



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 29th August, 2018
Time: 2.00 pm
Venue: Council Chamber, Council Offices, London Road, Saffron Walden
CB11 4ER

Chairman: Councillor A Mills
Members: Councillors R Chambers, P Fairhurst, R Freeman, E Hicks,
M Lemon, J Lodge, J Loughlin (Vice-Chair), H Ryles and L Wells

Substitutes: Councillors T Farthing, A Gerard, G LeCount, J Redfern and G Sell

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to ask questions and make statements subject to having given notice by 2pm on the day before the meeting. Please refer to further information overleaf.

AGENDA PART 1

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**
To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 5 - 8
To consider the minutes of the previous meeting.
- 3 UTT/18/1303/FUL - Site at Thaxted Road, Former Civic
Amenity and Granite Site, Saffron Walden** 9 - 32

To consider application UTT/18/1303/FUL.

- 4 UTT/18/1704/OP - Oakbourne Hammonds Road, Hatfield Broad Oak 33 - 44**

To consider application UTT/18/1704/OP.

- 5 UTT/18/1653/OP - Chepingfield, Feathershill, Hatfield Broad Oak 45 - 72**

To consider application UTT/18/1653/OP.

- 6 UTT/17/3540/FUL - Land to the North of 35 to 40, Hanover Place, Saffron Walden 73 - 88**

To consider application UTT/17/3540/FUL.

- 7 UTT/18/1693/FUL - L/A The Hazels, Wicken Road, Clavering 89 - 100**

To consider application UTT/18/1693/FUL.

- 8 UTT/18/0420/FUL - The Elms, Glebe Lane, Little Easton 101 - 110**

To consider application UTT/18/0420/FUL.

- 9 UTT/18/1695/HHF - Little Garnetts, Bishops Green, High Easter 111 - 116**

To consider application UTT/18/1695/HHF.

- 10 UTT/18/1696/LB - Little Garnetts, Bishops Green, High Easter 117 - 122**

To consider application UTT/18/1696/LB.

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Agenda Item 2

PLANNING COMMITTEE held at COUNCIL CHAMBER, COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN CB11 4ER, on WEDNESDAY, 1 AUGUST 2018 at 2.00 pm

Present: Councillor A Mills (Chairman)
Councillors R Chambers, P Fairhurst, A Gerard (substitute for J Lodge), E Hicks, G LeCount (substitute for R Freeman), M Lemon, J Loughlin (Vice-Chair), and L Wells.

Officers in attendance: N Brown (Development Manager), B Ferguson (Democratic Services Officer), M Jones (Planning Officer), A Mawson (Democratic Services Officer), M Shoemith (Development Management Team Leader) and E Smith (Legal Officer).

Also present: M Calder, B Light, C Loon, R Ramm, S Stephen and A Storah

PC16 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Councillor Fairhurst declared a non-pecuniary interest as a member of Saffron Walden Town Council.

PC17 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 4 July 2018 were approved and signed by the Chairman as a correct record.

PC18 **UTT/18/1011/OP - LAND WEST OF MARANELLO, WATCH HOUSE GREEN, FELSTED**

The proposal was for an outline application, with appearance, landscaping and scale reserved, for the construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping.

Councillors discussed that this application could undermine the work of the Neighbourhood Plan which was in its early stages, and the impacts and benefits to the community of this proposed development.

Councillor Gerard proposed to reject the application. Councillor Fairhurst seconded this motion.

RESOLVED to refuse the application for the following reasons:

- 1) The proposal would adversely affect the rural character of the area, in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 2) The application does not include a mechanism to secure suitable affordable housing provision, in conflict with Policy H9 of the Uttlesford Local Plan (adopted 2005).
- 3) The application does not include a mechanism to secure suitable contributions towards education in conflict with Policy GEN6 of the Uttlesford Local Plan (adopted 2005).

A Storah, R Ramm and M Calder spoke on this application.

PC19 **UTT/18/0784/OP - LAND EAST & NORTH CLIFFORD SMITH DRIVE, WATCH HOUSE GREEN, FELSTED**

The proposal was for an outline application with all matters reserved, except for access, for the erection of up to 30 dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping.

Members raised concerns that the application, if approved, would undermine the work of the Neighbourhood Plan which was in its early stages and whether the benefits of the proposed development would outweigh the harm to the local community and surrounding countryside

Councillors also discussed that the housing needs report for the area had already been met with the existing adjacent development.

Councillor Gerard proposed to refuse the application. Councillor Fairhurst seconded this motion.

RESOLVED to refuse the application for the following reasons:

- 1) The proposal would adversely affect the rural character of the area, in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
- 2) The application does not include a mechanism to secure suitable affordable housing provision, in conflict with Policy H9 of the Uttlesford Local Plan (adopted 2005).
- 3) The application does not include a mechanism to secure suitable contributions towards education in conflict with Policy GEN6 of the Uttlesford Local Plan (adopted 2005).

A Storah, R Ramm and C Loon spoke on this application.

PC20 **UTT/18/1299/FUL - SITE AT THAXTED ROAD FORMER CIVIC AMENITY AND GRANITE SITE, THAXTED ROAD, SAFFRON WALDEN**

The Chairman adjourned the meeting at 3.25pm. The meeting was reconvened at 3.30pm.

The application was for amendments to planning application UTT/13/0268/FUL, incorporating amendments approved under UTT/17/1782/FUL, to allow the change of use of Unit 3 from Class A1 retail to Class D2 Gym.

Councillor Mills proposed to approve the application. Councillor Chambers seconded this motion.

RESOLVED to approve the application subject to a Section 106 Agreement, the conditions in the report, and the following amended condition;

26. Unit 3 hereby permitted shall be used for a gym/health and fitness facility and for no other purpose (including any other purpose within Classes D2) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To define the scope of the permission and so as to not cause unacceptable harm to the vitality and viability of the town centre or the surrounding locality, in accordance with NPPF.

S Stephen spoke on this item.

PC21 **UTT/17/3540/FUL - LAND TO THE NORTH OF 35 TO 40, HANOVER PLACE, SAFFRON WALDEN**

The applicant sought full planning permission for the erection of a single dwelling. The application proposed a ground floor comprising of a study, utility room, cloakroom, kitchen, dining area, living room and a reception room/bedroom, and 3 bedrooms and bathrooms on the floor above.

Councillor Mills proposed to defer this application in order to visit the site. Councillor Chambers seconded this motion.

RESOLVED that the application be deferred.

Cllr Light spoke on this item.

PC22 UTT/18/0569/FUL - MYCO GARDEN CENTRE, ELDER STREET, WIMBISH

The application sought planning permission for the change of use of the building from an office/storage unit to a retail/take way unit, to allow the sale of pre-prepared sandwiches, cakes and snacks, pre-packaged tea and coffee, and arts and crafts items.

Councillor Chambers proposed to approve the application. Councillor Mills seconded this motion.

RESOLVED: Permission granted subject to the conditions in the report.

PC23 UTT/18/1298/LB - POLICE STATION, EAST STREET, SAFFRON WALDEN

The application was for listed building consent to form a new pedestrian access to existing front boundary wall along East Street, which forms part of the Grade II listing.

Members considered the application and concerns were raised regarding the issue of piecemeal planning and 'application by stealth'.

The Legal Officer asked the Development Management Team Leader to confirm for the benefit of the Committee, that the application was purely to pierce the wall for a gate, and she confirmed that this was the case. Members could only consider the application before them.

Councillor Chambers proposed to approve the application. Councillor Mills seconded this motion.

RESOLVED: Permission is granted subject to the conditions in the report.

The meeting ended at 4.05pm.

UTT/18/1303/FUL (SAFFRON WALDEN)

(Major)

PROPOSAL:	Application to vary condition 7 of planning permission UTT/17/1782/FUL (Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend the control over retail space details relating to materials, landscaping, cycle parking energy efficiency, lighting, drainage and remediation included) to allow for the unrestricted sale of Class A1 goods (non-food only) and the insertion of a mezzanine floor.
LOCATION:	Site At Thaxted Road (former Civic Amenity And Granite Site), Thaxted Road, Saffron Walden
APPLICANT:	Granite Thaxted Road Limited
AGENT:	Barton Willmore
EXPIRY DATE:	10 August 2018 (EoT 17.09.2018)
CASE OFFICER:	Maria Shoesmith

1. NOTATION

- 1.1 Part within Development Limits/Part within Employment Land, Part within Employment Land to be Safeguarded

2. DESCRIPTION OF SITE

- 2.1 The site is situated on the southern approach to Saffron Walden on the eastern side of the B184. The site as a whole is roughly rectangular in shape, incorporating the former Civic Amenity site, a former Highways Depot, an open field and the site formerly occupied by Granite. The frontage of the site is approximately 190m and the site has a depth of approximately 175m (3.33ha). An access road to the new Community Recycling Centre (CRC), Highways Depot and Howdens building also forms part of the application site. This new access road was constructed to serve the new CRC and Highways Depot and effectively determines the proposed levels within the site.
- 2.2 The site runs from south east to north west and the ground levels vary by several metres, falling away towards the northwest. The site levels have since varied since the assessment of the first application as the first phase of the development has been implemented in the form of the Aldi store, which is located to the front of the site. The Discount food store unit has a height ranging between 6.4 -8.6m, and a floorspace of 1,578 square metres. This unit would be similarly constructed to the other proposed units.
- 2.3 The byway running along the northern edge of the site is approximately 5m lower than the proposed site levels. This difference in site and highway levels forms a landscape buffer zone screening the site. The plot to the southeast is at a higher ground level to the rest of the application site also framed by a bank of landscaping.

2.4 Within the application site, to the east, were the former buildings occupied by Granite which have since been recently demolished. Adjacent to the access road is the former Civic Amenity Point (CAP) which is hard surfaced and to the north east of the CAP is an area formerly used as a Highways Depot. To the north east of this, is an area of open land that has been used to deposit spoil and large pipes, possibly from the construction of the new access road.

3. PROPOSAL

3.1 The original application was for the demolition of existing buildings on site and the redevelopment of the site to comprise 3no. retail warehouse units and an associated garden centre (Class A1), a discount foodstore (Class A1), and a café (Class A3), including associated landscaping, servicing areas, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land. This was granted planning permission in May 2013. The first phase of this development, the discount food store (Aldi), has been built out, leaving the north-eastern half of the site. (reference UTT/13/0268/FUL)

3.2 A recent application (UTT/17/1782/FUL) sought the variation/omission of conditions 8 and 27 of the approved consent to allow amendments to the layout, floorspace, and goods in response to identified potential end users. The conditions state;

Condition 8:

“Units 1-3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming other non-food bulky goods but not including fashion wear items or fashion foot wear.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.” And;

Condition 27:

“The mezzanine floorspace of 186 sq m in Unit 2 shall be used for ancillary purposes only and not for the sale of retail goods within Class A1 of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order).

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.”

3.3 The approved scheme has floorspace area of 3,531 square metres for retail warehousing and 190 square metres for the proposed café. The units would be constructed from metal cladding panels with aluminium rain screens.

3.4 Below is a breakdown of the approved floor space and the proposed floorspace amendments;

- Retail Warehouse Unit 1 – approved 517 sq m GEA proposed amendment to 557sqm GIA
- Retail Warehouse Unit 2 – approved 2,020 sq m, with an outdoor garden centre extending to 1,114 sq m including a garden centre lobby of 108 sq m GEA and staff mezzanine of 186sq.m including, proposed amendment to 2,043sqm and garden centre 650sqm;
- Retail Warehouse Unit 3 – 700 sq m GEA proposed amendment to 650 sqm;
- Discount foodstore – 1,578 sq m GEA (1,125 sq m net sales area) this element has been implemented, and
- Café (Class A3) – 190 sq m GEA with an external seating area, proposed amendment to 167 sqm.

3.5 The recently approved application indicated amendments to the parking layout and the number of parking spaces to be provided. It is proposed that an additional 43 car parking spaces to the west of the site would be provided indicating a total of 135 space adjacent to the Aldi scheme. Also, 126 including 6 disabled parking bays, 10 cycle bays and 5 motorcycle bays.

3.6 The approved units would continue to be single storey and having a height of 9-9.5m.

3.7 The main existing entrance from Thaxted Road would be used for the proposed development. The access road currently serving the CARC facility, highway depot and the now Howdens store would be moved for highway safety reasons to prevent highway conflict with proposed access road that would serve the units. The scheme indicates a continuation of the pedestrian link accessed from Thaxted Road to the main retail store/through the centre of the site.

3.9 Planning permission has recently been granted for the change of use of Unit 3 from Use Class A1 retail to Use Class D2 gym(UTT/18/1299/FUL).

3.10 This current application seeks to provide further flexibility in securing an operator for Unit 3 by seeking to varying Condition 7 of UTT/17/1782/FUL which currently states;

“Unit 1 (excluding the mezzanine), Unit 3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-food bulky goods but not including fashion wear items or fashion foot wear.

REASON: To define the scope of the permission and to specify the sale of goods

so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.”

- 3.11 To allow for the unrestricted sale of class A1 retail goods (non-food only) and the insertion of a mezzanine floor 232m² in area. It is sought that the condition be amended to the following;

“Unit 1 (excluding the mezzanine), Unit 3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use

Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-food bulky goods but not including fashion wear items or fashion footwear.

Unit 3 may be used for any purpose within Use Class A1, with the exception that it shall not be used for the sale of food or convenience goods. The mezzanine floorspace within Unit 3 shall be no greater than 232 sq m GIA.”

4. Environmental Impact Assessment

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, exceeds the threshold criteria of Schedule 2, however the application has been screened and an Environmental Assessment is not required.
- 4.2 Human Rights Act considerations:
There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

- 5.1 Various documents have been submitted as part of the planning application, which have been listed below;

- Air Quality Review
- Retail Assessment AddendumTransport
- Location Plan
- Proposed Floor Plans

6. RELEVANT SITE HISTORY

- 6.1 The application site has a long planning history; the most relevant planning applications are listed below;

- 6.2 UTT/18/1299/FUL - Amendments to planning application UTT/13/0268/FUL, incorporating amendments approved under UTT/17/1782/FUL to allow the change of use of Unit 3 from Class A1 retail to Class D2 Gym - Approved subject to conditions and S106 Agreement
- 6.3 UTT/18/1344/FUL - New electricity substation with associated retaining walls and external works. – Approved subject to conditions
- 6.4 Planning permission was recently granted for “*Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend control over retail space details relating to materials, landscaping, cycle parking*” This was granted planning permission 19 December 2017, subject to conditions and S106 Agreement. (UTT/17/1782/FUL).

This current application now seeks to change the use of one of the approved units.

- 6.5 Planning permission was granted for “*Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land.*” (UTT/13/0268/FUL, 10 May 2013).

This is the main historical application.

- 6.6 UTT/13/0269/AV - The erection of a totem pole sign - granted Advertisement Consent 4 April 2013.
- 6.7 There has been a recent application for the renewal of UTT/1788/07/OP this has been approved subject to conditions and a Section 106 Agreement relating to travel plan and highway works at the 24th August 2011 Planning Committee (UTT/2208/10/REN).
- 6.8 Outline application (including layout, scale and access) for mixed use redevelopment to comprise: Class B1 offices, Class B1/B2/B8 Industrial, Storage and Distribution and Trade Park, Retail Warehouse Park and associated landscaping, access and internal roads and cycle/footways, including the provision of access to existing and proposed adjoining uses. Demolition of all existing buildings - Approved 19 December 2007(UTT/1788/07/OP).
- 6.9 Other relevant planning applications relate to the adjacent sites for a Heritage Quest Centre proposed to store museum artefacts and resource base for study, located to the north-west of the application site (UTT/1709/05/DC) and the alternative site to the south-east of the application site (UTT/0098/10/DC).
- 6.10 UTT/1451/09/FUL was the first planning application that Sainsbury’s submitted for a new retail food store with a café, teller machines and the creation of a car park and service yard. The store would have a gross internal area of 6322sqm, with 3766sqm net retail floorspace. A total of 382 car parking spaces are proposed including 19 disabled spaces and 15 parent and child spaces. In addition 74 cycle hoops are proposed giving 148 cycle spaces. This was refused on the grounds of “*The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre food*”

store. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4.”

- 6.11 Planning permission was granted for the “Erection of new petrol filling station and customer kiosk, new landscaping, access and associated works” (LPA reference UTT/0788/11/FUL) at the Planning Committee on 16 October 2011. This is the same committee at which planning application UTT/0787/11/FUL was considered (after the appeal against non-determination was made).
- 6.12 With regards to UTT/0787/11/FUL this related to the “Erection of new foodstore (use class A1) including cafe, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping servicing and associate works”. This application was 20% smaller than the previous refused application UTT/1451/09/FUL. It was resolved that *“Had the application not been appeal under the grounds of non-determination it would be recommended for Refusal for the following reasons: The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre foodstore. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4.”*

7. POLICIES

National Policies

- 7.1 - National Planning Policy Framework

Uttlesford Local Plan (2005)

- 7.1
- Policy SW1 - Town Centre
 - Policy SW5 - Thaxted Road Employment Site
 - Policy SW6 – Safeguarding of Existing Employment Area
 - Policy S1 – Development limits for the Main Urban Areas
 - Policy S7 - Countryside
 - Policy E2 – Safeguarding Employment Land
 - Policy RS1 - Access to Retailing and Services
 - Policy RS2 – Town and Local Centres
 - Policy GEN1 – Access
 - Policy GEN2 – Design
 - Policy GEN3 – Flood Protection
 - Policy GEN7 - Nature Conservation
 - Policy GEN8 – Vehicle Parking Standards
 - Policy ENV3 - Open Spaces and Trees
 - Policy ENV12 – Protection of Water Resources
 - Policy ENV13 – Exposure to Poor Air Quality
 - Policy ENV14 – Contaminated Land
 - Policy ENV15 - Renewable Energy

- **Uttlesford Retail Capacity Study**

8. SAFFRON WALDEN TOWN COUNCIL

8.1 No objections.

9. CONSULTATIONS

Environmental Health

9.1 The findings of the Air Quality Review dated April 2018 prepared by WSP are accepted, in that the 62 increase in AADT on Thaxted Road will have negligible impact on air quality in Saffron Walden AQMA.

It is therefore recommended that the conditions attached to 17/1782 with regard to cycle parking, electric vehicle charge points and cycle/ pedestrian link are replicated, in addition to the contaminated land condition.

ECC Highways

9.2 I have had a look at the Transport Note dated May 2018 prepared by TPP Consulting.

The note is logical, it sets out the trip rates used for the consented development and uses this to calculate the likely traffic generation associated with the proposed variation to the range of non-food retail goods sold by Unit 3 and the effect of a mezzanine of 232 square metres. The traffic generation calculated is minimal and would likely be imperceptible within the daily operation of a retail park. Therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority

10. REPRESENTATIONS

10.1 The neighbouring properties have been consulted of the planning application and the scheme has been advertised in the local press and on site. No letters have been received. (consultation expiry date 22 June 2018)

11. APPRAISAL

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

- A Principle & Impact;**
- B Design & Amenity;**
- C Highways & AQMA;**
- D Impact on biodiversity;**

A Principle & Impact

11.1 The application site, other than an area between the main site and Thaxted Road has been previously developed and is predominately classified as 'brownfield' land which in principle would be acceptable to re-develop, in accordance with local plan Policy S1. The proposal involves the reuse of the former Granite site. The area

forms an unattractive entrance to the town. This is mainly due to the abandoned buildings (now demolished) and the spoil piles from the construction of the new access road to the new Civic Amenity and Recycling Centre (CARC) and Highways Salt Depot. The area has begun to be transformed following the implementation of the first phase of the approved development under UTT/13/0268/FUL, the Aldi store.

- 11.2 Planning permission was recently granted to amend the approved scheme through the amendment to the floorspace layout of the units as identified in Section 3 above fundamentally;
- The garden centre is proposed to be reduced by 464 m² to 650m²;
 - Retail Unit 1 has been enlarged by 92m² to 557m² and has been re-sited slightly northwards;
 - The café together with its external seating area has been re-sited to be adjacent to Unit 1 and proposed to increase by 5m² to 167m²;
 - Unit 2 is proposed to increase by 185m² to 2,043m²;
 - Unit 3 would remain the same at 650m²;
 - Also a slight amendment to the parking layout;
- 11.3 This was granted planning permission and the principle of the development has been previously discussed and accepted as part of the original application and the history of previous similar planning applications on this site. This application now seeks to amend the use of one of the proposed retail units (Unit 3) to by relaxing condition 7 of UTT/17/1782/FUL by allowing more retail items to be sold and to provide a mezzanine floor for an area of 232m².
- 11.4 Little has materially changed since the determination for the original application in 2013 or the 2017 application on site. The previous draft emerging Local Plan has since been withdrawn and there is a new emerging draft local plan which is at its early stages in the process. Due to the early stages of the draft local plans both past and present these have little weight to the determination of the application.
- 11.5 However, as a result of the current local plan work a revised Retail Capacity Study on behalf of the Council has been undertaken by Savills in 2016. This forms part of the evidence base for the emerging Local Plan, which is currently being prepared by the Council. The application site has been identified as a committed site within the retail study.
- 11.6 The updated retail capacity study identified *“little leakage to competing convenience shopping floorspace outside of the district and we, therefore, conclude that, taking into account the physical provision of shopping facilities, particularly main food stores in the respective towns, Uttlesford is relatively well served in terms of main food shopping facilities.”* The Study also stated that there is *“Limited convenience capacity arises in Saffron Walden by 2021. By the end of the plan period in 2033 this will have risen to £28.04m which would support for a small to medium sized food store.”* Equally the study shows that whilst there is a deficient identified in 2016 there would be expenditure capacity in comparison goods from 2021 onwards. It is recommended that the capacity is met within the town centre first but the study acknowledges that this is likely to be limited due to potential sites.
- 11.7 The unit in question is 650m² which is the second smallest unit on the site. With the proposed mezzanine floor the total retail floorspace would be 882m². Whilst

the proposed use is a use associated within a Town Centre the size of the unit falls below the thresholds outlined within the NPPF for a sequential test (paragraph 89 of the NPPF 2018), nonetheless a sequential test was undertaken as part of the original applications. An updated retail assessment has been provided as part of this application to assess the impact of the proposed development. This outlines that the scheme has been extensively marketed and *“arising from this, the marketing exercise has showed no interest in relation to Unit 3 (650 sq m) as currently restricted by condition 7. There has however been interest expressed in relation to its use for an open A1 (non-food) use.”* As a result this application now seeks amendments to Condition 7 of UTT/17/1782/FUL and the inclusion of mezzanine floor in Unit 3.

- 11.8 It should be noted that whilst not required by policy, no details of the marketing have been provided, but it has been stated that interest has been shown for open A1 retail (non food).
- 11.9 It is still the case that there are no sequentially preferable sites either in town or on the edge of the town centre, in accordance with Paragraphs 85 and 86 of the National Planning Policy Framework July 2018.
- 11.10 The supporting Retail Statement outlined *“In this respect, it should be noted that the scheme changes are minimal when compared to the 2017 scheme. The issues to consider relate to the introduction of a mezzanine floor and widening of the range of goods that can be sold from Unit 3. The total floorspace of Unit 3 will increase from 650 sq m to 882 sq m. This change is negligible in the context of the Town Centre provision of circa 24,000 sq m gross / 18,000 sq m net (Source: Uttlesford Retail Study, 2014).”* The potential implications of the proposed development is stated to have been looked at using the 2017 consent as a baseline and the n the additional turnover and trade diversion arising from the amendments have been taken into account. This highlighted that the proposed turnover of Unit 3 and the scheme as a whole would increase by £1.71m, with Saffron Walden Town Centre having a convenience turnover of £31.82m in 2021 based on Uttlesford Retail Capacity Study (July 2016) and turnover of £51.72m for comparison goods.
- 11.11 The supporting reports states that the current application would not result in trade diversion associated with convenience goods as the amendments solely relates to comparison goods. It goes onto state that *“Comparison goods trade diversion from the Town Centre is estimated to be £0.51m, which equates to a 0.99% impact on the Town Centre. Cumulatively with the 2017 scheme, trade diversion from the Town Centre will be 1.55%, which equates to a cumulative impact of 2.99%.”* This is stated to be ‘worst case’ scenario and not classed as significantly adverse. This is the same for the total trade diversion at 2.07% for the town centre.

