

**UTT/16/3255/FUL (THAXTED)**

(MINOR)

**PROPOSAL:** Residential development for the construction of 9 dwellings with associated parking and landscaping.

**LOCATION:** Little Maypole, Thaxted.

**APPLICANT:** Mr M Wellings

**AGENT:** Greenhayes Planning

**EXPIRY DATE:** 20<sup>th</sup> January 2017

**CASE OFFICER:** Lindsay Trevillian

---

**1. NOTATION**

1.1 Outside development limits,

**2. DESCRIPTION OF SITE**

2.1 The application site as outlined in red on the submitted location plan is located at the end of the cul-de-sac known as Little Maypole on the settlement edge of the town of Thaxted. The site itself is mainly rectangular in shape, has a slight slope that falls away from east to west and consists of approximately 0.32 of a hectare.

2.2 Although the site is currently vacant of any built form, it should be noted that extent planning permission for the erection of a Short Breaks Centre for up to 8 residents can still be lawfully carried out as works on this permission (ref: UTT/0302/09/FUL) have commenced due to the carrying out of some excavation works. As such the site is classified as previous developed land (brownfield). The site is general overgrown with little in the way of mature vegetation and consists of a post and rail fence along its boundaries.

2.3 The site currently has a single gated vehicle access point off Little Maypole that is used to provide access for vehicles.

2.4 Residential dwelling units that consist of a variety of different building forms, sizes and scales are located to the east of the site that front onto Newbiggen Street and along the southern boundary of the site that front onto Clair Court. Large open fields used for agriculture are located to the north and west of the site. Playing fields consisting of sports pitches, clubrooms and a playground are located to the north east of the site.

**3. PROPOSAL**

3.1 The applicant seeks planning permission for the construction of 9 dwelling houses with associated parking and landscaping.

3.2 The dwellings would be arranged in three blocks of terrace style housing with each block containing 3 units. They would be set out in a linear formation running in a north south orientation centrally positioned within the middle of the site with the

principle elevations facing Little Maypole. The form of the dwellings would be 2 storey with 6 of the 9 units having further living accommodation within the roof space. The maximum height of the dwellings would be 8.4m high to the ridgeline. The dwellings would be externally finished from an assorted use of materials and detailing containing plain tile roofs, black weatherboard siding and local stock brickwork.

- 3.3 The proposed scheme would consist of 100% open market housing. No on site affordable housing or contribution is proposed as part of this scheme. The provision of the housing mix would be:

3 x 3 bedroom dwellings  
6 x 4 bedroom dwellings

- 3.4 Each of these dwellings within the development would be provided with off street parking spaces and its own private amenity space.

#### **4. APPLICANT'S CASE**

- 4.1 Extensive pre-application meetings with the Local Planning Authority were held in which general advice was taken into consideration regarding the final design and layout of the application.

- 4.2 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity 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. In addition further information in relation to technical issues such as ecological mitigation & enhancement strategy, surface water drainage strategy, transport statement and acoustic feasibility study to name just a few have also been submitted in support of the proposal.

- 4.3 The applicant considers that the proposed residential scheme would provide much needed family homes in a highly sustainable location that would not result in significant harm to the setting of the wider countryside. It is concluded that the proposal accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

#### **5. RELEVANT SITE HISTORY**

- 5.1 DUN/0647/69 – Site for residential development (refused)

UTT/0302/09/FUL - Proposed erection of a Short Breaks Centre for up to 8 residents (approved with conditions).

- 5.2 It should be noted that the above planning permission has been implemented due the digging and filling of part of the foundations and thereby the permission is extent and still can be lawfully carried out.

#### **6. POLICIES**

- 6.1 **National Policies**

- National Planning Policy Framework

- 6.2 **Uttlesford Local Plan (2005)**

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development effecting listed buildings
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H1 – Housing development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

