

**UTT/20/2486/FUL**

**The application has been deferred from the January Planning Committee for the Members to visit the site. The report has been amended to reflect this as a result.**

(Call-in request by Cllr Gregory if recommended for approval – Reasons: Impact of the development on the Elmdon Conservation Area and views on the countryside / Impact on parking / Greenfield and small site and position of development in relation to the host dwelling)

**PROPOSAL:** Proposed 2 no. semi-detached dwellings.

**LOCATION:** North of Laburnham View, High Street, Elmdon, Essex

**APPLICANT:** Mr D Turner

**AGENT:** Mrs Adri Visagie / Space+ Ltd

**EXPIRY DATE:** 25 Dec 2020 (extension of time agreed to 30 Apr 2021)

**CASE OFFICER:** Mr Avgerinos Vlachos

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**1. NOTATION**

- 1.1 Outside Development Limits / Within Conservation Area ('Elmdon Conservation Area') / Setting of Listed Building ('The Bangles' – Grade II) / Setting of Listed Telephone Kiosk ('Street Record/K6 Telephone Kiosk' – Grade II)

**2. DESCRIPTION OF SITE**

- 2.1 The application site comprises part of the curtilage of a 2-storey detached dwelling called 'Laburnham View' (host dwelling), located outside development limits in southern Elmdon in the eastern side of High Street. The site is within the Elmdon Conservation Area, close to heritage assets, such as 'The Bangles' to the north (Grade II listed building) and a Grade II listed telephone box. There is a gated access on the front site boundary, with a track road leading to agricultural land and buildings to the rear of the site. Immediately to the rear there is also a paddock currently in use. The area contains linear development with dwellings on both sides and rural land to their rear, following a pattern of housing pockets scattered along the lane. The overall area contains no distinct residential type with varying architectural styles and scales, with the high-quality architecture and materials, reflective of the local vernacular, being the common feature. Boundary treatments include mature green screening to the rear, front and northern site boundaries along with post and rail fencing to the southern boundary. Opposite the road to the west there is a sharply elevated verge with mature hedging on top, and on the neighbouring site to the north there is a large outbuilding (parallel to the road), both obscuring countryside views. The ground is sloping up slightly eastwards. The site currently has lawn and is open without any structures.

### **3. PROPOSAL**

3.1 The proposal includes:

- Erection of 2 no. semi-detached 3-bedroom dwellings;
- Minor alterations to the existing access;
- Associated landscaping and parking/turning area;
- Retain access road to the farmland to the back (west) of the site;
- Materials: Rendered walls on a red brick plinth, plain tiled roof, stained timber windows and doors, black UPVC gutters and downpipes.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

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

### **5. APPLICANT'S CASE**

5.1 The application includes the following documents:

- Photographs
- Design and access statement
- Ecological survey
- Pre-app advice
- Access appraisal
- Transport statement
- Biodiversity checklist.

### **6. RELEVANT SITE HISTORY**

6.1 No relevant planning history.

### **7. POLICIES**

#### **National Policies**

National Planning Policy Framework (NPPF, 2019)  
S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990  
S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990  
S70(2) of the Town and Country Planning Act 1990 (as amended)  
S38(6) of the Planning and Compulsory Purchase Act 2004

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

ULP Policy S7 – The Countryside  
ULP Policy ENV1 – Design of Development within Conservation Areas  
ULP Policy ENV2 – Development affecting Listed Buildings  
ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance  
ULP Policy ENV7 – The Protection of the Natural Environment - Designated Sites  
ULP Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

ULP Policy ENV14 – Contaminated Land  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN4 – Good Neighbourliness  
ULP Policy GEN7 – Nature Conservation  
ULP Policy GEN8 – Vehicle Parking Standards

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

Supplementary Planning Document 'Accessible Homes and Playspace'

### **Other Material Considerations**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards: Design and Good Practice (2009)

## **8. PARISH COUNCIL COMMENTS**

- 8.1
- Objections.
  - Greenfield site within Elmdon Conservation Area; certainty required about style, size, materials.
  - Small site for 2 no. dwellings.
  - Position in relation to the host dwelling; cramped form of development.
  - Shared access will lead to more on road parking.
  - Reference to sustainable location due to the proximity to a bus stop; no regular bus services to village.
  - UDC document "Elmdon Conservation Area Appraisal and Management" (Dec 2014) points out that the historic environment cannot be replaced and that the relationship of the buildings, the quality of the spaces between them and the views that unite or disrupt them are important.
  - Village Design Statement: (a) Infill development for low density housing must ensure that the overall character of a small rural village and adjacent buildings are not adversely affected or overlooked; (b) brownfield sites should be prioritised for development of more than one dwelling; (c) new dwellings should protect views of the countryside from the rear or between dwelling.

