

**UTT/19/0293/FUL (HENHAM)**

(Called to Committee by Cllr Lees)

**PROPOSAL:**           **Erection of 16 no. dwellings with associated garages, parking and landscaping with new vehicular access to Chickney Road**

**LOCATION:**           **Land to the north of Chickney Road, Henham**

**APPLICANT:**       **Stonebond Properties Ltd, J F Pimblett & Sons**

**AGENT:**             **Strutt & Parker**

**EXPIRY DATE:**     **16 May 2019** extension of time until 29 July 2019

**CASE OFFICER:**    **Jonathan Doe**

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**1.       NOTATION**

1.1       Outside Development Limits  
The site frontage is onto a Protected Lane  
There is a Public Right of Way within the site, a footpath

**2.       DESCRIPTION OF SITE**

2.1       The site is that of a parcel of land of a trapezoidal shape between recent housing development off Maitland Close, to the west, and a vehicular track for farm vehicles which is also a public footpath, to the east. The southern boundary is a part of Chickney Road. The north eastern boundary is a belt of trees/hedge.

2.2       The site is at the eastern end of the village of Henham.

2.3       The site is arable land and land to the rear of the Maitland Close, land which has been used for the construction process of the new houses on Maitland Close.

2.4       The site has an area of 0.71ha. The site has an existing vehicular access to Chickney Road. A new vehicular access would be provided at a more central position along the site frontage.

Plot	No. of bedrooms	Garden size (sq m)	Parking
1	2	58	2
2	2	71	2
3	4	177	3
4	3	170	3
5	3	141	3
6	3	103	2
7	1	52	1
8	1	68	1
9	2	79	2
10	2	63	2
11	2	240	2
12	2	71	2

13	3	117	2
14	3	143	3
15	4	217	3
16	4	259	3

### 3. PROPOSAL

3.1 Erection of 16 no. dwellings with associated garages, parking and landscaping with new vehicular access to Chickney Road

3.2 Sixteen dwellings and garages are proposed in the form of a cul-de-sac of development. There would be 4 pairs of semi-detached houses, 6 detached houses and 2 flats. 10 of the dwellings would be open market, 6 Affordable Housing.

3.3 A vehicular access to the site would be created.

### 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. APPLICANT'S CASE

5.1 The application documentation includes a planning statement (with a draft heads of terms to a Section 106 Agreement, relating to Affordable Housing, a financial contribution towards schools and off-site transport improvement, as an appendix); a design and access statement; a statement of community involvement; a transport statement; a completed biodiversity checklist and a preliminary ecological appraisal report; a landscape/visual appraisal and landscape strategy report with a landscape masterplan, arboricultural impact assessment report and aerial photographs of the site; an Affordable Housing statement and a housing tenure plan; a flood risk assessment; a phase 1 ground contamination study; and, a schedule of materials.

5.2 The planning statement includes the following points:

- High quality, Architect designed scheme would make a “gateway” to the village
- Most dwellings (81%) to comprise of 1 to 3 bedrooms and accordingly be suitable for first time buyers and young families
- Provision of 6 affordable homes in line with Council requirements
- Proposal represents a contribution to a housing supply shortfall
- Location of site would “round off” the village by a “landscape led” scheme
- Reference to the applicant being willing to contribute a “welcome to Henham” timber sign
- Applicant is a reputable local established housebuilder, committed to delivering the scheme
- Bus stop improvements
- Electric car charging points in all garages
- Sustainable building features and techniques beyond requirements of

- Building Regulations to be incorporated
- Willing to explore a 30mph speed limit at edge of village
- Landscape planting, especially to southeast boundary, and landscaped area to entrance of site
- Garden sizes in excess of normal requirements
- Policies in the Local Plan are out of date
- Government policy sets out a presumption in favour of sustainable development and as such the proposal is acceptable in principle

## **6. RELEVANT SITE HISTORY**

- 6.1 A portion of the site, that part to the rear of and used as a construction compound for Maitland Close, was an element to a larger parcel of land the subject of a planning permission (UTT/1424/01/FUL) for a paddock to the rear of Lodge Cottages. That planning permission is for “Erection of two-storey side extension, garage and stables. Change of use from arable land to grazing paddock. Creation of access from paddock to main road.” It appears that the paddock was to have been a horse paddock and that the access was to have been to the west of where Maitland Close now is.
- 6.2 A pre-application enquiry (reference UTT/18/2092/PA) was made for sixteen dwellings at the site. A response, for guidance only, was issued on 15<sup>th</sup> September 2018. A summary of the response was that residential development was acceptable in principle, but would require a robust justification.