### 6.3 **Supplementary Planning Policy**

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

## 7. **PARISH COUNCIL COMMENTS**

### 7.1 Thaxted Parish Council objects for the following reasons:

- The site sits outside of the development limits of the village as defined in the 2005 Adopted Local Plan, contra to Policy S7 relating to development in the countryside.
- The applicants claim that a material start on site was made in that a foundation trench was dug. The position of this trench however appears to be out of line with the consented drawings and as such would imply there was never any intention to implement the scheme as proposed. Considered on that basis the land can only be regarded as open countryside with a lapsed consent for development that was granted based on an 'exception', is not viable. The proposed use is private residential and cannot therefore be regarded as 'exceptional' in the context of countryside protection policies.
- The outline shown on the historic respite centre application ref UTT/14/1033/OP confirms that approximately a third of the site covered by the current application has no previous status, even if a material start had been made on the respite centre scheme. We would therefore reject on the basis of layout and density of buildings.
- The effect on the character and appearance of the surrounding area such as Bellrope Meadow which was so heavily criticised in the LUC document commissioned by English Heritage in 2013/14 entitled 'Evaluating the Impact of Housing Development on the Historic Environment'.
- Of equal concern, though is that the units proposed are three storeys in height. This is justified on the basis that the land slopes to the west away from the existing Little Maypole housing. The design in terms of height and elevational treatment is out of context with the Thaxted character. Viewed from the critical position on the footpath to the north. Similarly, boundary treatment along the northern perimeter is described as 'post and rail with low level hedging'. The impact on the important Chelmer Valley landscape would be unacceptable and views from the footpath seriously compromised.
- Liz Lakes have produced a landscape character assessment Lake Associates

have now published their findings. The subject site falls into parcel LPLCA 16. Each parcel is assessed in terms of its capacity to accommodate development having regard to impact on the landscape. Parcel LPLCA 16 is assessed as having a 'low' capacity to accept development. 'Low' indicates the most sensitive areas of landscape and the site is therefore considered unsuited to development.

- The previous planning permission for the respite centre has lapsed and is of no consequence anyway since the use was wholly different.
- The previous consent related in any case, to only a part of the site shown on the current application.

## **8. CONSULTATIONS**

### **ECC Highways:**

8.1 No objection:-

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to imposing conditions.

### **ECC Ecology Advice:**

8.2 No objection:-

Subject to imposing planning conditions.

### **Natural England:**

8.3 Natural England has no comments to make on this application.

### **NATS Safeguarding:**

8.4 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.

### **Airside OPS Limited**

8.5 No objection:-

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, the Aerodrome Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

### **UDC Conservation officer:**

8.6 No objection:-

The proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument. I have no objections in principle.

**UDC Landscape officer:**

8.7 Concerns raised:-

The proposed development would be visually detrimental on the qualities of the site and surrounding area. Maintaining the open rural character of this part of the River Chelmer valley is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting.

**UDC Environmental Health officer:**

8.8 No objection:-

I have no objection in principle with the application. I agree with the conclusion in the acoustic feasibility study 15026.AFS.01 dated 9th November 2016 prepared by KP Acoustics in that the development may be affected by aircraft noise from Stansted Airport. Further noise investigations are required to identify the risks to the future users of the property and where necessary measures to ensure that the property is suitable for habitable use. This can be imposed by way of appropriate conditions.

**9. REPRESENTATIONS**

9.1 The application was publicised by sending 187 letters to adjoining occupiers and the displaying of site notices. 161 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- The site is outside the Thaxted development boundary and any new development would be contrary to policy S7 of the adopted local plan.
- Market housing cannot be regarded as 'exceptional' in the context of countryside protection policies.
- This would merely be back filling into the countryside.
- The proposal would have an impact on the Chelmer Valley landscape and views from footpath and highways into the historic town would be compromised. This point in particular was highlighted in the Inspectors decision following the Public Enquiry on the Gladman application for 120 houses on the adjoining field to this proposed development.
- The design and appearance of the units are out of character with the Thaxted Character.
- The concept of 9 three storey town houses perched on a hill would dominate the area and totally out of context.
- The previous planning permission for the respite centre has lapsed.
- The permission for the respite centre was single storey, covered part of the site and not all of it and it was classified as an exception site and permission was granted on this basis.
- The town of Thaxted has already absorbed a huge amount of housing.
- The site is within a parcel of land, recently identified by the Liz Lake Study as being particularly sensitive and least suited to development.

