

UTT/19/2149/OP (Takeley)

(Call-in request by Councillor Driscoll if recommended for approval. Reason: 1. Site lies outside development limits, 2. Impact on character of Canfield Road taking into account cumulative effects of recent housing developments, 3. Highway safety, including cumulative impacts).

PROPOSAL: Outline application with matters of appearance, landscaping and scale reserved for 5 no. dwellings, including demolition of existing buildings.

LOCATION: Sandhurst, Great Canfield Road, Takeley, CM22 6SU

APPLICANT: Mr & Mrs K & E Pickford.

AGENT: Mr D Tuttlebury.

EXPIRY DATE: (Extension of time agreed to 27 November 2020)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site lies on the east side of Great Canfield Road at Hope End to the north of Bullocks Lane and comprises for the purposes of the land edged in red a flat and irregular shaped parcel of gently sloping amenity grassland consisting of 0.475 ha (stated) positioned between Canfield House lying on its immediate north-west side and Sandhurst (applicant) lying on its immediate south-east side. Nursery Grove, a gated residential development comprising recently constructed and sizable detached dwellings on the site of a former redundant nursery (Canfield Nursery) lies to the immediate south-east and east of the site divided by a line of boundary trees extending into a small copse. A field lies to the immediate north of the site which is screened from the site by an established boundary hedgerow.

2.2 The interior of the site is accessed by a short private track leading from Great Canfield Road whereby the site entrance gate is recessed from the highway. The site is substantially screened and obscured from the highway due to a tall and established clipped conifer hedge which extends along the southern edge of the track and by frontage boundary vegetation which exists on the northern side of the site entrance. An old Nissen hut and nearby ridge roofed building used by the applicant for domestic storage and workshop purposes exist at the front of the site along with a small collection of cars whereby this workshop/storage area is similarly screened from the highway. Beyond this, the land has an open interior extending down to the site's eastern rear boundary.

3. PROPOSAL

3.1 This outline application with all matters reserved except for Access and Layout relates to the erection of 5 no. detached dwellings and garages together with new

service spine road involving the demolition of the existing storage and workshop buildings.

- 3.2 The submitted site layout (revised drawing ref; 2532/1 C) shows a line of five new dwellings with garages extending down a new spine service road terminating with a rear hammerhead. Plot 1 would incorporate a frontage dwelling facing onto Great Canfield Road positioned between Sandhurst and Canfield House, whilst the dwelling for Plot 5 at the bottom end of the development would be sited within a return section of the site behind Sandhurst. A short section of private access track is shown to extend off the rear side of the new spine road hammerhead to enable private vehicular access to be continue to be gained to the copsed area to the rear of the site within the control and ownership of the applicant.
- 3.3 The outline application as submitted is in effect a revised outline application for refused application UTT/18/1516/OP for the same number of dwellings, but with the following changes made;
- consideration of Layout is now sought for this “re-submitted” outline application;
 - frontage visibility splay adjustments have been clarified to address the cited highways visibility reason for refusal for refused application UTT/18/1516/OP;
 - The previously shown curved hammerhead for the proposed spine service road as shown for application UTT/18/1516/OP is now shown as a straight Type 3 hammerhead on the advice of ECC Highways.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal amounts to “Schedule 2” development (10. Infrastructure Projects - (b) Urban development projects...) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwellinghouse development; (ii) does not exceed 150 dwellings and (iii) the overall area of the development does not exceed 5 hectares, the proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a “sensitive area”.

5. APPLICANT’S CASE

- 5.1 The applicant states the following in support of this revised application:
- The application as submitted now overcomes the stated single highway visibility reason for refusal as cited for previously refused application UTT/18/1516/OP whereby it has since been confirmed that the visibility splays are within the control of the applicant or within the limits of the public highway and that a frontage hedge required to be trimmed to achieve satisfactory forward visibility is also within the control of the applicant.
 - The Planning Inspector at appeal for refused application UTT/18/1516/OP concluded that the development would not result in harm to the character and appearance of the area and would therefore conform to Policy S7 of the Council’s adopted Local plan in as much as the development would protect the particular character of that part of the countryside.