## **7. POLICIES**

### **Uttlesford Local Plan (2005)**

S7 - The Countryside  
 GEN1 - Access  
 GEN2 - Design  
 GEN3 - Flood Protection  
 GEN4 - Good Neighbourliness  
 GEN6 - Infrastructure Provision to Support Development  
 GEN7 - Nature Conservation  
 GEN8 - Vehicle Parking Standards  
 E4 - Farm diversification: alternative use of farmland  
 ENV5 - Protection of agricultural land  
 ENV8 - Other landscape elements of importance for nature conservation  
 ENV9 - Historic Landscapes  
 ENV14 - Contaminated Land  
 H9 - Affordable Housing  
 H10 - Housing Mix

### **Emerging Local Plan**

SP 1 - Presumption in Favour of Sustainable Development  
 SP 2 - The Spatial Strategy 2011-2033  
 SP 3 - The Scale and Distribution of Housing Development  
 SP 10 - Protection of the Countryside  
 SP 12 - Sustainable Development Principles  
 H 1 - Housing Density  
 H 2 - Housing Mix

H 6 - Affordable Housing  
H 10 - Accessible and Adaptable Homes  
TA 1 - Accessible Development  
TA 3 - Vehicle Parking Standards  
D 1 - High Quality Design  
D 2 - Car Parking Design  
EN 7 - Protecting and Enhancing the Natural Environment  
EN 10 - Minimising Flood Risk  
EN 11 - Surface Water Flooding  
EN 16 - Contaminated Land  
C 1 - Protection of Landscape Character

### **Supplementary Planning Documents/Guidance**

Accessible Homes and Play Space

### **National Policies**

National Planning Policy Guidance (NPPF) (February 2019)

### **Other Material Considerations**

ECC Parking Standards  
UDC Parking Standards  
Essex Design Guide (2018 version)  
Strategic Housing Market Housing Assessment (September 2015).

## **8. PARISH COUNCIL COMMENTS**

- 8.1 A report has been submitted by Gardner Planning Ltd on behalf of Henham Parish Council as an objection. Another report has been submitted by Railton TPC Ltd on behalf of Henham Parish Council as an objection with regard to transportation matters including access to services and sustainability.
- 8.2 The report by Gardner Planning makes the following points:
- The application site is not allocated for development in the Regulation 19 Local Plan
  - Proposal is contrary to Policy S3 of the Adopted Local Plan
  - Provision of 16 dwellings is a tiny benefit to weigh in the balance of the new NPPF paragraph 11
  - Henham has already accommodated over 70 dwellings in the plan period of the emerging Local Plan – it should not, and cannot, take any more
  - Proposal is contrary to Policy S7 of adopted Local Plan
  - Would extend development into the countryside to the detriment of the character of the area
  - Chickney Lane is a “Protected Lane”, a heritage asset
  - Proximity of back gardens would have an adverse impact for walkers along the public footpath
  - The site is classified Grade 2 in the Agricultural Land Classification
  - Pre-application advice from Uttlesford District Council contained unsupported statements

The report by Railton makes the following points:

- 8.3
- Ensuring that the location of development would facilitate sustainable means of travel is of great importance and set out in Government advice and local policies
  - Development should not compromise road safety and this is set out in policies
  - Facilities within the village are extremely limited
  - There are no facilities within a walkable neighbourhood
  - There are no footways along Chickney Road for a distance of 270m west of the site access (the route to all local facilities)
  - There is no street lighting along Chickney Road between the site and the centre of the village.
  - Vulnerable highway users such as parents with children walking along Chickney Road would be subject to severe risk and in the presence of two vehicles passing any pedestrians would be subject to very severe risk
  - site suffers from a lack of cycle accessibility
  - site lies well beyond the recommended maximum walking distance to bus services and that the level of service is not good
  - Overall it is concluded that the proposed development fails to provide appropriate opportunities for sustainable travel,

## **9. CONSULTATIONS**

### **NATS Safeguarding**

- 9.1 No safeguarding objection to the proposal. (NATS is responsible for the management of en-route air traffic).