**10. APPRAISAL**

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

- A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)
- B Visual Impact and Impact upon the Countryside. (ULP Policy S7, ENV8 & GEN2, and NPPF)
- C Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- D Impact upon the setting of the heritage assets (ULP ENV1, NPPF and Listed Building and Conservation Area Act 1990)
- E Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)
- F Mix of Housing and Affordable Housing (ULP Policies H9, H10 and NPPF)
- G Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 ENV7, ENV8 and NPPF)
- H Drainage and Flood Risk (ULP Policies GEN3, GEN6 and NPPF)
- I Residential Amenity (ULP Policies GEN2 & GEN4 and NPPF)

**A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)**

- 10.1 The application site consists of a modest area of land approximately 0.32 of a hectare in size located within the open countryside on the edge of the settlement of Thaxted. The site is outside the development limits of Thaxted as defined by the Proposals Map and is therefore located within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.2 The Council has carried out a review of the adopted policies and their compatibility with the NPPF. The Review found Policy S7 to be partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 10.3 Paragraph 49 of the NPPF confirms that housing applications should 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 local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The most recent housing trajectory was presented to the Planning Policy Working group on 8 June 2015 with an updated statement presented to the Group on 26 November 2015. The Council is required to identify annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Council considered that it is a '5% authority' and this has been supported by the Local Plan Inspector and at a number of appeals.
- 10.5 The Statement explains that until the Council has determined its objectively assessed need it considers its housing requirement is between 568 to 580 dwellings

a year. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with between 5.1 – 5.3 years of supply, depending on the housing target, but including a 5% buffer.

- 10.6 However since the above figures were published, it is now more likely that the Council can provide a lower figure of 5 years of supply rather than 5.1 - 5.3 as indicated which includes a 5% buffer.
- 10.7 The Council can demonstrate a deliverable 5 year supply of housing land. Notwithstanding this applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 10.8 Although the Council can demonstrate in excess of a 5 year supply of housing land, the NPPF still requires local planning authorities to continue to consider, and where appropriate, approve development which is sustainable. Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development whilst the policies in paragraphs 18 to 219, taken as a whole, constitute what the Government's view of what sustainable development in England means in practice for the planning system.
- 10.9 Paragraph 7 of the NPPF sets out the three dimensions of sustainable development as being economic, social and environmental and a key consideration therefore is whether the proposed application satisfies these three roles. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 10.10 Economic Role: The NPPF requires that development should contribute to building a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 10.11 The application site is located beyond the defined boundaries of the village settlement although it does currently have extent planning permission for works as detailed above within this appraisal. The proposal put forward for assessment represents a modest scale of residential development in relation to the existing settlement as a whole. Any new development of this type should function as part of the settlement of Thaxted and the area as a whole where most facilities, services and employment will be found.
- 10.12 The village of Thaxted has a reasonable amount of local amenities and services to facilitate the needs of its local residents that includes schools, public houses, shops, a church, doctors surgery, community buildings and restaurants to name just few.
- 10.13 As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the settlement of Thaxted.
- 10.14 The proposal itself would bring economic benefits to the settlement of Thaxted supporting local services and amenities such as the those mentioned above as a result of the future occupiers of the development. In addition the proposal would

provide some positive economic contribution during the construction process of the development.

- 10.15 Although it is noted that there are limited opportunities for employment within the village, it is regarded that the application site has reasonable connectivity to larger nearby towns by way of public transport such as Great Dunmow and Saffron Walden and those further beyond. As such the proposal would also help contribute in providing economic support to the wider surrounding area.
- 10.16 As a result, the development provides a positive economic approach that satisfies the economic dimension of sustainability in the NPPF.
- 10.17 Social Role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 10.18 The proposal would include the erection of up to 9 dwellings with ancillary infrastructure. It would be capable of providing some of the day to day needs for future occupiers and the built environment would be of a high quality as required by the Framework.
- 10.19 The application site is approximately 500m from the village centre in where most of the local amenities and facilities are. In addition public footpaths along both sides of Newbiggen Street provide easy commuting to these facilities. It is considered that although the application site is on the edge of the village, it would form an inclusive development that would provide convenient access to the local services within Thaxted and to the wider surrounding area.
- 10.20 Future occupiers could rely on the village to provide most of their day to day needs such as health, social and cultural well-being as well as shopping ensuring and promoting the village as an appropriate mixed and well balanced community.
- 10.21 It is considered that the proposed development has been designed to ensure access gives priority to sustainable transport options such as walking, cycling and public transport which thereby reduces the need and reliance on private cars.
- 10.22 The proposal would make a contribution towards the delivery of the housing needed for the district and housing would be designed to be accessible as per Part M of the Building Regulations.
- 10.23 As a result, the development provides a positive approach that satisfies the social dimension of sustainability in the NPPF.
- 10.24 Environmental Role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste.
- 10.25 The application site is a modest size plot of open land in the countryside that backs onto existing residential development. It is recognised that the proposal would have some limited impacts as it would result in the encroachment of built form into the open countryside however given that the principle of developing the site has already been established and these works can still be carried out, it is considered that the proposed works would not cause further significant material harm compared to what may be erected. To help reduce potential harm, the applicant as part of the proposal, has incorporate measures to safeguard and mitigate were possible to



enhance the environment in and around the site. Some of these measures include enhancing biodiversity, and providing reinforced planting along the boundaries, provide sustainable drainage systems, and the dwelling units themselves would be energy efficient and low carbon new homes.

