses, with associated car parking, and private and shared amenity space – Granted 17 October 2014.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy GEN2 – Design
- Policy GEN4 - Good Neighbourliness
- Policy S1 - Development Limits for Main Urban Areas

7. PARISH COUNCIL COMMENTS

- 7.1 Not applicable. Consultations are not undertaken with Non Material Amendment Applications

8. CONSULTATIONS

- 8.1 Not applicable. Consultations are not undertaken with Non Material Amendment Applications.

9. REPRESENTATIONS

- 9.1 Not applicable. Consultations are not undertaken with Non Material Amendment Applications

10. APPRAISAL

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

A. Whether the proposed amendments are minor in nature and would not have an adverse impact on the character of the surrounding buildings or any neighbouring amenity (ULP Policy GEN2)

- 10.1 The principle of this development has been established in the approval of application UTT/14/2514/FUL. This application relates to alterations to that application as approved.
- 10.2 The removal of a projecting brick plinth but still maintaining a brick plinth detail of the dwelling is considered to be acceptable and would make little difference to the overall appearance of the dwellings.
- 10.3 The proposed removal of porch columns and their replacement with canter lever brackets is also considered to be a minor amendment which would material

change the appearance of the dwellings.

- 10.4 It has also been noted within the amended plans that there would also be an amendment to the design and location of a down pipe, where an additional down pipe has been placed near the porches on Plots 1, 2, 5 & 6. Whilst not ideal in appearance this is also considered to be a non-material amendment.
- 10.5 Due to their locality and design would not have an adverse impact on the locality's surroundings or the visual amenity of neighbouring residential occupiers.
- 10.6 The proposed amendments are considered to be acceptable and accord with relevant Local Plan Policies.

11. CONCLUSION

11.1 The proposed amendments consisting of the following:-

- Removal of projecting brick plinth
- Removal of porch columns
- Additional/amended down pipe

are considered minor enough to be minor amendments and would not have any adverse impact on visual or residential amenity which would require the submission of a formal planning application and its consultation. The application is therefore recommended for approval.

RECOMMENDATION – APPROVE MINOR AMENDMENTS

Application No. : UTT/15/1745/NMA

Address: Catons Lane
Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 2 October 2014

SLA Number: 100018688

UTT/15/1722/LB (SAFFRON WALDEN)

Reason: UDC Application

PROPOSAL: **The proposal seeks consent to cut out internal doorway in emergency centre wall, remove internal dividing wall and build new wall creating a larger office area**

LOCATION: **Council Offices London Road Saffron Walden CB11 4ER**

APPLICANT: **Robert Cant**

EXPIRY DATE: **01 August 2015**

CASE OFFICER: **Rosemary Clark**

1. NOTATION

Within Development Limits, Conservation Area, Grade II Listed Building

2. DESCRIPTION OF SITE

The application site comprises an imposing red brick structure with brick and stone dressing, located in a prominent position on London Road, within the historic market town of Saffron Walden. Formerly the Old Saffron Walden Hospital now the Council Offices for Uttlesford District Council. The building was extended in the 1980's when it was converted for use to offices for the district council which included a glazed atrium and basement.

3. PROPOSAL

- 3.1 This proposal relates to the creation of a new doorway through a wall in the basement to provide an additional emergency exit route from the existing control room and to enable the existing mailroom to be extended.

4. APPLICANT'S CASE

- 4.1 This proposal relates to the creation of a new doorway through a wall in the basement to provide an additional emergency exit route from the existing control room and to enable the existing mailroom to be extended.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0935/88/DC and UTT/0936/88/LB - Refurb and extend existing hospital building as UDC office and Civic Centre and alteration to existing access. Demolition of C20 addition on west of building, remove balcony across front and reinstate front facade windows and porch. – approved 7.9.88

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ENV2 – Development affecting the character and setting of a Listed Building

7. TOWN COUNCIL COMMENTS

- 7.1 No objection

8. CONSULTATIONS

Conservation Officer

- 8.1 Proposal is acceptable as it will not impact on special architectural merit of heritage asset

Historic England

- 8.2 No objection

9. REPRESENTATIONS

- 9.1 Neighbours – one response – concerns regarding hours of work and disposal of materials

Officers notes:

Disposal of materials not material planning consideration. The works are internal and hours of work would not be considered in this case

10. APPRAISAL

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

- A Whether there would be any harm to the setting of listed buildings and if the proposed works would preserve the historic character and architectural qualities of the listed building (ULP Policy ENV2)