### **MAG London Stansted Airport**

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

### **ECC Highways**

- 9.3 The remote location of the site is such that access to key local services and facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken in to consideration by the Planning Authority when assessing the overall sustainability and acceptability of this proposal.
- 9.4 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 9.5 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to measures to address creation of a vehicular access to acceptable details; provision of a Construction Management Plan; implementation of parking and turning areas; provision of bicycle parking;

and, no unbound material within 6m of boundary.

#### **ECC Place Services – Ecology**

- 9.6 No objection subject to securing biodiversity mitigation and enhancement measures.

#### **ECC SuDS**

- 9.7 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the imposition of conditions to any approval.

#### **Crime Prevention Officer**

- 9.8 Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.
- 9.9 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.

#### **UDC Housing Strategy and Operations Manager**

- 9.10 The delivery of affordable housing is one of the Council's corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more units.
- 9.11 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 16 (net) units. This amounts to 6 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 9.12 The application proposes 2x1 bed flats and 2x2 bed houses for affordable rent; 2x2 bed houses for shared ownership. I confirm this mix meets the Council's policy and the homes are integrated within the scheme.

#### **UDC Environmental Health Officer**

- 9.13 The submitted phase 1 contamination assessment by Geosphere Environmental has identified made ground from the former railway at the southeast boundary of the site as a potential source of contamination. The limited intrusive investigation proposed in the report is considered an acceptable way forward to further characterise this risk. A condition is recommended.

#### **UK Power Networks**

- 9.14 Standard response.

## **Health and Safety Executive**

9.15

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

## **Cadent**

9.16

Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry as currently specified.

## **Thames Water**

9.17

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

## **10. REPRESENTATIONS**

10.1

84 representations received (Object). Neighbour notification period expires 18<sup>th</sup> March 2019. Advertisement expires 21<sup>st</sup> March 2019. Site Notice expires 28<sup>th</sup> March 2019.

Summary of representations received as follows:

- With construction comes unavoidable disruption
- Development in Henham and Elsenham has been disproportionate and any further must be stopped
- Homes recently built until now have not benefited locally employed people because they are too big and expensive
- Would increase traffic at high speeds through Henham
- Site was not included in neither Local Plan nor emerging local plan
- Detriment to highway safety
- Proposal would add to loss of a really lovely village with a village feel
- Represents the creeping urbanisation of a rural village
- Additional strain on local resources
- In the last four years this will be the fifth housing development within a one mile radius
- Would lead to greater use of Sibleys Lane as a shortcut, especially during construction
- Would spread development further out into the countryside
- Henham is a type A village which alone has already accommodated over 70 new houses and should not, and cannot, take any more
- Our village is becoming a town, application should be refused to let residents of Henham get on with village life
- Site is outside the village envelope and outside the speed limit
- Gross overdevelopment beyond a green barrier
- Does not complement the existing street scene or fit character of this very rural end of the village
- Access road would be positioned only 4m from our bedroom window and lounge window leading to noise and other pollution
- Plot 1 too close to a plot forming part of Maitland Close
- Pedestrians, including school children, would need to walk into the village along road with no footway which would be dangerous
- May lead to the next field along being used as works depot for this proposed development and then becoming the next development site