11.12 The table below shows the difference in floorspace between the 2013 and 2017.

	s73 Proposed Development (UTT/17/1782/FUL) sq m GIA	Extant Planning Permission (UTT/13/0268/FUL) sq m GIA	Difference in floorspace sq m GIA
Unit 1	557 sq m (excluding mezzanine at 269 sq m)	465 sq m	92 sq m
Unit 2	2,043 sq m	1,858 sq m (excluding mezzanine at 186 sq m)	185 sq m
Unit 3	650 sq m	650 sq m	Nil
Garden Centre	650 sq m	1,114 sq m	- 464 sq m
Cafe	167 sq m	162 sq m	- 5 sq m
Aldi	1,523 sq m	1,523 sq m	Nil
Total Floorspace GIA (excluding mezzanine)	5,595 sq m	5,772 sq m	- 182 sq m
Unit 1	269 sq m	-	
Unit 2	-	186 sq m	
Total Floorspace GIA	5,859 sq m	5,958 sq m	- 99 sq m

The above amendments combined with the proposed mezzanine floor would result in a total floorspace increase of 133m².

- 11.13 The Council's retained retail consultants, Savills, have been consulted of the application to assess the retail impact of the scheme and the applicant's Retail Assessment Addendum.
- 11.14 It has been identified by Savills that "The Review of the Utlesford Retail Capacity Study (2018) identifies capacity for additional convenience floorspace in Saffron Walden in 2016 and 2021 albeit limited to 497 sq m and 872 sq m respectively. On the same basis, in 2021 the need for convenience floorspace rises to 1,132 sq m and increases to 2,109 sq m at 2033. In addition to comparison goods floorspace requirements, capacity for additional retail warehouse floorspace is identified in the Retail Study Update as 372 sq m net in 2016, rising to 565 sq m in 2021, 904 sq m in 2026, 1,101 sq m in 2031, and 1,216 sq m in 2033. Based on allowing for possible requirements from traders such as toy, pet, motor accessories and mail order retail warehouse operators, the Retail Study considers that the Council's policy should plan for approximately 4,778 sq m of retail floorspace in Saffron Walden by 2033."
- 11.15 It has been highlighted though that there is limited opportunity at present. The retail study states that there is no prospect of the retail warehousing need being met in the town centre and that Thaxted Road is an ideal location to accommodate some of this need clawing back some existing leakage to other retail parks outside the district.
- 11.16 In reviewing the information which has been submitted as part of the application Savills have raised some concerns in terms of the figures which have been tables and have requested that further information to ensure that there would not be significant adverse impact on the town centre resulting from the proposed development.
- 11.17 Addition information and response to the above has been submitted by the

applicant, concluding that the Town Centre continues to be vital and viable, and that the impact would not represent a significant adverse impact.

- 11.18 This has been re-reviewed by Savills. It is considered that the Applicant provides a proportionate assessment of the proposals turnover and potential impact on Saffron Walden Town Centre but has underestimated the potential impact of the proposed development. The report goes on to state that *“Given Savills concern over the growing fragility of Saffron Walden Town Centre, particularly in light of the loss of Beales Department Store (the town’s anchor store) and the level of trade diversion from Saffron Walden to the permitted and proposed development at land at Thaxted Road as a whole (considered to amount to a cumulative trade diversion of £3.51 to £4.51 million or a 6.7 to 8.7% impact on Saffron Walden Town Centre), the impact of the development is on the edge of what is considered to be acceptable and it runs very close to what would constitute a ‘significant adverse’ impact on the vitality and viability of Saffron Walden Town Centre.*
- 11.19 *If the Council is minded to conclude that the level of impact on the vitality and viability of Saffron Walden Town Centre arising from the proposal is acceptable and it approves this Section 73 Application, it should note that we are concerned that the level of impact from permitted comparison floorspace in edge of centre and out of centre locations is on the edge of being ‘significant adverse’. Should further planning applications for variations to allow unrestricted non food use of the remaining permitted comparison floorspace at a Thaxted Road, we consider that there would be likely to be significant adverse impacts on the vitality and viability of the town centre.*
- 11.20 *Should the Council be minded to approve the planning application, in addition to the amendment to condition 7 sought by this s73 application, in respect of retail matters We recommend that condition 6 (range of goods to be sold in Unit 2), condition 8 (the restriction of use of the mezzanine floorspace in Unit 1), condition 14 (the restriction of the use of the Café for A3 purposes only), and condition 21 (the restriction of convenience and comparison floorspace in permitted floorstore) of the previous variation Permission are reiterated to protect the vitality and viability of Saffron Walden Town Centre.”*
- 11.21 Due to the location of the site and the secured committed development the proposal is not in conflict in regards to the sequential test, in any event there are no other sequentially preferable sites for the proposed development. The impact of the proposed development upon the vitality and viability of the Town Centre has been assessed by both the applicant and the Council’s retained retail consultants. Based on the information provided, future projections and the nature of the proposed development it would be difficult to sustain a reason for refusal at appeal considering the finely balanced response from Savills.
- 11.22 It can therefore be concluded that the proposed development continues to comply with the NPPF requirements and whilst *“is on the edge of being ‘significant adverse’”* it is unlikely to result in a significant adverse impact on Saffron Walden Town Centre subject to conditions.

B Design & Amenity

- 11.23 Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

11.24 It has been confirmed within the application submission that there would be no alterations to the external appearance of the unit, or the layout of the wider scheme approved under the previous applications. The mezzanine floor in itself would not have a unacceptable visual impact generally. Therefore, the proposed development accords with Policy GEN2 on this respect subject to conditions.

C Highways

Parking & Access

11.25 Local Plan Policy GEN8 requires the parking provision to be in accordance with current adopted standards, the parking standards are outlined in ECC Parking Standards (January 2009). The Council's car parking standard (ECC Parking Standards 2009) was adopted by the Council January 2010 post the submission of the previous applications.

11.26 The standards requires;

- 1 car space per 14sqm for food stores and 1 car space per 20sqm (maximum),
- 1 cycle space per 400sqm for staff and 1 cycle space per 400sqm for customers (minimum),
- 1 plus 1 space per 20 car spaces for the 1st 100 spaces, and then
- 1 space per 30 over 100 spaces for powered two wheelers (minimum) and
- Disabled parking bays 4 plus 4% of total capacity
- Also, for gyms 1 space per 10 sqm of public area is required (maximum), and
- 10 cycle spaces plus 1 space per 10 vehicle space

11.27 The recently approved scheme would provide 244 car parking spaces, 14 disabled spaces, 30 cycle spaces and 11 motorcycle bays. The proposed amendments requires 12 additional parking spaces, however, this is a maximum. This therefore complies with Local Plan Policy GEN8 and the Essex Parking Standards (2009).

11.28 The adopted standards has increased the required sizes of parking bays in line with the increased sized of modern vehicles seeking parking bays of 2.9m x 5.5m plus 1m either side for disabled bays. The proposal would continue to provide parking bays of 2.5m x 5m which would be below the required standard sizes. The disabled parking bays however comply. No justification has been submitted as part of the application regarding the parking bay sizes however similar size bays have been deemed as acceptable on other applications on this site including the extant consent UTT/13/0268/FUL and UTT/17/1782/FUL.

11.29 Travel Plans are a means of encouraging access to sites by means other than the private car. A Travel Plan has not been submitted with the application detailing the initiatives proposed to encourage staff members to seek alternative means of travel to work. It should be noted that a travel plan formed part of a Section 106 Agreement on the previous extant application. Therefore, should planning permission be granted the content of the Section 106 Agreement which formed part of application UTT/2208/10/REN, UTT/13/0268/FUL and UTT/17/1782/FUL should be transferred over.

11.30 An accessible ramp designed to be DDA (Disability Discrimination Act) compliant

has been implemented as part of Phase 1 of the development. Zebra crossings and pedestrian link ways continue to be incorporated within the proposed development. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1.

Highway Impact and AQMA

- 11.31 Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*
 - a) *Access to the main road network must be capable of carrying the traffic generated by the development safely.*
 - b) *The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
 - c) *The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
 - d) *It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*
 - e) *The development encourages movement by means other than driving a car.”*
- 11.32 Local Plan Policy GEN1 seeks sustainable modes of transport this is reflected within National Planning Policy Framework. A Transport Assessment was submitted as part of the original application and assessed by ECC Highways Authority.
- 11.33 Previously no Highway objections were raised to the approved scheme subject to transfer of previous S106 agreement Heads of Terms with regards to bus stops, and street lighting.
- 11.34 The impact of the proposed development at the signalised junction with Radwinter Road/Thaxted Road was previously assessed. An updated Transport Assessment has been submitted as part of the applications.
- 11.35 With regards to the peak period trips generated by the 232m2 mezzanine floor the following trip rate is predicated;

<i>D: New approach to trip-rate selection, retail parks excluding food (TRICS 7.4.2)</i>				
<i>Effect of 232sqm</i>	<i>Weekday PM</i>		<i>Saturday</i>	
	<i>Arrival</i>	<i>Departure</i>	<i>Arrival</i>	<i>Departure</i>
<i>Trip Rate per 100sqm</i>	<i>0.960</i>	<i>0.910</i>	<i>3.014</i>	<i>2.557</i>
<i>Traffic Generation</i>	<i>2</i>	<i>2</i>	<i>7</i>	<i>6</i>

- 11.36 This increase is considered to be acceptable as the previous 2017 application saw the reduction in vehicle movements. Below is the resulting comparison of traffic flows for the weekday and Saturday peak periods between the previously assessed scheme 2013 and the revised 2017 scheme:

Comparison of Previously Assessed Scheme and Revised Scheme				
	Previously Assessed (Motion 2013)		Revised Scheme (2017)	
	Weekday PM	Saturday	Weekday PM	Saturday
Two-Way Traffic Totals	70	180	63	147

- 11.37 At the request of ECC Highways additional traffic information has been submitted (dated 18 October 2017) to assess the vehicular movement and its robustness. In using the different approach suggested by ECC Highways this results in the following comparison of traffic flows:

C: Comparison of Unbuilt Area of Previously Assessed Scheme versus Revised Scheme with the new approach to trip generation.				
	Previously Assessed (Motion 2013)		Revised Scheme New Approach (October 2017)	
	Weekday PM	Saturday	Weekday PM	Saturday
Two-Way Traffic Totals	70	180	54	172

- 11.38 The revised traffic generation figures, based on the new trip rate methodology, are of a similar magnitude to those previously considered and, importantly, remain lower than the figures previously considered being acceptable when the wider development was first approved. No objections has been previously raised by ECC Highways to this subject to conditions should planning permission be granted. In considering the nominal increase in movement as a result of the proposed mezzanine floor as opposed to it non-food flexibility this is considered to be acceptable subject to the same conditions. No objection has been raised by ECC Highways to this application. The application is therefore in accordance with Local Plan Policy GEN1.
- 11.39 Local Plan Policy ENV13 seeks to prevent and protect against air pollution. There is one large Air Quality Management Area (AQMA) within Saffron Walden. The principle source of NO2 emissions is vehicle exhausts.
- 11.40 The Council's Environmental Health Officer had raised no objection to the original application (UTT/13/0268/FUL) or the more recent application UTT/17/1782/FUL subject to relevant mitigation condition being impose should planning permission be granted.
- 11.41 An updated report has now been submitted as part of this application which stated "There will be no change to the number of car parking spaces that will be provided or size of the Unit, although internally a circa 2,500 sq ft (232 sq m) mezzanine is now proposed. The Project's Transport Consultant's (TTP Consulting) have advised that the addition of the mezzanine will result in an additional 62 vehicle movements (on top of those that will be generated by the consented scheme) as an Annual Average Daily Traffic flow (AADT) on Thaxted Road. This will be distributed as follows: 75% to/from the north (47 vehicles as an AADT); and 25% to/from the south (15 vehicles as an AADT). As these vehicles travel further away from the Site, they will

disperse across the road network. A review of the Council's latest Air Quality Annual Status Report (ASR) published in 2017 confirms that the boundaries of the Air Quality Management Area declared in Saffron Walden have not altered since the wider scheme was consented last year. Data presented in the ASR shows that annual mean nitrogen dioxide (NO2) concentrations measured by the Council at locations in Saffron Walden have changed little year on year between 2011 and 2015. In 2016, annual mean NO2 concentrations at all of the monitoring sites (even those situated at rural and background locations) were higher than typically experienced in the preceding years, suggesting an anomalous year, with concentrations exceeding the relevant UK Air Quality Strategy (AQS) objective at two locations for the first time. Particulate matter concentrations continue to be well below the relevant UK AQS objectives. Given the small increase in vehicle movements that the proposed change of use will result in, and the fact that that the baseline air quality situation has not significantly changed, it is considered that the effect of the proposed change of use and mezzanine on local air quality will be negligible."

- 11.42 It should be noted that whilst this current application would see a slight increase in the number of vehicle movements the previous application UTT17/1782/FUL saw the reduced vehicle flow (by 80 movements) would have a reduced impact upon air quality than that of the extant development.
- 11.43 The EHO has been re-consulted regarding the updated AQA and concurred with the findings raising no objection subject to transferring over the conditions from the 2017 application.
- 11.44 In terms of improving air quality this was addressed as part of the previous conditions and mitigations which were sought. Therefore, should this application be granted the relevant conditions should be transferred over. The scheme is therefore in accordance with Local Plan Policy ENV13.

D Biodiversity

- 11.45 Local Plan Policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures.
- 11.46 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

- 11.47 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- 11.48 The consented operation must be for “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*”; and
- 11.49 There must be “*no satisfactory alternative*”; and
- 11.50 The action authorised “*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*”.
- 11.51 Various survey works has been undertaken on the site and the associated ecological conditions attached to the extant consent have been fully discharged. As a result ECC Ecology and Natural England have not objected to the previous applications and this change of use application would have no impact upon this matter. Therefore, the scheme is considered to accord with Local Plan Policy GEN7.

12. CONCLUSION

- 12.1 The following is a summary of the main reasons for the recommendation:
- A It is concluded that the proposed development continues to comply with the NPPF requirements and whilst “is on the edge of being ‘significant adverse’” it is unlikely to result in a significant adverse impact on Saffron Walden Town Centre subject to conditions.
- B The design of the units the size, heights, design and choice of modern materials remain unchanged and therefore acceptable, consistent and in keeping with its surroundings, in accordance with Local Plan Policy GEN2.
- C The proposed scheme in terms of car parking is considered to be generally acceptable and would provide an adequate balance. With regards to the size of the parking bays based on previous Highway Authority recommendations, previous approaches to similar schemes on this site and the fact that the previous planning application was not refused on car parking standards this part of the scheme is generally considered to be acceptable. Previous S106 Agreement relating to Highway improvements and Travel Plan forming part of UTT/13/0268/FUL and UTT/17/1782/FUL should be transferred over this application should planning permission be granted.
- The increase in vehicle movement numbers is minimal and would have minimum impact upon the highway network. No objections have been raised by ECC Highways to this current scheme. The application is therefore in accordance with Local Plan Policy GEN1.
- No objection has been raised regarding air quality subject to mitigation conditions should planning permission be granted. The scheme is therefore in accordance with Local Plan Policy ENV13.
- D Various survey works have been undertaken on the application site and the associated ecological conditions attached to the extant consent have been

fully discharged. As a result ECC Ecology and Natural England have not objected to the previous application, and this change of use application has no impact upon this matter. Therefore, the scheme is considered to accord with Local Plan Policy GEN7.

RECOMMENDATION - CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 8 October 2018 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 Head of Legal Services Compensation Act 1991, securing the following:**
 - (i) Submission of travel plan**
 - (ii) Payment of monies relating to travel plan monitoring**
 - (iii) Highway works**
 - (iv) Pay Councils reasonable costs**

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

- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:**
 - (i) Submission of travel plan**
 - (ii) Payment of monies relating to travel plan monitoring**
 - (iii) Highway works**

Conditions:

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

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

- 2 The developer will provide a BREEAM post-construction assessment of the rating of the as-built development within four weeks following the completion of each phase, also carried out by an accredited assessor, unless otherwise agreed in writing by the Local Planning Authority.

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

- 3 The approved landscaping details shall be implemented in the first planting and seeding season following the first occupation of this phase of 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.

REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in the Local Plan, Policy GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 4 Notwithstanding the plans hereby approved and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or reenacting that Order with or without modification), no extensions or alterations, including installation of mezzanine floors, roofing, open yards or subdivision shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the local planning authority.

REASON: Extensions would result in the loss of parking spaces and servicing areas, resulting in a detrimental impact on the layout of the site and to control the use of the units without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance Policy GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 5 Notwithstanding plans hereby approved or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or reenacting that Order with or without modification) no other forms of fences, gates or walls shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development is in accordance with the character of its surroundings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 6 Unit 2 hereby permitted shall be occupied for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-bulky goods, no more than 10% or 163 sq m (whichever is greater) of the net sales floorspace for the sale of convenience or food, no more than 5% or 82 sq m (whichever is greater) of the net sales floorspace for the sale of toiletries but not including fashion wear items or fashion foot wear.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 7 Unit 1 (excluding the mezzanine), Unit 3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning

(Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-food bulky goods but not including fashion wear items or fashion footwear.

Unit 3 may be used for any purpose within Use Class A1, with the exception that it shall not be used for the sale of food or convenience goods. The mezzanine floorspace within Unit 3 shall be no greater than 232 sq m GIA.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 8 The mezzanine floorspace of 269 sq m in Unit 1 shall be used for ancillary purposes extending to veterinary surgery and animal grooming and not for the sale of retail goods within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order). There shall be no mezzanine floorspace in Unit 2.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 9 Other than during the construction of the development no processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the buildings hereby permitted. REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 10 Other than during the construction of the development, with the exception of the garden centre, there shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the written consent of the Local Planning Authority.

REASON: To prevent harm to the character and amenity of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 11 Details regarding the closing off of the existing access to the south east of the main access road shall be implemented in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

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

- 12 Detail regarding the estate roads and footpaths (including layout, levels, gradients, surfacing, and means of surface water drainage shall be implemented in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

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

- 13 Details relating to the surface water drainage strategy for the site shall be implemented in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

REASON: To prevent the increased risk of flooding, both on and off site, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

- 14 The café unit hereby permitted shall be used for Class A3 restaurant and café use and for no other purposes within the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To control the use of the café unit from being used as Class A1 retail without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the NPPF.

- 15 The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works and in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

Within 2 months of the 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 and approved by the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 16 In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 15 of UTT/17/1782/FUL, 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 16 of UTT/17/1782/FUL. 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 17.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 17 All flood risk management measures identified in the approved Flood Risk Assessment (Revision C, dated 23 November 2012) shall be incorporated into each phase of the development prior to the occupation or first use of that phase of the development hereby permitted.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 18 Notwithstanding the plans hereby approved and the provisions of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and reenacting that Order) the foodstore premises shall be used for a Limited Assortment Discounter retail store and for no other purpose within Class A1. The Limited Assortment Discounter store hereby approved is defined as a store which carries a limited range of grocery products and base their retail offer on selling these products at very competitive prices. This means that the number of product lines (stock-keeping units) available within the store at any one time should not exceed two thousand lines.

REASON: To ensure that use as approved reflects the identified retail requirements and to prevent unacceptable impact upon the vitality and viability of the town centre in accordance with NPPF.

- 19 The net sales floorspace of the foodstore shall not exceed 1,125 sq m, and the sale of convenience goods shall not exceed 90% of the net floorspace and the sale of comparison goods shall not exceed 20% of the net floorspace.

REASON: The restricted 20% in comparison goods is to allow for flexibility in the selling of seasonal goods and arrangement of floorspace and to ensure that use as approved reflects the identified retail requirements and to prevent unacceptable impact upon the vitality and viability of the town centre in accordance with NPPF.

- 20 The Cycle / Powered Two wheeler parking shall be provided in accordance with the submitted plans 14467-102 Rev Q and 14467-110 Rev A. prior to occupation and retained thereafter for that purpose.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 21 The road layout, crossing points, turning heads and vehicle parking as indicated on drawing number 14467-102 Rev Q to be provided before first occupation of the site and retained thereafter for that purpose.

REASON: To ensure adequate facilities for all movement within the site and 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 Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 22 Three vehicle electric charging points shall be provided, fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: In the light of the additional parking being provided this will facilitate sustainable modes of transport in a development that will impact on an Air Quality Management Area and in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of

sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to [...] incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

- 23 Following completion of the construction of the retaining structure, a further comprehensive survey of PROW Byway 18 (Saffron Walden) from its junction with Thaxted Road to a point 50m north-east of the north-eastern boundary shall be complete. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it, in accordance with Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 24 The retaining structure proposed along the Byway 18 (Saffron Walden) shall be implemented in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

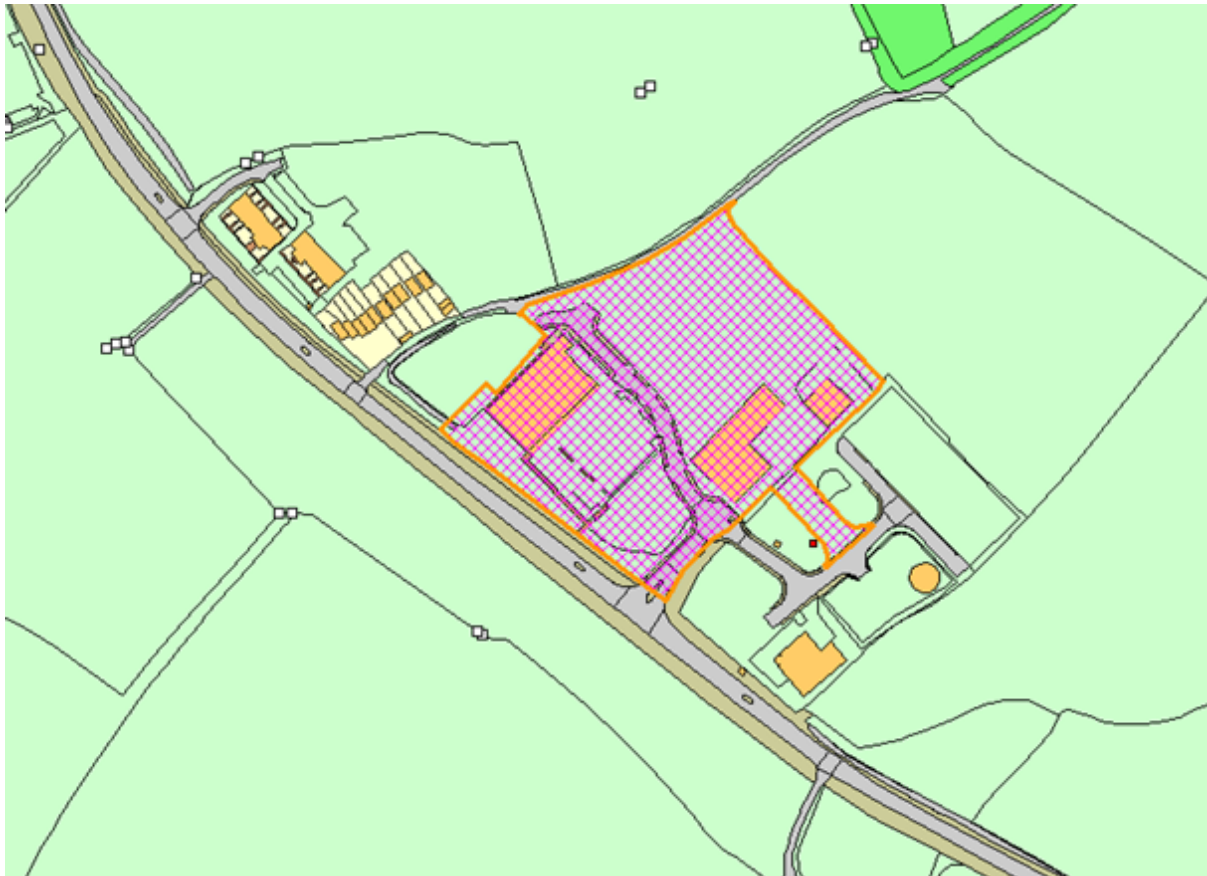
REASON: In the interests of safety given the proximity of the structure to the PROW Byway 18 (Saffron Walden), in accordance with Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 25 Details of the new cycle/pedestrian link shall be implemented prior to the first use of the buildings in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

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

Application: UTT/18/1303/FUL

Address: Site At Thaxted Road Former Civic Amenity And Granite Site,
Thaxted Road, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 14 August 2018

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UTT/18/1704/OP (Hatfield Broad Oak)

PROPOSAL:	Outline application with all matters reserved except for access and layout, for the demolition of existing dwelling and outbuildings and the erection of 1 no. replacement dwelling and 6 no. new dwellings.
LOCATION:	Oakbourne, Hammonds Road, Hatfield Broad Oak, CM22 7JN
APPLICANT:	Mr & Mrs J Cutmore
AGENT:	Mr P Purkiss
EXPIRY DATE:	25th June 2018 (EoT 26.09.2018)
CASE OFFICER:	Mrs M Jones

1. NOTATION

- 1.1 The site is located partially within and partially outside the development limits of Hatfield Broad Oak

2. DESCRIPTION OF SITE

- 2.1 The rectangular site is located off Hammonds Road, Hatfield Broad Oak, to the east of the village. It accommodates a detached house and its extensive gardens to the rear.
- 2.2 The site slopes up quite significantly from Hammonds Road and it is also higher than properties located on Broad Street.
- 2.3 The access is onto Hammonds Road.
- 2.4 The garden extends to the northern side of the house and abuts open land to the east and garden lands to the north. To the west are the rear gardens of the residential properties in Broad Street.