- 10.26 The scheme would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development in this respect as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. Officers have applied significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan.
- 10.27 In consideration of the above the development is sustainable development and the principle of the proposal is acceptable in this context.

**B. Visual Impact and Impact upon the Countryside. (ULP Policy S7, ENV8 & GEN2, and NPPF)**

- 10.28 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The Core Principles of the NPPF confirm that planning should recognise '*the intrinsic character and beauty of the countryside*' and the impact of development on the countryside is an accepted and material consideration.
- 10.29 A landscape and visual appraisal was submitted in support of the application within the Design and Access Statement. The assessment indicates that the application site is generally well contained although views are obtained from a number of properties, PROWs and roads in the immediate vicinity and from more distant areas occupying elevated topography across the Chelmer Valley itself.
- 10.30 The assessment confirms that the proposed development has been shaped, in part, by the findings of the Landscape and Visual Assessment and this has informed the proposed layout of the residential areas as well as the extent and arrangement of the countryside.
- 10.31 It is acknowledge that the proposed would erode into the open countryside however given the location of the site on the edge of settlement boundary backing onto existing residential gardens and the nature and character of the proposal, the site itself and its wider setting, it is considered that the proposal would only result in limited harm in terms of the visual impact as a whole on the character and appearance of this part of the countryside.
- 10.32 Weight has also been given in relation to the proposed mitigation measures in which the applicant suggests that in addition to other benefits, reinforced landscaping would help mitigate the impact of the development upon the wider countryside. However it is noted that even with the proposed reinforced measures, the proposal would still be largely seen from a number of public vantage points. Nevertheless, it is considered that views towards the development would be predominantly seen in context of with the settlement itself rather than resulting in significant visual and landscape impacts to the wider countryside.
- 10.33 It is acknowledged that the proposal would alter the character of the site from a brownfield site that is currently open to the elements on the settlement edge of Thaxted to a urban residential development as a result of the proposal. However, it is considered that on balance, although the proposal would extend into the open

countryside the benefits of the development particular that of supplying much needed housing within the district and utilising an existing brownfield site thereby protecting other greenfield sites and that it is within a sustainable location would outweigh the limited harm it would have upon the open countryside.

- 10.34 Key to local concerns which was also raised by the Parish Council was the fact that the subject site has been identified as having a 'low capacity to accept development' within the Liz Lake landscape character assessment. It should be noted that that this assessment was conducted on behalf of the Parish Council to help in the preparation of the local neighbourhood plan. As the Neighbourhood plan is not adopted in any form, there is no policy argument to give any material weight at all to the Liz Lake Landscape Assessment.
- 10.35 It is also noted that Council's landscape officer had some concerns in relation to the developments impact upon maintaining the open rural character of this part of the River Chelmer valley as it is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting. For the reasons given above within this appraisal, officers consider that it would not lead to a detrimental impact upon the open character of the Chelmer Valley and its sensitive relationship with the village.

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

- 10.36 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.
- 10.37 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 10.38 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, mitigation measures and surface water drainage strategies.
- 10.39 The guidance contained within the Essex Design Guide and the general character of the built form and siting of within the Thaxted has been considered in the overall design of the proposed development. The design of the buildings generally reflects the local vernacular of the surrounding built form.
- 10.40 The proposed dwelling units in blocks of three would be a mirror image to one another that would represent a pleasing blend of traditional features along with more contemporary elevational details. The suggested geometry and design of the fenestration would result in proportions of void to solid compatible with many historic buildings in Thaxted. Furthermore, the proposed mixture of finishing material of plain tiles, good quality brickwork and weatherboarding would be in keeping with local vernacular pallet.

