

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

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

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

LOCATION: Chepingfield, Feathers Hill, Hatfield Broad Oak.

APPLICANT: Mr & Mrs Baker.

AGENT: Mrs C Hutchinson (Sworders).

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

CASE OFFICER: Clive Theobald

1. NOTATION

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

2. DESCRIPTION OF SITE

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

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

3. PROPOSAL

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

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

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

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

3.4 The application is accompanied by the following documents:

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

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

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

5.2 The statement concludes as follows:

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

community in a living, working countryside, depends.

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

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

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

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

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

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

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

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

6. RELEVANT SITE HISTORY

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

7. POLICIES

Uttlesford Local Plan (2005)

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

Supplementary Planning Documents/Guidance

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

National Policies

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

Other Material Considerations

None

8. PARISH COUNCIL COMMENTS

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

A Access:

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

Conservation Areas:

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

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

Location:

1. The B183 is classed as Secondary Distributor Road (Primary 2 Route) running from Takeley to Harlow. The road is derestricted, and has a number of sharp bends and a heavy volume of commuter, delivery and construction traffic and HGV traffic accessing quarries and waste sites.

2. Feathers Hill is in the central Conservation Area, but has a narrow carriageway, narrow footpaths, proven high volume of traffic and of speeding vehicles, including high proportion of lorries and HGVs all of which impact on vehicle and importantly but largely ignored, pedestrian safety. Parking is permitted - but risky - and other properties have direct access onto the road.

3. A Highways Impact Statement (HIS) has been submitted to justify the proposed access without which the site is unsustainable.

Highway Safety:

1. The present Chepingfield access exits onto the westbound carriageway of Feathers Hill about 50m south of the bend onto the High Street at the top of the hill.

2. The access track is planned to serve a proposed development of four substantial dwellings, one 3 bedroomed and three with 4 or 4+ bedrooms and the furthest dwelling being at a distance of 140m of the access.

3. The desktop calculation of approximately 2 additional peak hour movements and 18 additional daily movements seems understated as the development will be dependent on car transport for access to the many facilities not provided in Hatfield Broad Oak Village

4. Under policy GEN1: the access to the main road network must be capable of carrying the traffic generated by the development safely and the design of the site must not compromise road safety. The proposed access does not meet these standards.

Proposed new Access:

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

Pre application response from Essex Highways:

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

residential area for these reasons:

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

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

Volume of Traffic

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

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

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

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

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

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

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

Speed of Traffic:

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

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

Accidents:

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

B Site and Design Of Development:

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

6. The developer claims that the site is a brownfield/previously developed land. NPPF Core Planning Principles 17 point 8 encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. On examination of the claim - the stable block cited is wholly sited in the garden and in any case it would be hard to see this as a permanent structure and associated infrastructure in terms of the NPPF definition of previously developed land (NPPF p 55).

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

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

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

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

Residential Amenity:

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

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

Housing Land Supply and Windfall Allowance:

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

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

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

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

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

Conclusions:

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

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

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

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

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

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

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

9. CONSULTATIONS

London Stansted Airport

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

ECC Highways

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

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

ECC Ecology

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

Summary:

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

ECC Archaeology

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

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

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

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

UDC Environmental Health officer

- 9.11 Recommended Decision:

Approval Subject to conditions

COMMENTS

Thank you for consulting Environmental Health on this application.

Construction Impact:

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

Public Health:

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

10. REPRESENTATIONS

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

Summary of representations:

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

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

landscape to an urban one.

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

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

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

Highways

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

The Principle of Development

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

Five Year Housing Land Supply

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

Character, Appearance and Heritage

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

Residential Amenity

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

Housing Size Mix

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

Brownfield Land

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

11. APPRAISAL

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

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

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

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

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

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

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

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

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

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

- 11.7 The site is situated within Flood Zone 1 as shown on the government's flood risk map which represents the lowest risk of flooding. As such, the proposed development is unlikely to represent a flood risk or cause any significant problems with surface water run-off to adjacent properties and would not be contrary to ULP Policy GEN3.

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

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

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

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

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

C Access (ULP Policy GEN1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E Housing Mix (ULP Policy H10)

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

F Affordable Housing (ULP Policy H9).