3. PROPOSAL

- 3.1 The application is for outline permission, with all matters reserved except access and layout, for the demolition of existing dwelling and outbuildings and the erection of 1 no. replacement dwelling and 6.no. new dwellings.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And
Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

- 5.1 The applicant's application is supported by a Design and Access Statement, a completed biodiversity checklist, a tree survey and a Preliminary Ecological statement.

6. RELEVANT SITE HISTORY

- 6.1 UTT/16/2417/OP - Outline application, with appearance, scale and landscaping reserved, for the demolition of one dwelling and outbuildings and the erection of five dwellings. Approved with conditions.

7. POLICIES

Uttlesford Local Plan (2005)

- S7 – Countryside
- S3 – other Settlement Boundaries
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- H10 – Housing Mix
- GEN4 – Good Neighbourliness
- ENV2- Development affecting Listed Buildings
- ENV4- Ancient Monuments and sites of Archaeological Importance.
- H3 – Infilling with new houses
- H4 – Back land Development
- H7 – Replacement Dwellings

Supplementary Planning Documents/Guidance

SPD2- Accessible Homes and Playspace
Uttlesford Local Parking Standards
Replacement Dwellings

National Policies

National Planning Policy Framework

8. PARISH/TOWN COUNCIL COMMENTS

- 8.1 Principle of Development.
Part of the site including Oakbourne itself and Plots 1 and 2 are within the Development Limits of HBO and can be regarded as infill. The rest of the site is at present residential garden and outside the Village Envelope of Hatfield Broad Oak. It is in effect in the countryside and subject to policy S7 which states that the countryside will be protected for its own sake while the NPPF recognises the intrinsic

character and beauty of the countryside.

NPPF is less prescriptive (para 111) and defines previously developed land as land which is or was occupied by a permanent structure, and any associated fixed surface infrastructure, although it should not be assumed that the whole of the curtilage should be developed.

Treating this residential garden as previously developed land opens the way to future planning applications for development on gardens which are more intrusive into the countryside. Hatfield Broad Oak PC is opposed to UTT/18/1704/OP being regarded as a precedent for granting permission to future applications for development outside the Development Limits. The discrete division between the village envelope and countryside is a distinctive feature of the setting of Hatfield Broad Oak.

8.2 Design

The area of Broad Street and Hammonds Road is one in which most houses have larger gardens which blend into the countryside surrounding HBO. The proposed development would introduce a more urban character to the landscape and to Hammonds Road. Two extra dwellings have been included presumably to ensure financial viability. It is to be hoped that this addition will not add to this more urban appearance in the setting of one of the older parts of the village.

Hatfield Broad Oak has a proven need for smaller and more affordable housing of good quality to encourage younger people to remain in the village and make their contribution to a vital village community. Whilst design details are reserved, Hatfield Broad Oak Parish Council hopes that a mix of 2/3/and 4 bedroomed dwellings will be included in the detailed design even though there will be no affordable housing included.

8.3 Highway and Pedestrian Safety

In view of the increase in this application of 2 properties it is vital that sufficient parking spaces are provided within the development for residents and deliveries and visitors so that there is no need to park outside. Not only is there a bend to the west of the access but there is no footpath along this side of Broad Street and Hammonds Road and pedestrians must cross over the road to the footpath.

Residents are agreed that Hammonds Road and Sparrow Lane carry increasing amounts of traffic.

The lanes are already used as a cut through by commuters and parents on the school run and there is an increase in the number of lorries and HGVs using the B183 Dunmow Road and B1256 at Takeley for Highwood Quarry at Dunmow and waste disposal sites. Transport contractors will always try to avoid the congestion and delays at M11 J8 and Four Ashes traffic lights. Community Speed Watch results show that a significant number of vehicles enter the village on Hammonds Road at speeds above the required 30mph.

Residents report concerns that the shorter sight lines due to the bend, and the speed and volume of traffic could reduce stopping distances such that it would endanger pedestrian safety.

8.4 Village Services

The Design and Access Statement rather optimistically mentions a valuable range of services in effect a primary school, a small general store and PO counter, a butchers, an estate agents, a computer shop, the Village Hall and Village Green -

and the mobile library only visits every 3 weeks now. Bus services are heavily subsidised and the only frequent service is between Bishops Stortford and Stansted Airport. The proposed development will be entirely dependent on the car for access to larger retail and entertainment centres, sports facilities, doctors surgery in Hatfield Heath, other health facilities, school runs, commuting and the weekly shop.

8.5 Screening

Neighbours are concerned that sufficient screening be provided to prevent overlooking particularly on the Broad Street boundary.

Work on trees and hedges should be carried out as recommended in the tree survey and new planting made in accordance with the Landscape Survey to ensure that all residents' privacy is respected.

Hatfield Broad Oak Parish Council ask that these concerns be taken into consideration.

9. CONSULTATIONS

Essex County Council- Archaeology

9.1 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation

The Historic Environment Record shows that the proposed development lies within the boundary of the medieval town of Hatfield Broad Oak (EHER 18744). During the medieval period Hatfield Broad Oak was a major town within Essex. It contained a large Priory which is still preserved below ground as a Scheduled Monument around the Church to the west of the development area. The proposed development site lies on the edge of the medieval town and is likely to have been used for settlement, waste disposal or industrial processes. It is important to identify the nature and extent of these deposits at an early stage if the application is approved.

The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

Essex County Council- Ecology

9.2 No objection subject to securing biodiversity mitigation and enhancement measures.

MAG Aerodrome Safeguarding

9.3 No safeguarding objection.

Essex Police

9.4 We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

Essex County Council - Highways

9.5 No objection subject to conditions.

10. REPRESENTATIONS

10.1 This application was publicised by sending letters to 58 nearby neighbours, displaying of a site notice and advertising it within the local newspaper. One letter of representation has been received. Expiry date: 6th August 2018

I am concerned that the approach road to this development is very close to the bend on Hammonds Road and Broad Street. Traffic is fast down Broad Street and goes around the bend very quickly.

If a vehicle pulls out from the development to turn right or left the danger is that there could be a major accident.

11. APPRAISAL

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

- A The principle of development of this site for residential purposes (NPPF, ULP Policies S7 and S3, H4, and H3);
- B Design (Layout and Parking) (ULP policies GEN2 and GEN8)
- C The access to the site would be appropriate (ULP Policy GEN1);
- D Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- E There would be a detrimental impact on protected species (ULP Policy GEN7);
- F Flood Risk and drainage (ULP Policy GEN3; NPPF)

A The principle of development of this site for residential purposes (NPPF, ULP Policies S7, S3, H4 H3 and H7)

11.1 The principle of development of this site has been established under previously approved application UTT/16/2417/OP. That permission is extant and was for outline permission, with appearance, scale and landscaping reserved, for the demolition of one dwelling and outbuildings and the erection of five dwellings. The addition of a further two dwellings would not be harmful to the character of the countryside setting so as to warrant refusal of the proposal. The additional two dwellings would maximise the use of the site and would have very little impact on the character of the village due to the existing screening and its relationship to surrounding development. The revised NPPF still requires local planning authorities to favourably consider proposals for sustainable development. The Council still do not have a five year land supply and it is considered that the proposal would meet the three strands of sustainability. As such the principle of the site for residential use is acceptable.

B Design (Layout) (ULP Policy GEN2)

11.2 All matters are reserved except for access and layout. The access is considered below.

11.3 Policy H10 states that all development on 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 three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted. This

identified that the market housing needs for Uttlesford have changed. This states:
Market Housing Needs for Uttlesford

Flats	1 bed	140	1.44%
	2 bed	80	0.8%
House	2 bed	690	7.1%
	3 bed	4290	44.2%
	4 bed	3110	32.0%
	5+ bed	1410	14.5%

The indicative housing mix of the individual plots for this application is for one x two bed properties, five x three bed properties, and one x five bed property. As scale and appearance are reserved matters, compliance with this housing mix would be determined at a later stage.

- 11.4 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+. The gardens shown in the indicative plans indicate that they could accord with the requirements of the Essex Design Guide. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 11.5 The proposed properties are a mixture of two, three, and five bedroom dwellings. The adopted Essex County Council Parking Standards (2009) require the provision for one parking space for a one bedroomed dwelling, and two parking spaces per two and three bedroom dwellings. The Uttlesford Residential Parking Standards seeks three parking spaces for three+ bedroomed properties. Both seek additional visitor's parking spaces.
- 11.6 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. Additionally, 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 and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:

Where a parking space is provided for the dwelling, it should comply with all of the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
- c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
- d) The parking space is level or, where unavoidable, gently sloping
- e) The gradient is as shallow as the site permits.
- f) The parking space has a suitable ground surface.

The indicative plans would comply with the above amended Building Regulations and it can be seen that each property would be able to meet the required parking

standards. There is sufficient space for five unallocated parking spaces within the development to provide visitors parking. Therefore, the proposal would comply with Policy GEN8 subject to conditions.

11.7 The indicative layout demonstrates that the back to back distances from the residential properties to the west can be achieved to comply with the recommended distances in the Essex Design Guide. Due to the differences in land levels any development to the rear of the site has the potential to be very visible and have an adverse impact on the character of the rural area. The properties to the rear of the site are indicated as being one storey with rooms in the roof and one and a half storey as they are on raised ground levels. It has been demonstrated that the proposal would not result in any material detrimental impact to neighbours amenity by way of overlooking, overshadowing or overbearing impact. The indicative layout demonstrates that the proposal can be built so as to minimise the impact on the character of the rural area and the built environment. This would comply with the aims of ULP Policy GEN2.

11.8 The site is located lies within the boundary of the medieval town of Hatfield Broad Oak (EHER 18744). During the medieval period Hatfield Broad Oak was a major town within Essex. It contained a large Priory which is still preserved below ground as a Scheduled Monument around the Church to the west of the development area. The proposed development site lies on the edge of the medieval town and is likely to have been used for settlement, waste disposal or industrial processes. It is important to identify the nature and extent of these deposits at an early stage if the application is approved. The proposal therefore has the potential to affect medieval remains. It is therefore considered appropriate to use a condition to secure suitable archaeological investigation.

C The access to the site would be appropriate (ULP Policy GEN1)

11.9 The proposed access off Hammonds Road would be in the south-eastern corner of the site. The plans have been revised to take into account the Highway Authority's comments and they now have no objections to the proposal subject to the use of appropriate planning conditions.

D Affordable Housing, Education Contributions (ULP Policies H9, GEN6)

11.10 Due to the scale and nature of the development there are no requirements for contributions towards infrastructure or for the provision of affordable housing.

E There would be a detrimental impact on protected species (ULP Policy GEN7)

11.11 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. A Preliminary ecological Assessment report, a completed biodiversity checklist questionnaire and tree survey has been submitted with the application. Essex County Council Ecologists have been consulted and have no objections to the proposal subject to the mitigation measures identified the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, April 2018) being secured and implemented in full. This can be achieved by a suitably worded condition. As such it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and accords with ULP Policy GEN7.

F Flood Risk and drainage (ULP Policy GEN3; NPPF)

11.12 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). The proposal would comply with ULP Policy GEN3.

G Setting of adjacent listed buildings (ENV2)

11.13 In considering a proposal for listed building consent, the duty imposed by section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them. A number of listed buildings are located near the site, including Morningside and Essex Cottage (Grade II) and The Thatched Cottage (Grade II) to the east, Ware Pond cottages (Grade II*) to the south and Rose Cottage (Grade II) to the west. The previous application was considered by Historic England and they had no objections to the proposals. This application is not significantly different to the previously approved scheme and it is considered that there would be no significant effect on the setting of these important heritage assets. The listed buildings do not abut the site. Therefore, the proposed development is in accordance with Policy in this respect.

12. CONCLUSION

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

- A** In view of the extant planning permission UTT/ 16/2417/OP the principle of the development is acceptable.
- B** The layout is considered to be acceptable.
- C** The access is considered to be acceptable and to comply with ULP Policy GEN1.
- D** There is no policy requirement for the provision of affordable housing on this site.
- E** The application provides sufficient information and evidence to demonstrate that the proposals (subject to condition) would not adversely affect protected species. As such the proposal complies with Policy GEN7.
- F** The site is at low risk of flooding.
- G** The proposal would not have any material detrimental impact on the setting and character of the listed buildings near to the site.

RECOMMENDATION – APPROVAL WITH CONDITIONS

CONDITIONS

1. Approval of the details of scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing

before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the Reserved Matters must be made to the Local Planning Authority no later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 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

- 5 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 Local Planning Authority prior to reserved matters applications being submitted.

REASON: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4.

- 6 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work.

REASON: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4.

- 7 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: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Uttlesford Local Plan Policy ENV4.

- 8 A post-excavation assessment shall be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance and approved in writing, to the Local 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 view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4.

9. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes keeping the grass mown short until construction is finished, due diligence regarding nesting birds, bat sensitive lighting, cover trenches overnight, permeable boundaries for hedgehogs and installation of bat/bird boxes.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with Uttlesford Local Plan Policy GEN7.

- 10 Prior to occupation of any dwelling, the private driveway hereby permitted must be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway.

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 accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11 Runoff water from the access road hereby permitted must be directed to a permeable or porous surface within the application site.

REASON: To prevent hazards caused by water flowing onto the highway in the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

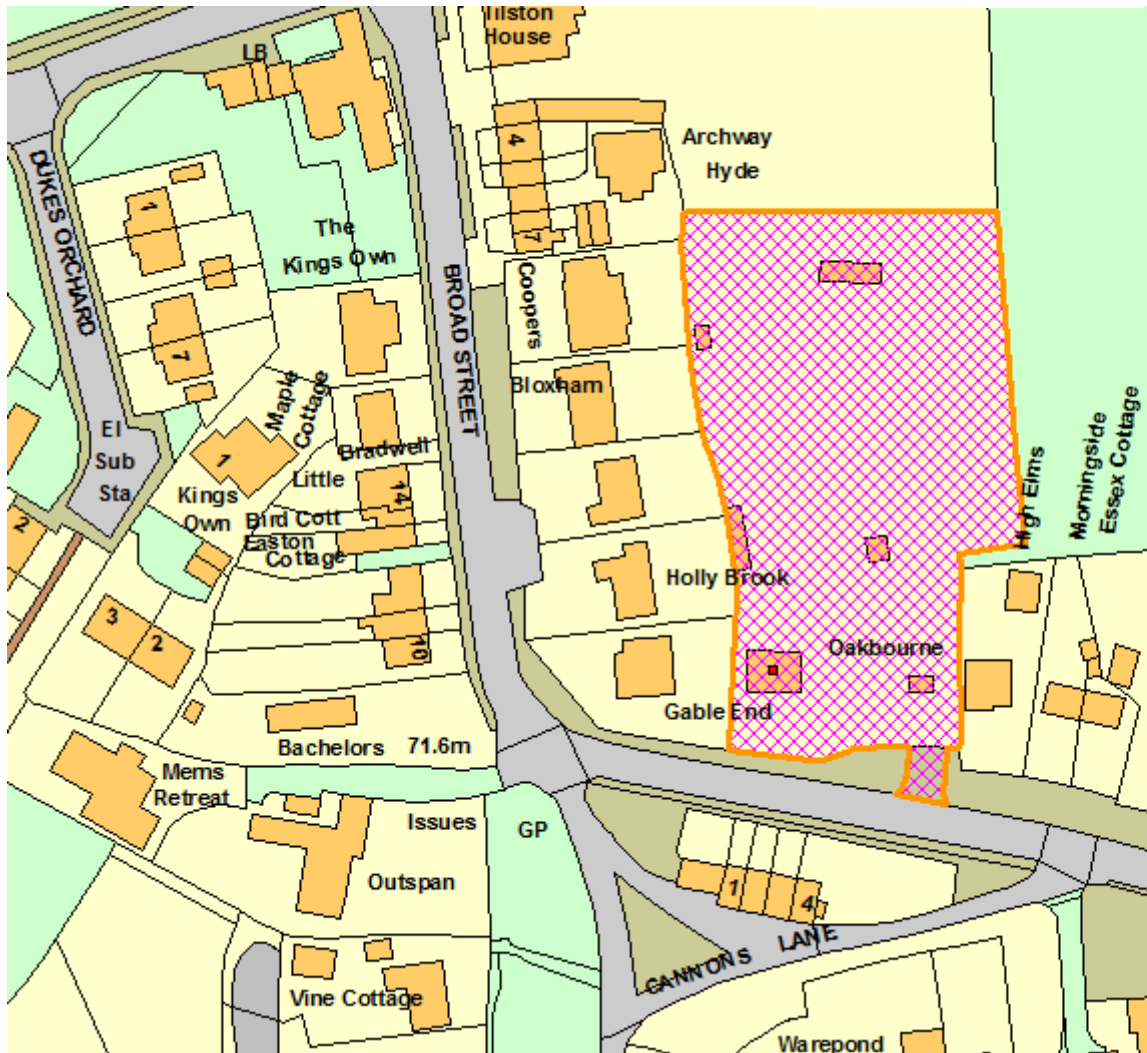
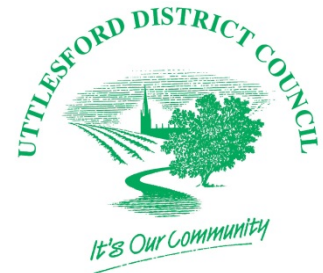
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 13 Prior to commencement of the development, details of the areas within the curtilage of the site to be used for loading, unloading, reception and storage of building materials, and manoeuvring of all vehicles including construction traffic, 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 that the highway is not obstructed during the construction period, in accordance with Policy GEN1 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.

Application: UTT/18/1704/OP

Address: Oakbourne, Hammonds Road, Hatfield Broad Oak



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Organisation: Uttlesford District Council

Department: Planning

Date: 20 August 2018

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UTT/18/1653/OP (Hatfield Broad Oak)

(Referred to Committee by Cllr Artus if recommended for approval: Reasons: Inadequate highway access, highway issues relating to Feathers Hill, ecology issues, arboricultural issues, setting an unwanted principle of development)

PROPOSAL: Outline planning application for the demolition of the existing dwelling and outbuildings and the erection of four dwellings with all matters reserved save for access.

LOCATION: Chepingfield, Feathers Hill, Hatfield Broad Oak.

APPLICANT: Mr & Mrs Baker.

AGENT: Mrs C Hutchinson (Sworders).

EXPIRY DATE: 10 August 2018 (expiry date extended until 05/09/2018).

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Part within / part outside Development Limits / adjacent to conservation area (50m buffer zone).

2. DESCRIPTION OF SITE

2.1 The site comprises a residential property situated behind a row of dwellings which front onto Feathers Hill containing a sizeable 1960's constructed two storey slate and weatherboarded detached dwelling which stands within landscaped grounds at the eastern end of the site which slopes from east to west towards Pincey Brook. A range of outbuildings stand in the south-east corner of the site, including a triple garage and a brick built annexe type building. The site is accessed from Feathers Hill (B183) via a single width vehicular access track which leads past a flank wall of a barn range on its eastern side.

2.2 A roughly rectangular shaped paddock within the ownership and control of the applicant lies on the south side of Chepingfield, the north-eastern section of which is shown to be included within the land edged in red for the current application. The paddock slopes down to Pincey Brook. Residential properties fronting onto High Street/Cage End lie on the east side of Chepingfield, whilst a large property (Pinnacles) lies on the east side of the paddock which has its south-western boundary flanking onto the paddock. The site has a combined site area extending to 0.677 ha. A public footpath runs along the western boundary of the paddock parallel with Pincey Brook.

3. PROPOSAL

3.1 This outline proposal with all matters reserved except for Access relates to the demolition of Chepingfield and the erection of four detached market dwellings in its place, including a dwelling to be erected on the adjacent paddock land.

3.2 The indicative site layout plan accompanying the outline application submitted for

illustrative purposes shows how 4 no. detached dwellings could be accommodated at the proposal site together with the provision of a new service road and parking to serve the new dwellings. The site layout plan shows that three detached dwellings would be provided within the existing residential curtilage of Chepingfield (Plots 1-3), whilst a larger detached dwelling is shown facing the other three dwellings which would be erected within the existing paddock area (Plot 4). Whilst no formalised elevations have been submitted for the proposal, the accompanying Design & Access Statement indicates that the dwellings would be a mix of 2 storey and 1 ½ storey buildings designed in the vernacular style comprising 3, 4 and 4+ bedroomed units.

3.3 The new service road would extend off the existing vehicular access track which currently serves Chepingfield. An existing garage to Chepingfield which would be retained would additionally serve the dwelling for Plot 1, whilst a new covered parking facility with frontage hardstanding parking is shown for the end of the service road which would serve the dwellings along with additional on-plot parking for Plots 1 and 2. The brick storage outbuilding to Chepingfield would also be retained to be used as an annexe building to Plot 2.

3.4 The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Appraisal Scoping report (Nigel Cowlin, 25 June 2018)
- Highway Impact Statement (Bancroft Consulting, February 2018 – updated June 2018)
- Heritage Assessment (CgMs Consulting, 14 June 2018)
- Arboricultural and Planning Integration Report (GHA Trees, 11 June 2018)
- Ecology Appraisal & Bat Report (ELMAW Consulting, May 2018).

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 It is assessed that the proposed development by reason of the location of the site and the size of the scheme involved would not lead to any significant environmental impacts to trigger the need for an environmental statement to be submitted.

5. APPLICANT'S CASE

5.1 The Planning Statement prepared by Sworders (June 2018) describes the site context, the proposed development, relevant planning history, the planning policy context, relevant planning considerations (Principle of development, Access, Design and Layout, Affordable Housing, Housing Mix, Heritage, Ecology, Parking and Arboriculture).

5.2 The statement concludes as follows:

18.1 The proposal site lies partially within and partially outside the development limits for Hatfield Broad Oak. The adopted Local Plan makes clear that in principle development within development limits is acceptable. Beyond development limits policy S7 applies, which protects the countryside for its own sake. The Council recognise that policy S7 is only partially consistent with the NPPF and the NPPF adopts a less restrictive approach to development, emphasising the need for development to support thriving rural communities. The NPPG regards rural housing as 'essential' to ensure viable use of local facilities, on which a thriving rural

community in a living, working countryside, depends.