- 10.41 The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units. The dwellings would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form.
- 10.42 The site plans shows the existing gated access to be retained creating a single route into the site. This route then splits into two distinct directions as vehicles enter into the site offering access to either the northern or southern half of the site.
- 10.43 A large parking court is located to the front of the site and although the dwellings have some on plot parking, the majority of the residential parking is located opposite the housing. This is not ideal as large parking courts should be avoided and all parking should be on plot to the side of dwellings however officers considered that on balance, this layout is appropriate. In particular, the layout would not be at odds to the character of the area as the adjoining properties to the east have large parking courts to the rear and the proposal would be broken up with soft planting. Furthermore it would not result in remote parking for the occupiers of the dwellings. As such the design and layout of the parking court is considered to be acceptable.
- 10.44 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including flats. If permission is granted a planning condition would be imposed to ensure that all dwellings within the scheme comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 10.45 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, have been design to be overlooked to provide natural security to the public realm.
- 10.46 For a three or more bedroom dwelling unit, 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 and outdoor sitting area and should be located to the rear rather than the side.
- 10.47 Each residential unit within the scheme has been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.

**D. Impact upon the setting of the heritage assets (ULP ENV1, NPPF and Listed Building and Conservation Area Act 1990)**

- 10.48 Key to local concerns within representation letters and the Parish Council was the effect that the development would have upon the setting of the Thaxted Church and the town conservation area which was a reason for refusal for the adjoining Gladmans site which was a large residential scheme that was dismissed at appeal.
- 10.49 Although there are no nearby listed buildings and the conservation area is some distance away the effect of the development on the heritage assets have been taken into consideration. The main issue to address is whether the proposed development is in accordance with the Listed Building and Conservation Area Act 1990, the

National Planning Policy Framework and local policy ENV2.

- 10.50 Paragraph 133 of the Framework states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 10.51 Furthermore, paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.
- 10.52 The application was consulted to Councils conservation officer who stated that the proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument.
- 10.53 The proposal is significantly smaller in terms of its size and scale and therefore it is considered it would not result in the same detrimental impact as the residential scheme that was recently dismissed on the adjoining site upon the heritage assets contained within Thaxted.
- 10.54 Consequently, officers consider that the proposal would cause less than substantial harm to the setting of the conservation area, and listed buildings included that of the church and would provide sufficient public benefits such as providing additional housing. The development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and local policy ENV2.

**E. Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)**

- 10.55 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 10.56 The application includes details of the proposed access to the site from Little Maypole which runs off Newbiggen Street.
- 10.57 The application was accompanied by a Transport Assessment which concluded that the development would not adversely affect highway safety of the free flow of traffic on the local road network, supplies adequate cycle and vehicle parking. Consequently the proposal would not have an unacceptable transport impact on the highway network.
- 10.58 The application was consulted to Essex County Council Highways who confirmed that they had no objection to the proposal subject to conditions being imposed on any granted permission.
- 10.59 In relation to the amount of traffic generated from the development, the Highway Authority has not made an objection in terms of the potential impact on the surrounding road network. As a result, it is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the traffic flow on the surrounding road network particularly along

Newbiggen Street.

- 10.60 The proposal also provides a safe convenient pedestrian access into the village centre of Thaxted and to the nearby bus stop. This would help encourage movement by other means than a car from the site and be beneficial in that it would help ensure and take into account the needs of cyclists, pedestrians or people who are mobility impaired to gain access into the village of Thaxted and beyond.
- 10.61 The proposed vehicle access is deemed acceptable and that the proposed development would cause no harm to matters of highway safety. 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.
- 10.62 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.
- 10.63 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwellings, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.
- 10.64 The proposal makes provisions for at least 2 car parking spaces for dwellings consisting of three bedrooms and three spaces for those dwellings containing 4 bedrooms. A total of 26 off street parking spaces are provided which includes 2 visitor parking spaces which would be accommodated within on and off street parking bays. In addition secure cycling would be provided for each residential unit within the site. The number and size of the off street parking meets the requirements of the Adopted Parking Standards to ensure that adequate parking is provided.
- 10.65 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. All refuse storage points would be located within 25m carry distance.
- 10.66 It is concluded that the proposed development would cause no harm to matters of highway safety.

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

- 10.67 Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.68 In accordance with National Planning Guidance, there is no statutory requirement to provide on-site affordable housing or an offsite financial contribution for a housing scheme that has 10 or less dwellings proposed. For this reason, no affordable housing is proposed as part of this scheme.
- 10.69 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has

identified that the market housing need is generally for dwellings with three or more bedrooms.

