

UTT/ 18/ 2523/FUL– (White Roding) 24.05.2019 11.43

PROPOSAL: Application for the demolition of the existing buildings and the erection of 7 dwellings with associated access and landscaping.

LOCATION: Weston Yard, Chelmsford Road, White Roding, Dunmow, CM6 1RF

APPLICANT: Mr R Swann

AGENT: Mr D Webster

EXPIRY DATE: 09.11.2018 EOT 1st July 2019

CASE OFFICER: Mrs M Jones

1. NOTATION

1.1 Outside Development Limits. Metropolitan Green Belt. Tree Preservation Orders. Possible contaminated site.

2. DESCRIPTION OF SITE

2.1 The application site is situated along the northern side of Chelmsford Road approximately 400 metres to the east of the village centre and comprises a small yard containing five commercial buildings and a large area of hardstanding. The site is bounded on its eastern and western sides and opposite by residential properties and to the rear by open grassland and is partially screened from the road. The site has been divided off from "Westons" to the immediate West. The site is 0.33 hectares which includes the area for drainage. The brownfield part of the site is 0.24 hectares. The site is currently used for storing and servicing plant and machinery.

3. PROPOSAL

3.1 The proposal is for the demolition of the existing buildings on the site and for the erection of 7 no. new dwellings with associated access and landscaping.

3.2 A new access would be provided further to the west of the existing access.

Revised plans have been submitted and the proposal is for the following housing mix.

3.3

Plot	No of bedrooms	Garden sizes (sqm)	Parking
1	3	100.12	2
2	3	107.9	2
3	4	159.3	3
4	4	168.1	3
5	5	116.8	3
6	5	112.7	3
7	5	123.8	3

Visitor spaces			2
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The density of the development would be under 10 dwellings per hectare.

4. APPLICANT'S CASE

- 4.1 The application is supported by a, Design and Access Statement, a completed Biodiversity Questionnaire, an Environmental Site Investigation, and a Protected Species Survey.
- 4.2 Summary of Design and Access Statement:
- 4.3 This application is made following pre-application guidance ref UTT/16/0675/PA from the local planning authority and has a similar site development proposal to that having outline planning permission ref UTT/17/0952/OP
- 4.4 The Site: The site is located off the A1060 road which connects to Hatfield Heath to the West and Leaden Roding to the East. The new development would be within a small village community which consists mainly of residential but also has a garden centre, restaurant, pubs and a garage. About thirteen minutes drive to the centre of Sawbridgeworth which has a railway link. White Roding is the largest and the most westerly of the Rodings parishes and has in bygone centuries been known as Magna Rodyngs and Blanche Rong. The 'White' of White Roding is thought to have derived from the parish church of St Martin, a flint rubble 11th-century church whose tower was constructed using a paler colour of rubble than that which predominated in the area as a whole. Craftsmanship from every century is represented in this building, from medieval stone carving, through 15th century timber framed porch and 16th century embattled tower, to the relatively modern 19th century vestry.
- 4.5 Currently the site proposed for development is being used for a contractor's yard for servicing and storage of plant and vehicles with a complex of five utilitarian buildings of varying construction and age.
A contamination assessment has been undertaken for the site and is included with this application together with proposals for remediation contained within the assessment and on the plans.
- 4.6 Foul & Surface Water Drainage
Technical investigations have considered foul and surface water drainage and are contained in the Drainage Strategy and Design Statement included with the application.
Sustainable drainage will use lined permeable paving linked to a new swale in turn linked to an existing watercourse. Discharge rates will be regulated with a flow control device.
- 4.7 Noise
Noise constraints would not really be an issue apart from neighbouring properties. These can be dealt with in construction by the use of solid walls and acoustic glazing.
- 4.8 Accessibility and Sustainability
Vehicle access into the site can be achieved from the South, via the new site access which is located directly off A1060 Road.