A Whether the proposal would be harmful to the setting of the listed buildings

- 10.1 The property is a Grade II Listed building and as such Policy ENV2 applies. This policy reflects the thrust of the statutory duty in section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990. This states that development affecting a listed building should be in keeping with its scale, character and surroundings. Development proposals that adversely affect the setting and special characteristics of a listed building will not be permitted.
- 10.2 The proposed alterations are to the non-historic part of the building. The wall is of modern construction and forms part of the basement which was constructed during the late C20th redevelopment of the premises into council offices. The wall in question is located away from the main historic structure. There would be no impact in terms of loss of historic planform or fabric. Also, as the doorway is an internal feature, there would be no impact upon the character or appearance of the host heritage asset.
- 10.3 In addition to this, a further partition wall in this same section would be removed and a new partition erected to create a larger office space. Again, this partition is of modern construction and there would be no impact upon the historic planform, fabric or

appearance of the primary listed building, and whilst the basement area forms part of a valid phase in the historic development of the heritage asset, the proposed works are not considered to adversely harm its special significance.

10.4 The application is therefore considered to satisfy paragraphs 128, 133 and 134 of the NPPF, 2012 and Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

11. CONCLUSION

11.1 It is therefore considered that the proposal would not be detrimental to the special architectural and historic interest of the listed building and complies with the NPPF and Uttlesford Local Plan Policy ENV2.

RECOMMENDATION –CONDITIONAL APPROVAL

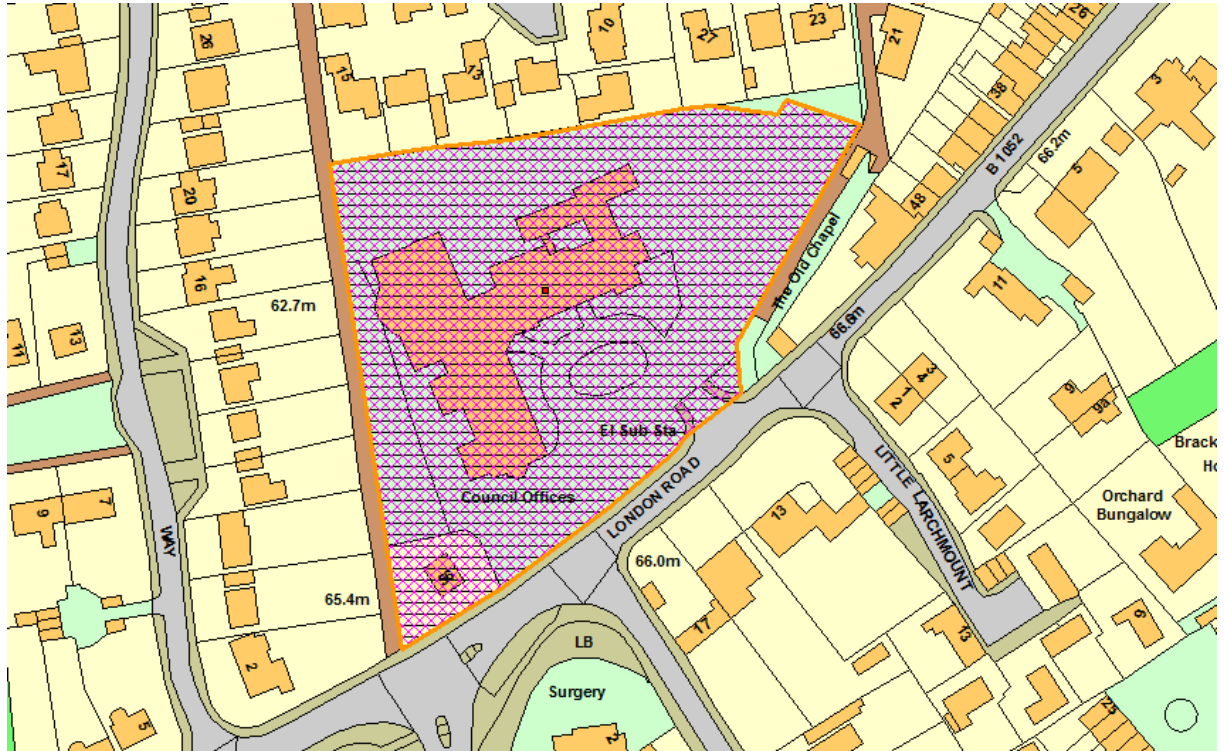
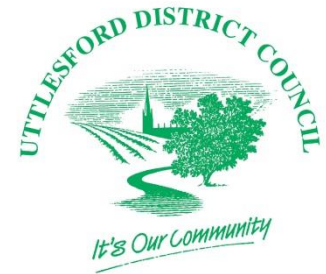
Condition