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

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

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

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

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

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

12. CONCLUSION

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

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

RECOMMENDATION: APPROVAL WITH CONDITIONS

Conditions

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

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

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

permission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

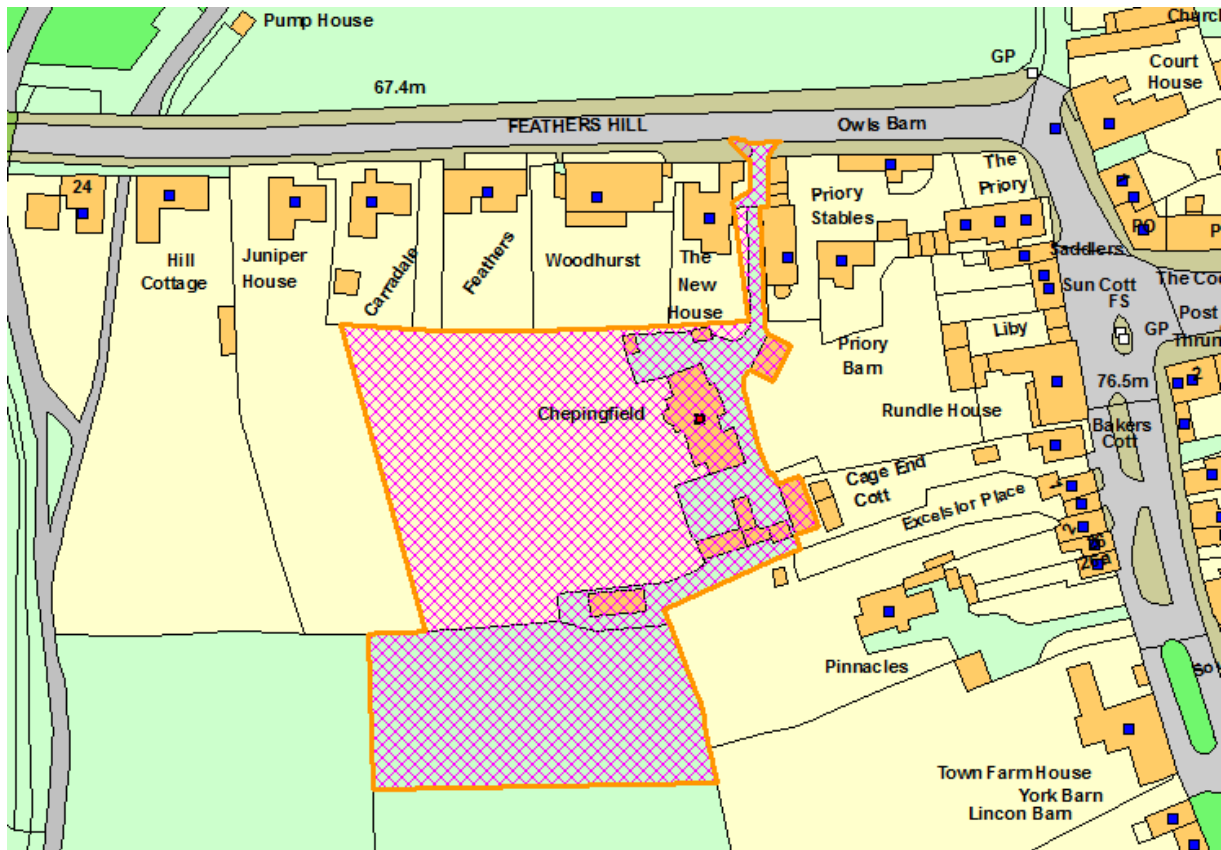
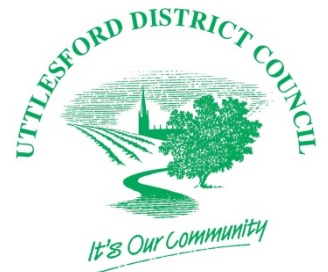
REASON: The Historic Environment Record shows that the development area lies within the site of a medieval fair (EHER 18749) which is positioned just to the west of the historic core of Hatfield Heath. There is the potential for identifying features or artefacts associated with the fair or the medieval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

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

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

Application: UTT/18/1653/OP

Address: Chepingfield, Feathers Hill, Hatfield Broad Oak.



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Organisation: Uttlesford District Council

Department: Planning

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