- 4.9 Community Infrastructure
White Roding has local facilities which are located near the site. Details of the local facilities are provided below.
- 4.10 Schools
There is a primary school located 2.5 miles away in the village of Leaden Roding to the East of White Roding, which is Rodings Primary School. There is another primary school located 3 miles to the West of White Roding, Hatfield Heath Community Primary
- 4.11 Amenities
There is a convenience store located to the East of White Roding, in the adjacent village Leaden Roding.
White Roding has a Public House, garage, garden centre, restaurant and a village Hall
Hatfield Heath has all amenities.
- 4.12 Constraints:
Technical studies have been prepared to inform the Master plan and in summary have highlighted the following constraints:
Hedgerows to all boundaries to be retained to maintain and enhance opportunities for biodiversity.
The majority of site is visually well contained.
Site access to be from A1060 Road
- 4.13 This planning application is for full planning permission for the re-development of the brownfield site to provide 7 detached residential dwellings together with vehicular access and parking.
Amount
The proposals are for a development of 7 private market dwellings the proposed density of which is below 10 dwellings per hectare (dph). The dph and detached nature of the dwellings compliments the existing character and setting of this part of Chelmsford Road. The land to the north remains as greenfield land acting as a buffer between this development and the wider countryside
- 4.14 The amount of parking provision is informed by Uttlesford District Council Residential Parking Standards and with spaces accommodated on plot with an additional 3 visitor parking spaces provided within the site.
Each of the dwellings has a private garden ranging in size from 102 sq m – 130 sq m all of which exceed the Essex Design Guide minimum amenity space standards.
There is no on site communal open space within the development however there is suitable access to the open countryside surrounding the application site and use of existing recreational space within the village, a short walk away.
- 4.15 Layout
The layout of the site is similar to guidance from the local planning authority and follows the previous site layout having outline planning permission consent ref UTT/17/0952/OP.
The site is contained within the area of existing hard standing occupied by the current use and remains within the already developed part of the application site.
The design concept for the site forms an identifiable neighbourhood with gateway dwellings either side of the site access junction and an internal square layout. The dwellings are arranged around the internal square with their principle aspects facing and with garages offset to provide variation.

4.16 Scale

The height of the proposed houses are two storey with single storey semi-detached on plot garages. The proposed heights are consistent with the height and scale of the neighbouring dwellings and other properties along this part of the Chelmsford Road. The proposed number of dwellings is comfortably accommodated within the site and conforms to adopted standards regarding garden sizes and parking provision

4.17 Landscaping

At present, the entire site is covered by hard standing. The majority of this will be replaced by private gardens conforming to the residential nature of both the proposed development and neighbouring dwellings and soft landscaping across the site will therefore be significantly increased.

It is proposed to remove an ash tree that has a Tree Protection Order (TPO) in order to accommodate the new access, the previously submitted (UTT/17/0952/OP) Arboricultural Impact Assessment (AIA) notes that this tree has been given a category grading of C1 which, based on BS 5837: 2012, classifies it as being of low quality and value. Additionally the AIA states "The tree has moderate amenity value as it is growing to the roadside within the verge area. Existing trees and hedging on the opposite side of the road means its loss will have less effect than if it were growing in isolation." In order to mitigate the loss of the TPO tree it is proposed to plant 2 no. European Ash trees to the road frontage.

Existing boundary planting on site is to be retained and strengthened to enhance and add to the existing planting and to assist in screening the built form on the site from the wider countryside, without completely enclosing the site within the Green Belt. In light of the site's position within the Green Belt, 1.2m high post and rail fencing is proposed for the site boundary, with higher fencing used for privacy between residential gardens only. It is proposed that this form of boundary treatment will provide suitable security with a minimal visual impact.

The proposals include high quality soft landscaping within the site with tree species chosen to match existing trees in the area and understorey and hedging as recommended in the Essex Design Guide 'Recommended Plant Species'. The dwellings to the road frontage have been generously set back from Chelmsford Road to allow significant vegetation along the road frontage. These trees and hedges will help to soften the built form, and this section of

Chelmsford Road should come to have a character similar to that found on several other nearby streets. This settlement pattern, with detached dwellings surrounded by trees, contributes to the rural nature of the surrounding landscape.