6. RELEVANT SITE HISTORY

6.1 Outline planning permission with all matters reserved except for access for the demolition of existing outbuildings and the erection of 5 no. dwellings at Land At Sandhurst, Great Canfield Road, Takeley was refused under the Council's delegated powers on 27 November 2018 for the following reasons (UTT/18/1516/OP refers):

- 1 The Local Planning Authority recognises that the proposal would contribute to its current housing shortfall and would create some limited benefits in terms of economic and social sustainability as set out in the National Planning Policy Framework (July 2018). Nevertheless, these material considerations are outweighed in the planning balance by the unacceptable detrimental impact of the proposed development by reason of its deep backland type plan layout and number of dwellings proposed at the site on the environmental sustainability of the area in terms of rural harm caused particularly by not recognising the linear built form and grain of Great Canfield Road, which is its main physical characteristic. The proposal is therefore contrary to ULP Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
- 2 Insufficient access details have been submitted with the application for the Local Highway Authority to be able to properly determine whether or not the means of vehicular access for the proposed development would be harmful to highway safety, in particular with regard to visibility splays given the site's location within a 30mph zone where splays of 2.4m x 43m would need to be achieved in each direction to the nearside edge of the carriageway from the proposed access where these must be achieved within the limits of the public highway and/or land in the control of the applicant. As such, the proposal is considered premature in this respect and is contrary to ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6.2 An appeal against the Council's refusal of planning permission was subsequently dismissed on 21 June 2019 on highway visibility grounds (refusal reason 2). In his appeal decision letter, the Inspector considered that the two main issues for the appeal were (1) the effect of the proposal on the character and appearance of the area and (2) the effect of the proposal on the free and safe movement of users of the public highway, with particular regard to visibility at the access onto Great Canfield Road.

6.3 With regard to issue (1), the Inspector observed that most development in the vicinity of the site along Great Canfield Road consisted of frontage development set back from the road within plots of varying sizes, although also observed that the new housing development under construction on the former Canfield Nursery site by contrast extended back from Bullocks Lane, adding, "This development reaches the boundary of the appeal site creating a greater depth of development in the angle created between Canfield Road and Bullocks Lane, establishing a different localised grain to the more general pattern of development in the settlement". The inspector pertinently went on to say that;

"Considering the layout shown on the block plan, the proposal would provide a dwelling with an active frontage onto Great Canfield Road, not out of keeping with the general form of development along Great Canfield

Road, whilst the plot sizes and footprint of the dwellings shown is similar to others in the vicinity. The depth of the development would be comparable to the depth of development resulting from the development at Canfield Nursery currently under construction and would form a cluster with that development of greater depth of development within Hope Green. The site is visually enclosed and so views would be limited by the intervening vegetation from Great Canfield Road and the wider countryside”.

- 6.4 The Inspector concluded that the development would not result in harm to the character and appearance of the area and so would conform to ULP Policy S7 of the adopted Local Plan, adding, “In this respect, the proposal therefore also conforms to the underlying aims of the National Planning Policy Framework”. The Inspector went on to say that the development would provide benefits in terms of delivering five additional homes to boost housing supply, that there would be some benefits to the local economy, and that the site was sited in a relatively accessible location whereby future occupiers would not need to rely solely on the use of the car to satisfy their transport needs. Taken together, and given the scale of the development, the Inspector concurred that these benefits carried moderate weight.
- 6.5 With regard to issue (2), the Inspector identified harm to the free and safe movement of users of the public highway contrary to ULP Policy GEN1 of the adopted Local Plan where this policy was broadly consistent with the aims and provisions of the NPPF whereby this matter attracted significant weight. As such, the Inspector concluded in the planning balance that the identified highway harm would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against development plan policies and the NPPF when read as a whole and for this reason dismissed the appeal.

