

## **UTT/18/0386/FUL – HATFIELD BROAD OAK**

**PROPOSAL:** Demolition of existing out buildings and erection of eight detached dwellings and a block of garages

**LOCATION:** Great Chalks  
High Street  
Hatfield Broad Oak  
CM22 7HQ

**APPLICANT:** Foxley Group Ltd

**AGENT:** Mr P Cavill

**EXPIRY DATE:** 10.04.2018 Extension of time: 3<sup>rd</sup> October 2018

**CASE OFFICER:** Madeleine Jones

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### **1. NOTATION**

- 1.1 Within Development Limits. Adjacent to Listed Buildings. Part of site within Conservation Area. Tree Preservation Orders. Protected Open space. Within 500m of known Great Crested Newt Colony.

### **2. DESCRIPTION OF SITE**

- 2.1 The site consists of a substantial, three storey detached dwelling with a detached stable block to the side. The dwelling is red brick and has a symmetrical frontage with three gabled projections. The stable block is side onto the road and has a brick front with a gabled parapet to the street and white weatherboarding on the long elevation. The High Street at this section is predominantly of Georgian character.
- 2.2 The site is located to the south of the High Street and has a large rear garden to the rear which has several trees to its boundaries and throughout. The tops of the trees in the open ground south of the high Street can be seen across the courtyards and outbuildings of Great Chalks and Bury House.
- 2.3 There is an existing vehicular access point into the site from the High Street. The entrance is a gated. The gates are side hung and are solid timber supported on brick piers. Either side of the gates is a red brick wall. Immediately to the front of the house is a hedge and metal railings.

### **3. PROPOSAL**

- 3.1 The proposal is for demolition of outbuildings, and the erection of eight detached dwellings (including one bungalow) and a block of garages. The frontage gates and brick wall either side of the gates would be demolished. The attached single storey boiler house to the side of the house, with greenhouse to the rear would also be demolished.
- 3.2 The proposal also includes additional parking for visitors and the public and the applicant has confirmed that they will make contributions for affordable housing in

lieu of provision.

- 3.3 The proposal has been revised several times and layout and parking for plot one and plot 4 has been amended. Additional visitor parking has been added. The electric gates and entrance gates have been removed. The clock tower has been removed and the garage block redesigned.

#### **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 application is supported by a Design and Access Statement , Arboricultural Report, Biodiversity checklist, Ecological Assessment, Transport Assessment, Landscape Strategy, and Flood Risk Assessment

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

- 6.1 None

#### **7. POLICIES**

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

- 7.1 Policy S3: - Other Settlement boundaries.  
  
Policy ENV3:- Open Spaces and Trees  
  
Policy ENV1:- Design of development within Conservation Areas  
  
Policy H3: - New houses within Development Limits.  
  
Policy H4 – Backland development  
  
Policy H10: Housing Mix  
  
Policy H9: Affordable Housing  
  
Policy GEN1: Access  
  
Policy GEN2: Design  
  
Policy GEN6: Infrastructure Provision  
  
Policy GEN7: Nature Conservation

Policy GEN8: Vehicle Parking Standards

Policy ENV7: The Protection of the Natural Environment Designated Sites

Policy GEN3: Flood Protection

Policy GEN4: Good neighbourliness

Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

Policy ENV2: Listed Buildings

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

SPD: Accessible Homes and Playspace

Uttlesford Local Parking Standards

Hatfield Broad Oak Conservation Area appraisal (Approved 2013)

## **7.3 National Policies**

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

## **7.4 Other Material Considerations**

Draft Local Plan Regulation 19

Local Heritage list

## **8.0 PARISH COUNCIL COMMENTS**

- 8.1 With reference to the above application, the Parish Council held a consultation evening on 7<sup>th</sup> March, leafletting the residents of the village. This was attended by the architect, the developer, members of the Parish Council and approx. 80 members of the public.

At the Parish Council meeting held on the 14th March several members of the public attended and expressed views regarding the application.

As there was a divergence of views from the public, the Parish Council resolved not to object to application, but to submit the concerns of the public with a request that they be fully considered before a decision is reached.

Residents' concerns with related Uttlesford Planning Policies and NPPF guidance.  
Conservation area and Listed Buildings

- Construction of the new access and road will involve demolition of outbuildings on the SW corner of Great Chalks and removal of walls on the street frontage in order to accommodate the width of access road required by Highways.
- This could be detrimental to the character of the Conservation Area street scene and Listed Buildings. Within a Conservation Area such alterations are subject to increased scrutiny.
- This should be considered using the guidance of the Hatfield Broad Oak Conservation Area Appraisal adopted May 2013 especially paras 1.13 and 2.17, UDC Planning Policy ENV1, ENV2, National Planning Policy Framework (NPPF) Chapter 12 para 136 and UTT/13/0145/PA

## 8.2 Open Space

- The loss of an open space of garden, grassland and protected trees is a planning issue of considerable concern. The site of the proposed development is designated as a Protected
- Open Space of Environmental Value in the Adopted Local Plan 2005 - this is in force as the Regulation 18 Local Plan is not yet fully agreed and is covered by policy ENV3.

