

**UTT/18/1704/OP (Hatfield Broad Oak)**

**PROPOSAL:** Outline application with all matters reserved except for access and layout, for the demolition of existing dwelling and outbuildings and the erection of 1 no. replacement dwelling and 6 no. new dwellings.

**LOCATION:** Oakbourne, Hammonds Road, Hatfield Broad Oak, CM22 7JN

**APPLICANT:** Mr & Mrs J Cutmore

**AGENT:** Mr P Purkiss

**EXPIRY DATE:** 25<sup>th</sup> June 2018 (EoT 26.09.2018)

**CASE OFFICER:** Mrs M Jones

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**1. NOTATION**

1.1 The site is located partially within and partially outside the development limits of Hatfield Broad Oak

**2. DESCRIPTION OF SITE**

2.1 The rectangular site is located off Hammonds Road, Hatfield Broad Oak, to the east of the village. It accommodates a detached house and its extensive gardens to the rear.

2.2 The site slopes up quite significantly from Hammonds Road and it is also higher than properties located on Broad Street.

2.3 The access is onto Hammonds Road.

2.4 The garden extends to the northern side of the house and abuts open land to the east and garden lands to the north. To the west are the rear gardens of the residential properties in Broad Street.

**3. PROPOSAL**

3.1 The application is for outline permission, with all matters reserved except access and layout, for the demolition of existing dwelling and outbuildings and the erection of 1 no. replacement dwelling and 6.no. new dwellings.

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And  
Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

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

- 5.1 The applicant's application is supported by a Design and Access Statement, a completed biodiversity checklist, a tree survey and a Preliminary Ecological statement.

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/16/2417/OP - Outline application, with appearance, scale and landscaping reserved, for the demolition of one dwelling and outbuildings and the erection of five dwellings. Approved with conditions.

## **7. POLICIES**

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

- S7 – Countryside
- S3 – other Settlement Boundaries
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- H10 – Housing Mix
- GEN4 – Good Neighbourliness
- ENV2- Development affecting Listed Buildings
- ENV4- Ancient Monuments and sites of Archaeological Importance.
- H3 – Infilling with new houses
- H4 – Back land Development
- H7 – Replacement Dwellings

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

SPD2- Accessible Homes and Playspace  
Uttlesford Local Parking Standards  
Replacement Dwellings

### **National Policies**

National Planning Policy Framework

## **8. PARISH/TOWN COUNCIL COMMENTS**

- 8.1 Principle of Development.  
Part of the site including Oakbourne itself and Plots 1 and 2 are within the Development Limits of HBO and can be regarded as infill. The rest of the site is at present residential garden and outside the Village Envelope of Hatfield Broad Oak. It is in effect in the countryside and subject to policy S7 which states that the countryside will be protected for its own sake while the NPPF recognises the intrinsic

character and beauty of the countryside.

NPPF is less prescriptive (para 111) and defines previously developed land as land which is or was occupied by a permanent structure, and any associated fixed surface infrastructure, although it should not be assumed that the whole of the curtilage should be developed.

Treating this residential garden as previously developed land opens the way to future planning applications for development on gardens which are more intrusive into the countryside. Hatfield Broad Oak PC is opposed to UTT/18/1704/OP being regarded as a precedent for granting permission to future applications for development outside the Development Limits. The discrete division between the village envelope and countryside is a distinctive feature of the setting of Hatfield Broad Oak.

## 8.2 Design

The area of Broad Street and Hammonds Road is one in which most houses have larger gardens which blend into the countryside surrounding HBO. The proposed development would introduce a more urban character to the landscape and to Hammonds Road. Two extra dwellings have been included presumably to ensure financial viability. It is to be hoped that this addition will not add to this more urban appearance in the setting of one of the older parts of the village.

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. Whilst design details are reserved, Hatfield Broad Oak Parish Council hopes that a mix of 2/3 and 4 bedroomed dwellings will be included in the detailed design even though there will be no affordable housing included.

## 8.3 Highway and Pedestrian Safety

In view of the increase in this application of 2 properties it is vital that sufficient parking spaces are provided within the development for residents and deliveries and visitors so that there is no need to park outside. Not only is there a bend to the west of the access but there is no footpath along this side of Broad Street and Hammonds Road and pedestrians must cross over the road to the footpath.

Residents are agreed that Hammonds Road and Sparrow Lane carry increasing amounts of traffic.

The lanes are already used as a cut through by commuters and parents on the school run and there is an increase in the number of lorries and HGVs using the B183 Dunmow Road and B1256 at Takeley for Highwood Quarry at Dunmow and waste disposal sites. Transport contractors will always try to avoid the congestion and delays at M11 J8 and Four Ashes traffic lights. Community Speed Watch results show that a significant number of vehicles enter the village on Hammonds Road at speeds above the required 30mph.