- 10.70 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2. Although a better design response would be to incorporate some smaller 2 bedroom units across the scheme, on balance given the size of the housing development in general is limited to 9 dwellings, officers consider the mix of three and four bedroom units across the development is appropriate. There is no requirement for bungalows to be provided as part of the dwelling mix.

## **G Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)**

- 10.71 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored. Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 10.72 Paragraph 98 of Circular 06/05 states *'that presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat'*. Furthermore, the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'*.
- 10.73 The application site itself is not subject of any statutory nature conservation designation being largely an overgrown field with limited vegetation.
- 10.74 The application is supported by an Ecological Appraisal dated December 2016. This Appraisal considers the site to have low ecological value with potential for nesting birds, and low potential for reptiles only. The vegetation on site is understood to be less than one year old having been cultivated prior.
- 10.75 Essex County Council's ecology officer who had no objections concluded that although no further surveys are necessary, the Ecological Appraisal sets out a number of precautionary measures to protect species during works and thereafter these should all be adhered to.
- 10.76 It is considered therefore that the application is acceptable on ecology grounds and that subject to the imposition of appropriately worded conditions, the proposal would be consistent with the policies contained within the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.

## **H Drainage and flooding (ULP Policies GEN3 and GEN6)**

- 10.77 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 10.78 The development site lies within Flood Zone 1 (low probability of flooding) as defined

by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.

- 10.79 The planning submission was accompanied by a surface water drainage strategy which provides strategic and technical guidance in relation to surface and foul water runoff, flood risk mitigations measures and Sustainable Urban Drainage Systems (SUDS). The report concludes that the proposed scheme incorporates suitable flood resilient/resistant measures on a site that is within a low probability of flooding. The report states that the proposed development could be constructed and operated safely in flood risk terms and is therefore an appropriate development in accordance with the NPPF.
- 10.80 It is considered that the proposed application would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.

**I Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).**

- 10.81 Policy GEN2 requires that developments are designed appropriately and that they provide an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.
- 10.82 The relative separation distance between adjoining dwellings and the proposed area of housing as illustrated on the master plan within the site and the orientation are such that it is considered that no significant adverse harm would be caused to the amenities of adjoining property occupiers' particular in relation to loss of light, privacy and visual blight. In addition it is considered that there would not be a significant impact to adjoining occupiers in relation to general noise and disturbance. Furthermore, no significant harm would occur in relation to the amenities that will be enjoyed by the future occupiers of the development.
- 10.93 It is considered therefore that the development could be accommodated without significant adverse impact upon the amenity of existing and future residents in accordance with Policy GEN2 and the policies of the NPPF.

**11. CONCLUSION**

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

- A The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework.
- B It is acknowledged that the proposal would extend into the open countryside however given that the site is previously developed land with extent planning permission, is within a sustainable location and that it will blend into the backdrop of the village, on balance it is considered that the benefits of the development particular that of supplying much needed housing within the district would outweigh the limited harm it would have upon the open countryside.
- C The size, scale and siting of the proposed development is appropriate in that the

design and appearance would reflect the character of the surrounding locality and the street scene.

- D The proposed development would not result in substantial harm upon the setting of the surrounding heritage assets.
- E It is concluded that the proposed development would cause no harm to matters of highway safety or result in unwanted traffic congestion.
- F There is no requirement to provide on-site affordable housing and it is regarded that an appropriate mix of dwelling units has been provided across the development.
- G It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- H There are no objections from either the local flooding or water authorities and as such it is considered that the proposed development would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.
- I It is considered that the development could be accommodated without significant adverse impacts upon the amenities of existing and future residents.

#### **RECOMMENDATION – Approval subject to the conditions**

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

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

2. Notwithstanding the details shown on the submitted plans, the external finishing materials of the works hereby approved shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The works approved shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

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

3. The development hereby approved shall be carried out in accordance with the submitted 'Ecology Appraisal' prepared by DF Clark dated December 2016 unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of protecting the natural habitat and protected species in accordance Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.



4. Prior to the commencement of the development, a scheme of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The measures must be implemented prior to occupation of the dwelling hereby permitted.

REASON: The site requires appropriate noise mitigation and sound proofing to noise sensitive development in accordance with local policies ENV11 and GEN4 and the National Planning Policy Framework.

5. Prior to commencement of the development, details of hard and soft landscaping (including planting, hard surfaces and boundary treatment) 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 character of the area, in accordance with 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.