7. POLICIES

National Policies

National Planning Policy Framework (NPPF)

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy H1 – Housing Development
ULP Policy H4 – Backland Development
ULP Policy H10 – Housing Mix
ULP Policy ENV2 – Development affecting Listed Buildings
ULP ENV14 – Contaminated Land
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD “Accessible Homes and Playspace”.

Other Material Considerations

8. PARISH COUNCIL COMMENTS

- 8.1
- Great Canfield Road is linear in nature. The proposal represents backland development which would change the character of the road.
 - The site is not brownfield land. Nothing to suggest that the applicant’s storage and workshop buildings are used for commercial purposes;
 - Comparison should not be made to the former adjacent Canfield Nursery site approved for housing which had extensive areas of dilapidated glasshouses etc;
 - No evidence has been put forward as to why housing should take place at the application site, which comprises domestic greenfield land;
 - The proposal fails to say why the site is sustainable;
 - The proposed development would have a detrimental impact on the local environment whereby the site is located south of The Flitch Way, an axis line UDC has sought to protect from further housing developments;
 - The large proposed housing scheme submitted by Gladman for Great Canfield Road has been refused and dismissed on appeal since the previously refused application for this site for five dwellings under UTT/18/1516/OP on similar Flitch Way environmental grounds;
 - Hope End does not possess any local services;
 - The proposal would have cumulative impacts when combined with other recent developments approved/proposed for the area;
 - Any contribution to the Council’s current housing shortfall would be insignificant through the introduction of five dwellings;
 - Great Canfield Road does not have any footpaths and is narrow in places;
 - The site access is currently unused;
 - The latest submitted drawing shows that part of the frontage hedgerow would have to be removed to facilitate vehicular access;
 - Great Canfield Road south of Bullocks Lane has protected lane status and the development would add to its further erosion.
 - The development would have an impact on the setting of a nearby listed building (Lavenham).

9. CONSULTATIONS

Essex County Council Highways

- 9.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective as shown in principle on DWG no. 2532/1C (dated 12/03/2020), subject to highway conditions.

ECC Ecology

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

Summary:

We have reviewed the Preliminary Ecological Appraisal (T4 Ecology, April 2018) relating to the likely impacts of development on designated sites, protected species and Priority species / habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (T4 Ecology, April 2018) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. As mentioned in the Preliminary Ecological Appraisal (T4 Ecology, April 2018) this should also include the submission of a method statement for reptiles and amphibians (herpetofauna). This should be secured as a condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

NATS

- 9.3 The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

MAG London Stansted Airport

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

UDC Environmental Health

- 9.5 Recommended Decision:

Approval subject to conditions.

Contaminated land:

The application site includes a workshop and machinery store. These uses can be potential sources of contamination harmful to human health, particularly if fuel, oils or other chemicals have been used or stored. In addition, localised lead contamination has been confirmed on the adjacent nursery site, and migration of

contamination from there to the application site cannot be ruled out. These risks need to be assessed and controlled to render the site suitable for the proposed residential use. Conditions are recommended.

10. REPRESENTATIONS

10.1 5 representations received - object.

10.2 Summary of representations received as follows:

- Existing views from Nursery Grove situated to the rear of the site would be affected by the proposed development;
- The development would result in overlooking into adjacent properties;
- Site is currently used as a thoroughfare by local deer;
- Bats and owls occupy the copsed area to the rear of the site;
- Great Canfield Road is narrow for walking.

11. APPRAISAL

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

- A Principle of development with reference to location, countryside protection and flood risk (NPPF, ULP Policies S7, H1, H4 and GEN3);
- B Whether access arrangements would be acceptable (ULP Policy GEN1);
- C Design (ULP Policies GEN2 and GEN8);
- D Housing Mix (ULP Policy H10);
- E Listed building protection (ULP Policy ENV2);
- F Impact on protected or priority species (ULP Policy GEN7);
- G Contamination (ULP Policy ENV4).