As brownfield land the site does have some minor contamination as set out in the submitted contamination assessment which also contains remediation measures which have been included on the plans

5. RELEVANT SITE HISTORY

- 5.1 UTT/0898/09/FUL - Creation of new vehicular and pedestrian access.- Conditional approval
- 5.2 UTT/2348/10/FUL - Refurbishment of existing B2 building and erection of replacement building for B1 use – Refused
- 5.3 UTT/0650/12/CLE - Certificate of lawfulness for existing use as a contractors yard for storing and servicing plant and machinery- Approved
- 5.4 UTT/15/3507/FUL - Re-location of a green steel wire fence 2m high x 25.3 metres long – Conditional approval

- 5.5 UTT/13/0811/TPO – Fell 1 no. Ash by 30% - Rejected
- 5.6 UTT/13/2085/TPO - Lift crown, cut back overhanging – Granted
- 5.7 UTT/18/1493/FUL – Demolition of existing buildings and the erection of seven new dwellings - Withdrawn
- 5.8 UTT/17/0952/OP- Outline application with appearance, landscaping and scale reserved, for the demolition of existing buildings and the construction of 7 no. new dwellings. Conditional approval.

6. POLICIES

6.1 National Policies

National Planning Policy Framework (February 2019)

6.2 Uttlesford Local Plan (2005)

S7 – The Countryside
S6 – Metropolitan Green Belt
GEN2 - Design
ENV3 – Open spaces and Trees
GEN8 - Vehicle Parking Standards
GEN7 – Nature Conservation
GEN1 - Access
GEN4 - Good Neighbourliness
H10 – Housing Mix
ENV14 – Contaminated Land
H1 – Housing Development
GEN3 – Flood Protection

Supplementary Planning Documents

Essex County Council Parking Standards.(2009)
Accessible homes and playspace (2005)
Essex Design Guide
Uttlesford Local Residential Parking standards (2013)

Other Material Considerations

Brownfield Land Register

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 No objections

8. CONSULTATIONS

Environmental Health Officer

- 8.1 I am in agreement with the phase 1 geo-environmental desk study report, reference number 1835/Rpt 2v1 prepared by Brown 2 Green. Due to the sites current brownfield usage in accordance with the model procedures for management of land

contamination, further investigations as recommended in the report are required to identify the risks to the future users of the site and where necessary remedial measures to ensure that the suit is suitable for use.

Plots one and two are located close to the main road and future users of the property will be subject to road traffic noise. To ensure that these properties are suitable for habitable use UDC will require the following noise limits for residential properties:

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB L_{Amax,F} by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- Gardens and terraces (daytime) 55 dB LAeq

8.2 Contamination: Recommended conditions are given in respect of contaminated land should the application be recommended for approval.

ENV2 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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).

ENV3 The remediation scheme shall be implemented in accordance with the approved timetable of works. 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 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).

ENV4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within [2] days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. .

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

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).

Noise: The following condition is recommended:

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

Reason : The site lies next to a main road where appropriate noise mitigation and sound proofing to noise sensitive development is required to prevent loss of amenity for future occupants.

Informatives

Developers are referred to the Uttlesford District Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

ECC Ecology

- 8.3 No objection. The proposals are limited in scope and according to the Protected Species Survey (Essex Mammal Surveys, May 2017) are unlikely to impact designated sites, protected/priority species or priority habitats. Given the low ecological value of the site, there are no further ecological considerations.