## **9. CONSULTATIONS**

### **ECC Highways**

- 9.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:
1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. Reason: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

2. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.
3. 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.
4. 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.
5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate turning is provided.
6. Cycle parking shall be provided in accordance with the EPOA Parking standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **ECC Place Services (Ecology)**

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

#### **Summary**

We have reviewed the Ecological Survey and Assessment (Essex Mammal Surveys, September 2020), relating to the likely impacts of development on designated sites, protected 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. This includes due diligence for nesting birds, Hedgehog and amphibians.

The mitigation measures identified in the Ecological Survey and Assessment (Essex Mammal Surveys, September 2020), should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We also recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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 Layout. This includes permeable boundaries for hedgehogs and toads, two bird nesting boxes to be sited on trees at the site, a Hedgehog nesting box to be located at the base of the northern boundary hedge and two solitary beehives to be sited in the grounds of the site.

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.

Submission for approval and implementation of the details below should be a condition of any planning consent.

### **ECC Place Services (Heritage)**

- 9.3 Built Heritage Advice pertaining to an application for the proposed erection of two semi-detached dwellings.

The site affected by this application is located within the Elmdon Conservation Area, an area with many buildings of historic and architectural interest. To the north of the site is The Bangles, a Grade II listed sixteenth century hall house now divided into cottages (list entry number: 1112349). In front of the site is a K6 Telephone Kiosk, Grade II listed (list entry number: 1239844).

Upon review of the submitted information, I have no objection to the proposals. I do not consider the proposed semi-detached dwellings to detract from or harm the character and appearance of the Conservation Area or the setting of the listed

buildings. Were permission to be granted, I request the following conditions are attached:

- Construction of the dwellings shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

(additional comments received 27 Nov 2020):

- 9.4 Please see further clarification upon the scheme and how it has followed pre-app advice below.

The existing parcel of land does not, in my opinion, contribute to the significance of the Elmdon Conservation Area. As identified in pre-application advice Elmdon retains a semi-rural appearance with a fairly loose grain of development. Any new dwellings on this site would have a minimal impact upon the street scene and a minimal impact upon the Conservation Area. Sensitive development in this location would read as the natural continuation of the built form along the High St.

It was identified in pre-application advice that the design and layout of the proposed dwellings should be revised to a pair of semi-detached houses in a T plan, any dormers or rooflights should be omitted. Furthermore, the listed telephone box and its setting should be protected and preserved by the retention of the existing hedgerow. The proposed scheme (UTT/20/2486/FUL), is consistent with this advice. There is a slight deviation in the plan form as suggested however it does not result in any harm to the significance of the Conservation Area or the adjacent heritage assets. In my opinion, the proposed semi-detached dwellings are a sympathetic addition to the built form within the Conservation Area that of appropriately vernacular by design. The use of high-quality materials such as timber windows and doors is included in the scheme, which would contribute to a high-quality development. The ridge height of the proposed dwellings is below that of the adjacent dwelling, to the south, which preserves the stepped appearance and rhythm of the built form along the High St as the incline along the road increases.

To conclude, I feel, the submitted scheme has successfully implemented previous advice and would not result in any harm to, or loss of, the significance of the Conservation Area or adjacent heritage assets.

I agree with you that the parking could be more sympathetic and an opportunity has been missed there. However, it would not result in an adverse impact upon the heritage assets. Subject to a robust landscaping plan and suitable driveway materials this could be further mitigated.