A Principle of development with reference to location, countryside protection and flood risk (NPPF, ULP Policies S7, H1, H4 and GEN3)

- 11.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that the determination of an application for planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The relevant part of the Development Plan comprises the Uttlesford Local Plan, adopted in 2005.
- 11.2 The NPPF states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development, adding that for decision making purposes this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 11.3 Paragraph 68 of the NPPF advises that small and medium housing sites can make an important contribution to meeting the housing requirement of an area, whilst paragraph 117 states that LPA's should place a greater emphasis on making more effective use of previously developed land (PDL) and brownfield sites (except where this would conflict with other policies in the framework). In this regard, the

proposed development as a five dwelling scheme would qualify as a small deliverable housing scheme for this site, although whether the site can be described as truly brownfield is open to conjecture, albeit that buildings exist at the front of the site.

- 11.4 The site is located at Hope End to the south of Takeley along Great Canfield Road, which is an unclassified road. The previous delegated report for this proposed five dwelling scheme under ref; UTT/18/1516/OP identified the site as being within a relatively sustainable location, being within close distance of Takeley and village services there. That said, Great Canfield Road does not have any footpaths or street lighting and this has to be taken into consideration in terms of site accessibility. Reliance for this committee report for this issue, however, has been given to the Planning Inspector's comments for refused application UTT/18/1516/OP when he stated that it was his view that the site was situated within a relatively sustainable location whereby the Inspector's comments are considered to carry weight for the current resubmission application in this regard in terms of compliance with the social strand, or objective of the NPPF.
- 11.5 ULP Policy H1 of the Council's adopted Local Plan seeks to allocate new housing for the district for the plan period 2000-2011, to include "Re-use of existing buildings and previously developed land outside of the urban areas for up to 450 dwellings". However, this housing policy is out of date against the provisions of the NPPF given that the Council cannot demonstrate a 5 year housing land supply. Clearly, five dwellings as proposed for the site would provide some economic benefits to the local economy (economic strand or objective of the NPPF) as well as during construction phase and also housing benefits by contributing towards the Council's current lack of a 5 year housing land supply, although these benefits it is suggested would be modest in terms of the scale of development proposed.
- 11.6 ULP Policy H4 states that development of a parcel of land which does not have a road frontage will be permitted providing that;
- a) There is significant under-use of land and development would make more effective use of it;
 - b) There would be no material overlooking or overshadowing of nearby properties;
 - c) Development would not have an overbearing effect on neighbouring properties;
 - d) Access would not cause disturbance to nearby properties.
- 11.7 As a housing policy, ULP Policy H4 is also regarded as being out of date, although the qualifying criteria pertaining to it is still considered relevant to backland housing proposals. In this regard, the site is currently not being used for any specific purpose other than being managed as maintained grassland apart from the applicant's storage and workshop buildings at the front of the site and it is considered that the proposed housing scheme would make more effective use of the land as encouraged by the NPPF. Consideration of impacts on adjacent residential amenity, namely on Canfield House onto the site's northern boundary and Nursery Grove to the rear are matters which can be addressed at detailed design stage (see further below in this report), whilst the proposed access arrangements would not have a significantly detrimental impact on adjacent residents in terms of noise or disturbance. As such, as a small backland housing scheme, it is considered that the proposal would not be contrary to ULP Policy H4 whereby the Planning Inspector in his appeal decision for the appeal against refused application UTT/18/1516/OP arrived at a similar view as referenced at

paragraph 6.3 of this report above whereby he considered that the site formed a clustering with Nursery Grove behind.