18.2 The location of the development, adjacent to the well serviced village of Hatfield Broad Oak, will meet the requirements of paragraph 55 of the Framework, which sets out that housing should be located where it will enhance or maintain the vitality of rural communities.

18.3 The NPPF's approach regarding the protection of the countryside is not to adopt the stance of protection for its own sake, as is the case with policy S7, but rather that decisions should recognise the 'intrinsic character and beauty' of the countryside.

18.4 The Landscape and Visual Appraisal work provided to accompany this application establishes that the site will not bring about any notable landscape or visual impact implications in the wider setting. The site is self-contained, almost completely surrounded by domestic land and with little if any relationship to the outlying landscape setting of the village. The Appraisal concludes that, "*...it is felt that landscape and visual issues should not form any notable constraint to the acceptability of this development.*"

18.5 This Planning Statement establishes that the proposal meets all other planning requirements in regard to affordable housing, housing mix, design and layout, heritage and archaeology, access and parking, ecology and arboriculture. These matters do not give rise to issues which indicate planning should be refused. In addition, the site can also be considered brownfield land, which further weighs in support of the proposal.

18.6 On this basis planning consent for the scheme should be granted. We note the Council has adopted a similar approach to that outlined above in approving similar applications, for example UTT/16/2991/OP, UTT/16/1830/OP, UTT/16/2402/OP and UTT/16/2417/OP.

18.7 However, the contribution the application would make to Uttlesford's current five-year housing land supply deficit also weighs in support of the proposal. The Council's latest trajectory confirms the district cannot currently show a five-year supply of housing land even on the optimistic assumptions adopted. Adopting a policy appropriate buffer worsens the housing land supply position.

18.8 In the absence of having a five-year supply of housing land, relevant policies for the supply of housing should be considered out of date and the Council must apply paragraph 14 of the NPPF and grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As policy S7 is a relevant policy for the supply of housing, this further reduces the weight that should be given to it, notwithstanding the conflicts with the NPPF outlined above. Given the government's desire to boost significantly the supply of housing land the contribution a housing proposal makes to this shortfall this is a matter that should be given considerable weight.

18.9 Even in the absence of a housing land supply shortfall in the district a consideration of the planning policy context and material considerations indicates this application should be approved. A lack of a 5-year housing land supply lends further weight to an approval.

6. RELEVANT SITE HISTORY

- 6.1 Planning permission was refused by the Council in 1973 for the erection of a two storey 4 bedroomed dwelling on the paddock adjacent to Chepingfield (DUN/0508/73). The current application before Members has been the subject of a 2018 preliminary enquiry which has informed the proposal.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S3 – Other Settlement boundaries
ULP Policy S7 – The Countryside
ULP Policy ENV1 – Design of development within Conservation Areas
ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy ENV3 – Open Spaces and trees
ULP Policy H3 – New Houses within development Limits
ULP Policy H4 – Backland development
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN4 – Good Neighbourliness
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD “Accessible Homes and Playspace”
Essex Design Guide
ECC Parking Standards: Design and Good Practice (2009)

National Policies

National Planning Policy Framework (NPPF) (Revised, July 2018)
NPPG

Other Material Considerations

None

8. PARISH COUNCIL COMMENTS

- 8.1 Hatfield Broad Oak Parish Council strongly opposes the above application for the following reasons:

A Access:

It is proposed to alter the present access to Chepingfield exiting onto the B183 South on Feathers Hill, south of Hatfield Broad Oak High Street.
All alterations must satisfy planning policy GEN1, NPPF para32 and Essex Design Guide Feb2018 (containing Essex Highways Technical Manual). In addition, Feathers Hill forms Character Area 3 of the HBO Conservation Area. A Conservation Area is a Heritage Asset and so this application must be considered against the requirements of policies ENV1, ENV2, GEN1 and NPPF para 126.

Conservation Areas:

Feathers Hill is described in the Hatfield Broad Oak Conservation Area Appraisal and Management Proposals, Uttlesford DC Approved May 2013 p 46. The general character of Feathers Hill is described as rural. Most of the houses date from the 17th and 18th century; the Priory, Priory Barn (immediately to the east of the present access), Feathers and Hill Cottage are Grade II listed. The appraisal comments on the unique character and visual presence of Feathers Hill in contributing to the distinctive character of the area. Conservation Areas are Heritage Assets - an irreplaceable resource (Para 126 NPPF para 126) - and ENV1 stresses the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Any change to the essentially rural track that is the present access would cause harm to the Conservation Area significantly altering the street scene of Feathers Hill and provide an inappropriate intrusion into the street scene. Increased traffic resulting in noise, disturbance and potential damage to adjacent listed buildings would mean loss of amenity to all adjoining dwellings. This proposal is not compatible with ENV1, ENV2.

Location:

1. The B183 is classed as Secondary Distributor Road (Primary 2 Route) running from Takeley to Harlow. The road is derestricted, and has a number of sharp bends and a heavy volume of commuter, delivery and construction traffic and HGV traffic accessing quarries and waste sites.
2. Feathers Hill is in the central Conservation Area, but has a narrow carriageway, narrow footpaths, proven high volume of traffic and of speeding vehicles, including high proportion of lorries and HGVs all of which impact on vehicle and importantly but largely ignored, pedestrian safety. Parking is permitted - but risky - and other properties have direct access onto the road.
3. A Highways Impact Statement (HIS) has been submitted to justify the proposed access without which the site is unsustainable.

Highway Safety:

1. The present Chepingfield access exits onto the westbound carriageway of Feathers Hill about 50m south of the bend onto the High Street at the top of the hill.
2. The access track is planned to serve a proposed development of four substantial dwellings, one 3 bedroomed and three with 4 or 4+ bedrooms and the furthest dwelling being at a distance of 140m of the access.
3. The desktop calculation of approximately 2 additional peak hour movements and 18 additional daily movements seems understated as the development will be dependent on car transport for access to the many facilities not provided in Hatfield Broad Oak Village
4. Under policy GEN1: the access to the main road network must be capable of carrying the traffic generated by the development safely and the design of the site must not compromise road safety. The proposed access does not meet these standards.

Proposed new Access:

1. The developers claim that i. a maximum width of 4.6m can be achieved - presumably by removing all vegetation and grass verge back to the brick walls and boundaries, leaving no room for a footpath, ii. that two cars each 2006 mm in width would be able to pass when entering and exiting at the same time.
2. Whilst it is technically possible for two cars each 2006 mm in width to pass in a straight line, the reality is that the leeway would be a matter of just over 500mm and both carriageways could be blocked. It would therefore result in queueing on the carriageway westwards and cars going eastwards turning over the central white line in order to make the corner. The operation would be tricky, take time and rely on the drivers having expert driving skills!
3. The authors of the Highways Impact Statement (HIS) are sure that the correct visibility lines can be obtained. However 50 metres is a very short distance from the bend to the access and vehicles coming round the bend travelling west would not have the stopping distances quoted if there were three or four cars waiting while vehicles try to get into the proposed access, or when a larger vehicle was parked outside.
4. It is accepted that the UDC refuse lorries are too big to use the narrow proposed access. A collection point is proposed 25m along the access road and presumably refuse lorry waits while 8-12 dustbins are collected resulting in more peak hour queues.
5. On these grounds, we would expect the access to be unacceptable and it is clear that the support of the Highway Authority is not likely.

Pre application response from Essex Highways:

1. In Appendix A and B Essex Highways state their objections to the proposed access:
 - i. the proposed access width of 4.6 metres is not sufficient to allow two vehicles to pass.
 - ii. The Swept Path Analysis demonstrates that when two vehicles are entering and exiting the highway, the vehicles are within millimetres of the buildings either side of the access and the other vehicle
 - iii. Drawing no. F17099IO2 titled Swept Path Analysis is unacceptable as vehicles should not cross over the opposite side of the carriageway to enter or exit the access
 - iv. The Highway Authority protects the functions of Secondary Distribution Routes between defined settlements by prohibiting the intensification of existing accesses.
 - v. It is unlikely that the Highway Authority would support this proposal.
2. The crux of the matter is that this proposal had not gained Highways approval according to their usual high design standards and the authors of the HIS then use the specious argument that the Feathers Hill section of the B183 has urban characteristics and thus priority is moved from vehicles to pedestrians. It should therefore be subject to lower technical standards of access design and road safety as laid out in the DfT Manual for Streets how to design, construct, adopt and maintain new and existing residential streets.
3. This treatment is strongly opposed by Hatfield Broad Oak Parish Council and residents of HBO. Hatfield Broad Oak is a village, not an urban area and whilst Feathers Hill is within the settlement area it is certainly not an urban street in a

residential area for these reasons:

- i. No traffic calming measures are allowed on the B183 in the village apart from a zebra crossing and Village gates.
- ii. There is no street lighting on Feathers Hill.
- iii. The 30 mph limit on Feathers Hill and the VAS were only achieved in 2014/5 after 2 years of application to the Local Highways Panel. It was recommended for all villages in the Essex Speed Management Strategy of June 2010.
- iv. In practice, Essex Highways continue to protect the routes function as a Secondary Distributor Road (Primary 2 route) and to promote the precedence and smooth passage of vehicles.
- v. There is housing on one side only and the area has a more rural feel as opposed to the High Street.

4. It has none of the characteristics of a street in a residential development and must be considered under the higher safety standards of the Essex Design Guide Feb2018 (containing Essex Highways Technical Manual). Other factors affecting the feasibility and safety of proposed access - the original access was built under very different road and transport conditions and is unsuited to today's standards and technical demands.

Volume of Traffic

1. The most recent survey of volume of traffic here was a 7-day automatic traffic count on B183 Feathers Hill, Hatfield Broad Oak commencing Fri 19 Sep 2014,

- i. this recorded a total of 16,087 vehicles travelling eastbound and 15,392 westbound vehicles.
- ii. A combined weekday (12 hours) average of 4,497 vehicles used Feathers Hill during that week and of these 8.5% were vans, lorries and HGVs. It is certain that the volume will not have decreased in the last 3½ years.

2. A survey at Takeley Four Ashes traffic lights at the B1256/B183 junction on Tue 13 Jun, 2017 showed:

- i. a 12 hour total of 6,171 vehicles entering and exiting the B183 South, of which the vast majority would have passed through Hatfield Broad Oak.
- ii. 9.7% of these were LGV2-HGV2 categories.

3. This is not the volume of traffic expected on a street with urban characteristics. It is also a heavy volume of traffic for a narrow winding rural Primary 2 Route. Heavy traffic passes within one to two metres of pedestrians on the narrow footpath and air and noise pollution is an added irritant. Walking on the B183 within the village is not a pleasant or safe experience.

4. Any extra journeys using the proposed access would only make things worse. The proposed development will be entirely dependent on the car for access to larger retail centres, sports facilities, doctors surgery in Hatfield Heath, other health facilities, school runs and commuting.

5. Feathers Hill is already used as a cut through by commuters and parents on the school run and these often seem to residents to give no quarter to pedestrians or vehicles using the B183 in the village.

Speed of Traffic:

The HIS traffic survey was conducted at the quietest time of the day (13.10-14.30) hence the relatively low (for this road) volume of traffic. Community Speed Watch

and Police activity show relatively higher levels of use at other times. Even so, the surveys eastbound 85th percentile shows excessive speeding for a 30mph area. In a one hour session CSW will commonly record 25-35 vehicles speeding. At busier times of day eastbound speeds tend to be much higher with CSW recording typically one third to a half of speeders doing 40mph or more. With high speeds this common traffic will not have the stopping distances quoted if vehicles are queueing while the access is in use and the eastbound carriageway blocked. Pedestrians would also be put at risk.

Accidents:

The HIS seems to regard the Feathers Hill as having no on-going safety issues. Essex Police TraffWeb only records accidents to which the emergency services have been called and personal injuries reported. This low level of recorded accidents is perhaps misleading. Anecdotal evidence suggests many near misses, vehicles overtaking at speed in the 30mph limit and slight collisions and bumps that do not involve the services or personal injury, but are nonetheless damaging and upsetting particularly to pedestrians. Cars accessing or queueing at the proposed access would increase the likelihood of these types of accident and neighbours feel that any extra traffic movements associated with this proposed development will make all accidents more likely. Hatfield Broad Oak Parish Council believe that proposed access to the development does not meet the Planning Policy GEN1 a, c and e, and ENV1 and does not conform to NPPF paragraph 32 and the Essex Design Guide Feb 2018. HBO PC strongly objects to this. It would be a substandard and unsustainable access endangering Heritage Assets in a Conservation Area and adversely affecting Highway Safety.

B Site and Design Of Development:

1. It is proposed that Chepingfield - a large 1960s dwelling in poor repair - will be demolished and a development of 4 market dwellings constructed on the garden and open country.
2. Hatfield Broad Oak has a proven need for smaller and more affordable housing of good quality to encourage younger people to remain in the village and make their contribution to a vital village community. The proposed development does not satisfy this need as one of the dwellings has three bedrooms and the rest 4 or 4+.
3. Presumably because this is an outline planning application the Design and Access Statement contains little detail on the design of the 4 dwellings proposed, apart from the rather unlikely claim that it will nestle into the countryside and that Plot 4 dwelling will mimic a cluster of traditional farm buildings in a courtyard design.
4. The site comprises open land and gardens with open countryside to the south and west. Chepingfield itself is within the village envelope, but that area is too small to accommodate Plots 1 and 2. Effectively 40% of Plots 1 and 2 and all of Plot 3 and 4 are outside the development limit.
5. The principle to be decided is whether development should be allowed outside the development limits of Hatfield Broad Oak village in the countryside. The planning statement claims the proposal site is surrounded by existing housing development on three sides- in reality it has back gardens on the north and east sides and open land - countryside - on the other two. The proposal cannot be treated as infill.

6. The developer claims that the site is a brownfield/previously developed land. NPPF Core Planning Principles 17 point 8 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. On examination of the claim - the stable block cited is wholly sited in the garden and in any case it would be hard to see this as a permanent structure and associated infrastructure in terms of the NPPF definition of previously developed land (NPPF p 55).

7. It seems inappropriate that the domestic element described by a neighbour a Wendy House and 5 cloches and mown grass should be taken to reduce perfectly good meadow land from greenfield to previously developed land, especially as the area in question forms a part of the intrinsic value and beauty of the wider landscape sloping down to Pincey Brook. Any previous grazing of horses would not of course imply acceptance of this designation. It is countryside and as such should be protected.

8. In any case the NPPF para 53 requires local planning authorities to set out policies to resist inappropriate development of residential gardens for example where development would cause harm to the local area. This proposal would be intrusive and not compatible with that local area and the setting of Hatfield Broad Oak in open countryside.

9. The access and the houses and gardens of Feathers Hill and Cage End are part of the historic centre of Hatfield Broad Oak protected now by the Conservation Area and the proposed development would introduce an incompatible building form damaging the setting of the area and the listed buildings. It would introduce a barrier between the village envelope and the open countryside that is a distinctive element in the setting of Hatfield Broad Oak. The proposed scheme does not conform to ENV1 and ENV2.

10. Debates about precedence of S7 or NPPF doesn't alter the fact that the intrinsic character and beauty of the countryside should be protected from harmful development.

Residential Amenity:

1. The access track runs 140m from the road close to a number of properties ending in a turning point beside Pinnacles and Cage End Cottage boundaries. The development of this access would introduce an intrusive urban character into the Conservation Area and adversely impinge on the setting of listed and non-listed house alike.

2. Additional commuter, domestic and delivery traffic on the long access track will lead to a significant amount of noise and disturbance in a quiet area away from the B183. In addition, the backland development will remove what is now an open space, meaning overlooking, loss of privacy and loss of undeveloped aspect from the rear of properties on Cage End and Feathers Hill resulting in loss of residential amenity.

Housing Land Supply and Windfall Allowance:

1. Uttlesford District Council has agreed to go ahead with the Regulation 19 Local Plan. The development strategy proposed will result in a supply of 14,715 homes. The Supplementary Paper on Appendix 3 Housing Trajectory indicates the provision of at least 5.23 years of housing land (using a 20% buffer). This meets the

conditions of NPPF paragraph 47 and removes the overarching insistence that acceptance of such flawed applications for a small number (3) of new dwellings would make any difference to the Housing Land Supply.

2. UDC makes an allowance for windfall sites when assessing the five year housing supply. The windfall land list Housing Trajectory 2011 to 2033 obviously does not include Chepingfield.

3. NPPF para 48 states that any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, and should not include residential gardens.

4. This removes any justification for claims that approval of such a flawed application for a small number (3) of new dwellings could be justified by the developer as contributing to the windfall allowance. The site does not support the environmental role of sustainable development required by the NPPF.

Conclusions:

I. the access onto the B183 does not conform to standards for a Secondary Distributor Road, and compromises Highway Safety. The Highways Authority does not support the proposal.

II. The development would introduce an urban element on land outside the Development limits of the Village.

III. The development would not enhance the character and appearance of the local area, in particular the Conservation Area.

IV. The design does not conform to policy S7 as it does not protect or enhance the particular character of the part of the countryside within which it is set, nor NPPF para 17 which recognises the intrinsic character and beauty of the countryside.

V. Residential amenity will be adversely affected by the loss of open outlook on the countryside and the close proximity of the proposed access.

VI. The development is not necessary - the Reg 19 Local Plan provides a Housing Trajectory of at least 5.23 years. The site is not included in the Reg 19 Local Plan or the windfall lists.

On behalf of residents Hatfield Broad Oak Parish Council ask that planning permission be refused

9. CONSULTATIONS

London Stansted Airport

9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome Safeguarding criteria. It has no safeguarding objections to the proposal.

ECC Highways

9.2 The Highway Authority has carefully considered the proposal. As stated in the applicant's documents, the proposal was considered at pre-application stage by the Highway Authority, and a response was issued based upon the information supplied at the time of the enquiry only. Since the planning application has been submitted, further information has been provided and the Highway Authority has conducted two site visits, one with the planning agents.

- 9.3 The planning agent has confirmed that the entire hedge to the west of the access is in control of the applicant and can be removed to provide the 4.6m opening access width. Furthermore, swept path analysis has been provided confirming that, if necessary, two vehicles can pass. This is unlikely to be a regular occurrence due to the low traffic generation. Visibility from the access meets the required standard for the speed of the road and the access is located off a straight section of Feathers Hill which provides good forward visibility. There are no recorded accidents associated with the access or in the immediate vicinity of the access in the past 5 years. Consequently the Highway Authority is satisfied that the proposal will not be detrimental to highway safety or efficiency at this location
- 9.4 From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to highway conditions.

ECC Ecology

- 9.5 No objections subject to securing biodiversity mitigation and enhancement measures.

Summary:

- 9.6 I have reviewed the Ecological Appraisal and Bat Report (ELMAW Consulting Ltd, date May 2018) and the Arboricultural Report (GHA trees, June 2018) supplied by the applicant relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate mitigation.
- 9.7 Chepingfield house is a known maternity roost for common pipistrelle bats and roost for serotine bats. The mitigation and compensation within the Ecological Appraisal and Bat Report will need to be implemented in full and a copy of the EPS licence submitted to the local planning authority. All of the measures discussed in the Ecological Appraisal and Bat Report relate to bats only. Approximately a third of the trees on the site will be removed to allow development and this bird nesting habitat should be replaced – 12 trees should be replaced on a one for one basis. The report presumes that hedgehogs would be within the local area, but does not recommend permeable boundaries which would allow them to continue to move through the area. A bat sensitive lighting plan should be implemented so the development does not alter the behaviour of the bats using the area.
- 9.8 I am satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 9.9 The mitigation measures identified in the Ecological Appraisal and Bat Report (ELMAW Consulting Ltd May 2018), should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species bats. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim. Submission for approval and implementation of the details below should be a condition of any planning consent.

ECC Archaeology

- 9.10 The Historic Environment Advisor of Essex County Council has identified the above application from the weekly list.

The following recommendation is in line with the new National Planning Policy Framework

RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation.

Reason: The Historic Environment Record and the heritage statement submitted with the application indicates that the proposed development lies adjacent to a sensitive area of archaeological assets.

UDC Environmental Health officer

- 9.11 Recommended Decision:

Approval Subject to conditions

COMMENTS

Thank you for consulting Environmental Health on this application.

Construction Impact:

This site is adjacent to residential properties on two sides. A condition restricting hours of construction and deliveries is recommended.

Public Health:

The existing dwelling is described in the application as a 1960s building in poor condition. A building of this age is likely to contain asbestos. The applicant should be advised that under the Control of Asbestos Regulations the contractor must carry out a demolition survey and safely remove any asbestos before demolition begins.

10. REPRESENTATIONS

- 10.1 Neighbour notification period expired 18 July 2018. 9 representations received (8 objections, 1 support). Advertisement expired 19 July 2018. Site notice expires 27 July 2018.

Summary of representations:

- 10.2 The representations received (objectors) are in the main focused on what is considered to be an inappropriate backland site for dwelling intensification through dwelling net gain and serious impacts on highway safety/inappropriate access arrangements whereby these representations are substantially covered by the Parish Council's detailed letter of representation to this submitted scheme.

- Inappropriate backland development.
- Scheme would undermine character and appearance of conservation area.
- Scheme would erode the sense of rural charm which represents this side of the village High Street.
- Not an infill site.
- Not a brownfield site.
- Development of the site would result in a change from a rural pastoral

landscape to an urban one.

- A number of trees would be removed thereby opening up the site.
- Hatfield Broad Oak does not need more of this type of larger housing
- There would be more than just “glimpses” of the proposed dwellings as referred to in the Landscape Visual report.
- Dwelling for Plot 4 would result in a degradation of long established views down to Pincey Brook.
- The proposed access arrangements fail to meet a number of highway standards, including Manual for Streets.
- Access point is close to a sharp blind corner at the top of the hill.
- Traffic speed survey conducted at quietest period of day over the lunchtime period. Survey should have also been conducted during peak traffic periods to get averaged more realistic speed survey data. Survey is therefore disingenuous.
- Presented swept path analysis indicates that when two cars are entering and exiting the site that the vehicles would be in touching distance of each other and also of the buildings to the side.
- Vehicles entering the site from the east along Feathers Hill will have to cross the centre line to turn into the site.
- Access width is deficient as there is width only for one vehicle along the track.
- ECC Highway standards demand a minimum 5.5m wide service drive – there is only 4.6m “wall to wall”.
- Existing track will not be able to cope for extra traffic generated from the site.
- Lack of street lighting along Feathers Hill to top corner.
- Scheme will be detrimental to residential amenity resulting in loss of outlook (established views), overbearing effect and loss of privacy.
- Noise and disturbance would be created by intensification of use of the site for additional dwellings.
- Refuse collection would be a problem. Will bins be left on pavement?
- Sworders have relied on a 3.77 to 4.2 year housing supply deficit for Uttlesford District. This is the wrong figure whereby a recent Council committee meeting announcement has increased this figure to 5.23 years supply moving forward with the imminent submission of the reg 19 draft local plan.
- Development of the site will set an unwelcome village precedent.
- Any approved development of the site should have adequate boundary screening

10.3 The representation submitted by the occupier of Pinnacles, Cage End has been expanded upon through the planning statement submitted by SJK Planning Ltd on his behalf, the comments of which broadly reflect the concerns of the Parish Council and other third parties relating to the principle of development and concerns over access.

10.4 An email communication has since been submitted by the applicant’s agent (Sworders) in response to the representations received (email dated 2 August 2018), which is as follows:

Highways

- 10.5 The response from Highways indicates that the provision of further information following the pre-app stage has now enabled them to support this proposal. Objections from other parties on highways grounds cannot be regarded as having greater weight than the highways authority's views and must therefore be disregarded.

The Principle of Development

- 10.6 A number of objectors highlight that policy S7 sets out that the 'countryside should be protected for its own sake'. As Uttlesford's own Compatibility Assessment (September 2012) recognises, the 2012 NPPF (and now the 2018 NPPF) set out that whilst decisions should recognise the intrinsic character and beauty of the countryside, national policy does not include protection for its own sake. The NPPF takes a positive approach, rather than a protective one to development in the countryside, supporting development in sustainable locations.
- 10.7 Our planning statement establishes that the sustainability of the location coupled with the lack of countryside harm (as evidenced by the Landscape and Visual Appraisal and Heritage Assessment reports which accompany the application) determines that development in this location is acceptable. We note other consents granted outside development limits in the district, even during the periods when there was an adequate 5 year supply, support the above interpretation.