#### **ECC Place Services (Archaeology)**

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

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

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

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

#### Reason for Archaeological recommendation

The Historic Environment Record identifies the proposed for development as being within an area of potentially sensitive archaeological deposits. The proposed development is located towards the south of the nucleated historic settlement of Elmdon between a fifteenth century farmstead and a sixteenth century timber framed house (EHER 35867, 35866). Elmdon was a significant medieval settlement in the eleventh/twelfth century with a Scheduled ringwork fortification (SM 1011780). This defensive structure and the manor were located to the north of Heydon Lane and Ickleton Road (EHER 3879). A number of medieval moats and a mill mound are also protected as Scheduled Monuments in Elmdon and are scattered throughout the settlement. There is the potential therefore for medieval and post medieval archaeological remains being impacted on by the proposed development.

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

#### **UDC Landscape Officer**

- 9.6 The site provides a visual connection between the High Street and the agrarian landscape beyond; enriching the character of this part of the conservation area. The retention of the farm access track as part of the proposals is considered sufficient to maintain the visual link to the farmland.

Any approval should be subject to conditions requiring the retention and protection of existing trees and hedges on the site.

#### **UDC Environmental Health**

- 9.7 I have no adverse comment.

### **10. REPRESENTATIONS**

10.1 4 no. representations received. Neighbour consultation expired on 23 Nov 2020. Site notice expired on 03 Dec 2020. Advertisement expired on 03 Dec 2020.

10.2 Summary of representations:

- Harm to the countryside by reason of appearance, size and greenfield character (agricultural land/farmland still used site for agricultural purpose, and a window into the countryside).
- Harm to the conservation area (not an optimal viable use, not preserving or enhancing the quality of the area).
- Not sustainable location (fails sustainable development objectives): Elmdon currently has no local services with almost non-existent public transport (pre-booked bus service, mostly used by school bus).
- Fails the Village Design Statement.
- Loss of privacy, loss of light, overbearing effects.
- Fails parking standards because parking spaces are to the front and streets must not to be dominated by parking in front of dwellings.
- Harm on wildlife and biodiversity by removing an uncultivated land parcel (not normally used for crops).
- Fails to protect valued landscapes. / The countryside is in the middle of the village on High Street.
- Not an infill development. / Part of a larger greenfield, incorporating a heavily used farm vehicle track and grassland.
- Several sites around the village where farmland is located between houses.
- The Design Statement failed to justify why the houses must be built.
- Safety issues: farm track used by heavy machinery and no fence.
- The proposal fails ULP Policies S7, GEN2, ENV1, GEN1, GEN8, GEN7, ENV8, and parking standards. / Fails paragraphs 8, 78, 103, 105, 117, 127(c) and 170(a)-(b) of the NPPF.

## 11. APPRAISAL

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

- A Principle (S7, GEN2, NPPF);**
- B Design and character / heritage impacts (S7, GEN2, ENV1, ENV2, Essex Design Guide, and the NPPF);**
- C Amenity (GEN2, GEN4, Nationally Described Space Standards, Essex Design Guide);**
- D Access and parking standards (GEN1, GEN8, parking standards, and the NPPF);**
- E Nature conservation and biodiversity (GEN7, ENV7, ENV8, and the NPPF);**
- F Contamination (ENV14, and the NPPF);**
- G Archaeology (ENV4, and the NPPF).**

**A Principle (S7, GEN2, NPPF);**

11.1 The Case Officer performed a site visit on 05 Dec 2020. In addition, photographs were submitted upon request on 30 Nov 2020. Also, a site notice was erected on site and expired on 03 Dec 2020, the neighbours were consulted and the application was advertised in the press.



11.2 The proposal is located outside development limits, in the countryside. The site is adjacent to the host dwelling to the south, but there is some distance between the site and the neighbouring properties to the north. Therefore is not considered to be 'infill development' and it will be considered under Policy S7 (countryside), which was subject to a Framework Compatibility Assessment (Jul 2012) concluding it is partly consistent with the NPPF:

- S7 takes a more protective approach to countryside development, unlike NPPF's positive stance, but the aim to protect the countryside remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside while identifying opportunities for villages to grow, especially where this would support local services. Development will be strictly controlled, and isolated houses will need exceptional justification; the policy test would be about:

(1) 'isolation' (i.e. spatial/physical separation from a settlement);

(2) 'proximity to services';

(3) 'impact on the countryside'.