- 11.8 ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. Policy S7 has been found by independent policy review to be partially consistent with the NPPF, which takes a more positive stance towards house building within the rural areas providing a presumption in favour of sustainable development can be shown. Notwithstanding this, Policy S7 has been found through recent appeal decisions to still carry moderate to significant weight as a saved policy depending on the level of environmental harm which may be caused by a proposal, although this weight is required to be balanced against other material planning considerations, including the provision of housing.
- 11.9 The site is enclosed to the Great Canfield Road frontage by existing frontage dwellings, to the rear by the existing copse and the now new housing development at the former Canfield Nursery site, to open land to the north by a strong boundary hedgerow running along the site's northern boundary and to the south by an existing residential property. As such, the site has a physical self-containment and cannot be readily appreciated from wider views into it. It is considered from this that the proposed development would, if carefully designed (see paragraph 11.24 below), have a less than significant impact on the semi-rural character of the area where the Inspector for the appeal against UTT/18/1516/OP concluded in consideration of the issue of rural amenity impact that "I conclude that the development would not result in harm to the character and appearance of the area and so conforms with Policy S7 of the Local Plan in as much as it protects the particular character of that part of the countryside".
- 11.10 It is considered that the Inspector's comments continue to hold significant weight for the current resubmitted application whereby the proposed housing layout remains unchanged from UTT/18/1516/OP and where a countryside protection objection cannot be reasonably sustained under Policy S7 to the current application for the same reason where the proposal would not conflict with the environmental strand, or objective of the NPPF.
- 11.11 Officers are aware of the general countryside protection embargo currently being taken by Members towards any new housing developments proposed to the south of The Flitch Way whereby the application site lies to the south of this physical east-west demarcation line. The application by Gladman Developments for a large housing scheme on the west side of Great Canfield Road which was refused and dismissed at appeal (UTT/18/0318/OP) is one example of where this Member approach has been strenuously exercised and the Council is currently processing an appeal against the Council's refusal of permission for another large housing scheme on the east side of Great Canfield Road opposite (UTT/18/3538/OP). Due consideration therefore has to be given as to whether the current proposal for five dwellings at Sandhurst should be treated in the same locational context as these much larger applications either cumulatively or individually where such concerns have been raised by the Parish Council which has resulted in the Councillor call-in request for the current application or whether there are material circumstances to argue that the much smaller scheme for Sandhurst should be treated more favourably.

- 11.12 As already mentioned in this report, consideration has to be given to the comments previously expressed by the planning inspector for refused application UTT/18/1516/OP for the erection of five dwellings at Sandhurst who concluded that significant countryside harm would not arise through their introduction at the site. This, it is argued, remains the case for the current resubmitted proposal for the same number of dwellings as a contained and screened backland housing scheme unlike the two much larger housing schemes as aforementioned where the Council considered for those schemes that significant and demonstrable harm to the appearance and character of the local countryside would arise. As such, it is the view of your officers that the circumstances are materially different and the proposal as currently submitted for Sandhurst should be regarded more favourably against prevailing planning policy should Members concur with the overall sustainability of the resubmitted proposal.
- 11.13 ULP Policy GEN3 states that development outside flood risk areas must not increase the risk of flooding through surface water run-off and that a flood risk assessment may need to be required to demonstrate this.
- 11.14 The site lies within an area zoned as Flood Risk 1 on the government's flood risk map and is therefore at the lowest risk of fluvial flooding. Accordingly, no flood risk objections are raised in principle to the proposal under ULP Policy GEN3.
- 11.15 In light of the above planning assessment and material considerations, it is considered that the proposed development is acceptable in principle against national policy and relevant adopted local plan policy.

B Whether access arrangements would be acceptable (ULP Policy GEN1)

- 11.16 Access falls to be considered for this outline application. Refused application UTT/18/1516/OP similarly submitted for the erection of 5 no. dwellings at this site carried a second reason for refusal stating that insufficient access details had been submitted to enable the Local Highway Authority to be able to properly determine whether or not the means of vehicular access for the proposed development would be harmful to highway safety, in particular with regard to visibility splays where splays of 2.4m x 43m for a 30mph zone in which the site is situated would need to be achieved in each direction along Great Canfield Road within the limits of the public highway and/or land in the control of the applicant.
- 11.17 A revised block plan drawing accompanies the current application (2532/1 C) which now clarifies indicated visibility splays at the front of the site for the proposed new site entrance where it has been confirmed that the splays would be within the control of the applicant or within highway ownership and which also shows a short section of hedge fronting onto Sandhurst where this hedge line would be adjusted to suit visibility splay requirements to achieve the required splays. The revised drawing now also shows a conventional Type 3 turning head to allow vehicles to enter and leave the highway in forward gear in accordance with Essex Design Guide advice.
- 11.18 ECC Highways have reviewed the site entrance arrangements as now clarified on the revised drawing and have commented that the access arrangements as now shown are acceptable from a highways and transportation perspective as the required frontage visibility splays of 2.4m x 43m for a 30mph zone can be achieved either within the applicant's control or within the limits of the highway. As such, they do not raise any highway objections subject to a Type 3 turning head

being constructed for the scheme, notwithstanding that the highways authority would not be prepared to adopt the proposed development.