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Application number: UTT/15/1722/LB

Location: Uttlesford District Council London Road
Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688

Committee: Planning

Agenda Item

Date: 29th July 2015

5

Title: Section 106 obligations: financial contributions held by the District Council

Author: Jeremy Pine, Planning Policy / Development Management Liaison Officer (01799 510460)

Item for information

Summary

1. This report, which is for the Committee's information, sets out the current position regarding financial contributions paid by developers to the Council under planning obligations. A table is appended to this report. The last report to the Committee on this subject was 25th June 2014.

Recommendations

2. That the Committee notes this report

Financial Implications

3. None associated with this report. Contributions will have to be repaid if they are either not spent or are not allocated for spending by any pay back deadline written into an obligation. There are no impending pay back deadlines.

Background Papers

4. None

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

Ward-specific impacts	See table
Workforce/Workplace	Officer time in monitoring Section 106 obligations and preparing this report

Situation

6. Planning obligations are monitored by officers to ensure compliance by developers. A major part of the monitoring process is ensuring that financial contributions are paid when they are due and (where a “pay back clause” exists) that they are spent before they have to be repaid.
7. The appendix to this report contains a table which sets out the amounts of money that the District Council currently holds under each obligation. Mostly, financial contributions are due on implementation and have to be paid back ten years later. The table also includes pay back deadlines where relevant.
8. As the County Council is not always a signatory, the District Council can be responsible for collecting education and transport contributions on the County’s behalf. This money is then passed on to the County Council following confirmation of the general area of spending. This confirmation is required because the District Council as signatory retains responsibility for ensuring that the money is spent as per the obligation.
9. Since the last report, the Council has collected about £2.731million in contributions from developers. The following table summarises these contributions (all numbers are rounded)

<i>Contribution type</i>	<i>Amount</i>	<i>% of total</i>
Education / school transport	£1.849m	67.70
Affordable housing	£0.615m	22.52
Community / sport	£0.158m	5.79
Transport / highways	£0.059m	2.16
Landscaping / maintenance	£0.050m	1.83
Total	£2.731m	100.00

10. In March of this year, the previous Government issued new online Planning Practice Guidance which states that contributions for affordable housing should not be sought from developments of 10 units or less. There are over 20 existing obligations relating to small scale developments (<10units) where affordable housing contributions are required, but where the development has not yet been implemented. The effect of the guidance is that the Council will not now be able to collect these contributions, which would have totalled about £1.57million assuming all the developments were implemented. As a rough guide, this money would have funded the construction of about 12 affordable houses.

11. The Council has taken part in a survey by the Local Government Association on the impact of the new guidance thresholds. The LGA is currently analysing the responses that it received, and will shortly be publishing a report alongside a press release.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
That contributions are not collected when they are due, or have to be paid back because they have not been spent by the deadline	1. There is a little risk due to active monitoring of planning obligations	3. Some contributions can be sizeable. If they are not paid in the first place (or have to be repaid), there will be a missed opportunity to provide necessary infrastructure	Continue to monitor planning agreements, including meetings with colleagues (District and County Council) when necessary

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.

S106 OBLIGATIONS: CONTRIBUTIONS HELD BY UDC

<u>Obligation ref(s) Agreement(s) date</u>	<u>Applicant</u>	<u>Site</u>	<u>Amount currently held (Money forwarded or spent since the last report is shown in brackets)</u>	<u>For</u>	<u>Date when to be paid back if unspent or uncommitted</u>	<u>Comments</u>
STANSTED AREA HOUSING PARTNERSHIP						
UTT/1000/01/OP (16.05.03)	Stansted Airport Ltd	Stansted Airport (expansion to 25mppa)	(£1,631,340.03) <i>All money now spent</i>	Provision of affordable housing in Uttlesford, Braintree, East Herts and Harlow areas		
LOCAL PLAN – MAJOR SITE ALLOCATIONS						
FORESTHALL PARK, STANSTED MOUNTFITCHET						
UTT/0443/98/OP (26.02.04) UTT/0432/11/FUL (16.01.12) UTT/1032/11/FUL (09.02.12) UTT/1960/11/FUL (27.07.12) UTT/1123/01/OP (26.02.04) UTT/0076/10/FUL (24.05.11)	Taylor Wimpey/ Persimmon Croudace		£691,915.48 <i>(Approx £711k has so far been spent on local schemes approved by the Cabinet. £200k of the remaining money is yet to be allocated)</i>	Leisure, recreational and / or community facilities	14.02.23 (earliest date)	Includes initial payments and pro-rata payments for the extra houses built on the additional school land and on other land not originally within the developer's control