11.3 In **social and environmental terms**, the site is within Elmdon, approx. 200m (as the crow flies) outside its development limits to the north-east, 1.4km from Chrishall to the west and 7km from Saffron Walden to the east (as the crow flies). The site is not at a walking distance to the High Street with the nearest supermarkets being in Saffron Walden. Elmdon and Chrishall offer limited services. The nearest bus stops (infrastructure) are located just outside the site, which is stated to offer limited services according to neighbouring occupiers.

11.4 For the 'isolation' issue, the site is not isolated from a spatial/physical point of view (the test of this is established in case law), as it is located within a settlement. Paragraph 79 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Thus, paragraph 79 of the NPPF is not applicable on this occasion.

11.5 For the 'impact on the countryside' issue, it is assessed whether the 'tilted balance' could be invoked in favour of the scheme by **not** triggering paragraphs 11(d)(i)-(ii) of the NPPF that seek to protect important areas and assets and to make sure benefits outweighs harm. On balance, the scheme is acceptable due to the following points:

- Firstly, in terms of housing supply, housing policies are not up to date if a 5-year housing land supply cannot be demonstrated (para 11(d) of the NPPF). The current figure is at 3.11 years (Jan 2021), rendering the Local Plan out-of-date in terms of housing delivery, but it does not necessarily follow that housing policies per se are out of date. In an Inspector's words (APP/C1570/A/14/2220272 et al., para 13) "*the implications of an absence of a 5-year housing supply would not apply more generally to the Council's approach to regulating development in the countryside*". Therefore, 2 no. new dwellings would be a modest contribution to the social strand of sustainable development and the housing figure.
- Secondly, heritage and ecological impacts are acceptable (see Section B and Section E), complying with paragraph 11(d)(i) of the NPPF. The proposal will benefit the Elmdon Conservation Area by reason of its high

quality and vernacular design, whilst there will be net gains for biodiversity.

- Thirdly, the proposal complies with paragraph 11(d)(ii) of the NPPF, as it will not result in significant harm to the distinctive rural countryside character of the area and benefits will outweigh the harm:
  - There is linear development with dwellings along both sides of High Street and rural land further to their rear to the east and west. This form of development follows a dual pattern with housing pockets of higher density scattered along the lane: (a) a pocket in the middle of the lane comprising 2 no. listed buildings, facing each other across the road; (b) another pocket to the north and (c) a pocket to the south including the host dwelling. A key feature of the area is the gaps between the housing pockets, but these **gaps fail to act as 'windows' to the countryside**: there is high mature hedging to the front of the site and a row of trees to the rear, as well as a sharply elevated verge with mature hedging on top right across the street, obscuring views to the countryside to the east and west. In addition, there is a large outbuilding (parallel to the road) on the neighbouring site to the north, obstructing countryside views. Therefore, **open views ('windows') to the countryside are not part of the local character**. The proposal will slightly extend one of the housing pockets, but its semi-detached form and subordinate scale (see Section B), and the above visual constraints, will minimise countryside impacts and enhance the local character, complying with Policies S7 and GEN2.
  - The host dwelling has a large curtilage of its own and the site is already separated from it (via post and rail fencing), and thus no material intensification of use will occur.
  - The proposal will be set back from the building line of the host dwelling, which adheres to the prevailing form of development in the area and ensures it will not compete with the host dwelling.
  - Residential gardens in the countryside are considered Previously Developed Land (PDL), but other policies and local circumstances still apply, meaning that the PDL argument holds some weight, and the proposal complies with paragraphs 117, 118 of the NPPF.

11.6 For the 'proximity to services' issue, the site location is not ideal (as day-to-day services are not within walking distances). On the other hand, 2 no. new dwellings within a settlement would modestly support local services in nearby villages (on this occasion, Chrishall and Saffron Walden), complying with paragraph 78 of the NPPF.

11.7 Therefore, on balance, the location is sustainable to a certain degree and suitable for residential development insofar as the proposal will be in keeping with the area (design, etc.).