- 11.19 The proposal as submitted now complies with ULP Policy GEN1 of the adopted Local Plan in light of the revised highway comments and the previously cited highways reason for refusal for refused application UTT/18/1516/OP has now been overcome.

C Design (ULP Policies GEN2 and GEN8)

- 11.20 Layout falls to be considered for this outline application also. The submitted layout plan 2532/1 C shows a line of four detached dwellings with detached garages extending down the site from Great Canfield Road to the rear boundary to include a dwelling fronting onto Great Canfield Road (Plot 1) with a further detached dwelling (Plot 5) positioned within a return section of the site off the end of the indicated hammerhead.
- 11.21 The uniform line of detached dwellings as indicated would represent the most appropriate form of housing layout for this site given its elongated shape whereby the introduction of a frontage dwelling for the scheme as shown between Sandhurst and Canfield House would maintain the established linear built form of Great Canfield Road which is a characteristic of this road and which would also help to frame the remainder of the development to the rear. All of the plots would have generous rear garden plots with indicated rear garden amenity areas exceeding 100sqm and would therefore comply with Essex Design Guide minimum garden standards for 3 and 4 bedroomed dwellings. The dwellings would have good separation distances between them, whilst a distance of 12m would be maintained to the northern boundary of the site, including that section of the boundary which adjoins Canfield House, whilst the frontage layout relationship of the dwellings along the spine road itself would be strong.
- 11.22 Each dwelling would have a combination of covered and hardstanding parking whereby all plots would have double garages shown at 7m x 6m bay compliant size with the exception of Plot 5 which would have a triple garage/cart lodge, whilst all hardstandings would be at 5.5m x 2.9m bay compliant size. The indicated scheme shows that Plots 1, 2, 3 and 4 would have a total of 4 no. on plot parking spaces meaning that the parking provision for these plots would exceed the minimum locally adopted parking standard for 3 and 4 bedroomed dwellings, whilst Plot 5 would have 3 no. spaces and would therefore be parking compliant. As a result, the required visitor parking requirement of 1.25 no. visitor spaces for this scheme (5 x 0.25) would be absorbed into this surplus on-plot parking provision.
- 11.23 In the circumstances, the layout as shown would comply with ULP Policies GEN2 and GEN8 and is acceptable.
- 11.24 Other design matters, namely scale, appearance and landscaping are elected reserved matters and do not fall to be considered for this outline application. However, it is considered for this proposal that any reserved matters application subsequently submitted should show a maximum of 1½ storey height dwellings with uniform ridge heights with possibly a chalet type bungalow to the street frontage to enable it to be consistent with the existing bungalow at Sandhurst where it is considered that full two storey height dwellings at this backland site would not be appropriate as they would dominate the site and its immediate surroundings, notwithstanding the very large two storey dwellings which exist on

the former nursery site at the rear of the site, but which should be read in a different context.

- 11.25 The Council is aware of third party concerns which have been expressed relating to the potential impact of the development on the residential amenities of Canfield House situated to the immediate north of the site, particularly with regard to overlooking. Whilst these concerns are noted, this issue is required to be properly considered at reserved matters stage when details relating to scale, appearance and landscaping are known and possibly negotiated.