- The village is at bursting point already and should not be expected to continually accommodate requests for new housing
- The roads surrounding Henham are under strain
- the access road through Stansted Mountfitchet is now grid-locked at certain times of the day due to the substantial increase in traffic; the infrastructure just cannot cope
- another opportunist and greed related planning application which I see as a further encroachment into our ever-decreasing green areas
- will take the village further out into the countryside and, if granted, will then make the land beyond it ripe for further developmental applications
- time has come for a moratorium on building in Henham until we have had time to properly assimilate the new housing and all the infrastructure problems
- Sustainable village growth should be no more than 10% for the community to absorb, welcome and nurture relationships with newcomers
- It is the opposite end of the village from the school and all the traffic has to go right through the village
- Too close to a bedroom window and no screening
- Henham is full and will lose its quintessential English village character if any further development is allowed
- Tacking developments to a village causes it to slowly morph out of a village character; villages are Goldilocks' baby-bears of communities in that they are just the right size and therefore need our protection
- would completely spoil our outlook
- this sets a precedent for building on any of our beautiful and protected countryside
- would obstruct the view of the road on the bend, putting lives at risk

## 11. APPRAISAL

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

- A Principle of development (ULP Policies S7, E4 and ENV5; NPPF)
- B Housing mix and affordable housing (ULP Policies H9, H10; NPPF)
- C Design and residential amenity (ULP Policies GEN2 and GEN4; NPPF)
- D Vehicular access, parking and other highway matters (ULP Policies GEN1 and GEN8; NPPF)
- E Impact on ecology and special verges (ULP Policies GEN7, ENV8 and ENV9; NPPF)
- F Flood risk and drainage (ULP Policy GEN3; NPPF)
- G Ground contamination (ULP; Policy ENV14)
- H Infrastructure provision (ULP Policy GEN6)

### **A Principle of development (ULP Policies S7, E4 and ENV5; NPPF)**

- 11.1 The difference between this site and the recently developed sites to the west and to the south is that this site is outside the Development Limit of Henham as defined in the Regulation 19 Local Plan. Appeal decisions often refer to how the Regulation 19 Local Plan is open to change until formally being found sound by an Inspector and accordingly give considerations relating to emerging policy very little weight. A visual impression of the frontage of the site is that it is enclosed by relatively recent housing to the left hand side, a vehicular track forms a strong visual boundary to the right hand side and that this is empty space compared to

the built form on the opposite side of the road.

- 11.2 The application site is located outside the development limits for Henham and falls within open countryside where Policy S7 operates a policy of restraint. Policy S7 states that planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. It will only be permitted if its appearance protects or enhances the character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to take place there. The proposal would be contrary to Policy S7 as it relates to an inappropriate form of development that does not need to take place in the countryside, fails to protect or enhance the character of the countryside in which it is set. It is therefore necessary to consider whether there are any special reasons why the development needs to take place in that location.
- 11.3 The preamble to Policy S7 sets out examples of development that may be permitted in principle, including affordable housing and other facilities to meet local community needs. Policy S7 also permits infilling and paragraph 6.14 of the Local Plan states that there is no specific policy on infilling outside development limits. Infilling will be permitted if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements where they would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 11.4 A review of the policies in the adopted Local Plan has been carried out to check their compatibility with the NPPF. Policy S7 is partially consistent with the NPPF in that, whilst the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas.
- 11.5 The location of the site beyond the Development Limits for Henham would not accord with the Local Plan policies on the location of housing. However, its position adjacent the built-up area of the village complies with more up-to-date policy at paragraph 78 of the NPPF
- 11.6 The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, 'NPPF 2019 – Five Year Housing Land Supply update (March 2019)', the Council's housing land supply is currently 3.29 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 11.7 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. As such it is therefore necessary to consider whether the proposals represent sustainable development in accordance with paragraphs 8-15 of the NPPF. Paragraph 8 sets out the three dimensions to sustainable development:
- 11.8 Economic role: The proposal would offer a limited economic role with the potential for some short term employment opportunities during the construction period. In addition, there would be limited support for the existing facilities within the village, such as the shop and public house, potentially during the construction period and more likely following occupation of the properties. As such the proposal could deliver a limited economic role.