			£18,675	15-year maintenance sum for POS	N/A	Initial payment relating only to the LEAP and 1 st LAP on the Taylor Wimpey land
			£186,647 (£102k spent so far)	Off-site health facilities TO BE FORWARDED TO NHS	04.12.23	NHS is using the funding for the Lower Street mixed-use development
OAKWOOD PARK, FLITCH GREEN						
UTT/0058/08/DFO (20.03.08)	Enodis		£10,368.97	Maintenance payment for community hall	N/A	Ex-gratia payment for the maintenance of an additional area of open space
			£5,000			
UTT/14/0005/OP (12.09.14)	Enodis		£3,000	Community facilities inspection fee	N/A	Covers the Council's inspection costs of the community facilities and nature reserves
			£50,156	Highways contribution TO BE FORWARDED TO ECC	11.12.29	To fund highway works in the vicinity of the development

PRIORS GREEN, TAKELEY / LT CANFIELD						
UTT/0518/02/OP (29.09.06)	Countryside		£88,173	Community facilities enhancement and equipment sums	01.04.18	Relates to 40 houses built as part of the Takeley / Lt Canfield Local Policy 3 area
UTT/0555/06/DFO	David Wilson Homes		£7,925 <i>(£700 has so far been spent)</i>	Buffer strip adoption sum	N/A	
(Island sites)						
UTT/0775/03/OP (30.04.08)	Pretious	West View Cottage, Takeley	£2,107.75	Community facilities enhancement and equipment sums	20.12.21	Pro-rata payment for extra houses on land not within the major developer's control
UTT/0338/08/FUL (07.11.08)	Thomas Construction	8 Hamilton Rd, Lt Canfield	£5,911.87 <i>(Approx £7.3k has so far been spent)</i>	Community facilities enhancement and equipment sums	01.04.18	Pro-rata payment as above
UTT/1736/09/FUL (12.04.11)	Cambrils Ltd	Morgan House, Takeley	£8,475	Community facilities enhancement and equipment sums	14.05.25	Pro-rata payment as above
UTT/1443/10/OP (13.04.11)	Goody	South of Willow Cottage, Lt Canfield	£2,109.61	Community facilities enhancement and equipment sums	23.06.24	Pro-rata payment as above

UTT/1398/11/FUL (03.05.12)	Go Homes	Land at Penarth, Warwick Road, Lt Canfield	£14,179	Community facilities enhancement and equipment sums	02.10.24	Pro-rata payment as above
UTT/0240/12/OP (11.06.12) UTT/14/1819/FUL (29.10.14)	Dales Development Ltd	Land at Stansted Motel & 2 Hamilton Road, Lt Canfield	(£32,820) (£6,995)	Primary education contribution FORWARDED TO ECC School transport contribution FORWARDED TO ECC	10.02.25 10.02.25	
UTT/12/5305/FUL (10.01.13)	Stephens	R/O 4 Hamilton Road, Lt Canfield	£5,162	Community facilities enhancement and equipment sums	01.02.23	Pro-rata payment as above
UTT/13/0692/FUL (27.08.13)	Shire Hall Homes	Land north of 4 Hamilton Road	£18,718 £42,906 £2,893	Community facilities enhancement and equipment sums Education contribution TO BE FORWARDED TO ECC Transportation contribution TO BE	06.06.24 10 th anniversary of first occupation 06.06.24	Pro-rata payment as above To fund additional local primary and secondary school places To fund local highway improvements

				FORWARDED TO ECC		
UTT/13/1953/FUL (11.09.13)	P G Bones Ltd	Between 3 & 5 Hamilton Road	£13,354 (£34,101.17) (£2,486)	Community facilities enhancement and equipment sums Education contribution FORWARDED TO ECC Transportation contribution FORWARDED TO ECC	22.04.25 10 th anniversary of first occupation	Pro-rata payment as above To fund additional local primary and secondary school places To fund local highway improvements
UTT/13/3105/FUL (24.06.14)	Stock and Hitchcock	Land west of Warwick Road	£18,740 (£46,388.63) £3,493	Community facilities enhancement and equipment sums Education contribution FORWARDED TO ECC Transportation contribution TO BE FORWARDED TO ECC	24.11.24 10 TH anniversary of first occupation 24.11.24	Pro-rata payment as above To fund additional local primary and secondary school places tbc