ECC Highways

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

Aerodrome Safeguarding

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

Landscape Officer

- 8.6 Previous comments still stand.(Verbal response) No objections to the felling of the Ash Tree subject to a Tree Preservation order. The form and character of the proposed residential development is not considered to be in keeping with the existing pattern of development in White Roding. The courtyard form would be better realised if the buildings were to reflect the visual characteristics of a range of traditional barn buildings, inward looking, with cart-lodges to provide covered parking. The submitted scheme is considered to be visually urban in character and at odds with the existing grain of development at the peripheries of the village.
On the frontage of the site a TPO protects two ash trees. One of these trees was felled some years ago and a replacement tree is not evident on site. The loss of the ash trees as part of a re-development of merit on the site would I suggest be acceptable

Essex Police – Crime Prevention Officer

- 8.7 Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.
We note the applicant states "The proposals respond to Secured by Design criteria.."

however however 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.

9. REPRESENTATIONS

- 9.1 23 neighbouring properties have been notified and a site notice displayed. Expiry date 26th October 2018. One representation has been received. Following receipt of revised plans neighbours were re-notified. Expiry date 30th May 2019.
Summary: the following concerns have been raised:

The neighbour consultation expiry date of 30th May falls during the mid-term school holiday period, this has meant we have been unable to recognise and respond to development plan policies that conflict with our views.

Overbearing nature and its size will present an intrusive element.

By reason of layout and siting the two plots 3 and 7 predominately glazed rear elevations, will directly overlook our property. This will lead to a loss of privacy and impact on the peaceful enjoyment of our home and secluded garden.

Inappropriate form of development in the Green Belt

Highway Safety

Small garden space

Flood Management- this development will add to the undiagnosed septic smell in the surrounding fields/ditches.

10. APPRAISAL

The main issues are whether:

- A The principle of development of this site for residential purposes is appropriate in this location, within the Metropolitan Green Belt (NPPF and ULP policies S7, S6 and H1)
- B Design, scale and impact on countryside setting and whether the proposal would impact neighbours amenity (ULP policies GEN2, GEN4 and H10)
- C The proposals would result in adverse harm to protected species and biodiversity (ULP policies GEN7 and ENV3)
- D The access and parking arrangements are appropriate (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);
- E The proposed Contaminated land is suitable for housing use (ULP policies ENV14 and GEN4)
- F Flood Risk and drainage (ULP Policy GEN3; NPPF)

A The principle of development of this site for residential purposes is appropriate in this location, within the Metropolitan Green Belt (NPPF and ULP policies S7, S6 and H1)

- 10.1 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
- 10.2 The site is also located within the Metropolitan Green Belt as defined within Uttlesford Local Plan, which states that development will only be permitted if it accords with national policy on Green Belts. Any development should preserve the openness of the greenbelt and its scale, design and siting should be such that the character of

the countryside is not harmed. The National Planning Policy Framework (2019) attaches great importance to Green Belts whereby a fundamental aim is to prevent urban sprawl by keeping land permanently open.

- 10.3 The essential characteristics of Green Belts are their openness and their permanence (Paragraph 133). From NPPF 2019 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.4 Paragraph 134. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.5 135. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
 - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - c) show what the consequences of the proposal would be for sustainable development;
 - d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
 - e) show how the Green Belt would meet the other objectives of the Framework.
- 10.6 Paragraph 144 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved. The NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations.
- 10.7 The proposed erection of dwellings in this location is by definition harmful to the Green Belt. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are;
- Buildings for agriculture and forestry;
 - Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it;
 - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
 - Limited infilling in villages,
 - Limited affordable housing for local community needs under policies set out