- 11.9 Social role: The proposal would provide additional houses to Henham and a sizeable proportion (6 out of 16) would be Affordable Housing. As such the proposal would deliver a social role.
- 11.10 Environmental role: The site is set in the context of the completed development on the southern side of the road. This development has significantly altered the character of the landscape in this location. The concept of loss of open land would be the greatest when viewed from the footpath to the east of the site. However, now that the developments of Blossom Close and Maitland Close have been completed residential development has been introduced that has had a significant impact on the character of the area. The visual impact of the proposal is limited when considered in its context. The landscaping scheme would reduce the visual impact of the development to some extent, and reduce the less than significant impacts on the wider landscape. Biodiversity enhancements, discussed below with regard to ecological impacts, could be ensured to be implemented by condition. Therefore, whilst there would be some harm, on balance the proposals are considered to deliver an environmental role.
- 11.11 Policy E4, Farm diversification: Alternative use of farmland, has been found to be only partly consistent with the NPPF. Policy ENV5, Protection of agricultural land, relates to the best and most versatile agricultural land whereas the site is understood to be grade 2. Given that development was granted on an adjoining site, it is considered that these policies cannot form a bar to development on the site in question.
- 11.12 It is considered that the proposals would meet the requirements of sustainable development as set out in the NPPF.

**B Housing mix and affordable housing (ULP Policies H9, H10; NPPF)**

- 11.13 The application proposes two 1-bedroom flats and two 2-bedroomed houses for affordable rent; and, two 2-bedroomed houses for shared ownership.
- 11.14 The provision of affordable housing is one of the Council's corporate priorities. As referred to above, the response of the Council's Housing Strategy and Operations Manager states that the mix meets the Council's policy and the homes are integrated within the scheme.
- 11.15 The affordable housing can be secured by way of a Section 106 Legal Obligation.

**C Design and residential amenity (ULP Policies GEN2 and GEN4; NPPF)**

- 11.16 Policy GEN2 requires, inter alia, development to be compatible with the scale, form, layout and appearance of surrounding buildings and to provide an environment which meets the reasonable needs of all potential users. The proposed dwellings are considered to be of an acceptable design and the proposed mix of materials would be appropriate.
- 11.17 The Essex Design Guide sets a requirement for a minimum garden size of 100sqm for 3+ bedroom properties. All the properties of three or more bedrooms would have a garden size which would exceed the minimum standard, the smallest being 103sqm.
- 11.18 The comment of a local resident that the proximity of the access road to a

bedroom window would cause disturbance is noted. However, it is thought that when a band of landscaping as part of the development of Maitland Close becomes established the disturbance would not be material and this factor in isolation could not adequately form a reason for refusal.

- 11.19 The nearest distance between a proposed built form and existing houses on Maitland Close would be the distance between plot 1 and a house at the end of Maitland Close. The distance would be some 12m. Such an isolation distance is considered adequate.
- 11.20 The proposed houses nearest existing houses on Maitland Close would be those on plots 1 and 16.
- 11.21 A side elevation of the house on plot 1 would face northwest, towards Maitland Close. At first floor this elevation would have two windows; to a bathroom and to a shower-room en-suite to a bedroom. To avoid any sense of being overlooked it is considered appropriate that a condition be imposed on any approval to require that these windows be obscure glazed.
- 11.22 A side elevation of the house on plot 16 would face southwest, towards Maitland Close. At first floor this elevation would have a small window to an en-suite shower-room. To avoid any sense of being overlooked it is considered appropriate that a condition be imposed on any approval to require that this window be obscure glazed.
- 11.23 The scheme is in accordance with Policies GEN2, GEN4 and the standards set out in the Essex Design Guide.

**D Vehicular access, parking and other highway matters (ULP Policies GEN1 and GEN8; NPPF)**

- 11.24 The local highway authority, Essex County Council, has raised no objection to the proposed vehicular access. ECC Highways has recommended a condition regarding implementation of a vehicular access to its standards. Accordingly the proposal is considered acceptable with regard to Policy GEN1.
- 11.25 In accordance with the Council's adopted parking standards, the proposal would provide 1 parking space per 1-bedroom dwelling, 2 spaces per dwelling of 2 or more bedrooms; and, 3 spaces per dwelling for the four-bedroom houses. In total 40 car parking spaces, including spaces for visitor parking, would be provided.
- 11.26 The proposal would accord with adopted parking standards and is considered acceptable with regard to Policy GEN8.