## 8.3 Roads and Traffic Congestion

- There are proven issues of large volumes of vehicles including HGVs using the B183 Priority Route 2 to avoid the M11 J8
- Street and pavement parking further restrict the street and at peak hours and school times there can be gridlock.
- Both vehicular and pedestrian safety in particular can be compromised. Accidents have occurred not all of them recorded on TrafWeb
- The proposed new access road from the site leading to the High Street will add more traffic to the already congested High Street especially as the desk calculation of numbers of journeys is an underestimate in view of the size of dwellings and number of car park spaces planned.
- Policy GEN1 - Access is applicable. A traffic speed survey in HBO village in 2014 and a vehicle survey at the B183/B1256 crossroads in 2017 confirm that the large amount of vehicular traffic passing through Hatfield Broad Oak High Street is over capacity for the medieval street pattern.
- Community Speed Watch regularly report up to 20 vehicles per hour exceeding 36 mph in 30 mph restriction.

## 8.4 Wildlife and ecology

Planning issues raised by residents

- The proposed development will result in considerable loss of wildlife habitats to the detriment of the bio-diverse eco system of the area. The plans to provide mitigation will not replace this.
- Dissatisfaction was expressed about the accuracy of the Ecological Survey which failed to identify the presence of badgers.
- Policy GEN 7 provides guidance on nature conservation and treatment of protected species. NPPF paras 48 and 53 are relevant to development of residential gardens and inclusion in windfall site allowances.

## 8.5 Site

The site slopes down to the south towards Mus Brook and properties the High Street, Cage End and Cage End Close back onto the proposed development. Residents are concerned that this slope would result in

- overlooking and loss of privacy.
- light spill from the proposed properties
- Possible flooding from increased surface run off as a result of new building and hard landscaping and the construction of a new attenuation pond.
- Policies GEN2 Design, GEN3 Flood Protection and GEN5 Light Pollution are applicable.

## 8.6 Affordable Housing

- A number of residents were disappointed that affordable housing had not been included in the proposed development - 'what is needed most is affordable housing'
- NPPF para 7 may be applicable to this development Support for the proposed development

- Some residents have expressed full support for the development.
- Others offer support on the basis of the inevitability of there being some development on the site and this is the least worst scenario.
- There is an expectation that the developer must deliver on the mitigations included

## 9.0 CONSULTATIONS

### Conservation Officer

- 9.1 Hatfield Broad Oak is a historic settlement which by and large retained its medieval street plan centred on the location of the former market place and the Priory which are no longer visible.
- 9.2 The site subject of this application is located in a back land of large selection of listed buildings fronting two principle historic streets High Street and Cage End which form core of Hatfield Broad Oak Conservation Area. The proposal is to form 8 large dwellings seeking access from the High Street through narrow gap between two buildings, Great Chalks and its outbuilding. These imposing brick structure of C19 origins although not listed in their own right, have been identified in recent Conservation Area Appraisal as buildings which positively contribute to the character of the conservation area. In addition they form part of draft Local Heritage List.
- 9.3 The suggested development of this land is of concern. First of all the removal of a wall and gates forming part of the curtilage of Great Chalks would not only alter the concept of the historic access to its garden but also the creation of standard estate road would open up the gap between the buildings detracting from the close knit and mostly continuous frontages of the historic street. Although the site adjoins the conservation area, it very much forms part of the wider setting of listed buildings facing thoroughfare. Its mature trees which are perceptible through some gaps between the listed buildings especially from Cage End may not survive thus denuding the conservation area and setting of the listed buildings from some of its special interest.
- 9.4 In terms of the layout and house type designs I feel that it poorly responds to the character of this historic village. First of all on entry into the 'gated community', the visitor would be confronted by car dominated scene of 5 parking spaces and excessively large four bay garage block with banal clock tower on top. The house types are very large, of wide span and convoluted plan forms and due to the likely use of modern materials would assuming an air of prominence providing an unsatisfactory urban back drop to the listed cottages facing the historic streets.

Comments on revised plans:

- 9.5 Having considered the latest revisions and further agents justification I feel that the 'conservation' related concerns have not been overcome. Consequently I have no option but to repeat some of my previous comments.
- 9.6 Hatfield Broad Oak is a historic settlement which by and large retained its medieval street plan centred on the location of the former market place and the Priory which are no longer visible.
- 9.7 The site subject of this application is located in a back land of large selection of listed buildings fronting two principle historic streets High Street and Cage End which form core of Hatfield Broad Oak Conservation Area. The proposal is to form 8 large

dwellings seeking access from the High Street through narrow gap between two buildings, Great Chalks and its outbuilding. This imposing brick structure of C19 origins although not listed in its own right, has been identified in recent Conservation Area Appraisal as building which positively contribute to the character of the conservation area.