- in the development plan
 - Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt and than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 10.8 The proposal would therefore still fall within the last exception as outlined above. The site currently has five commercial buildings on the site and most of the site is covered with hardstanding. There is a timber building along the front boundary
- 10.9 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is considered that any residential scheme for construction of new dwellings on this site would not represent infilling but extend into the open countryside. The site is adjacent to residential dwellings which are in the form of sporadic, linear development along Chelmsford Road.
- 10.10 The proposal is similar to the extant application in that it relates to the demolition of the existing buildings and the erection of seven new detached. The extant outline application UTT/17/0952/OP was for the demolition of the existing buildings on the site and for outline consent for the construction of 7 no. new dwellings with appearance, landscaping and scale reserved.
- 10.11 A further material consideration is that The Housing and Planning Act 2016 allows for Permission in Principle for development of suitable Brownfield sites for housing. The Town and Country Planning (Brownfield Land register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017 legislation requires local authorities to prepare and maintain registers of brownfield land that is suitable for residential development. This site is listed on the local Brownfield Land register.
- 10.12 The proposed development is of a low density. An added benefit of the scheme is that the hardstanding areas and storage would be replaced by residential gardens and therefore the proposal would result in an improved impact on the character and appearance of the countryside with the removal of existing unsightly commercial buildings including the prominent roadside built form.
- 10.13 As part of the previous extant application (UTT/17/0952/OP) an indicative plan showed the proposed parameters of the buildings and the layout and the access of the proposal. This application is similar in layout to those plans submitted in the outline application. As such the principle of seven dwellings on the site has already been established and there are no material considerations or change in planning policy since that decision that would warrant a change in that decision. The Council still cannot demonstrate a deliverable 5 year supply of housing land.
- 10.14 Therefore, on balance, the proposals would constitute sustainable development as set out in the NPPF and are considered to be acceptable in principle in this location.

B Design, scale and whether the proposal would impact neighbours amenity (ULP policies GEN2,GEN4 and H10)

- 10.15 The previous approved extant planning application was the subject of Pre-application advice and the submitted layout is in line with the advice given. The proposed number of dwellings was reduced from fourteen dwellings to seven. This application has also been revised in respect of design, scale and parking provision. The original submitted scheme would have resulted in material overlooking of neighbouring properties, did not meet parking standards and was not compatible with the rural character of the surrounding locality.
- 10.16 The proposal would result in a reduction in the amount of hardstanding and the removal of unsightly buildings. Although the volume of proposed buildings is greater than the buildings being replaced, the proposal would not cause harm to the intrinsic value and beauty of the countryside, this being one of the core principles set out at paragraph 170 of the National Planning Policy Framework. The scale of the proposed dwellings and design of the proposed dwellings would not have a significantly greater impact on the openness of the Green Belt than existing built form.
- 10.17 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 and dwellings with three or more bedrooms are needed.
- 10.18 The housing mix for this application is for two 3 bedroomed properties, two 4 bedroomed properties and three 5 bedroomed properties. The proposal, complies with the requirements of Policy H10 and broadly in line with the Strategic Housing Market Housing report
- 10.19 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+. The gardens accord with the requirements of the Essex Design Guide Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide
- 10.20 The design and scale of the proposed dwellings is considered appropriate for this location. All of the dwellings would be lower in height than the adjacent neighbouring properties. New hedging and planting is proposed along the front of the site. The access road is terminated by landscaping and a dwelling beyond.
- 10.21 The revised plans received have been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact and would comply with policy GEN2.

C The proposals would result in adverse harm to protected species and biodiversity (ULP policies GEN7 and ENV3)

- 10.22 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. As the proposal would involve the demolition of buildings, there is the potential for the development to have an impact on protected species.

- 10.23 The applicants have completed a biodiversity questionnaire and submitted a protected species survey. No evidence of bats were found on the site and the lack of potential roosting places means that no further surveys are required. Although no evidence of bats was found, it is probable that bats from nearby roosts will forage in the gardens of adjacent properties. This behaviour would be expected to continue after any building work has been completed and therefore it is considered that the planning proposal for this site will not have a detrimental effect on the local bat population.
- 10.24 The extent of gravel areas and concrete hardstanding at the site preclude colonisation by protected species and no evidence of their presence was found. The application has been considered by the County's Ecologist who raises no objections.
- 10.25 Our records also show that there are trees that are subject to a tree preservation order on this site. One of the ash trees has already been lost. The proposal includes removal of the other ash tree to the sites frontage to make way for a new access road. The Landscape Officer has no objections to its removal as it is considered that the tree is not a great specimen worthy of retention. He advises that the frontage should have soft landscaping possibly in the form of native hedging and that landscaping conditions should be applied to any approval. In order to mitigate the loss of the TPO tree it is proposed to plant 2 no. European Ash trees to the road frontage. The proposal would comply with ULP Policies ENV3 and GEN7.