D Housing Mix (ULP Policy H10)

- 11.26 It is stated in the application details that the dwellings as shown for this 5 no. dwelling housing scheme would all be 4 bedroomed, although the applicant has subsequently confirmed to the Council that the final housing mix could be a mix of both 3 and 4 bedroomed dwellings to reflect more local housing need requirements whereupon the dwellings shown for Plots 1 and 2 at and near the front of the site could comprise the 3 bedroomed units with the remainder of the dwellings (Plots 3-5) comprising the 4 bedroomed units.
- 11.27 It is not a requirement of the applicant to confirm housing mix details at this outline stage. However, the subsequent suggestion by the applicant that the dwellings for the scheme could be a mix of 3 and 4 bedroomed dwellings as against the binary schedule of 4 bedroomed units as accompanying the original application details is welcomed and would be more in line with local housing needs policy (ULP Policy H10).
- 11.28 The site has a stated area of 0.475 ha and it has since been confirmed by calculation that the site has an area of 0.454 ha, so less than the applicant's stated figure. Given this, and given the housing scheme is for only five dwellings, a requirement for affordable housing for this small scheme does not arise.

E Listed building protection (ULP Policy ENV2)

- 11.29 The delegated officer report for refused application UTT/18/1516/OP assessed the impact of the proposed development on the nearest listed heritage asset, namely Lavenham situated to the south of the application site along Great Canfield Road at its junction with Bullocks Lane. It was assessed for that application that Lavenham is situated too far from the site at a distance of 50m to be materially affected by the proposal and this remains the case for the current application whereby Place Services Heritage have not been consulted on the proposal. As such, no heritage objections are raised under ULP Policy ENV2.

F Impact on protected or priority species (ULP Policy GEN7)

- 11.30 The site comprises maintained open grassland enclosed by native hedging along its northern boundary, whilst a small copse exists to the rear eastern boundary with the new housing development to the rear (Nursery Grove). A Preliminary Ecological Assessment (PEA) has been conducted of the site which has found no evidence of bats using the existing old frontage buildings at the site or that these buildings have the potential to represent a suitable bat roosting site. The survey has also found that no boundary trees have roosting potential, albeit that bats are likely to use the site as a commuting corridor to and from the copse to the rear of the site. As such, the assessment has recommended that no further bat surveys are either required or necessary, but that a bat friendly lighting scheme is

recommended. The survey has further found that no Great Crested Newts or reptiles would be affected by the proposal and that no badger setts were found, although recommends that suitable protective fencing be deployed during any construction works on the precautionary principle.

- 11.31 Place Services Ecology have commented on the submitted PEA and have stated that they do not have any ecology objections to the proposal subject to the imposition of ecology conditions relating to mitigation and enhancement measures, the submission of a Herpetofauna Method Statement and the submission of a Biodiversity Enhancement Strategy for Protected and Priority species. No objections are raised on this basis under ULP Policy GEN7.

G Contamination (ULP Policy ENV4)

- 11.32 The existing workshop and storage buildings at the front of the site are known to have been used by the applicant for many years, possibly at some time for light industrial use. As such, the UDC Environmental Health Officer has recommended that the standard contamination/remediation conditions be imposed on any grant of planning permission as a precaution to protect the end use of the site as a housing scheme and in order to protect controlled waters. No objections are raised under ULP Policy ENV14 subject to the imposition of these conditions.

12. CONCLUSION

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

- A The principle of backland housing development at this semi-rural location lying outside development limits is considered acceptable taking into account comments previously expressed by an appeals inspector for refused application UTT/18/1516/OP for five dwellings at this site who concluded that the site lies within a sustainable location relative to local services and that the development by reason of its scale and layout would not result in harm to the character and appearance of the area, particularly having regard to the presence of the adjacent new housing development at the former Canfield Nursery site.
- B Proposed access arrangements are considered acceptable to ECC Highways following the submission of a revised site layout drawing for the current application showing clarified frontage site splays and a revision to the proposed spine road hammerhead whereby the highway visibility splay reason for refusal cited for refused application UTT/18/1516/OP has now been overcome through this resubmission scheme.
- C The layout of the proposed development for five dwellings is considered acceptable in design terms. Scale, appearance and landscaping are reserved matters when the impacts of the development on adjacent residential amenity would also be considered.
- D The proposed housing mix as an indicated three and four bedroomed housing scheme is considered acceptable whereby the precise housing mix would be agreed at reserved matters stage.