Five Year Housing Land Supply

- 10.8 A number of objectors argue that the publication of the draft Local Plan for regulation 19 consultation means the Council no longer has a shortfall in housing land supply. The 2018 NPPF confirms that sites allocated in an emerging Plan do not fall within the definition of 'deliverable' for the purposes of calculating five year land supply. Moreover, the conclusions reached by the Inspector regarding the soundness of the North Essex Authorities Plans, specifically in terms of the deliverability of the Garden Communities generally, and specifically in regard to west of Braintree which is cross boundary with Uttlesford and thus features in Uttlesford's Local Plan, throws significant doubt on the Uttlesford Local Plan process.
- 10.9 The 2018 NPPF requires that housing land supply is considered against local housing need (paragraph 73). In the absence of an up to date Plan, local housing need should be assessed against the Standard Methodology. For Uttlesford, this amounts to 740 dwellings per annum – which worsens the housing land supply situation in the district.

Character, Appearance and Heritage

- 10.10 The Landscape and Visual Appraisal supplied with the application undertaken by Nigel Cowlin Associates, properly analyses viewpoints of the site and concludes that the development would have no notable landscape and visual impact. The site is self-contained, with little if any relationship to the outlying landscape setting of the village. Objectors have claimed the development will have an impact on the character and appearance of Feathers Hill. The LVA considers this impact on public views of the site from Feather's Hill (viewpoint 4). It sets out that from this viewpoint there would be glimpses of the upper sections of plot 1 and possibly plot 2, matching the current glimpses of the roofscape of the existing Chepingfield house. Vegetation associated with the Pincey Brook, and the gardens of Juniper House, Hill Cottage and No. 24 would screen plots 3 and 4. As a result, and given the location is in a village setting, the development would not change the nature of the views or the character of the approach to the village along Feathers Hill.
- 10.11 It is acknowledged within the LVA that private views from those houses overlooking the site will be affected. However, the outlook from these properties would be that of looking from the rear of one property to the rear of another, and not be at odds with the normal amenity expectations for private dwellings within a village location. Moreover, it is accepted that the loss of a private view is not a material consideration unless the view in question coincides with a public view that it is important to protect (see Development Control Practice, section 12.236).
- 10.12 This assessment is reflected in a 2014 appeal decision concerning the erection of 170 dwellings adjacent to a residential area in Cheshire East (APP/R0660/A/14/2211721) which outlined that (paragraph 59) *"There would, I fully accept, be a major change in the outlook from the rears of properties immediately adjacent to the site. It is entirely understandable that residents there would prefer the site to remain as open fields and would consider that they would be adversely affected by its development, though it is likely that the same concerns were felt by others when the dwellings now adjacent to the appeal site were built. But it is well established that there is no right to such private views and that their loss is not as such regarded as a planning consideration even if it affects the values of the houses concerned."*
- 10.13 The application is also accompanied by a Heritage Assessment, undertaken by CGMS, which confirms that the application will not affect the heritage value (character and appearance) of the area and will not impact on the ability to appreciate the important views from the Conservation Area, and therefore, its rural feel. The report concludes that the impact of the development will be 'no harm' for the purposes of the NPPF.

Residential Amenity

- 10.14 The indicative layout and Design and Access Statement clearly establishes that the development of the site will not cause unacceptable overlooking, loss of privacy or overbearing. Whilst this application seeks an outline consent, any future reserved matters application that proposes an alternative layout would clearly be required to ensure that residential amenity is not unacceptably affected.
- 10.15 Objectors claim that the increase in traffic on the access would be unacceptable in terms of residential amenity. The increase in traffic from an additional 3 dwellings is de minimis. This is particularly the case given in the surrounding dwellings adjoin Feathers Hill, a public highway.

Housing Size Mix

- 10.16 The Parish Council indicate the village has a need for smaller dwellings. The proposal accords with the mix identified in the current SHMA, which is the most up to date evidence of housing need in the district and sets out that the majority of need in the district is for 3 and 4+ bed houses. Whilst the Parish Council may not agree with this evidence, there is no evidence that a contrary mix would be appropriate.

Brownfield Land

- 10.17 As is clearly justified in our Planning Statement, the acceptability of the proposal does not turn on whether or not the site can be considered brownfield. Other material considerations are such that consent should be granted irrespective of this issue. Notwithstanding this however, we have set out why recent appeal decisions point to the whole site, rather than the garden alone, being considered brownfield.
- 10.18 *Officer comments:* It is the case and it should be emphasised that the latest published Uttlesford District Council housing projectory figures for the purposes of official calculation for comparing its housing supply against the government's statutory 5 year housing supply target currently remains the August (April) 2017 housing projection figures, which should be used in any current analysis for planning applications until these housing calculations are adjusted by the findings of the Council's next annual housing completions count/forecasting exercise and taking into account the new standardised methodology of counting as now required by the revised NPPF (July 2018). The higher estimated housing supply figure "moving forward" quoted by some objectors to the proposed housing scheme the subject of this report (up to a 5.23 year housing supply figure has been quoted) in relation to the shortly to be submitted Council's reg 19 draft local plan (where this figure has been based on sites which are yet to be allocated) cannot therefore be currently used until such calculation adjustments have been made.

11. APPRAISAL

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

- A Principle of residential development having regard to sustainability development aims and objectives, flood risk, countryside protection and backland development (NPPF, ULP Policies S3, S7, GEN3, H3 and H4).
- B Impacts of development on character and appearance of the conservation area, listed buildings and trees (ULP Policies ENV1, ENV2 and ENV3).
- C Access (ULP Policy GEN1).
- D Design and parking standards (indicative) (ULP Policies GEN2 and GEN8).
- E Housing Mix (ULP Policy H10)
- F Affordable Housing (ULP Policy H9).
- G Impact on residential amenity – indicative (ULP Policies GEN and GEN4).
- H Impact on protected/priority species (ULP Policy GEN7).

A Principle of residential development having regard to sustainability development aims and objectives, flood risk, countryside protection and backland development (NPPF, ULP Policies S3, S7, GEN3, H3 and H4).

- 11.1 The NPPF (revised, July 2018) has a presumption in favour of sustainable development whereby para 11 states that for decision making that this means *"approving development proposals that accord with an up to date development plan without delay and, where there are no relevant development plan policies or the policies which are the most important for determining the application are out of date,*

granting planning permission unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or (ii) 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". ULP Policy S3 of the adopted local plan states that development will be permitted within development limits if proposed development within existing built-up areas is compatible with the character of the settlement, whilst ULP Policy H3 allows for appropriate infilling within development limits and ULP Policy H4 states that development of a parcel of land that does not have a road frontage will be permitted if it meets the criteria set out in policy H4 relating to land efficiency, would not have significant adverse effects on residential amenity and if means of access would not cause disturbance to nearby properties. ULP Policy S7 states that the countryside will be protected for its own sake, whilst ULP Policy GEN3 (NPPF) seeks to direct new development to areas which have the lowest risk of flooding.

- 11.2 The eastern side of Chepingfield lies within development limits and no policy objections are raised to the "replacement" of the 1960's dwelling *per se* whereby the 1960's built dwelling does not have any particular architectural merit and is stated to be uneconomically viable to bring it up to modern Building Regulation standards in terms of energy efficiency. The residential nature of the proposed development would be in accordance with the prevailing land use of the immediate area extending back to High Street and Cage End and would accord with ULP Policy S3. The housing scheme as presented would take the form of backland development whereby the dwellings on the site would not have individual frontages. However, when assessed against the criteria of ULP Policy H4, the redevelopment of Chepingfield which has sizeable grounds would make more effective and efficient use of it, whilst the proposed development if carefully designed through an appropriate layout ought not to have an adverse impact on existing residential amenity where it is noted that the existing dwellings along Feathers Hill have boundary distances to the northern boundary with Chepingfield in excess of 15m and the northern boundary contains a line of extensive vegetation. It should also be noted that Chepingfield itself represents a backland form of development. Whilst there would be some noise and disturbance associated with the increased use of the existing service track to Chepingfield, it is considered that this would not be excessive in terms of increased comings and goings to and from the site. In the circumstances, it is considered that the proposal would not be contrary to ULP Policies S3 and H4 and would meet infilling criteria under ULP Policy H3.
- 11.3 The site is located towards the top end of Feathers Hill which is within walking distance to the centre of the village of Hatfield Broad Oak which has a good level of local services, including a village shop/post office, public house, a surgery, primary school and well used village hall and church. Access to these local services from the proposed housing site would be via Feathers Hill as a short cut does not exist to the High Street via the top end of Cage End. Notwithstanding this, the site by its position lies within a sustainable location and the proposal meets the social strand of the NPPF in this respect. The proposed development of the site for 4 no. houses (net gain of three units) would contribute to the economic well-being and vitality of the village as a small rural edge housing scheme as well as providing contractor employment during the build process. As such, the proposal would meet the economic strand of the NPPF.
- 11.4 The proposal site comprises the existing landscaped grounds of Chepingfield (Plots 1-3) and also part of the maintained paddock to the immediate south (Plot 4). Chepingfield itself is enclosed to all of its boundaries and has a line of thick mature

boundary vegetation along its lower western boundary. By contrast, the adjacent paddock has an open interior, although is also enclosed onto all of its boundaries, including along its lower western boundary with Pincey Brook.

- 11.5 The detailed Landscape Visual Assessment report accompanying the application (Nigel Cowlin) provides a detailed analysis and assessment of the extent to which the proposed development would have an environmental impact in visual terms on the local landscape, making reference to Essex landscape characteristics and parameters (Chris Blandford Associates), landscape theory and methodology and also visual amenity appraisal and concludes from the findings of the report as follows:

“This site very much nestles into the settlement and development here would not bring about any notable landscape or visual impact implications in the wider setting. This is a self-contained site, almost completely surrounded by domestic land, and with little if any relationship to the outlying landscape setting of Hatfield Broad Oak. Visual influences are correspondingly also modest and in no instance do they give rise to any notably harmful effects. Accordingly, it is felt that landscape and visual issues should not form any notable constraint to the acceptability of this development. No further landscape and visual investigations are considered necessary”.

- 11.6 The site (to include the paddock) has been viewed by Council Officers from higher ground to the immediate west beyond Pincey Brook and it is apparent that the proposed development would not be discernible from longer views into the site from this direction given the established and thick natural boundary screening which exists along the public footpath which runs parallel with the brook, whilst the development would not be discernible from land to the south of the paddock due to a similar line of established vegetation. The immediate lower western boundary of Chepingfield is itself substantially screened. As such, it is concluded from both the officer site visit and also by the submitted Landscape Visual Assessment that the proposal would not have a significant harmful impact on any wider countryside setting at this edge of village location, notwithstanding that some trees within the site would be removed to facilitate the development. Consequently, the proposal would not be contrary to the environmental strand of the NPPF and by extension of this ULP Policy S7, which has been previously found by its restrictive approach to be only partially consistent with the more proactive stance taken by the NPPF towards small scale rural housing developments. It is accepted that the development, most notably the dwelling for Plot 4, would have an impact on the setting of the paddock itself, which has a somewhat pastoral feel. However, the partial residential development of this immediate setting has to be weighed against the wider countryside harm which, as previously mentioned is considered to be negligible when assessed in visual context.
- 11.7 The site is situated within Flood Zone 1 as shown on the government's flood risk map which represents the lowest risk of flooding. As such, the proposed development is unlikely to represent a flood risk or cause any significant problems with surface water run-off to adjacent properties and would not be contrary to ULP Policy GEN3.

B Impacts of development on character and appearance of the conservation area, listed buildings and trees (ULP Policies ENV1, ENV2 and ENV3).

- 11.8 The site lies adjacent to a conservation area and abuts a number of listed buildings and due regard therefore has to be had to the impact that the proposal would have

on the character and appearance of the conservation area and on listed building protection. Feathers Hill is characterised by a linear built form extending down to Pincey Brook as is Cage End whereby some of the properties along the latter have deep rear gardens. The submitted Design & Access Statement informs the proposal in terms of an illustrative site layout and states the following in terms of site context:

“Though the application is an outline application and the design details will be submitted at reserved matters stage the following treatments are envisioned - Plots 1-3: The proposed dwellings will be individually designed properties drawing on the wealth of historic buildings in Hatfield Broad Oak for both architectural details and materials. They will be a mixture of roof heights and their design will include projecting gables and bay windows. The detailing of chimney stacks, dormer windows and porches will also reflect those found in the surrounding area. The materials used again will echo those found in Hatfield Broad Oak, namely brick, render, peg tile and weatherboard. Plot 4: Following advice from Uttlesford Planning Department during the Pre-App discussions the design for plot 4 has been amended from the initial □al submission. The design now reflects the position of the proposed dwelling located between the built up area of the village and the countryside. The intention is to construct a building of vernacular proportions and design, mimicking a cluster of traditional farm buildings in a courtyard arrangement, as would typically be found on the edge of a village in the Essex. Priors Farm Barns to the north east of the site, accessed from Feathers Hill, is a local precedent, similarly laid out in a courtyard arrangement”.

- 11.9 It is considered that the impacts of the proposed development on nearby heritage assets cannot be fully assessed at outline stage whereupon detailed drawings showing the form and appearance of the proposed dwellings at detailed stage will properly inform the proposal at detailed stage. The proposal therefore conforms to ULP Policies ENV1 and ENV2 for the purposes of the current outline submission.
- 11.10 The tree report accompanying the application states that there are 34 individual trees and groups which have been survey assessed. Of these, 15 have been assessed as Category B amenity value with the remaining trees being assessed as category C amenity value. Based upon the submitted indicative layout, 9 trees and one group are proposed for removal. 6 of these trees, and the group, are category C trees, which are assessed as having low quality, whilst 3 trees are category B assessed as having a moderate quality. No category A trees are proposed for removal.
- 11.11 It is stated that priority has been given to retaining higher quality trees when considering the indicative site layout, whilst the proposed loss of three category B trees is viewed as being a balance between the need to create a successful design and layout with the retention of the maximum number of high quality trees as possible and represents the minimum necessary to achieve this balance. The site offers good opportunities for replacement trees whereby the location, species and maturity of replacement specimens can be considered in detail at reserved matters stage. In the circumstance, no objections are raised in principle under ULP Policy ENV3.

C Access (ULP Policy GEN1).

- 11.12 Vehicular access to the proposed development would be via the single track entrance to Chepingfield. The current proposal has been the subject of pre-application meetings and site visits between the applicant and ECC Highways when highway concerns were initially expressed over whether or not the access was

deemed suitable for an additional three dwellings at the site. Access is one of the main reasons for local representation against the submitted scheme.

- 11.13 The submitted Highway Impact Statement explains how the proposed development would be acceptable through the residential intensification of use of the site by the use of various swept path analysis diagrams for various vehicles in typical situations turning and passing. However, in doing so, it recognises the constraints of the site with regard to access width, access onto a secondary distributor road and also means of refuse collection. The statement concludes by saying that visibility along Feathers Hill outside the site is satisfactory in both directions and that ECC Highways have not raised any highway objections in this regard. With regard to access width, it states that the report has placed an emphasis on the Manual for Streets (MfS) which adopts a more flexible approach than the Essex Design Guide (2018) and which demonstrates that prescribed widths should be used “as a starting point” and that the footprint of the access should be determined by an evidence based assessment.
- 11.14 An email was sent by the applicant’s highways consultants to ECC Highways (29 June 2018) following further discussions regarding amongst other issues the potential for vehicles to cross the centre line, of vehicles turning into the site when approaching from the east and the ability or otherwise for refuse vehicles to be able to physically enter the site. The email is included below for Members information;
- 11.15 “I write to summarise the points discussed and confirm the details we agreed during the meeting.

Following on from recent correspondence, the issues in dispute on this application could be summarised as follows:

- Width of the access and ability to accommodate turning manoeuvres.
- Principle of a new access on Feathers Hill, a Secondary Distributor Road.
- Refuse Collections.

We kicked off with a discussion about the refuse collections and I confirmed that the latest information from Uttlesford DC (UDC) has presented a vehicle type that will not be able to manoeuvre with the proposed access arrangement. I mentioned how our Highway Impact Statement (revised to reflect recent discussions and submitted in support of a recently submitted planning application for the scheme) acknowledges this but offers an alternative scenario whereby the internal layout includes a central bin storage area that could help to minimise the distance between the Bin Collection Point and on-street collections. You explained how this would ultimately be a matter for UDC to approve but confirmed Essex County Highways (ECH) would have no major issues with the principle of this arrangement.

We then went on to discuss the issue of width and principle (of the access) collectively. We discussed how the characteristics of Feathers Hill in the vicinity of the site access were very much ‘active’ with footways and direct access driveways for a considerable distance either side, with relatively low traffic speeds passing the site and regular interruptions in the traffic flow caused by parked and manoeuvring vehicles associated with the properties. We also discussed how approaching vehicles had good forward visibility of these manoeuvres due to the slow speeds and straight carriageway alignment past the access. We also spoke about the wording of the policy which relates to restrictions being outside of the defined settlement areas, whereas Feathers Hill clearly has developed characteristics in the vicinity of the access. We then moved onto the principle of the turning movements and I explained how our updated Highway Impact Statement sought to address

ECH's concerns by providing larger scale plans demonstrating how there would be clear space between the inbound and outbound vehicles at the access. You continued to express concern as to the positioning of a vehicle turning left into the site and we agreed to explore this further to identify whether widening the dropped kerbs might provide a betterment to our current proposed scheme. The attached Drawing Number F17099/06 shows how it would not be possible to manoeuvre a large car past small car waiting to depart the site – without overrunning the centrelines (so as submitted within the updated Highways Impact Statement). Widening the dropped kerbs regrettably has no benefit in achieving this. However, the attached Drawing Number F17099/05 shows how a small car turning left into the site could do so without overrunning the centreline markings. The vehicle tracking software explains how a Large Car could comprise a Range Rover Discovery, Peugeot 3008, Audi Q7, or Mercedes-Benz E-Class Coupé vehicles, whilst the Small Car could comprise Toyota Aygo, Citroen C1, Peugeot 108, Renault Twingo, Volkswagen up!, or Fiat 500 vehicles. There is also a range of medium sized vehicles between the two categories which I would also expect to be able to undertake the manoeuvre too.

Given that the proposed development would only generate around 2 peak hour movements (two-way), or one vehicle every 30 minutes using the junction, and that a mix of vehicle types would occur, I trust that you are able to maintain your support for the principle of the proposed access layout as advised on-site.

I trust that the above details represent a true reflection of your own recollection of the points discussed and agreed. To summarise, following on from the points discussed you advised that ECH would no longer be objecting to the proposed site access layout. Please let me know if you have any issues with the above whatsoever”.

11.16 ECC Highways have carefully considered the revised information received from the applicant's highway consultants and are now satisfied that the existing access arrangement is suitable for the proposed development without causing a highway danger following confirmation from the planning agent that the entire hedge to the west of the access which is in the control of the applicant can be removed to provide the required 4.6m opening access width, that the frontage hedge within Highways' control can be reduced in height to secure site visibility and as the revised submitted swept path analysis has confirmed that, if necessary, two vehicles can pass at the mouth of the site entrance. However, as mentioned both in the highway statement and also in the ECC Highways' consultation response, such a situation is unlikely to be a regular occurrence due to the low traffic generation from three additional dwellings being provided at the site. Accordingly, ECC Highways have not raised any highway objections to the proposed scheme in principle in their highways consultation response received on 30 July 2018 and the proposal is considered acceptable under ULP Policy GEN1.

11.17 A refuse collection area would be able to be provided along the access track approximately 25m in from the highway kerb adjacent to where the indicated passing bay is shown to be provided as indicated on the submitted site layout plan within what is currently the vegetation strip which exists alongside the track which would be partially cleared to provide these measures given that it is accepted that Council refuse vehicles would not be able to be reversed up the access track.

D Design (Scale, Layout, Appearance and Landscaping) (ULP Policies GEN2 and GEN8).

11.18 Scale, Layout, Appearance and Landscaping are matters which are reserved to detailed application stage and do not therefore fall to be considered for the current outline application in principle. However, as referred to in this report above, the applicant has provided some indication in the submitted Design & Access Statement as to the likely type of dwellings to be provided at the site in terms of size, their appearance and indicative siting. The indicative site plan shows that each dwelling would have a generous rear garden amenity area to meet and exceed Essex Design Guide standards (100sqm minimum), that each dwelling would have appropriate parking provision and that both external boundary separation distances and back to back distances with adjacent dwellings to the immediate north would be able to be achieved. As such, no design objections are raised in principle to the submitted scheme under ULP Policies GEN2 and GEN8.

E Housing Mix (ULP Policy H10)

11.19 The dwellings for this proposed development are indicatively shown as 3, 4 and 4+ bedroom units. It is considered that this range of bedroom units is consistent with the Council's latest available market housing evidence base (SMAA) which shows a tendency for a demand for these bedroomed house types across the district. No objections are therefore raised to the proposal under ULP Policy H10.

F Affordable Housing (ULP Policy H9).

11.20 The proposed site area at 0.70ha means that there would normally be a requirement for affordable housing provision under ULP Policy H9 (40%). However, the preamble to ULP Policy H9 states that appropriate sites should still be large enough to ensure a viable scheme and not lead to the provision of only 1 or 2 no. affordable units on a site which would lead to a fragmented approach to affordable housing in a rural area.

11.21 Based upon the normal 40% required affordable housing provision under policy H9, this would lead to just 1.6 affordable housing units which would not therefore represent a viable proposition for the site or for the village generally. The applicant has confirmed that the gross floorspace for the indicative layout would exceed the 1,000sqm threshold for affordable housing financial contributions under the NPPG. However, whilst the site extends to more than 0.5 ha and the proposed floorspace would exceed 1,000sqm, only four dwellings are proposed whereby affordable housing units would not be required to be provided and hence from this that financial tariffs for the scheme do not arise. The scheme would therefore not be contrary to ULP Policy H9.

G Impact on residential amenity (ULP Policies GEN2 and GEN4).

11.22 The indicative scheme submitted shows that the four dwellings as sited is unlikely to give rise to a significant loss of residential amenity to adjacent dwellings situated to the immediate north along Feathers Hill or to the east fronting onto Cage End, although a proper assessment can only be made of this issue at reserved matters stage when detailed design matters are considered. The comments expressed by the occupier of Pinnacles situated to the immediate east of the existing paddock concerning the erosion of outlook from this property by the introduction of a dwelling at Plot 4 is noted. However, it is the case in planning law that there is no right to a view whereby the siting of the dwelling as shown would not it is suggested give rise to significant amenity harm to this property when assessed against the amenity criteria of ULP Policy GEN2.

H Impact on protected/priority species (ULP Policy GEN7).

11.23 The application is accompanied by an Ecology Appraisal & Bat Report (ELMAW Consulting, May 2018). This has identified that Chepingfield house is a known maternity roost for common pipistrelle bats and roost for serotine bats. Mitigation and compensation has been put forward within the Ecological Appraisal and Bat Report to protect these species through the development. ECC Ecology have viewed the report and are satisfied that this species and also Hedgehogs would be provided suitable protection subject to the mitigation and compensation measures identified which can be conditioned. No objections are raised in this basis under ULP Policy GEN7.