WOODLANDS PARK, GREAT DUNMOW						
UTT/0449/02/OP and UTT/0450/02/OP (10.06.03)	Wickford		£91,262.94 <i>(Approx £12.7k has so far been spent)</i>	20-year maintenance sums for POS	N/A	Payment is taking place in tranches. This money is tranches 3, 4 and 5
UTT/2507/11/OP and UTT/13/3439/FUL (02.08.12 and 14.05.14)	Wickford	Sector 4	£165,000 <i>(£60k has so far been spent)</i>	Helena Romanes School contribution	23.01.23	To fund land purchase / playing field improvements and bus turning / parking improvements
			£10,000	Youth services contribution	21.05.24	Payment in lieu of providing a youth shelter on the site
			£348,798.97	Primary education contribution FORWARDED TO ECC	12.05.25	
UTT/13/0847/OP	Wickford	Brick Kiln Farm	£389,664.51	Education contribution FORWARDED TO ECC	03.06.25	To fund additional local primary and secondary school places.

OTHER SITES						
AYTHORPE RODING						
UTT/13/0571/FUL (19.08.13)	Skignesco – Granada Development Co Ltd	Keers Green Nurseries	£120,000	Affordable housing contribution	08.07.34	Contribution is spent flowing authorisation by the Cabinet
UTT/14/0779/FUL (05.11.14)	Crest Nicolson	Windmill Works	£37,255.45	Secondary education contribution FORWARDED TO ECC	14.05.25	
			£8,608.49	School transport contribution FORWARDED TO ECC	14.05.25	
CLAVERING						
UTT/2149/11/OP (15.10.12)	Finzel	Jubilee Works, Stickling Green	(£58,698.58)	Education contribution FORWARDED TO ECC	24.11.24	To fund additional local primary school places
UTT/2251/11/FUL (02.04.12)	Noble and Tee	R/O Oxley Close	(£46,596)	Education contribution FORWARDED TO ECC	N/A	To fund additional local primary school places
ELSENHAM						
UTT/1500/09/OP UTT/2166/11/DFO (07.08.12)	Persimmon	The Orchard, Station Road	£42,322	Disabled adaptation contribution	14.06.23	To fund internal adaptation of three of the houses, if required

GREAT CHESTERFORD						
UTT/12/5513/OP (10.07.13)	Fox and Benyon	South of Stanley Road, West of B184, Walden Road	(£228,881.05)	Education contribution FORWARDED TO ECC	04.02.24	To fund additional local early years and childcare and secondary school places
GREAT DUNMOW						
N/A	N/A	Dunmow Eastern Sector	£18,149.95	Historic, residual amount	N/A	To be spent on playspace at Willow Road, following authorisation by Cabinet on 07.03.12
HENHAM						
UTT/14/0065/FUL (15.05.14)	Abbey Developments Ltd	Lodge Cottage, Chickney Road	(£51,366)	Education contribution FORWARDED TO ECC	14.08.24	To fund additional primary school places
LITTLE CANFIELD						
UTT/13/1779/FUL (03.10.13)	Knight Developments Ltd	Land at Northview and 3 The Warren	(£278,331.78)	Education contribution FORWARDED TO ECC	30.03.25	To fund additional local primary and secondary school places
UTT/14/0122/FUL (15.09.14)	Bush and Walker	Land at Ersamine, Dunmow Road	(£49,089.77)	Primary education contribution FORWARDED TO ECC	18.05.25	
MANUDEN						
UTT/0692/12/FUL (12.02.13)	West Whittle Properties Ltd and Manuden	Land at The Street	£26,864 <i>(Approx £1.74m has so far been</i>	Construction of Manuden Community and	N/A	Money held by the District Council to pay