Residents report concerns that the shorter sight lines due to the bend, and the speed and volume of traffic could reduce stopping distances such that it would endanger pedestrian safety.

## 8.4 Village Services

The Design and Access Statement rather optimistically mentions a valuable range of services in effect a primary school, a small general store and PO counter, a butchers, an estate agents, a computer shop, the Village Hall and Village Green -

and the mobile library only visits every 3 weeks now. Bus services are heavily subsidised and the only frequent service is between Bishops Stortford and Stansted Airport. The proposed development will be entirely dependent on the car for access to larger retail and entertainment centres, sports facilities, doctors surgery in Hatfield Heath, other health facilities, school runs, commuting and the weekly shop.

#### 8.5 Screening

Neighbours are concerned that sufficient screening be provided to prevent overlooking particularly on the Broad Street boundary.

Work on trees and hedges should be carried out as recommended in the tree survey and new planting made in accordance with the Landscape Survey to ensure that all residents' privacy is respected.

Hatfield Broad Oak Parish Council ask that these concerns be taken into consideration.

### 9. CONSULTATIONS

#### **Essex County Council- Archaeology**

#### 9.1 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation

The Historic Environment Record shows that the proposed development lies within the boundary of the medieval town of Hatfield Broad Oak (EHER 18744). During the medieval period Hatfield Broad Oak was a major town within Essex. It contained a large Priory which is still preserved below ground as a Scheduled Monument around the Church to the west of the development area. The proposed development site lies on the edge of the medieval town and is likely to have been used for settlement, waste disposal or industrial processes. It is important to identify the nature and extent of these deposits at an early stage if the application is approved.

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.

#### **Essex County Council- Ecology**

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

#### **MAG Aerodrome Safeguarding**

#### 9.3 No safeguarding objection.

#### **Essex Police**

#### 9.4 We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

#### **Essex County Council - Highways**

9.5 No objection subject to conditions.

## 10. REPRESENTATIONS

10.1 This application was publicised by sending letters to 58 nearby neighbours, displaying of a site notice and advertising it within the local newspaper. One letter of representation has been received. Expiry date: 6<sup>th</sup> August 2018

I am concerned that the approach road to this development is very close to the bend on Hammonds Road and Broad Street. Traffic is fast down Broad Street and goes around the bend very quickly.

If a vehicle pulls out from the development to turn right or left the danger is that there could be a major accident.

## 11. APPRAISAL

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

- A The principle of development of this site for residential purposes (NPPF, ULP Policies S7 and S3, H4, and H3);
- B Design (Layout and Parking) (ULP policies GEN2 and GEN8)
- C The access to the site would be appropriate (ULP Policy GEN1);
- D Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- E There would be a detrimental impact on protected species (ULP Policy GEN7);
- F Flood Risk and drainage (ULP Policy GEN3; NPPF)

### **A The principle of development of this site for residential purposes (NPPF, ULP Policies S7, S3, H4 H3 and H7)**

11.1 The principle of development of this site has been established under previously approved application UTT/16/2417/OP. That permission is extant and was for outline permission, with appearance, scale and landscaping reserved, for the demolition of one dwelling and outbuildings and the erection of five dwellings. The addition of a further two dwellings would not be harmful to the character of the countryside setting so as to warrant refusal of the proposal. The additional two dwellings would maximise the use of the site and would have very little impact on the character of the village due to the existing screening and its relationship to surrounding development. The revised NPPF still requires local planning authorities to favourably consider proposals for sustainable development. The Council still do not have a five year land supply and it is considered that the proposal would meet the three strands of sustainability. As such the principle of the site for residential use is acceptable.

### **B Design (Layout) (ULP Policy GEN2 )**

11.2 All matters are reserved except for access and layout. The access is considered below.

11.3 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted. This

identified that the market housing needs for Uttlesford have changed. This states:  
Market Housing Needs for Uttlesford

Flats	1 bed	140	1.44%
	2 bed	80	0.8%
House	2 bed	690	7.1%
	3 bed	4290	44.2%
	4 bed	3110	32.0%
	5+ bed	1410	14.5%

The indicative housing mix of the individual plots for this application is for one x two bed properties, five x three bed properties, and one x five bed property. As scale and appearance are reserved matters, compliance with this housing mix would be determined at a later stage.

- 11.4 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+. The gardens shown in the indicative plans indicate that they could accord with the requirements of the Essex Design Guide. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 11.5 The proposed properties are a mixture of two, three, and five bedroom dwellings. The adopted Essex County Council Parking Standards (2009) require the provision for one parking space for a one bedroomed dwelling, and two parking spaces per two and three bedroom dwellings. The Uttlesford Residential Parking Standards seeks three parking spaces for three+ bedroomed properties. Both seek additional visitor's parking spaces.
- 11.6 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. Additionally, 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 and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:

Where a parking space is provided for the dwelling, it should comply with all of the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
- c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
- d) The parking space is level or, where unavoidable, gently sloping
- e) The gradient is as shallow as the site permits.
- f) The parking space has a suitable ground surface.