12. CONCLUSION

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

- A The principle of residential development at this site is acceptable having regard to sustainability development aims and objectives, flood risk, countryside protection, infill and backland development (NPPF, ULP Policies S3, S7, GEN3, H3 and H4).
- B The impacts of the development on the character and appearance of the conservation area, listed buildings and trees would not be significant (ULP Policies ENV1, ENV2 and ENV3).
- C The means of access to the proposal site is considered acceptable, whilst the access arrangements would not give rise to a danger to highway safety (ULP Policy GEN1). Refuse arrangements would also be acceptable (ULP Policy GEN2).
- D The scale, layout, appearance and landscaping of the site would be acceptable in principle where these matters are reserved to detailed stage (ULP Policies GEN2 and GEN8).
- E The housing mix for the proposal site is considered acceptable (ULP Policy H10).
- F The proposal does not trigger the need for affordable housing given the quantum of dwellings proposed or the need for any affordable housing financial contributions in lieu of this under the NPPG (ULP Policy H9).
- G The indicative layout submitted shows that impacts on residential amenity are likely to be insignificant (ULP Policies GEN and GEN4).
- H The proposal would not be harmful to protected/priority species subject to recommended mitigation and compensation measures (bats, hedgehogs) being conditioned and implemented (ULP Policy GEN7).

RECOMMENDATION: APPROVAL WITH CONDITIONS

Conditions

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

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

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

permission.

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

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

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

4. Prior to the first occupation of the development the access arrangements, as shown in principle on drawing no. F17099/01 Rev B (dated 19.01.2018), shall be provided. Such works shall include appropriate drainage, kerbing, carriageway construction and surfacing.

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

5. Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 28 metres to the east and 2.4 x 55 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.

REASON: To enable vehicles using the access to stand clear of the footway/ carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

8. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Bat Report (ELMAW Consulting Ltd May 2018), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

9. (Prior to commencement): The following works likely to cause harm to bats as shown on the indicative site layout (217194 DWG 100) shall not in any circumstances commence unless the local planning authority has been provided with either:
- a. a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - b. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition: To ensure that the resulting development does not prejudice the ability for protected and priority species present at the site or which use the site to continue to use their recognised natural habitats.

10. Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

11. Prior to occupation, a Biodiversity Enhancement Strategy containing details and locations of enhancement measures shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

12. No development or preliminary groundworks shall commence until a programme of archaeological work has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the local planning authority.

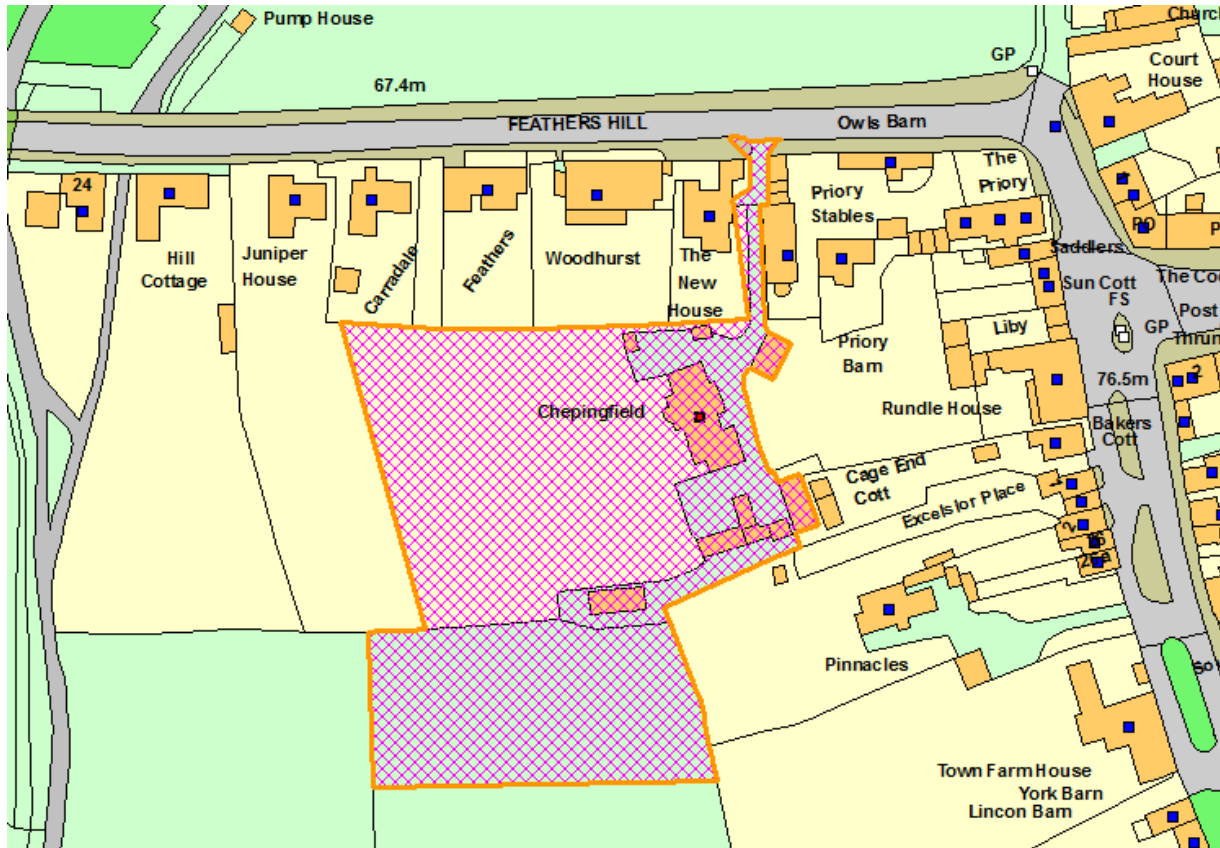
REASON: The Historic Environment Record shows that the development area lies within the site of a medieval fair (EHER 18749) which is positioned just to the west of the historic core of Hatfield Heath. There is the potential for identifying features or artefacts associated with the fair or the medieval and later development of the settlement. Fair sites frequently have large amounts of metal in the form of coinage and tokens lost within them.

The archaeological work would comprise an initial metal detecting survey followed by trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office (in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition: To ensure that the resulting development does not prejudice surviving archaeological deposits.

Application: UTT/18/1653/OP

Address: Chepingfield, Feathers Hill, Hatfield Broad Oak.



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Organisation: Uttlesford District Council

Department: Planning

Date: 20 August 2018

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UTT/17/3540/FUL

(Referred to Committee by Cllr Light and Cllr Morris. Reasons: Impact on elderly and vulnerable residents, over development of the area, significant danger from heavy construction vehicles.)

(Application deferred from Planning Committee on 1 August 2018 for a site visit)

PROPOSAL: Proposed dwelling

LOCATION: Land To The North Of 35 To 40, Hanover Place, Saffron Walden, CB10 1DG

APPLICANT: Mr T White

AGENT: Mr Alan Smith

EXPIRY DATE: 26.01.2018

CASE OFFICER: David Gibson

1. NOTATION

1.1 The following apply to the application site:

- The access only is within the Development Limits of Saffron Walden (the main part of the application site is not).
- Within Saffron Walden Conversation Area.
- Within two Archaeological Sites.
- A small area along the site's northeast boundary is within Flood Zones 2 and 3 (the majority of the site is within Flood Zone 1).
- Within a Contaminated Land Historic Land Use Area.
- Adjoining Audley End Park, a Grade I Registered Park & Garden.
- Adjoining a TPO (ref. 2/90/38).

2. DESCRIPTION OF SITE

2.1 The application site is located to the northwest of 35 to 40 and 31 to 34 Hanover Place. It comprises a roughly triangular-shaped plot that is approximately 0.17 hectares in size. The site is relatively level and currently open grassland with no buildings; there are trees and other vegetation and a watercourse along the northeast boundary, Audley End Park's wall along the west boundary and various low fences and gates along the boundaries to the southeast.

2.2 Grade I Registered Park & Garden, Audley End Park directly adjoins the site to the west, Swan Meadow Car Park directly adjoins the site to the northeast and the Hanover Place retirement housing complex directly adjoins the site to the southeast. The adjoining part of the Hanover Place retirement housing complex comprises two two-storey buildings, with pitched roofs and finished in off-white render. There is also a bowling green. There are a number of windows at ground- and first-floor level that face directly into either the main site or the area of the site

proposed for access.

- 2.3 The part of the site proposed for the access route is a thin strip of land that runs between the gate to the main site, and Abbey Lane, via Hanover Place, and passes through a gap between two existing walls. Abbey Lane is an unclassified road and Hanover Place is a private road serving the retirement housing complex. It is understood that a part of the area proposed for the access route is a piece of communal garden land belonging to Hanover Place retirement housing complex.

3. PROPOSAL

- 3.1 The applicant seeks full planning permission for the erection of a single dwelling. This follows the refusal of an outline scheme (UTT/16/1596/OP). It comprises on the ground floor a study, utility room, cloakroom, kitchen, dining area and living room and a further reception room/bedroom, and 3 bedrooms and bathrooms above.
- 3.2 The section of the building that is parallel to the northern side of 35-40 Hanover Place is set 8 metres away from the common boundary, and is single storey with a carport at its western end. There is one window only in the ground floor that serves a cloakroom, so it will be obscure glazed. There is also one roof light to the utility room, but this is set high, at well over 1.7 metres, so is above eye level.
- 3.3 The eastern wing of the building steps up to 1 ½ storey and on the first floor the bedroom is set within the eaves and lit by roof lights facing towards Audley End Park.
- 3.4 The northern wing is 2 storeys, with first floor rooms partially within the roof. It has its main openings in the three elevations facing away from Hanover Place, and only one en suite bathroom window, and a stairwell roof light in the southern first floor elevation. The bathroom opening will be obscure glazed and the stairwell roof light is well above eye line at 1.7 metres. Furthermore, the roof of the single storey element will act as an intervening structure blocking any views across to Hanover Place. The lines of sight are shown on the submitted drawings.
- 3.5 The materials to be used are a red brick plinth, above which is painted timber boarding, smooth render and Cedar shakes. The roof will be clad in natural slate roof.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development is not EIA development

5. APPLICANT'S CASE

- 5.1 The applicant has submitted a Planning Statement, a Flood Risk Assessment, a Tree Survey, an Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) and a Biodiversity Questionnaire, as well as a number of plans.

6. RELEVANT SITE HISTORY

- 6.1 Planning permission was refused in 2016 for an outline application for a single dwelling (UTT/16/1596).

- 6.2 Planning permission was granted in 2001 for the erection of four two-bedroom sheltered bungalows (UTT/1380/00/FUL). A further planning permission was granted later in the same year for a similar scheme with an amended layout (UTT/0270/01/FUL). These consents were not implemented.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1
- Policy S1 – Development Limits for the Main Urban Areas
 - Policy S7 – The Countryside
 - Policy GEN1 – Access
 - Policy GEN2 – Design
 - Policy GEN3 – Flood Protection
 - Policy GEN7 – Nature Conservation
 - Policy GEN8 – Vehicle Parking Standards
 - Policy ENV1 – Design of Development within Conservation Areas
 - Policy ENV3 – Open Spaces and Trees
 - Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - Policy ENV9 – Historic Landscapes
 - Policy ENV14 – Contaminated Land
 - Policy H4 – Backland Development
 - Policy H10 – Housing Mix

Supplementary Planning Documents/Guidance

- 7.2
- Essex Design Guide (2005)
 - The Essex County Council Parking Standards Design and Good Practice (September 2009)
 - Uttlesford Local Residential Parking Standards (February 2013)
 - Accessible Homes and Playspace SPD (November 2005)

National Policies

- 7.3
- National Planning Policy Framework

8. TOWN / PARISH COUNCIL COMMENTS

- 8.1
- The development is not economically, socially or environmentally sustainable.
 - The application site lies outside of the development limits for Saffron Walden.
 - Access to the site along Abbey Lane would harm pedestrian safety, as Abbey Lane is narrow with little or no pavement.
 - It is unclear whether the applicant has the right to use the garden area proposed for access.
 - The proposed building would be overbearing on 35 to 40 Hanover Place and would result in loss of privacy and daylight.
 - The proposed development would increase the risk of flooding.
 - Construction would disturb nearby residents.
 - The garden area that would be used as access route would no longer be

- available for communal use by the residents of Hanover Place.
- The proposed access route would result in vehicular traffic passing within close proximity of residential properties, resulting in disturbance.
- The development of the site would have a negative impact on wildlife.

9. CONSULTATIONS

Essex County Council – Ecology

9.1 No objections

Essex County Council – Highways

9.2 No objections subject to conditions

Essex County Council – Archaeology

9.3 The application site lies within a sensitive area on the western side of Saffron Walden (EHER 408) and archaeological evaluation undertaken in the immediate vicinity has identified surviving medieval deposits (EHER 46245), as well as Roman and prehistoric deposits. Any deposits on site would need to be recorded prior to preliminary groundworks or development. As such, a condition requiring the approval and implementation of a scheme of investigation has been recommended.

UDC – Environmental Health

9.4 No objections received

UDC – Conservation Officer

9.5 No objections to the development

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. 25 letters have been received from neighbouring residents. The following concerns have been raised in the submitted representations:

- Concerns over access rights
- Proposed access would lead to the loss of a communal garden area
- Noise and disturbance due to traffic driving past existing windows at Hanover Place
- The access route into the site, between a wall belonging to Hanover Place and a wall belonging to Audley End, is very narrow, meaning that it would be very difficult for heavy goods vehicles to enter and exit the site.
- The development of the application site could lead to flooding.
- Concerns over noise and disturbance during construction from heavy good vehicles
- Noise that would be created during construction would disturb the residents of Hanover Place.
- The residents of Hanover Place would also be disturbed by noise created by

- future occupants due to increased number of car trips passed windows.
- The proposal would lead to overlooking and a loss of privacy for the residents of Hanover Place; it would also affect their outlook.
- The proposal would lead to parking disputes between the residents of Hanover Place and the future occupants of the proposed development, due to a reduction in the level of car parking available for Hanover Place residents.
- The access route would require a new section of road that would have implications for storm drains and surface water, with a potential adverse impact for Hanover Place's surface water system.
- The property is too large
- It will cause disturbance to mostly older people who will have peace and quiet in their final years destroyed

10.2 The period for neighbours to make representations expired on 12/01/2018. The site notice expired on 09/01/2018 and press advert expired on 04/01/2018.

11. APPRAISAL

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

- A Whether the principle of the proposal outside of development limits is acceptable (ULP Policies S7, H4 and H10).
- B Whether access to the proposed development would be acceptable (ULP Policies GEN1 and H4)
- C Whether the proposal would provide adequate levels of on-site car parking (ULP Policy GEN8)
- D Whether the proposed development would be of an appropriate design (ULP Policy GEN2).
- E Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2 and H4)
- F Whether the proposal would have an acceptable impact on heritage assets (ULP Policies ENV1, ENV4 and ENV9).
- G Whether the proposal is acceptable in terms of flood risk (ULP Policy GEN3)
- H Whether the proposal would have an acceptable impact on wildlife (ULP Policy GEN7)
- I Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3)
- J Whether the proposal necessitates mitigation in respect of potentially contaminated land (ULP Policy ENV14)

A Whether the principle of the proposal outside of development limits is acceptable (ULP Policies S7, H4 and H10).

11.1 The area proposed for access is located within Saffron Walden's Development Limits and ULP Policy S1 would apply to the development of this land. It is considered that, in principle, the proposal would comply with Policy S1. However, the main part of the site, including the area on which the proposed dwelling house would be located, is outside of any Development Limits. Therefore, ULP Policy S7 also applies and is more relevant.

11.2 ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being 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.

- 11.3 However, it is also recognised that the planning policy context has changed. In particular, the NPPF sets out applicable national planning policy in relation to sustainable development and housing in rural areas; it has been found that Local Plan Policy S7 is only partly consistent with the NPPF, due to its protective approach. Paragraph 17 of the NPPF, alongside recognising the intrinsic character and beauty of the countryside, supports thriving rural communities. Paragraph 55 of the NPPF sets out that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.'
- 11.4 In this instance it is noted that the main part of the application site is located on the edge of Saffron Walden, adjoining the town's Development Limits and existing development at Hanover Place. Whilst the proposal would fail to comply with ULP Policy S7 insofar as the site's location outside of any Development Limits is concerned, it would be located sustainably – indeed, it is in close proximity to and would support Saffron Walden's Town Centre. On the sides where it would not adjoin Saffron Walden's Development Limits, it would also be physically and visually contained by the boundary wall of Audley End Park and the vegetation and watercourse along the shared boundary with Swan Meadow Car Park. This means that the development of the site would not lead to encroachment into open countryside and there is limited scope for harm to the intrinsic character and beauty of the countryside. The very limited amount of harm to the intrinsic character and beauty of the countryside that would occur as a result of the development through the loss an area of open grassland on the edge of Saffron Walden's Development Limits would be outweighed by the site contributing to housing supply.
- 11.5 The site's planning history includes two relatively recent consents for four two-bedroom sheltered bungalows in 2001. It is noted that, previously, it was considered that the development of the site was only justified due to the affordable tenure of the proposed housing. However, it is noted that the policy context has changed dramatically since this time due to the adoption of the current 2005 Local Plan and, even more significantly, the publication of the NPPF.
- 11.6 ULP Policy H4 defines backland development as the development of a site without a road frontage, such as the application site. Policy H4 sets out four criteria that must all be satisfied before a proposal for backland development can be permitted. The first criterion is that there must be significant under-use of the land and that development would make more effective use of it. It is considered that the application site is currently underused and, given its sustainable location, that it would be put to better use as a site for a new dwelling house. The other three criteria are considered below in relation to access and impact on the amenity values of neighbouring residents.

B Whether access to the proposed development would be acceptable (ULP Policies GEN1 and H4)

- 11.1 Local Plan Policy GEN1 sets out requirements for access to new development and generally states that the surrounding transport network should not be overburdened

and that road safety should not be unduly affected, taking into account the needs of those using forms of transport other than motorised vehicles. Local Plan Policy H4 states that backland development will only be acceptable where access would not cause disturbance to nearby properties.

- 11.2 The first reason for refusal for planning application UTT/16/1596/OP cited the access, layout and scale as having an undue impact on the amenity of neighbouring residents, causing material disturbance, loss of privacy and an overbearing impact, contrary to Uttlesford Local Plan (2005) Policies GEN2 and H4. The second reason for refusal cited the increased use of Abbey Lane by vehicular traffic resulting in highway and pedestrian dangers.
- 11.3 A number of concerns in relation to access have again been raised by residents and the Town Council. It has been claimed that the proposed access route is narrow and that there is little or no pavement in places, meaning that its proposed use would harm pedestrian safety; it has also been stated that the access route, due to its proximity to existing residential windows, would result in disturbance and loss of privacy.
- 11.4 Once the dwelling is occupied the vehicular movements associated with one single dwelling would be marginal. Previously 4no. bungalows were approved on the site but this development was never implemented. This proposal for just one dwelling would have a proportionate reduction in traffic movements. The turning space is well away from the boundary; as is the car parking that is also under a covered area attached at the end of the dwelling close to the western boundary.
- 11.5 As stated in the previous Committee report, the proposal is for one dwelling house, which would give rise to only a very small amount of additional traffic along existing roads, which are already used for access by residential properties. Second, the new section of the proposed access route, between the site's existing gate and Hanover Place, would effectively be a residential drive serving a single dwelling house. Although it would be relatively narrow, the access route's width would be similar to that of the existing gate, and would exceed the 2.4 metre minimum width for shared private drives set out in the Essex Design Guide (2005). Third, the relationship of the new section of the proposed access route to existing residential windows would be similar to the existing relationship between the Hanover Place access route and other residential windows within the Hanover Place buildings.
- 11.6 This proposal effectively is the same as the refused scheme in terms of access and parking. With regard to access for fire tenders, the house is within 45 metres of the Hanover Place hammerhead and therefore a sprinkler system should not be required, but this will be dealt with under the current Building Regulations. In respect of the bins, space is shown on site for their storage at the back of the car parking space, with some screen planting around it, including space for re-cycling. On bin collection day they would be wheeled out to the mouth of the entrance drive for collection.
- 11.7 It is also noted that the Highway Authority and Environmental Health have both not raised any objections.
- 11.8 Local Plan Policy GEN1 also requires that new developments encourage movement by means other than driving a car. Given the site's location on the edge of Saffron Walden, within easy walking distance of the town centre, it is noted that the site is clearly well located and sustainable in this respect.

C Whether the proposal would provide adequate levels of on-site car parking (ULP Policy GEN8)

- 11.9 Local Plan Policy GEN8 only supports development that would provide for vehicle parking places that are appropriate for the location in terms of number, design and layout. The Essex County Council Parking Standards Design and Good Practice (September 2009) and the Uttlesford Local Residential Parking Standards (February 2013) have both been adopted by the Council to provide further guidance.
- 11.10 It is noted that neighbouring residents have expressed concerns in relation to car parking. The proposed plans show acceptable levels of car parking to be provided for a 4 bedroom property (3 spaces). The proposals therefore comply with the adopted ECC design guidance, preventing additional pressure on on-street car parking.
- 11.11 It is also noted that residents have claimed that the proposed access route would lead to the loss of existing car parking spaces for the Hanover Place retirement housing complex. However, it is not considered that this would be the case. Whilst the proposed access route may pass over an area of the Hanover Place private road that is used for informal car parking, it did not appear that there were any formal, marked parking bays in this area. Moreover, as discussed above, the applicant has asserted that they have the right to access their site using this route – this is a civil matter and should be resolved outside of the planning process.

D Whether the proposed development would be of an appropriate design (ULP Policy GEN2).

- 11.12 Local Plan Policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide (2005) supplements this policy and Paragraph 64 of the NPPF complements it by resisting poor design.
- 11.13 In terms of design, layout and scale, the proposal is considered acceptable. The proposed dwelling house would respect the character of the surrounding area, which is characterised by vegetation and open space and low-rise development. The scheme has been well designed and would assimilate well with the surrounding area. It would not lead to an incongruous feature and will appear as a natural extension of the built form. The high quality design and use of complimentary materials would ensure a satisfactory form of development.
- 11.14 In relation to garden space, it is noted that the proposed layout allows for the provision of a private garden well in excess of the 100sqm standard set out in The Essex Design Guide (2005) for dwelling houses with three or more bedrooms. This is without reliance on any part of the site that is located within Flood Zones 2 or 3.

E Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2 and H4)

- 11.15 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. Policy H4 requires that backland development does not result in the material overlooking or overshadowing of or

have an overbearing effect on neighbouring properties.

- 11.16 As stated above, the first reason for refusal cited the access, layout and scale as having an undue impact on the amenity of neighbouring residents, causing material disturbance, loss of privacy and an overbearing impact, contrary to Uttlesford Local Plan (2005) Policies GEN2 and H4.
- 11.17 In terms of footprint and scale, the proposal has been materially altered from the refused scheme. The entire building has been moved a further 4 metres away from the southern boundary with Hanover Place, providing a gap of 14.05 metres instead of 10-10.5 metres previously. The footprint has been reduced from 171 square metres to 152 square metres. Furthermore, the height of the single storey element closest to Hanover Place has been reduced in height by approximately 200 mm. The general shape of the footprint of the dwelling, being 'Z' shaped remains, as does the positioning of the single storey, 1 ½ storey and 2 storey elements. Furthermore, the supporting statement and the submitted drawings indicate that the gap between the proposed dwelling and Hanover Place would be heavily planted to increase the feeling of separation and soften any visual impact of the proposed dwelling.
- 11.18 In terms of loss of privacy, there are no windows other than a ground floor cloakroom window in the facing side elevation. The submitted plans show that there are no other first floor windows in the southern elevation of any parts of the structure, other than a bathroom in the two storey element, the view from which would be obscured by the single storey element, and a roof light to a landing that will be above eye level. In any event the single storey element prevents any views from these windows to Hanover Place.
- 11.19 With regard to the objections raised to construction noise that would emanate, this is a common cause of concern for neighbouring residents when applications are submitted. It is accepted that all development causes some level of noise and disturbance. This is enforced under environmental legislation regulated by the relevant Council department, not the planning department. Conditions can be applied restricting hours and days of work during the construction period. It is considered that this would keep noise and disturbance to a minimum.
- 11.20 In respect of disturbance once the dwelling is occupied, the vehicular movements associated with one dwelling would be marginal. Previously 4 bungalows were approved on the site, the Council deeming that to be acceptable in amenity respects. This proposal for just one dwelling would have a proportionate reduction in traffic movements. The turning space is well away from the boundary; as is the car parking that is also under a covered area attached at the end of the dwelling close to the western boundary. The cars would travel past the end of 35 to 40 Hanover Place to obtain access, but there will be a gap of over 3.5 metres, and it is an existing access, albeit infrequently used. This level of noise and disturbance is not over and above what would normally be expected at a residential property.