**E Impact on ecology and special verges (ULP Policies GEN7, ENV8 and ENV9; NPPF)**

- 11.27 The application documentation includes a preliminary ecological appraisal report to which the ECC Ecologist has no objection subject to securing biodiversity mitigation and enhancement measures. It is considered that the proposal complies with Policies GEN7 and ENV8.
- 11.28 The proposal would not result in any adverse impact on the character of the protected lane and therefore complies with Policy ENV9.

**F Flood risk and drainage (ULP Policy GEN3; NPPF)**

- 11.29 The proposal is in Flood Zone 1. Essex County Council is the Lead Local Flood Authority for the area and in this capacity has confirmed in writing that it does not object to the granting of planning permission based on the imposition of conditions to any approval. The proposal is acceptable with regard to Policy GEN3.

**Ground contamination (ULP; Policy ENV14)**

**G**

- 11.30 The application documentation includes a Phase 1 desk study and preliminary risk assessment report for the proposed residential development. The Council's Environmental Health Officer has reviewed the report and commented that the report has identified made ground from a former railway at the southeast boundary of the site (the vehicular track referred to elsewhere in this Committee report) as a potential source of contamination. The limited intrusive investigation proposed in the report is considered an acceptable way forward to further characterise this risk. A condition is recommended.
- 11.30 With regard to Policy ENV14 the proposed development is considered acceptable subject to the appropriate standard conditions as recommended by Environmental Health.

**H Infrastructure provision (ULP Policy GEN6)**

- 11.31 Policy GEN6 requires provision for community facilities that are made necessary by the development. Statutory authorities have identified a drainage scheme and a vehicular access to defined standards. Provision of a drainage scheme and the vehicular access can be ensured by use of condition. Landscaping provision can be achieved by condition. However, to address maintenance of the drainage scheme and maintenance of the landscaped spaces it is considered appropriate that this is addressed by a Section 106 Agreement. A Section 106 Agreement would be required in connection with Affordable Housing.
- 11.32 The planning statement submitted as part of the application documentation has an appendix which is a draft Heads of Terms to a Section 106 Agreement. The Heads of Terms are: Affordable Housing; transport (off-site improvements to the nearest bus stop).
- 11.33 The planning statement also refers, at page 1, to a willingness to contribute to a "Welcome to Henham" sign, electric car charging points in all garages, and a commitment to exploring a reduced speed limit at this edge of the village.

**I Other matters**

- 11.34 Policy GEN2 and the SPD entitled "Accessible Homes and Playspace" indicate that proposed dwellings should meet the Lifetime Homes standards for accessibility. The Planning Practice Guidance explains that enhanced accessibility should be sought only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations (Paragraph 008 Reference ID 56-008-20150327). This policy, last updated in March 2015, effectively updates

the Council's policies; although the SPD does form the basis for selecting the appropriate accessibility standard.

11.35 A standard condition for major housing developments is recommended.

## **12. CONCLUSION**

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

- A** The principle of development is a complicated matter to assess with adopted policy not being of recent date and a lack of a five year housing supply. Impact to the character and appearance of the setting to the site would be limited given its context adjacent existing built forms. Unlike nearby recent development, the proposal offers a significant proportion of Affordable Housing.
- B** The proposal complies with policies H9 and H10 relating to housing mix and affordable housing.
- C** The appearance of the dwellings would represent a high quality design and the development as a whole would offer a very good level of amenity to future occupiers with no material adverse impact to occupiers of neighbouring development.
- D** Vehicular access and parking are considered acceptable.
- E** The development would not have a significant impact to protected or priority species.
- F** There would not be an increased risk of flooding from the proposal.
- G** Contamination risk can be remediated by condition.
- H** Implementation of infrastructure can be achieved by condition or by a Legal Agreement.