The indicative plans would comply with the above amended Building Regulations and it can be seen that each property would be able to meet the required parking

standards. There is sufficient space for five unallocated parking spaces within the development to provide visitors parking. Therefore, the proposal would comply with Policy GEN8 subject to conditions.

11.7 The indicative layout demonstrates that the back to back distances from the residential properties to the west can be achieved to comply with the recommended distances in the Essex Design Guide. Due to the differences in land levels any development to the rear of the site has the potential to be very visible and have an adverse impact on the character of the rural area. The properties to the rear of the site are indicated as being one storey with rooms in the roof and one and a half storey as they are on raised ground levels. It has been demonstrated that the proposal would not result in any material detrimental impact to neighbours amenity by way of overlooking, overshadowing or overbearing impact. The indicative layout demonstrates that the proposal can be built so as to minimise the impact on the character of the rural area and the built environment. This would comply with the aims of ULP Policy GEN2.

11.8 The site is located lies within the boundary of the medieval town of Hatfield Broad Oak (EHER 18744). During the medieval period Hatfield Broad Oak was a major town within Essex. It contained a large Priory which is still preserved below ground as a Scheduled Monument around the Church to the west of the development area. The proposed development site lies on the edge of the medieval town and is likely to have been used for settlement, waste disposal or industrial processes. It is important to identify the nature and extent of these deposits at an early stage if the application is approved. The proposal therefore has the potential to affect medieval remains. It is therefore considered appropriate to use a condition to secure suitable archaeological investigation.

**C The access to the site would be appropriate (ULP Policy GEN1)**

11.9 The proposed access off Hammonds Road would be in the south-eastern corner of the site. The plans have been revised to take into account the Highway Authority's comments and they now have no objections to the proposal subject to the use of appropriate planning conditions.

**D Affordable Housing, Education Contributions (ULP Policies H9, GEN6)**

11.10 Due to the scale and nature of the development there are no requirements for contributions towards infrastructure or for the provision of affordable housing.

**E There would be a detrimental impact on protected species (ULP Policy GEN7)**

11.11 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. A Preliminary ecological Assessment report, a completed biodiversity checklist questionnaire and tree survey has been submitted with the application. Essex County Council Ecologists have been consulted and have no objections to the proposal subject to the mitigation measures identified the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, April 2018) being secured and implemented in full. This can be achieved by a suitably worded condition. As such it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and accords with ULP Policy GEN7.

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

11.12 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). The proposal would comply with ULP Policy GEN3.

## **G Setting of adjacent listed buildings (ENV2)**

11.13 In considering a proposal for listed building consent, the duty imposed by section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them. A number of listed buildings are located near the site, including Morningside and Essex Cottage (Grade II) and The Thatched Cottage (Grade II) to the east, Ware Pond cottages (Grade II\*) to the south and Rose Cottage (Grade II) to the west. The previous application was considered by Historic England and they had no objections to the proposals. This application is not significantly different to the previously approved scheme and it is considered that there would be no significant effect on the setting of these important heritage assets. The listed buildings do not abut the site. Therefore, the proposed development is in accordance with Policy in this respect.

## **12. CONCLUSION**

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

- A** In view of the extant planning permission UTT/ 16/2417/OP the principle of the development is acceptable.
- B** The layout is considered to be acceptable.
- C** The access is considered to be acceptable and to comply with ULP Policy GEN1.
- D** There is no policy requirement for the provision of affordable housing on this site.
- E** The application provides sufficient information and evidence to demonstrate that the proposals (subject to condition) would not adversely affect protected species. As such the proposal complies with Policy GEN7.
- F** The site is at low risk of flooding.
- G** The proposal would not have any material detrimental impact on the setting and character of the listed buildings near to the site.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **CONDITIONS**

1. Approval of the details of scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing



before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) 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 must be made to the Local Planning Authority no later than the expiration of three years from the date of this permission.

REASON: In accordance with 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 must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

- 5 No development or preliminary groundworks can commence until a programme of archaeological trial trenching 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 prior to reserved matters applications being submitted.

REASON: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4.

- 6 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work.

REASON: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4.

- 7 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisors.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Uttlesford Local Plan Policy ENV4.

- 8 A post-excavation assessment shall be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance and approved in writing, 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: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4.

9. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes keeping the grass mown short until construction is finished, due diligence regarding nesting birds, bat sensitive lighting, cover trenches overnight, permeable boundaries for hedgehogs and installation of bat/bird boxes.

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 and in accordance with Uttlesford Local Plan Policy GEN7.

10. Prior to occupation of any dwelling, the private driveway hereby permitted must be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway.