F Whether the proposal would have an acceptable impact on heritage assets (ULP Policies ENV1, ENV4 and ENV9).

- 11.21 One of the reasons for refusal in the previous application was that fact that it was in outline with appearance and landscaping reserved. Therefore, it was argued, it was not possible to adequately assess whether the proposed development would preserve or enhance the character and appearance of the essential features of the Conservation Area.

- 11.22 The application site is within Saffron Walden Conservation Area and the site's boundary wall with Audley End Park, which may be within the curtilage of Grade I listed Audley End House, is identified in the Council's Saffron Walden Conservation Area Appraisal and Management Proposals (2012) as an important feature – albeit one that is in need of repair. ULP Policy ENV1 states that the design of development within conservation areas should preserve or enhance the character of the essential features of the conservation area. It states that outline applications will not normally be considered.
- 11.23 As mentioned above, the site adjoins Audley End Park, which is a Grade I Registered Park & Garden. Policy ENV9 states that proposals that would harm the historic parks and gardens will not normally be permitted.
- 11.24 The application site is also located within an area that is archaeologically sensitive, due to the previous discovery of medieval, Roman and prehistoric deposits. Local Plan Policy ENV4 has a presumption in favour of the physical preservation of archaeological remains in situ. ECC's Senior Historic Environment Advisor has recommended that consent could be granted for the development subject to a condition requiring the approval and implementation of a scheme of investigation.
- 11.25 Paragraph 134 of the NPPF requires that where a development proposal would result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 11.26 The application site is in a backland location with no frontage to the public highway. The proposed house would be well screened on all sides by existing walls, vegetation and buildings, with very limited views available along Abbey Lane and Hannover Place. The existing area of open grassland is not considered important to the character or appearance of the Conservation Area in the recent Appraisal and its loss would not cause any material harm. The shared boundary wall with Audley End Park is considered important, but it is noted that the proposed layout of the development would ensure that the house is located so as to prevent harm to the wall and allow for its maintenance.
- 11.27 The proposed development is screened from Audley End Park by mature vegetation and the shared boundary wall; as noted above, it would be located far enough away from this wall to prevent any harm and allow for its maintenance. As such, it is considered that there would be no material harm to the Registered Park & Garden.
- 11.28 As stated above, the design and materials to be used are considered acceptable and the proposal could create a very attractive dwelling that would complement the site and the wider area. Therefore, it is considered that the proposal would preserve the appearance of the Conservation Area and would not have a detrimental impact on the heritage assets.

G Whether the proposal is acceptable in terms of flood risk (ULP Policy GEN3)

- 11.29 A very small part of application site, along its boundary with The Slade River, is located within Flood Zones 2 and 3. The proposal does not include any development within Flood Zones 2 and 3.
- 11.30 ULP Policy GEN3 states that development will not be permitted in the functional floodplain and that new residential development will not generally be permitted

within areas of the floodplain beyond settlement boundaries. There is also a requirement that there is no increase of flood risk through surface water run-off. The NPPF requires that the Sequential Test should be applied to steer new development to areas with the lowest probability of flooding, and that development is not permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

11.31 Given that the proposal does not include any development within Flood Zones 2 and 3, it is considered that it is not necessary to apply the Sequential Test. Indeed, all parts of the site that would be developed for the dwelling house are within Flood Zone 1 and are therefore sequentially preferable.

11.32 In any case, the applicant has submitted a Flood Risk Assessment in support of their application. This demonstrates that the part of the site proposed for development is not at significant risk from flooding and that the proposed dwelling house, which would have a higher finished floor level than the existing site level, would also be a little risk from flooding.

H Whether the proposal would have an acceptable impact on wildlife (ULP Policy GEN7)

11.33 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife.

11.34 The applicant has submitted an Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) in support of the application. This concludes that there is limited scope for a harmful effect on wildlife, subject to some mitigation measures. Although some of these measures relating to environmental enhancements could be secured when landscape issues are assessed at the reserved matters stage, it is recommended that these measures are secured via a condition in the event consent is granted. Alongside such a condition, there should also be a specific condition requiring the submission and approval of a lighting scheme prior to the commencement of development, in order to ensure that any lighting is bat-friendly.

11.35 ECC's Ecology Consultant has confirmed that there is no objection to scheme.

I Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3)

11.36 ULP Policy ENV3 seeks to restrict development proposals that would lead to the loss of groups of trees and fine individual tree specimens.

11.37 The applicant has submitted a Tree Survey and the Council's Landscape Officer has confirmed that the development would not have an impact on trees, including TPO trees. The Tree Survey, however, recommends a number of mitigation measures, including protective fencing and that certain works and activities only take place outside of route protection areas. It is recommended that these measures are secured via a condition in the event consent is granted.

J Whether the proposal necessitates mitigation in respect of potentially contaminated land (ULP Policy ENV14)

11.38 ULP Policy ENV14 requires mitigation where a site is known or strongly suspected to be contaminated, and this is causing or many cause significant harm or pollution.

UDC Environmental Health has confirmed that, although the site is approximately 75 metres from the sewage treatment works at Audley End Estate, and it is possible that odours could affect future residents, there is no risk of ground contamination hazardous to human health on the site. As such, it is considered that the proposal would comply with Policy ENV14 without any need for mitigation.

12. CONCLUSION

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

- A The principle of the development is deemed to be acceptable, in that it would provide new housing in a sustainable location in accordance with the National Planning Policy Framework and have limited conflict with ULP Policy S7.
- B The proposed access to the development would be acceptable and accord with ULP Policies GEN1 and H4.
- C On-site car parking would be acceptable and accord with ULP Policy GEN8, subject to a condition.
- D The design of the development would be acceptable and accord with ULP Policy GEN2
- E The proposed development would have an acceptable impact on the amenity values of neighbouring residents and accord with ULP Policy GEN2 and H4,
- F The proposal would have an acceptable impact on heritage assets and accord with ULP Policies ENV1, ENV4 and ENV9.
- G The proposal would be acceptable in terms of flood risk, and accord with ULP GEN3
- H The proposal would have an acceptable impact on wildlife and accord with ULP Policy GEN7, subject to conditions.
- I The proposal would have an acceptable impact on trees and accord with ULP Policy ENV3, subject to a condition.
- J The proposal would not require mitigation in respect on contaminated land and would accord with ULP Policy ENV14.

RECOMMENDATION – Approve with conditions

Conditions

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

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

2. The 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 / powered two wheeler parking is provided in the interest of highway safety and amenity

3. All ecological measures and/or works shall be carried out in accordance with the details contained Extended Phase 1 Survey, T4 Ecology Ltd, May 2017 section 5.2 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interests of conserving biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

4. The dwelling hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

5. No development or preliminary groundworks of any kind shall take place until the has been secured implementation of a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation that has been submitted by the applicant, and approved by the local planning authority. Thereafter the development implemented in accordance and re-approved details.

REASON: To investigate and record archaeological deposits in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

6. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

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

7. The development hereby permitted shall be carried out in accordance with the measures set out on Page 5 of Tree Survey Abbey Lane Saffron Walden Dated April 2016 prepared by Trees in Planning Ltd (received 03/06/2016), unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the protection of trees and in accordance with Policy ENV3 of the Uttlesford Local Plan (adopted 2005).

8. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
 - i. 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, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
- viii. 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).

9. 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.

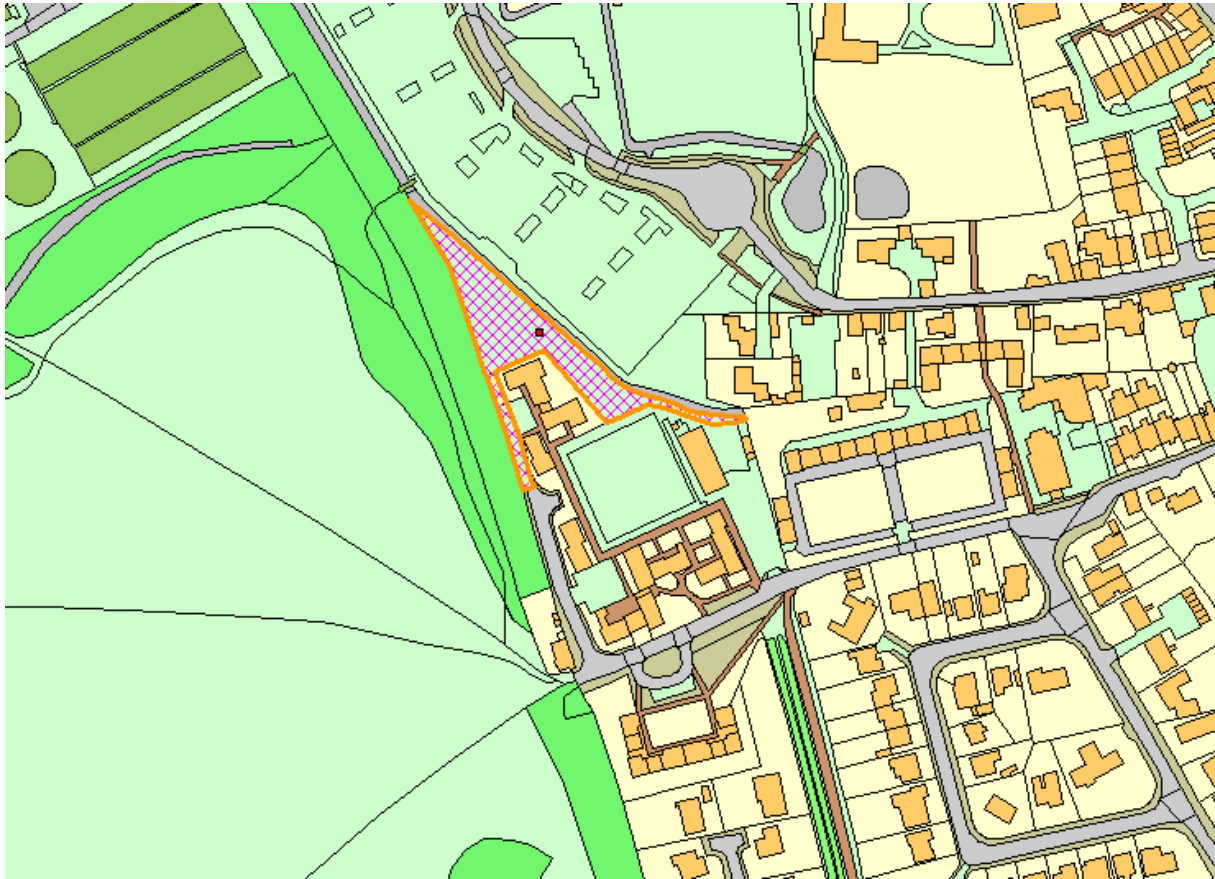
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 10 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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 site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/3540/FUL

Address: Land To The North Of 35 To 40, Hanover Place, Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 20 August 2018

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UTT/18/1693/FUL (CLAVERING)

(Referred to Committee by Cllr Oliver. Reason: Loss of hedgerow and biodiversity value)

PROPOSAL: **Erection of 2 no. dwellings (amended scheme to that approved under planning permission UTT/17/1950/FUL)**

LOCATION: **Land Adjacent to The Hazels, Wicken Road, Clavering**

APPLICANT: **Upware Marina**

AGENT: **Bird and Tyler Associates**

EXPIRY DATE: **22 August 2018**

CASE OFFICER: **Luke Mills**

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Wicken Road, Clavering (Hill Green). It comprises an undeveloped parcel of land, with a recently-formed vehicular access.

3. PROPOSAL

3.1 The application is for planning permission to erect two detached dwellings, served by a single point of access from Wicken Road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Design & Access Statement
- Biodiversity Validation Checklist
- Supplementary Ecology Report

6. RELEVANT SITE HISTORY

6.1 Following a dismissed appeal for a two-dwelling scheme (UTT/15/2348/FUL), two alternative designs were approved in May and September 2017 (UTT/17/0188/FUL & UTT/17/1950/FUL). A third alternative was refused planning permission in March 2018 (UTT/18/0253/FUL).

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.4
- S7 - The Countryside
 - GEN1 - Access
 - GEN2 - Design
 - GEN3 - Flood Protection
 - GEN6 - Infrastructure Provision to Support Development
 - GEN7 - Nature Conservation
 - GEN8 - Vehicle Parking Standards
 - ENV3 - Open Spaces and Trees
 - H1 - Housing Development
 - H9 - Affordable Housing
 - H10 - Housing Mix

Supplementary Planning Documents/Guidance

- 7.5
- SPD - Accessible Homes and Playspace (2005)
 - The Essex Design Guide (2005)
 - Parking Standards: Design and Good Practice (2009)
 - Uttlesford Local Residential Parking Standards (2013)

National Policies

- 7.6
- National Planning Policy Framework (NPPF) (2012)
 - paragraphs 11, 73, 78-79, 102-111, 127, 155-165, 170 & 175
 - Planning Practice Guidance (PPG)
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Natural environment
 - Rural housing

Other Material Considerations

- 7.7
- West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
 - Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
 - Housing Trajectory 1 April 2017 (August 2017)

8. PARISH COUNCIL COMMENTS

8.1 Objection. Concerns include:

- The hedge at the front of the site has been removed
- Loss of biodiversity
- The site is located beyond Development Limits
- Lack of sustainable transport opportunities
- Harmful effect on the character and appearance of the area
- Insufficient detail regarding sewerage/drainage connections
- The previous waste management statement has not been submitted
- Non-compliance with conditions of the extant planning permission

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 No objections, subject to conditions.

Ecological Consultant (Place Services)

9.2 No objections, subject to the use of a condition. Extract:

“The Ecology Report and subsequent Supplementary Ecology Report (AR Arbon 2015; 2017) found low biodiversity on-site. There is a negligible risk to protected species from the proposed works. These reports recommend a biodiversity management plan, which will ensure a net gain in biodiversity through this development in accordance with the NPPF and the NERC Act.”

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter and a notice was displayed near the site. The following concerns have been raised among the submitted representations:

- 1) The hedge at the front of the site has been removed
- 2) Loss of biodiversity
- 3) Harmful effect on the character and appearance of the area
- 4) Noise nuisance from the proposed gravel driveway
- 5) A tree survey and updated ecology report should be submitted
- 6) Insufficient detail regarding sewerage/drainage connections
- 7) Non-compliance with conditions of the extant planning permission

10.2 The following comments are made in relation to the above concerns:

1) – 4) Covered in the below appraisal.

5) It is considered that sufficient information has been submitted to inform the Council's decision.

6) The detailed design of these connections would be established as part of the Building Regulations approval process.

7) The Council is aware of the issue and has the option of taking enforcement action. Nevertheless, as any action would likely require the developer to re-plant

the boundary and enhance biodiversity on the site, it is appropriate that a decision is made on the current application in the first instance. Should permission be granted and new conditions be used to secure the planting and biodiversity enhancements, the Council could then enforce these new requirements.

11. APPRAISAL

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

- A Location of housing (S7, H1, 78-79 & PPG)
- B Character and appearance (S7, GEN2, ENV3, 127, 170 & PPG)
- C Transport (GEN1, GEN8 & 102-111)
- D Accessibility (GEN2, 127 & PPG)
- E Amenity (GEN2 & 127)
- F Flooding (GEN3, 155-165, PPG & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 175 & PPG)
- I Affordable housing (H9 & PPG)
- J Housing mix (H10 & SHMA)
- K Housing land supply (11 & 73)

A Location of housing (S7, H1, 78-79 & PPG)

11.1 The site is located beyond the Development Limits for Clavering. As the site is considered to be a relatively large gap between buildings, it is considered that the proposal does not represent 'sensitive infilling' in the context of Policy S7. It is therefore concluded that residential development on the site would be in conflict with policies S7 and H1.

11.2 Paragraphs 78-79 of the NPPF seek to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. As the application site abuts the built-up area of the village, and indeed the Development Limits, it is considered that the location accords with the NPPF.

B Character and appearance (S7, GEN2, ENV3, 127, 170 & PPG)

11.3 The site is an undeveloped parcel of land, which marks the transition from the village to the surrounding countryside. Its rural character would be eroded by the proposed development, representing a harmful effect in conflict with policies S7 and ENV3 and paragraphs 127 and 170 of the NPPF. However, as the site is not considered to possess any special landscape value, the degree of harm from residential development would be limited.

11.4 As for the design of the scheme, it is acknowledged that this has evolved over time. The dismissed appeal (UTT/15/2348/FUL) related to a design that included two-storey houses with detached garages positioned to the rear. Subsequently, planning permission was granted for a reduced scheme that included a bungalow and a one-and-a-half storey dwelling with no garaging (UTT/17/0188/FUL). A further planning permission was granted for a slightly larger scheme that included one-and-a-half storey dwellings, each with a garage

to one side (UTT/17/1950/FUL).

11.5 The proposed scheme includes a further enlargement of each dwelling and an increased setback from the road. Nevertheless, given the variety of styles in the street scene, it is considered that the proposed houses would sit comfortably within their surroundings. It is noted that the recently-refused application (UTT/18/0253/FUL) included additional detached garages to the front, which represented incongruous features that also increased the overall scale of the development in a way that would be harmful to the character of the area.

11.6 It is acknowledged that the hedge along the front boundary of the site has been removed without the approval of the planning authority, despite a condition on the extant planning permission requiring the submission of a landscaping scheme for approval. Therefore, if planning permission is granted for the current proposal, it would be appropriate to use a condition to secure replacement planting.

11.7 It is concluded that the proposal would accord with the above policies insofar as they relate to character and appearance, subject to the use of conditions to secure suitable external finishes and replacement planting.

C Transport (GEN1, GEN8 & 102-111)

11.8 It is acknowledged that the occupants of the proposed dwellings would realistically need to use a car to access most services, facilities and employment, in conflict with the sustainable transport objectives of Policy GEN1. However, the proposal accords with the more up-to-date policy at paragraph 103 of the NPPF, which requires consideration of the differing opportunities in urban and rural areas. It is therefore concluded that paragraphs 78-79 (discussed above) provide the key policy for the location of small-scale rural housing.

11.9 The proposed dwellings would be served by a single point of access off Wicken Road. Taking into account the comments of the highway authority, it is considered that the access and associated vehicle movements would not cause any significant adverse effects that would represent a conflict with Policy GEN1 or paragraphs 102-111 of the NPPF.

11.10 The driveways would provide ample space for off-street parking, amounting to at least three spaces per dwelling. Therefore, the proposal complies with the Council's minimum residential parking standards.

D Accessibility (GEN2, 127 & PPG)

11.11 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

E Amenity (GEN2 & 127)

11.12 Taking into account The Essex Design Guide, a non-adopted but useful guidance document, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or

overbearing impacts. Furthermore, it is considered that the residential use of the site would be compatible with neighbouring land uses, such that there would be no significant nuisance or disturbance to existing residents. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Flooding (GEN3, 155-165, PPG & SFRA)

11.13 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

G Infrastructure (GEN6)

11.14 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

H Biodiversity (GEN7, 175 & PPG)

11.15 The application is accompanied by an ecological report, although it is acknowledged that the boundary hedge has since been removed. Taking into account the comments of the Council's ecological consultant, it is considered that a condition could ensure that lost biodiversity value is replaced, and that no harm would be caused to protected/priority species or valuable habitats.

I Affordable housing (H9 & PPG)

11.16 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that the proposal need not make a contribution.

J Housing mix (H10 & SHMA)

11.17 As the site area is greater than 0.1 ha, Policy H10 requires that small market housing comprises a significant proportion of the total number of units. However, the preamble to the policy does not reference site area so the justification for the requirement is unclear. It is therefore considered that the housing mix requirements should only be applied to developments of three or more dwellings.

K Housing land supply (11 & 73)

11.18 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 - 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

12. CONCLUSION

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing, countryside character and sustainable transport.
- B** Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 11 is engaged because relevant policies for the supply of housing, including the associated site allocations and Development Limits, are out of date. In this case, the negligible adverse effect on countryside character would not significantly and demonstrably outweigh the benefits from the proposal's contribution towards housing land supply.
- C** Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Prior to commencement of the development, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls
- Roof
- Windows
- Doors

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 S7 and 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 the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting

- Hard surfaces
- Boundary treatment

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 S7 and 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.

4. Prior to commencement of the development, a Biodiversity Management Plan (BMP) must be submitted to and approved in writing by the local planning authority. The BMP must 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 BMP must be implemented in accordance with the approved details.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 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.

5. Prior to occupation of any dwelling, the shared driveway hereby permitted must be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway.

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 accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. Prior to occupation of any dwelling, the footpath extension on the south-western

side of the proposed access must be formed in accordance with Drawing No. 19 A.

REASON: In the interests of highway safety, efficiency and accessibility, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

7. Prior to occupation of any dwelling, visibility splays must be formed in accordance with Drawing No. 19 A and must be free of obstruction above ground level.

REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

8. The existing access shown on Drawing No. 19 A must be suitably and permanently closed incorporating the reinstatement to full height of the highway verge/kerbing, prior to occupation of any dwelling.

REASON: To ensure the removal of, and to preclude the creation of, unnecessary points of traffic conflict in the highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. The vehicle parking area for each dwelling must be formed in accordance with Drawing No. 19 A prior to its occupation.

REASON: To prevent hazardous on-street parking, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

10. 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 Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. Any gates provided at the vehicular access must be inward opening only and must be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway while the gates are operated, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

12. Runoff water from the driveway hereby permitted must be directed to a permeable or porous surface within the application site.

REASON: To prevent hazards caused by water flowing onto the highway in the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

13. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010

Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

14. The eaves and ridge heights of the permitted dwellings relative to neighbouring buildings must be as shown on Drawing No. 12 A.

REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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UTT/18/0420/FUL(GREAT EASTON)

Referred to Committee as site is owned by the Council.

PROPOSAL: The proposal is for the demolition of a bungalow and the erection of a detached dwelling.

LOCATION: The Elms, Glebe Lane, Little Easton, Essex, CM6 2JP

APPLICANT: Uttlesford District Council

AGENT: Mr T Welland

EXPIRY DATE: 20th April 2018. EOT 5th September 2018

CASE OFFICER: Mrs M Jones

1. NOTATION

- 1.1 Within Development Limits. Within 2km of SSSI. Within 6km of Stansted Airport. Within 500m consultation area of oil pipe line (Hazardous Installation)

2. DESCRIPTION OF SITE

- 2.1 The site is located to the south of Glebe Lane in the village of Little Easton. To the west of the site is the rear garden of Flambards which is in Manor Road. Opposite the site is a garage with first floor storage serving Tithe Cottage. There is a detached house to the east of the site. The Elms terminates the development on the south eastern side and similarly development on the opposite side but terminating at a point nearer to the Duck Street junction. There is mature hedging to the front of the site.
- 2.2 Access to the site is via a single lane road that also serves five other residential properties.
- 2.3 The Elms is a detached bungalow that is set back from the road close to the boundary with the residential property Old Tiles and is currently unoccupied.

3. PROPOSAL

- 3.1 The proposal is for the demolition of a bungalow and the erection of a detached dwelling.
- 3.2 The dwelling would have four bedrooms and three parking spaces.
- 3.3 The rear garden would be in excess of 300m²

4. APPLICANT'S CASE

- 4.1 A Design and Access Statement supports the application to Uttlesford District Council for the proposed demolition of a bungalow and replacement with a 4 bedroom dwelling house. The property has remained vacant since the last resident moved out as the property. It is no longer in a habitable state and therefore deemed hard to let.