	PC		<i>paid to the contractor</i>	Sports Centre		the contractor
SAFFRON WALDEN						
UTT/0790/03/REN (10.11.04)	Countryside and British and Foreign School Society	Land at Bell College	(£64,690) £15,044	First commuted sum FORWARDED TO SWTC Sports development funding	N/A N/A	For maintenance of sports facilities transferred to SWTC
UTT/0400/09/OP UTT/0407/09/OP (24.07.12) and (19.11.12)	Baron Braybrooke and Persimmon	Little Walden Road and Ashdon Road	£98,366	Disabled adaptation contribution	30.10.23	To fund internal adaptation of houses, if required
UTT/0828/09/FUL (24.12.09)	Ashwell Homes	Bell Language School	(£5,679)	Provision and maintenance of open space FORWARDED TO SWTC	09.01.24	
UTT/0188/10/FUL (31.03.11) UTT/2154/11/FUL (09.02.12)	Hill Residential and Friends School	Friends School	£1,198.80 £28,007	Air quality monitoring contribution Affordable housing contribution	N/A N/A	Contribution is spent flowing authorisation by the Cabinet
UTT/1252/12/OP (14.11.12)	LPA Group plc	Tudor Works, Debden Road	£100,000	Affordable housing contribution	N/A	Contribution is spent flowing authorisation by the Cabinet
UTT/12/5226/FUL	Churchill	Former Lodge	£395,000	Affordable	N/A	Contribution is

(17.12.12)	Retirement Living Ltd	Farm, Thaxted Rd / Radwinter Rd		housing contribution		spent flowing authorisation by the Cabinet
UTT/13/0669/FUL (21.06.13)	Ford Wells Construction Management Ltd	Goddards Yard, Thaxted Road	(£38,550)	Education contribution FORWARDED TO ECC	20.06.24	To fund additional local secondary school places
STANSTED MOUNTFITCHET						
UTT/1522/12/FUL (07.01.13)	Hilton Properties Ltd	2 Lower Street	(£22,819)	Primary school contribution FORWARDED TO ECC	31.03.25	
TAKELEY						
UTT/1335/12/FUL (23.09.13)	Countryside	Land at Brewers End	(£127,875)	Education contribution FORWARDED TO ECC	20.01.25	To fund additional local primary school places
THAXTED						
UTT/1562/11/OP ,(09.12.11)	Croudace	Land at Wedow Road	£53,090 (£10,618)	Flood works Walnut Tree Meadow improvements	28.03.24 28.03.24	To fund local mitigation works Funded landscaping and footpath improvements

Committee: Planning

Date: 29 July 2015

Agenda Item No: 6

Title: PLANNING AGREEMENTS

Author: Christine Oliva (01799 510417)

The following table sets out the current position regarding outstanding Section 106 Agreements:-

No.	Planning Current Ref.	Approved by Committee	Applicant	Property	Position
1.	UTT/13/2107/OP	12/02/2014	Barratt Homes, Mr CJ Trembath, Buildings Farm Partnership	Land West of Woodside Way, Dunmow	Negotiations continuing
2.	UTT/14/2003/FUL	15/10/2014	Ford Wells Development Ltd.	Moore's Garage, Thaxted Road, Saffron Walden	Engrossed agreements sent 2.7.2015
3.	UTT/14/3182/FUL	11/02/2015	East Thames Group	119 Radwinter Road, Saffron Walden	Negotiations continuing
4.	UTT/14/3357/FUL	11/03/2015	Pigeon Investment Management Ltd GAG373 ltd. GAG339 ltd	Land at Webb Road, Hallett Road, Fritch Green	Negotiations continuing
5.	UTT/14/3770/FUL	08/04/2015	Bushmead Homes Ltd.	Stansted Motel & 2 Hamilton Road, Little Canfield	Draft agreement sent to applicant 13.5.2015
6.	UTT/15/0395/FUL	29/04/2015	Churchill Retirement Living Ltd	Saffron Lodge, Radwinter Road, Saffron Walden	Engrossed agreements sent 2.7.2015
7.	UTT/14/3662/FUL	03/06/2015	CALA Homes (North Home Counties) Ltd.	Land South of Foxley House, Rickling Green Road, Rickling Green	Agreement sealed
8.	UTT/15/0972/FUL	03/06/2015	Vision Stansted Ltd.	Land South of Dunmow Road, Great	Agreement sealed

				Hallingbury	
9.	UTT/15/0133/FUL	03/06/2015	Enodis Property Development Limited	Land off Tanton Road, Flitch Green	Awaiting instructions
10.	UTT/14/2991/OP	03/06/2015	Stansted Road LLP	Elsenham Nurseries, Stansted Road, Elsenham	Negotiations continuing

Background Papers: Planning Applications
Files relating to each application

FOR INFORMATION