JUSTIFICATION: The landscaping would help enable the development as a whole to integrate into the wider setting within this rural setting and ensure a sense of well-being for future occupiers and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

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

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

7. Prior to the first occupation of the development, the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided,

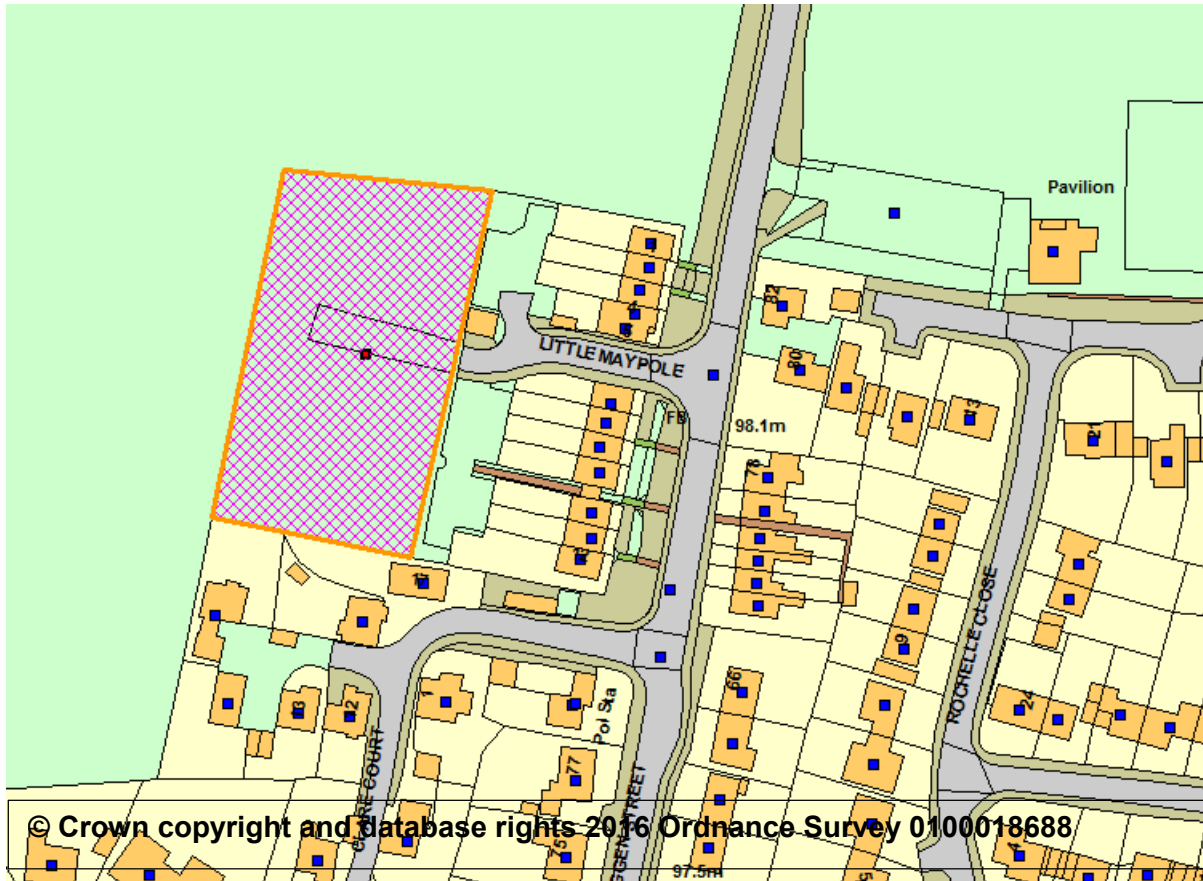
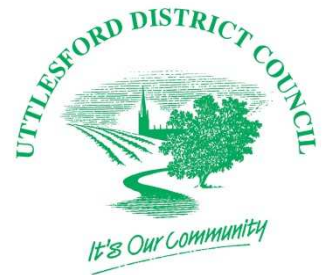
hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purposes.

REASON: In the interest of highway safety in accordance with policy GEN1 of the Uttlesford District Local Plan as Adopted (2005) and the NPPF.

8. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

Application Number: UTT/16/3255/FUL  
Address: Land at Little Maypole, Thaxted



Organisation:	Uttlesford District Council
Department:	Planning
Date:	22 February 2017