11.8 In **economic** terms, the proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

11.9 Overall, the 'tilted balance' is invoked in favour of the scheme and the principle of the development is acceptable, and thus the proposal accords with ULP Policies S7, GEN2, and the NPPF.

**B Design and character / heritage impacts (S7, GEN2, ENV1, ENV2, Essex Design Guide, and the NPPF);**

11.10 In terms of heritage impacts, the Conservation Officer was consulted to assess impacts on the character and appearance of the Elmdon Conservation Area, the setting of a neighbouring listed building ('The Bangles' - Grade II) and a Grade II listed Telephone Kiosk on the front verge. The Conservation Officer reported that the proposal would not detract from the character and appearance of the conservation area or the setting of the listed buildings. He also reported that the site does not contribute to the Conservation Area and any new dwellings on it would have a minimal impact upon the streetscene and the Conservation Area itself. The Conservation Officer stated the proposal is consistent with the pre-app advice, and most importantly "*the proposed semi-detached dwellings are a **sympathetic addition to the built form within the Conservation Area that is of appropriate vernacular by design.** The use of high-quality materials such as timber windows and doors is included in the scheme, which would contribute to a **high-quality development.** The ridge height of the proposed dwellings is below that of the adjacent dwelling, to the south, which preserves the stepped appearance and rhythm of the built form along the High Street*". Therefore, the Conservation Officer raised no objections subject to a (pre-commencement) condition about materials, as the proposal will enhance the character and appearance of the conservation area and the setting of the adjacent listed buildings, in accordance with s66(1) and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, ULP Policies GEN2, ENV1, ENV2, and paragraph 193, 196 of the NPPF.

11.11 Following advice from the Case Officer, the applicant submitted revised plans/landscaping to remove the parking spaces in front of the proposed dwellings and relocate them to the (northern) side of Plot 1 (using permeable paving materials), as well as to include a visitor's space immediately off the driveway, increasing green space to the front yard of the dwellings. Nonetheless, a condition would be required to secure this should planning permission be granted.

11.12 In terms of size and scale, the proposed dwellings will be subordinate to the host dwelling and area. In terms of design, layout and form, the proposal will have a positive impact on the area/streetscene, considering the Conservation Officer's comments. Therefore, the proposal is acceptable, as it complies with paragraphs 127 and 170(b) of the NPPF and policies GEN2, ENV1, ENV2 and S7.

11.13 In terms of landscape, the Landscape Officer raised no objections subject to conditions (including the retention and protection of the existing trees and hedges on site).

11.14 A condition is necessary to ensure construction in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Vol. 1 (2015 edition), to accommodate the needs of all potential users.

11.15 Overall, the proposal is acceptable and of subservient size, scale, design, form and layout, and thus it accords with ULP Policies S7, GEN2, ENV1, ENV2, the SPD Accessible Homes and Playspace, the Essex Design Guide, and the NPPF.

**C Amenity (GEN2, GEN4, Nationally Described Space Standards, Essex Design Guide);**

11.16 In terms of the residential amenity of the future occupants, the dwellings would be 2-storey and of 3 no. bedrooms-5 no. persons (3B5P) occupancy and they will have a gross internal area of more than the minimum standard, which is set at 93m<sup>2</sup> for a property of this size (bedrooms, bed spaces/persons, storeys), according to the Technical Housing Standards – Nationally Described Space Standard. In terms of amenity space (garden size), the proposed dwellings will have adequate amenity space of more than the 100m<sup>2</sup> threshold for properties of this size (see Essex Design Guide).

11.17 In terms of noise, dust and other disturbances, the Environmental Health Officer raised no objections unconditionally.

11.18 In terms of the amenity of neighbouring occupiers and the future occupants, given that:

- Any FF side-facing windows will not belong to habitable rooms;
- There are no properties directly to the front and rear of the proposed dwellings;
- The Design test set out in the Essex Design Guide for ‘rear privacy’ will be adhered to;
- The 45-degree tests for overshadowing are adhered to;
- The proposed boundary treatments will be sufficient and secured via a condition;

No material overlooking, overshadowing, or overbearing effects are considered.