- 4.2 The site is owned by Uttlesford District Council and following a study of costs to bring the existing property up to modern standards, the council have come to the conclusion that the existing house should be sold and the proceeds spent on other services within the council.
- 4.3 A formal pre application enquiry was made for the site under planning reference: UTT/17/3093/PA. The comments received were positive enough to make a full planning application for the site taking on board the comments made. These were:
- Undertake a topographical survey for the site and include a street elevation to clearly show that the ridge line of the new dwelling to be lower than the adjacent house.
 - Materials to reflect the character of the area and use quality natural materials
 - The retention of the existing side and front hedge
 - Three parking spaces are required and to meet Essex Design guide of 2.9 x 5.5m and include space to the side of 1 space for easy access
 - Dwelling to comply with Category 2 Accessibility and adaptable dwellings
 - An ecology survey to be undertaken
- 4.4 The site is not in an area where there is a risk of flooding.
- 4.5 A full arboricultural assessment has been undertaken for the site and recommendations made. This includes issues relating to overshadowing which are all shown as being acceptable.
- 4.6 The existing bungalow on the site is located very close to the eastern boundary. There are windows in the side elevation of the existing bungalow within 1m of the boundary. The proposals allow for the new dwelling to be further away than the existing bungalow.
- 4.7 There are three obscured glazed windows in the side elevation of Old Timbers at low level. This is screened by a 1.8m high close boarded fence with 300mm trellis over. This fence is also partly covered by roses and over climbing plants. It was agreed at the pre-application stage that these were not habitable rooms and so there are no issues with overlooking.
- 4.8 There is a high level dormer window in the side elevation of Old Timbers which overlooks the existing front garden of the bungalow. The new dwelling has been set back further than the existing bungalow and so there will be no more overlooking issues than exists at present.
- 4.9 The existing bungalow is located behind a hedge that is on a raised embankment, all of which will be retained.
- 4.10 The proposed street elevation clearly shows that the new dwelling will be set behind the existing raised hedge and the ridge height will be lower than the adjacent Old Timbers. The impact on the existing lane, which only leads to the handful of dwellings, will be no worse than at present. The proposals will enhance the character of the lane and will not detract. There will be no views lost from the west as it retains the hedge screening. There are no dwellings further to the west of the site and so the only passing interest will be pedestrians walking along the public footpath leading across the fields.
- 4.11 The existing access from Duck Street into Glebe Lane is narrow but it is visibility

good. There are only five dwellings served from this access that includes the bungalow to be demolished. Although, the access is restricted there have been no accidents attributed to the access.

- 4.12 A request for an Ecology Survey to be undertaken has been carried out and attached to the application.
- 4.13 The proposals are for the construction of a new 4 bedroom dwelling house together with parking and turning within the plot. The plans attached shows a 1^{1/2} storey dwelling reflecting the character of other dwellings in the vicinity. The layout of the dwelling has been designed to remove any overlooking issues in either direction and due to the land sloping there will be little overshadowing issues especially due to the orientation.
- 4.14 The site plan shows adequate space for turning and parking with spaces to meet the Essex Design Guide. The dwelling has been set back to allow the first floor dormer to the dwelling adjacent to look into the front garden of the new home which will have no impact on private space. The location of the existing bungalow is shown dotted on the site plan which indicates that the new dwelling will be further away than the existing structure and there will be the removal of any windows in that elevation.
- 4.15 The materials would be
- Clay plain roof tiles
 - Buff facing brickwork to plinth
 - Painted lime render with wood float finish
 - Weather boarding to the rear area using Marley Eternit Cedral boarding or Natural oak
 - Timber painted double glazed windows
 - Painted timber doors and frames
 - Painted timber eaves with exposed rafter feet
 - Black cast iron or aluminium gutters and downpipes
- These are taken from the materials found around the village
- 4.16 The village is sustainable with good bus service to neighbouring villages and has the benefit of a public house. The nearest main town is Great Dunmow 2.5 miles away and the nearest train station is at Stansted Airport, 7 miles away.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0012/89: Outline application for the erection of one bungalow and garage and construction of new access. Refused and dismissed on appeal. (site adjacent to application site)

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S3 – Other Development Limits
- Policy GEN2 – Design
- Policy GEN1 – Access

- Policy GEN8 – Vehicle Parking Standards
- Policy GEN7 – Nature Conservation
- Policy H7 – Replacement Dwellings
- Policy GEN4 – Good Neighbourliness

6.3 **Supplementary Planning Documents**

- Accessible homes and playspace
- Essex County Council Parking Standards: Design and Good Practice
- Uttlesford Local Residential Parking Standards
- Essex Design Guide
- Replacement Dwellings

7. **PARISH/TOWN COUNCIL COMMENTS**

7.1 No objections.

8. **CONSULTATIONS**

Essex County Council- Highways

8.1 From a highway and transportation perspective the Highway Authority has no objections 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

Informative: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 4 (Little Easton) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

The Highway Authority would like to emphasise a footpath is a highway over which the public has a right of way on foot only. Most footpaths do not have a sealed surface. Essex County Council maintains to footpath status only

Essex County Council Ecology

8.2 Following a holding objection due to insufficient information, a bat survey has been carried out and submitted. They now have no objection subject to securing biodiversity mitigation and enhancement measures.

Aerodrome Safeguarding

- 8.3 The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

UK Power Network

- 8.4 Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), the applicant should contact UK power Network to obtain a copy of the primary route drawings and associated cross sections.

9. REPRESENTATIONS

- 9.1 Fourteen neighbours were notified and the application advertised. One representation has been received. Expiry date 6th April 2018
- 9.2 Glebe Lane is too narrow for construction traffic. UDC refuse lorries were banned from using Glebe Lane as they damaged guttering and the roof of outbuildings.

10. APPRAISAL

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

- A Principle of development at this site within development limits (NPPF and ULP Policies S3, and H7);
- B Design / amenity (ULP Policies GEN2 and GEN4);
- C Impact on nature conservation (ULP policy GEN7)
- D Access and parking (ULP Policies GEN1 and GEN8);

A Principle of development at this site within development limits (NPPF and ULP Policies S3 and H7)

- 10.1 The site is still located within development limits where infilling with new houses will be permitted if the development would be compatible with the character of the settlement. Policy H7 also states: a replacement dwelling will be permitted if it is in scale and character with neighbouring properties. As such, subject to scale and design, the principle of development of the site is acceptable and accords with policies S3 and H7.

B Design / amenity (ULP Policies GEN2 and GEN4)

- 10.1 The Local Plan policy GEN2 sets out the general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- 10.2 The development along this piece of road is linear in nature and the majority of dwellings are detached. The properties to the south are predominantly large detached properties and therefore the design of the property would be in keeping with the surrounding character of the settlement. The proposed dwelling would be set back from the road and would continue the linear development to the south of the site. The existing hedging to the frontage and western boundary are to be retained and reinforced with native species planting.
- 10.3 The proposed height of the property is no greater than the property to the north

west. The proposed materials are compatible with the character of the area.

- 10.4 A garden of sufficient size (in excess of 300m²) is provided to comply with the recommended garden provision within the Essex Design Guide.
- 10.5 The property has been designed so as to avoid any overlooking, overbearing or overshadowing of existing properties. If approved a condition should be attached to control any future windows being inserted within the north eastern elevation to avoid any overlooking issues.
- 10.6 In terms of design, layout and scale, the proposal is considered acceptable and would comply with ULP policies GEN2 and GEN4.

C Impact on nature conservation (ULP policy GEN7)

- 10.7 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.8 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 10.9 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
 - There must be "no satisfactory alternative"; and
 - The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".
- 10.10 A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats. The biodiversity questionnaire answered yes to some questions and the proposal is for the demolition of the existing bungalow and as such the proposal has the potential to impact on bats. Accordingly a bat survey has been carried out and the bungalow is a roost for one pipistrelle bat and an EPS licence will be required for the demolition of the building. Essex County Council Ecologists have been

consulted and they have no objections to the proposal subject to conditions. It is considered unlikely that there would be any adverse impact on protected species caused and therefore complies with Policy GEN7.

D Access and parking (ULP Policies GEN1 and GEN8)

10.11 ECC Highways have not raised any highway objections in principle to the proposal. The proposed dwelling would have four bedrooms and therefore three parking spaces are required for the property to meet the requirements of the adopted parking standards. The proposal would therefore comply with the requirements of ULP Policy GEN8. The access is an existing access. The proposal complies with Policy GEN1.

11. CONCLUSION

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

- A** The principle of the development is acceptable in accordance with the NPPF and ULP Policies S3 and H7.
- B** The design and scale of the development would be acceptable and accords with ULP Policies GEN2, H7 and GEN4.
- C** Subject to appropriate conditions the proposal would not have any material impact on biodiversity and would comply with Policy GEN7.
- D** The parking provision and use of the existing access are considered to be acceptable and would comply with ULP Policies GEN1 and GEN8.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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. 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

3. Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the north eastern side elevation of the proposed dwelling without the prior written consent of the Local Planning Authority.

REASON: In the interest of neighbour's amenity in accordance with Uttlesford Local Plan Policy H8 and GEN2.

- 4 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (Wild Frontier, July 2018) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

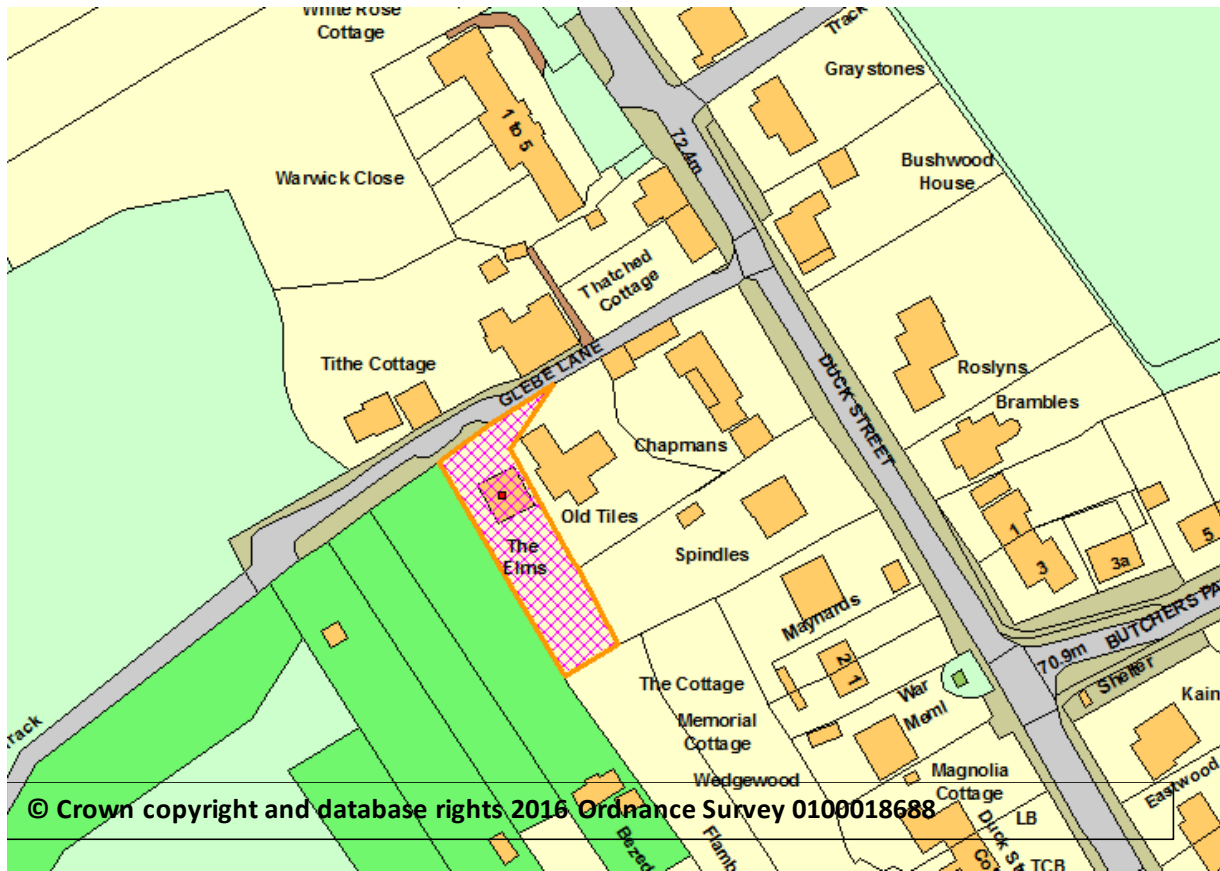
This includes; due diligence regarding nesting birds, storing materials above ground, cover trenches overnight, permeable boundaries for hedgehogs, installing bird boxes and native planting

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and Uttlesford Local Plan Policy GEN7.

- 5 The demolition of the bungalow shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Uttlesford Local Plan Policy GEN7.



Organisation:	Uttlesford District Council
Department:	Planning
Date:	10 August 2018

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UTT/18/1695/HHF

Reason: the applicants are elected members of Uttlesford District Council.

PROPOSAL: Demolition of existing garden room and erection of replacement garden room, replace glazing to rear elevation of house and alterations to entrance porch including enclosing with glazing, infill panel and adding an external door and replacement of area of roof covering.

LOCATION: Little Garnetts, Bishops Green, High Easter Road, Barnston, Dunmow Essex, CM6 1NF

APPLICANT: Mr & Mrs Barker

AGENT: Miss Emily Harris - Edward Parsley Associates Limited

EXPIRY DATE: 16 August 2018.

CASE OFFICER: Peter McEvoy

1. NOTATION:

- 1.1 - outside development limits.
- protected lane.
- general aerodrome directions.
- archaeological site.
- Grade II listed building.

2. DESCRIPTION OF SITE:

- 2.1 The applicants' property is a large detached dwelling set in its own generous grounds. It is located in the open countryside at Bishops Green which is between High Roding and Onslow Green. The building is listed.

3. PROPOSAL:

- 3.1 The applicants are requesting planning permission for the following works:
 - enclose the front porch with glazing.
 - rebuild the existing conservatory as a garden room with new windows, a traditionally styled chimney for the room's new log burner, and a pitched tiled roof.
 - replace the existing roof which the applicants state is in a poor state of repair.
 - new fenestration and doors.

- 3.2 There is also an associated application for listed building consent.

4. ENVIRONMENTAL IMPACT ASSESSMENT:

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANTS' CASE:

5.1 The applicants have included a design, access and heritage statement and a photograph as part of their submission.

6. RELEVANT SITE HISTORY:

6.1 The site has benefited from earlier applications, but they are not considered to be relevant to the current proposals.

7. POLICIES:

7.1 National Polices:

National Planning Policy Framework (2018).

7.2 Supplementary Planning Documents/Guidance:

SPD Parking Standards Design & Good Practice September 2009.

SPD Essex Design Guide.

SPD Home extensions.

7.3 Uttlesford Local Plan (2005):

S7 – the countryside.

GEN1 – access.

GEN2 – design.

GEN7 – nature conservation.

GEN8 – vehicle parking standards.

H8 – home extensions.

ENV2 – development affecting listed buildings.

7.4 Other Material Considerations

None.

8. TOWN / PARISH COUNCIL COMMENTS:

8.1 The Parish Council has no objection to this application.

9. CONSULTATIONS:

9.1 Place Services (Ecology) – Essex County Councils

No objection as the proposal is limited in scale and scope and so is unlikely to impact designated sites, protected/priority species or priority habitats. The OPDM Circular 06/05 is clear that further surveys are only required if there is a *reasonable likelihood* of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.

9.2 Cadant Gas

There is no record of apparatus in the immediate vicinity.

9.3 HSE

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

9.4 UK Power Networks:

Did not raise any objections.

9.5 Conservation Officer:
The Conservation Officer's comments are considered in further detail in the accompanying application for listed building consent, but for the purposes of this report, there are no objections to the scheme.

10. REPRESENTATIONS:

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. At the time this report was prepared, no comments had been received.

11. APPRAISAL:

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

- A Principle of development (NPPF, Local Plan Policy S7).
- B Design and access (NPPF, Local Plan Policies GEN2 and H8, SPD: Home Extensions, Essex Design Guide).
- C Impact on the listed building (NPPF, Local Plan Policy ENV2).
- D Site biodiversity (NPPF, Local Plan Policy GEN7).
- E Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, Uttlesford Parking Standards).

A Principle of development:

11.1 The Local Plan places the site as being outside any settlement limits (ie within the open countryside) and so Policy S7 applies to the proposal. Both the Local Plan and the NPPF recognise that the countryside needs to be protected for its own sake; however this view does not amount to a bar to development in such areas. Policy S7 states that development in the countryside will be permitted if it needs to take place there, or it is appropriate to a rural area. A residential extension wholly within the property's curtilage is an example of such a development and so the proposal is acceptable in principle, subject to it complying with all other relevant planning policies.

B Design and amenity:

11.2 National and local planning policies expect development to be constructed to a high standard of design. For a residential side extension, this is usually taken to mean that the extension would be subordinate to its host dwelling, but sympathetic in terms of appearance and choice of materials. The proposal is considered to meet these criteria.

11.3 Local Plan Policy GEN2(i) requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy. The development is considered to be a sufficient distance away from the applicants' neighbours to ensure that any impact would not be material.

C Impact on the listed building

11.4 The property is a Grade II Listed Building and so Local Plan Policy ENV2 applies to the proposal. The policy reflects the LPA's statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, s66(1) which states that a development which affects 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.

- 11.5 The National Planning Policy Framework (NPPF) states that permission will be refused if the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 11.6 The Conservation Officer is satisfied that the proposal is acceptable and is in accordance with policy.

D Site biodiversity:

- 11.7 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife or geological features unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. The NPPF requires development to enhance and contribute to biodiversity where possible. The applicant has submitted a biodiversity questionnaire which has not identified any potential issues.
- 11.8 Place Services have examined the applicant's submitted site biodiversity checklist and they do not raise any objection to the scheme,

E Access and parking:

- 11.9 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily and safely be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).
- 11.10 The proposal would represent a small scale residential extension and so would be unlikely to lead to an increase in traffic flows. Parking requirements for these type of extensions depends, in part, on the number of bedrooms in the property. As this figure would not change as a result of the development, there is no requirement on the applicants to provide additional parking spaces.

12. CONCLUSION

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

- A** The principle of development is acceptable in this location.
- B** The design is considered to be appropriate and would not adversely affect the setting of the listed building.
- C** There would be no impact on the site's biodiversity.
- D** There would be no issues relating to traffic generation, road safety or parking requirements.

RECOMMENDATION – approve with conditions.

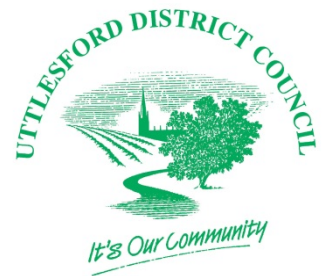
Conditions

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

REASON: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Application: UTT/18/1695/HHF

Address: Little Garnetts, Bishops Green, High Easter Road, Barnston



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Organisation: Uttlesford District Council

Department: Planning

Date: 20 August 2018

UTT/18/1696/LB

Reason: the applicants are elected members of Uttlesford District Council.

PROPOSAL: Demolition of existing garden room and erection of replacement garden room, replace glazing to rear elevation of house and alterations to entrance porch including enclosing with glazing, infill panel and adding an external door and replacement of area of roof covering.

LOCATION: Little Garnetts, Bishops Green, High Easter Road, Barnston, Dunmow Essex, CM6 1NF

APPLICANT: Mr & Mrs Barker

AGENT: Miss Emily Harris - Edward Parsley Associates Limited

EXPIRY DATE: 16 August 2018.

CASE OFFICER: Peter McEvoy

1. NOTATION:

- 1.1
- outside development limits.
 - protected lane.
 - general aerodrome directions.
 - archaeological site.
 - Grade II listed building.

2. DESCRIPTION OF SITE:

- 2.1 The applicants' property is a large detached dwelling set in its own generous grounds. It is located in the open countryside at Bishops Green which is between High Roding and Onslow Green. The building is listed.

3. PROPOSAL:

- 3.1 The applicants are requesting listed building consent for the following works:
- enclose the front porch with glazing.
 - rebuild the existing conservatory as a garden room with new windows, a traditionally styled chimney for the room's new log burner, and a pitched tiled roof.
 - replace the existing roof which the applicants state is in a poor state of repair.
 - new fenestration and doors.

- 3.2 There is also an associated application for planning permission.

4. ENVIRONMENTAL IMPACT ASSESSMENT:

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANTS' CASE:

5.1 The applicants have included a design, access and heritage statement and a photograph as part of their submission.

6. RELEVANT SITE HISTORY:

6.1 The site has benefited from earlier applications, but they are not considered to be relevant to the current proposals.

7. POLICIES:

7.1 National Policies:

National Planning Policy Framework (2018).

7.3 Uttlesford Local Plan (2005):

GEN7 – nature conservation.

ENV2 – development affecting listed buildings.

7.4 Other Material Considerations:

None.

8. TOWN / PARISH COUNCIL COMMENTS:

8.1 The Parish Council has no objection to this application.

9. CONSULTATIONS:

9.1 Place Services (Ecology) – Essex County Councils

No objection as the proposal is limited in scale and scope and so is unlikely to impact designated sites, protected/priority species or priority habitats. The OPDM Circular 06/05 is clear that further surveys are only required if there is a *reasonable likelihood* of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.

9.2 Conservation Officer:

The conservation officer considers that the new garden room with hand made plain clay tiled roof, lead valley link and external joinery of painted timber would respond much better to the architectural and historic special interest of the heritage asset. In addition the simplified windows and the work to the existing porch as indicated would not diminish the significance of the historic elements of the listed building, but result in its enhancement. The officer recommends approval, subject to conditions regarding the use of materials.

10. REPRESENTATIONS:

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. At the time this report was prepared, no comments had been received.

11. APPRAISAL:

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

A Impact on the listed building (NPPF, Local Plan Policy ENV2).

B Site biodiversity (NPPF, Local Plan Policy GEN7).

A Impact on the listed building:

- 11.1 The property is a Grade II Listed Building and so Local Plan Policy ENV2 applies to the proposal. The policy reflects the LPA's statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, s16(2) which states that a development which affects 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.
- 11.2 The National Planning Policy Framework (NPPF) states that permission will be refused if the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 11.3 There are no concerns relating to the listed buildings based on the Conservation Officer's comments (see above) and so the proposal complies with Policy ENV2.

B Site biodiversity:

- 11.4 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife or geological features unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. The NPPF requires development to enhance and contribute to biodiversity where possible. The applicant has submitted a biodiversity questionnaire which has not identified any potential issues.
- 11.5 Place Services have examined the applicant's submitted site biodiversity checklist and they do not raise any objection to the scheme,

12. CONCLUSION:

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

- A** The design is considered to be appropriate and would not adversely affect the setting of the listed building.
- B** There would be no impact on the site's biodiversity.

RECOMMENDATION – grant conditional listed building consent.

Conditions:

1. The development to which this consent relates shall be begun before the expiration of three 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.

- 2 The new roof shall be constructed from hand made plain clay tiles, details of which shall be submitted to and approved by the local planning authority before the development commences.

REASON: In the interest of protecting the architectural and historical significance of the existing building in accordance with the NPPF and Uttlesford Local Policy ENV2.

JUSTIFICATION: The existing building is of historical importance and the details regarding roof materials are required before the works commence to ensure that no detrimental harm to the appearance and fabric of the building is caused.

- 3 Notwithstanding the submitted plans, all render to be used on the external walls shall be of a smooth appearance and all new external joinery shall be painted timber.

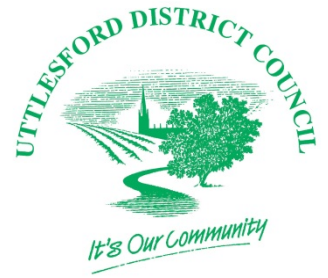
REASON: In order to protect the architectural character of the heritage asset in accordance with Uttlesford Local Plan Policy ENV2

- 4 Notwithstanding the submitted plans, any new windows in the historic parts of the dwelling shall be single glazed.

REASON: In order to protect the architectural character of the heritage asset in accordance with Uttlesford Local Plan Policy ENV2.

Application: UTT/18/1696/LB

Address: Little Garnetts, Bishops Green, High Easter Road, Barnston



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Organisation: Uttlesford District Council

Department: Planning

Date: 20 August 2018

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