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

- 10.26 The proposed properties are a mixture of three, four and five bedroom dwellings. The adopted parking standards require the provision for two parking spaces for three bedroom dwellings and three parking spaces for four+ bedroomed properties and additional visitor parking spaces. The proposal meets these standards. There would also be two unallocated parking spaces within the development to provide visitor parking. The new vehicular access to the site is acceptable.
- 10.27 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more , the council will require 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining 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.

10.28 The revised plans received now comply with the above amended building regulations. A representation has made reference to highway issues, however the Highways Department has been consulted and raise no objections, subject to conditions, to the proposals on highway terms. The proposals therefore satisfy the requirements of ULP Policies GEN1 and GEN8.

E The proposed Contaminated land is suitable for housing use (ULP policies ENV14 and GEN4)

10.29 In view of the previous and current use of the site, the land may be affected by contamination. In accordance with the model procedures for management of land contamination, further investigations are required to identify the risks to the future users of the site and where necessary remedial measures to ensure that the suit is suitable for use. A contamination report accompanies the application and Environmental Health Officers have been consulted. They have no objections subject to conditions in relation to sound insulation and contamination. Subject to the imposition of conditions it is considered that the proposals would comply with policies GEN4 and ENV11.

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

10.30 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).

10.22 As the existing site is hard surfaced, the proposal would also reduce the impermeable areas within the site. The proposal would comply with Policy GEN3

11.0 CONCLUSION

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

- A In view of the extant planning permission UTT/ 17/0952/OP, that the Council does not have a five year housing supply and that the site is a brownfield site, the proposal is considered to be acceptable in principle.
- B The Design of the proposed development is considered to be acceptable and in accordance with Policy GEN2, The layout of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and the proposals comply with Policies GEN2, ENV3 and GEN8.

The proposed scale of the development is considered to be appropriate and complies with policy GEN2.

The housing mix for the development is considered acceptable (ULP policy H10)

- C The proposal would not result in any significant harm to protected species or habitats and would comply with ULP policy GEN7.
- D The access arrangements have been considered by Essex County Council and no objections are raised to the proposals. The proposal has demonstrated that sufficient parking can be provided to meet the adopted parking standards and therefore complies with ULP policies GEN1 and GEN8.
- E Subject to further investigations and compliance with recommended mediation conditions the proposal is acceptable.
- F The site is located in Flood Zone 1 and therefore, is a site with the lowest risk of flooding

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 occupation of any dwelling, the provision of an access formed at right angles to Chelmsford Road, to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres and two 2 metre footways around the junction radii, and with clear to ground visibility splays as indicated on DWG no. 2016-080-009 OP4 (dated Jan 16).

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the access and those in the existing public highway, in the interests of highway safety. The condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

3. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

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

4. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity. The condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County

Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

5. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport. The condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

6. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
 - i. Safe access into the site;
 - ii. The parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. Wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. The condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

7. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: 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).

8. The remediation scheme shall be implemented in accordance with the approved timetable of works. 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 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).

- 9 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

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).

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 7. . 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 8.

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).

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

REASON : The site lies next to a main road where appropriate noise mitigation and sound proofing to noise sensitive development is required to prevent loss of amenity for future occupants in accordance with policy GEN4 of the Uttlesford Local Plan (adopted 2005)

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within classes A to E of Schedule 2, Part 1 and Class A of Part 2 shall be carried out within the curtilage of the dwelling house without the prior written consent of the local planning authority.

REASON: To ensure that the openness of the Metropolitan Green Belt is maintained, in accordance with Policy S6 of the Uttlesford Local Plan (adopted 2005).