11.19 Overall, the proposal will not materially harm the amenity of future occupants nor of neighbouring occupiers, and thus it accords with ULP Policies GEN2, GEN4, the Nationally Described Space Standard, and the Essex Design Guide.

**D Access and parking standards (GEN1, GEN8, parking standards, and the NPPF);**

11.20 It should be noted that there is currently an existing access used on site. From a highway and transportation perspective, the Highway Authority raised no objections subject to conditions in the interests of highway and pedestrian safety, in accordance with parking standards, the adopted Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011) and Policy GEN1. The conditions refer to visibility splays, the private drive’s dimensions, surface treatment of the access, gates, parking provision and cycle parking.

11.21 Parking arrangements will include 2 no. parking spaces for each dwelling of appropriate dimensions to the (northern) side of Plot 1 and 1 no. visitor’s parking space immediately off the driveway (see revised plans), plus 2 no. covered cycle spaces to the rear. There will be a 6m long turning area to the back of parking spaces allowing safe turning and exit to the highway in a front gear. The

proposed dwellings will have 3 no. bedrooms, and according to local parking standards, the required provision for properties of this size would be 2 no. off street parking spaces. Therefore, there is no need for additional parking spaces and parking standards are met.

11.22 A condition is necessary for charging points for electric vehicles to minimise air quality impacts, in accordance with paragraph 105 of the NPPF.

11.23 Overall, the proposal is acceptable in terms of access and parking, and thus it accords with ULP Policies GEN1, GEN8, parking standards, and the NPPF.

**E Nature conservation and biodiversity (GEN7, ENV7, ENV8, and the NPPF);**

11.24 A biodiversity questionnaire has been submitted with the application. The Ecology Officer raised no objections to the proposal subject to biodiversity mitigation and enhancement measures to enhance protected and priority species and habitats (including conditions about compliance with the ecological appraisal recommendations, a biodiversity enhancement layout and a lighting scheme).

11.25 Overall, the proposal is acceptable in ecological terms, and thus it accords with ULP Policies GEN7, ENV7, ENV8, and the NPPF.

**F Contamination (ENV14, and the NPPF);**

11.26 In terms of land contamination, the Environmental Health Officer raised no objections to the proposal unconditionally.

11.27 Overall, the proposal is acceptable in contamination terms, and thus it accords with ULP Policy ENV14, and the NPPF.

**G Archaeology (ENV4, and the NPPF).**

11.28 The Council's Specialist on Archaeology raised no objections subject to conditions about trial trenching to protect potential archaeological remains. The conditions include a programme of archaeological investigation with a written scheme of investigation (pre-commencement) and a post excavation assessment. It should be noted that the site is not part of an archaeological site, but it is within an area of potentially sensitive archaeological deposits.

11.29 Overall, the proposal is acceptable in archaeological terms, and thus it complies with ULP Policy ENV4, and the NPPF.

**12. CONCLUSION**

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

**A** The principle of the development is acceptable as the site is **sustainable**: it is **not** isolated, it has a *minimal* impact on the countryside, and it respects the local character and form of development.

**B** The proposal will positively contribute to the heritage assets, according to Place Services.

**C** The proposal will not harm residential or visual amenities of neighbouring occupiers.

**D** The proposed parking arrangements are acceptable and parking standards are met.

- E** The proposal will benefit nature conservation and biodiversity.
- F** The site is not contaminated.
- G** The proposal will preserve potential archaeological remains.

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

### **Conditions**

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

REASON: To comply with the requirements of s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to occupation of the development hereby approved, all hard and soft landscape details and works, as well as the boundary treatments, shall be carried out in accordance with the details hereby approved (i.e. Revised Proposed Landscaping, ref. 125-SP-07 A, 10 Dec 2020), and thereafter, the implemented details and works shall be maintained as such in perpetuity.

REASON: To ensure compatibility with the countryside character of the area and to ensure no harm to the residential amenity of the neighbouring occupiers and the occupants of the approved dwellings, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, and the National Planning Policy Framework (2019).

3. All existing trees, shrubs and hedges on site shall be retained and protected at all times in perpetuity. If any tree, shrub or hedge is removed, uprooted or destroyed or dies, another one shall be planted at the same place and that tree, shrub or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

REASON: To the countryside character of the area and visual amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, and the National Planning Policy Framework (2019).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order on any part of the site without the prior written permission of the local planning authority.