### **RECOMMENDATION – CONDITIONAL APPROVAL AND S106 LEGAL OBLIGATION**

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 18 May 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:**
  - (i) Provision of affordable housing**
  - (ii) Provision and maintenance of open space**
  - (iii) Maintenance of SuDSBus stop improvements**
  - (iv) Pay the Council's reasonable legal costs**
  - (v) Pay the monitoring fee**
- (II) In the event of such an obligation being made, the Assistant Director 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 Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
  - (i) No provision of affordable housing**
  - (ii) No provision and maintenance of open space**

- (iii) **No maintenance of SuDS**
- (iv) **No bus stop improvements**

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

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

3. One dwelling 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.

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

4. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this exposed site within the streetscene 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 ULP Policies GEN2, ENV3 and GEN7 of the Uttlesford Local

5. Plan (adopted 2005).

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

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

No development other than that required to be carried out as part of a scheme of investigation or remediation 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. It must include:

6. (i) a survey of the extent, scale and nature of contamination;  
(ii) an assessment of the potential risks to human health, building services and controlled waters;  
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be undertaken by a competent person, in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11", and take account of Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", available on the UDC website.

REASON: In the interest of the avoidance of harm to health and in accordance with Policy ENV14 of the adopted Local Plan and Policy EN 16 of the Regulation 19 Local Plan.

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, building services and controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and 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 interest of the avoidance of harm to health and in accordance with Policy ENV14 of the adopted Local Plan and Policy EN 16 of the Regulation 19 Local Plan.

The remediation scheme shall be implemented in accordance with the approved

timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. 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 interest of the avoidance of harm to health and in accordance with Policy ENV14 of the adopted Local Plan and Policy EN 16 of the Regulation 19 Local Plan.

8. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Demonstrate a suitable half drain time for the site- storage should half empty after 24 hours
  - Detailed engineering drawings of each component of the drainage scheme.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.  
The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy GEN3 of the adopted Local Plan, Policy EN 1 of the Regulation 19 Local Plan and the provisions of the National Planning Policy Framework.

9. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: In the interest of the prevention of flooding by ensuring the satisfactory maintenance of plant for storage of/disposal of surface water from the site in accordance with Policy GEN3 of the adopted Local Plan, Policy EN 1 of the Regulation 19 Local Plan and the provisions of the National Planning Policy Framework.

10. Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. 183610-002 Rev B (dated 06/11/18) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, a 2 metre footway around the western radii extending along the site frontage, and clear to ground visibility splays with dimensions of 2.4 metres by 101 metres to the east and 2.4 metres by 93 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

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 road junction and those in the existing public highway in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan.

11. 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.

12. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads 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 interest of highway safety and that appropriate parking is provided.

13. 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.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

15. Prior to first occupation of any dwelling hereby permitted, all ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Geosphere Environmental Ltd., Jan 2019) as submitted with the planning application.

REASON: To conserve and enhance Protected and Priority species and allow the local planning authority 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 to accord with Policy GEN7 of the adopted Local Plan.

16. Prior to first occupation of the house on plot 1 the window to the bathroom and the window to the shower-room en-suite to bedroom 1 as shown on approved plan 18/32/05 shall be obscure glazed, with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority and shall be fitted with opening hinge restrictors, and retained as such thereafter.

REASON: To avoid overlooking of the neighbouring properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local

Plan (adopted 2005).

17. Prior to first occupation of the house on plot 16 the window to the shower-room en-suite to bedroom 1 as shown on approved plan 18/32/06 shall be obscure glazed, with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority and shall be fitted with opening hinge restrictors,, and retained as such thereafter.

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

18. Prior to first occupation of a dwelling with a garage, an electric car charging facility shall be installed in the garage and retained as such unless the written consent of the local planning authority is given to any alteration.

REASON: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan; Policies TA 2 and TA 3 of the Regulation 19 Local Plan; and, the provisions of the National Planning Policy Framework.