A policy requirement for affordable housing for this small scheme does not arise given that the site has a calculated site area of less than 0.5 ha and given the

housing scheme is for only five dwellings where this issue was not raised for application UTT/18/1516/OP.

- E The proposal would not have a material impact on the nearest listed building to the site given the separation distance involved.
- F The proposal would not have an impact on protected or priority species subject to appropriate ecology mitigation measures being implemented as recommended by ECC Place Services.
- G There is a possibility that the front end of the site may be contaminated given its historic/present use as storage and workshop buildings and it is recommended that standard contamination/remediation conditions be imposed on the precautionary principle in the interests of human and environmental protection.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

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

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

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

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

4. Prior to occupation of any dwelling, the provision of a private drive shall be formed at right angles to Great Canfield Road, to include but not limited to: minimum 5 metre access width and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway as shown on revised drawing 2532/1 C. Such vehicular visibility splays shall be 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 the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. 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 in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

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

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

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

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the Council's adopted SPD "Accessible Homes and Playspace".

8. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology, April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

9. Prior to commencement of development, a Herpetofauna Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to herpetofauna during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority

habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that any ecology impacts arising from the development hereby approved can be appropriately mitigated.

10. Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

1. Purpose and conservation objectives for the proposed enhancement measures;
2. detailed designs to achieve stated objectives;
3. locations of proposed enhancement measures by appropriate maps and plans;
4. persons responsible for implementing the enhancement measures;
5. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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

11. 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:

- (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 interests of human and environmental protection in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the health of future occupiers of the dwellings or prejudice the status of the natural environment.

12. 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 interests of human and environmental protection in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the health of future occupiers of the dwellings or prejudice the status of the surrounding natural environment.

13. 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.

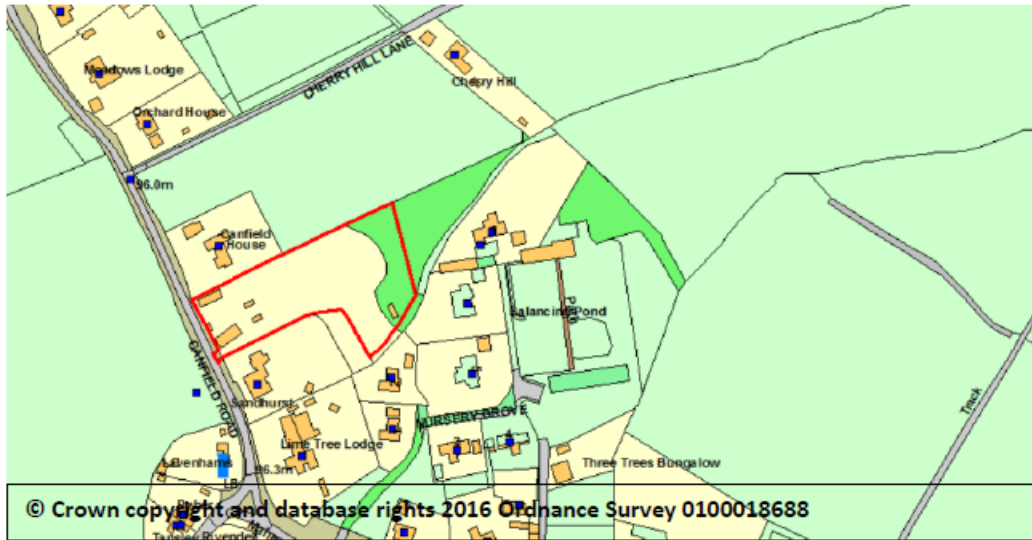
REASON: In the interests of human and environmental protection in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

14. 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 immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of Condition 11 above, 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 12 above.

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 13 above.

REASON: In the interests of human and environmental protection in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council

Department: Planning

Date: 03 NOVEMBER 2020