REASON: To avoid over-development of the site, to protect the countryside and the heritage assets, in accordance with the adopted Uttlesford Local Plan Policy S7, GEN2, ENV1, ENV2, the Essex Design Guide, and the National Planning Policy Framework (2019).

5. Prior to commencement of the development hereby approved, no demolition, development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.

REASON: To preserve in situ potential archaeological remains, in accordance

with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2019).

6. Prior to commencement of the development hereby approved, no development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation (WSI) as defined in Condition 5 above.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2019).

7. Within six (6) months (or any other time period agreed in advance and in writing by the local planning authority) a post excavation assessment shall be submitted to the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To preserve in situ potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2019).

8. Prior to commencement of the development hereby approved, a schedule of the types and colours of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented strictly in accordance with the approved materials and shall be maintained as such in perpetuity.

REASON: In the interests of visual amenity, to ensure compatibility with the character of the area, to protect and enhance the character and appearance of the Elmdon Conservation Area and the setting of the designated heritage assets nearby ('The Bangles' and 'Street Record/K6 Telephone Kiosk' – both Grade II listed), in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, ENV1, ENV2, the Essex Design Guide, s66(1) and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (2019).

9. Prior to occupation of the dwelling(s) hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Thereafter, such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and shall be retained free of any obstruction at all times. Any amendments shall be submitted to and approved in writing by the local planning authority.

REASON: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway and pedestrian safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2019).

10. Prior to occupation of the dwelling(s) hereby approved, the proposed private drive(s) shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and shall be provided with an appropriate dropped kerb crossing of the verge. Thereafter, amendments shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interest of highway and pedestrian safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2019).

11. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Thereafter, any amendments shall be submitted to and approved in writing by the local planning authority.

REASON: To avoid displacement of loose material onto the highway in the interests of highway and pedestrian safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2019).

12. 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. Thereafter, any alterations shall be submitted to and approved in writing by the local planning authority.

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 and pedestrian safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2019).

13. Prior to occupation of the development hereby approved and notwithstanding any details or plans indicating otherwise, the vehicle parking area and drive(s) shall be constructed strictly in accordance with the Revised Proposed Block Plan - Parking (ref. 125-SP-08 A, 10 Dec 2020), the Revised Proposed Landscaping (ref. 125-SP-07 A, 10 Dec 2020) and the Revised Proposed Street View (ref. 125-SP-09 B, 10 Dec 2020). Thereafter, the vehicle parking area and associated turning area shall be retained in this form in perpetuity. Any amendments shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that appropriate parking and turning areas are provided and that on street parking of vehicles in the adjoining streets does not occur, in the interest of highway and pedestrian safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2019).



14. Prior to occupation of the development hereby approved, cycle parking shall be provided in accordance with the EPOA Parking Standards. Thereafter, the approved facility shall be secure, convenient and covered and shall be retained as such in perpetuity. Any amendments shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that appropriate cycle parking is provided, in the interest of highway and pedestrian safety and in the interest of amenity, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2019).

15. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, Sep 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes due diligence for nesting birds, Hedgehog and Amphibians. Thereafter, the enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such in perpetuity. Any amendments shall be submitted to and approved in writing by the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV7, ENV8, and the National Planning Policy Framework (2019).

16. Prior to slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey and Assessment (Essex Mammal Surveys, Sep 2020) shall be submitted to and approved in writing by the local planning authority.

Thereafter, the enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner in perpetuity. Any amendments shall be submitted to and approved in writing by the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV7, ENV8, and the National Planning Policy Framework (2019).

17. Prior to occupation of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along

important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

Thereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the scheme and shall be maintained in accordance with the scheme in perpetuity. Under no circumstances should any other external lighting be installed without prior consent in writing from the local planning authority.