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 accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. Runoff water from the access road hereby permitted must be directed to a permeable or porous surface within the application site.

REASON: To prevent hazards caused by water flowing onto the highway in the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

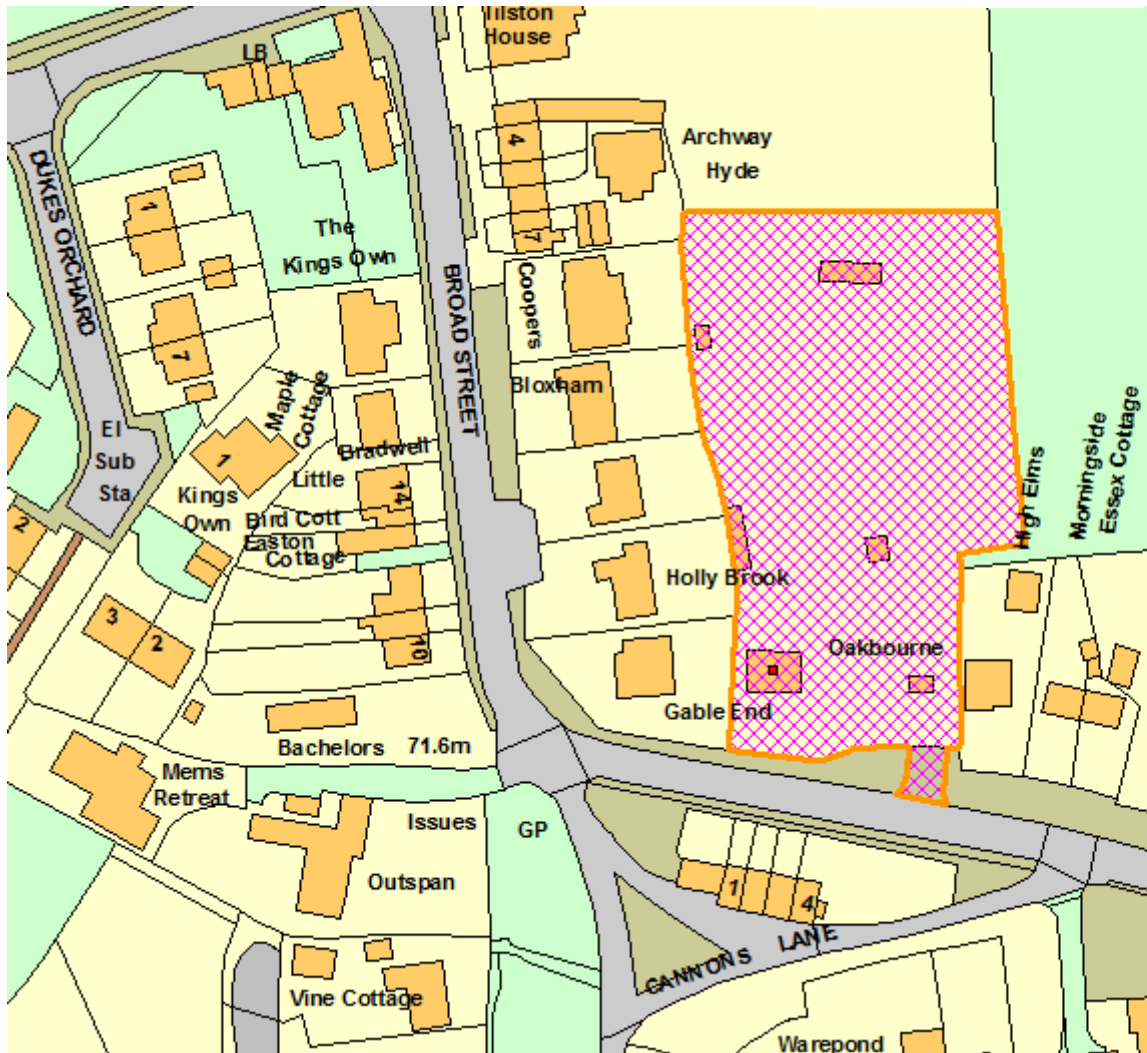
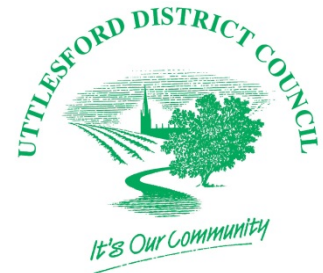
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

13. Prior to commencement of the development, details of the areas within the curtilage of the site to be used for loading, unloading, reception and storage of building materials, and manoeuvring of all vehicles including construction traffic, must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure that the highway is not obstructed during the construction period, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

Application: UTT/18/1704/OP

Address: Oakbourne, Hammonds Road, Hatfield Broad Oak



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Organisation: Uttlesford District Council

Department: Planning

Date: 20 August 2018