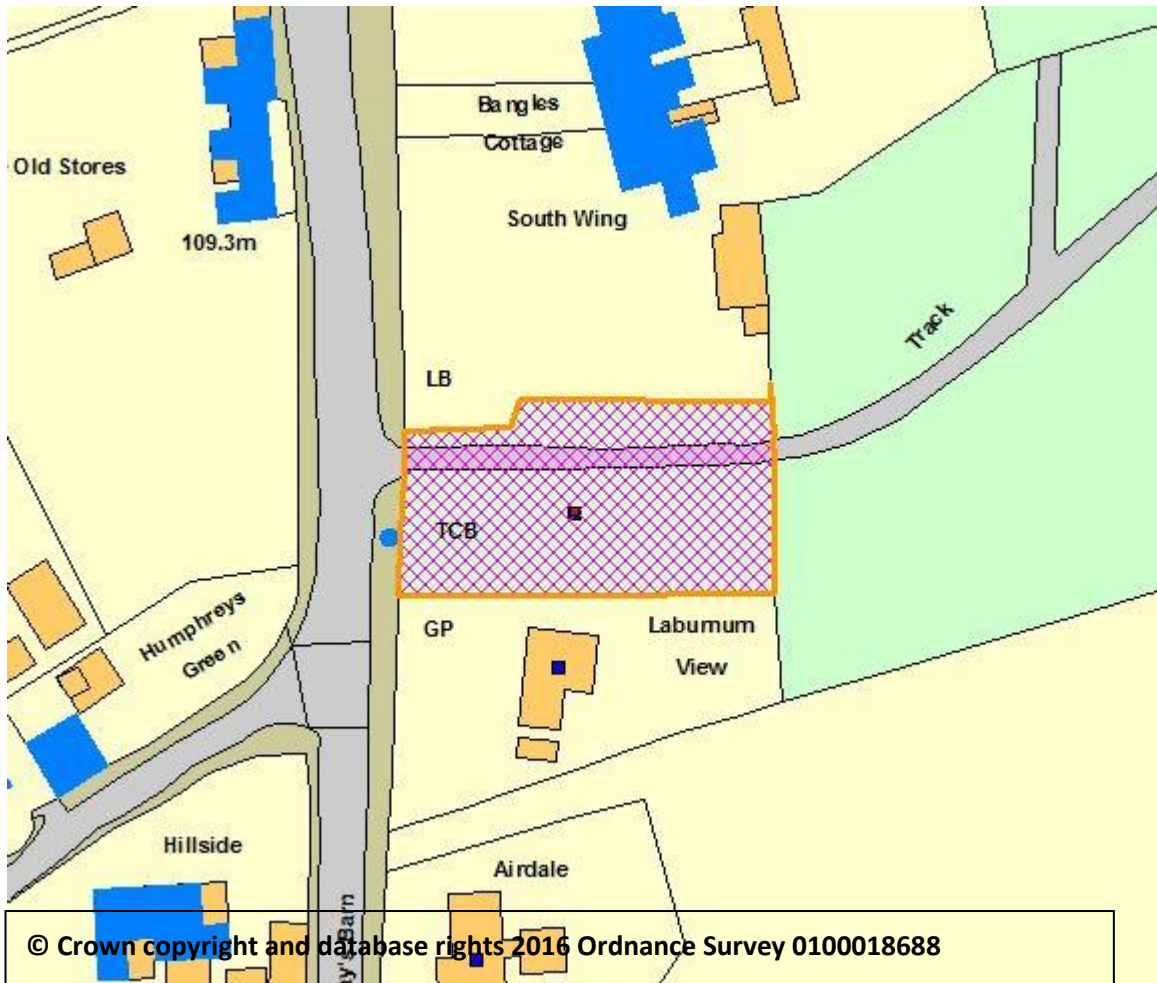
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18. Prior to occupation of the dwellings hereby approved, an electric vehicle charging point shall be provided for each dwelling. Thereafter, the charging point shall be fully wired and connected, ready to use and shall be remained as such in perpetuity. Any changes shall be submitted to and approved in writing by the local planning authority.

REASON: To encourage the use of electric vehicles for better air quality in accordance with paragraph 105 of the National Planning Policy Framework (2019).

19. The development hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. Thereafter, the dwelling(s) shall be maintained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.



Organisation: Uttlesford District Council

Department: Planning

Date: 14 Dec 2020