- 9.8 As said before, removal of a wall and gates forming part of the curtilage of Great Chalks would not only alter the concept of the historic access to its garden but also detract from the close knit and mostly continuous frontages of the historic street. Agent's argument that the present wall and gates are a modern reinstatement of previously damaged elements provides insufficient justification for its loss in its present location. Its value is in enclosing the space perpetuating the established historic street pattern, not the importance of the present materials  
The site adjoins the conservation area and forms part of the wider setting of listed buildings facing thoroughfare. Its mature trees which are perceptible through some gaps between the listed buildings especially from Cage End may not survive thus denuding the conservation area and the wider setting of the listed buildings from some of its special interest
- 9.9 In terms of the layout and house type designs I feel that it poorly responds to the character of this historic village. The house types are very large, of wide spans and convoluted plan forms with attached garages some with accommodation at first floor level. In addition and due to the likely use of modern materials the development would assume an air of prominence providing an unsatisfactory urban back drop to the listed cottages facing the historic streets
- 9.10 Having said that it is possible that the above concerns would be out-weighed by the potential public benefits of provision of additional housing in Hatfield Broad Oak. I suggest the final decision should be made in the light of advice within NPPF and conservation concerns weigh against such public benefits as would arise. Clearly the identification of 'public benefit' is a planning matter.

### **Essex County Council Ecology**

- 9.11 The holding objection can be removed following further information being submitted.
- 9.12 No objection subject to securing biodiversity mitigation and enhancement measures.
- 9.13 Orchard  
Orchards East have now provided expert opinion that the orchard does not qualify as Priority habitat because the trees are on dwarf root stock and will not form full sized trees; this is therefore no longer an ecological concern (other than the fruit as forage for the badgers, which is discussed below).
- 9.14 Compensatory planting  
The updated planting plan (ref 1334-1170\_PL, OMC Arboriculture, May 2018) shows one-for-one compensatory planting for the 24 trees and the fruit trees within the buffer to provide fruit forage for the badgers. We recommend that this tree planting plan is secured by condition of any consent.
- 9.15 Badgers  
We recommend that the Local Authority be sent a copy of the licence to interfere with a badger sett for the purpose of development as a condition of any consent.
- 9.16 Great crested newts

The Ecological Assessment report meets the requirements of Natural England's licensing policy 4: Appropriate and relevant surveys where impacts of development can be confidently predicted. The LPA needs certainty of likely impacts on European Protected Species prior to determination and identification of proportionate and effective mitigation which can be implemented and secured either by licence or condition of any consent. Adequate surveys have been undertaken to assess the local Great crested newt (GCN) population and there is minimal terrestrial or aquatic habitat on this site. The likely impacts on GCN have been predicted as potential for killing or injury during construction and the proposed mitigation measures are appropriate and likely to be effective. We would consider that it would be unreasonable for the applicant to undertake further surveys now, as this would be unlikely to provide any additional information.

- 9.17 We recommend that the mitigation measures discussed within the Ecological Assessment report (ELMAW Consulting, September 2017) need to be secured by condition of any consent, as a non-licensed method statement, for implementation in full. If any GCN is found to be present on site and an EPS licence is necessary to avoid an offence, updated surveys will have to take place. Natural England licences usually require surveys to be up to date, prior to a licence submission, so any surveys will need to be undertaken within the period March-June to best practice guidelines to inform a Natural England Licence so cannot be completed this year.
- 9.18 A list of conditions has been recommended if the application is to be approved.

#### **Aerodrome Safeguarding**

- 9.19 The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

#### **NATS:**

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

#### **Specialist Archaeological Advice:**

- 9.21 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation  
The Historic Environment Record indicates that the proposed development lies within a potentially highly sensitive area of heritage assets within the historic town of Hatfield Broad Oak. The HER shows that the development area lies within the centre of the historic town of Hatfield Broad Oak which was centred around the Church and Priory immediately to the north of the site (EHER 18744). Cartographic evidence from the 19th century shows a series of property boundaries extend into the development area from the High Street. The historic town report produced in 1999 provides a detailed history of the development of Hatfield Broad Oak from the late Saxon period through to the modern day.  
It should be expected that the initial trial trenching will lead onto open area excavation before any development commences.

#### **Environmental Health**

- 9.22 This application is for the demolition of existing out-buildings and the erection of 8 detached dwellings and a block of garages. No objections to the proposals subject to the following condition being attached to any permission: If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment

#### **Essex County Council Highways:**

- 9.23 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 9.24 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions:
- 9.25 Due to the historic nature of Hatfield Broad Oak, a number of properties along High Street do not have off-street parking, and rely upon parking in the highway. Parking along the High Street is an existing issue, and unfortunately there is limited scope to improve this issue. The introduction of a Traffic Regulation Order (TRO) (ie, yellow lines) to prevent inappropriate parking is unlikely to be supported by locals, and would displace parking elsewhere on the highway network.

The proposal, in the opinion of the Highway Authority, would not increase the on-street parking pressure along High Street, as there is sufficient parking within the proposed site to accommodate residents and visitors.

It is acknowledged that the proposal would intensify the use of an existing and established access; however the access is to be modified as part of the proposal in line with current standards. Visibility splays from the proposed access have been considered. An additional 8 dwellings on High Street would have a very minimal impact on the highway network, given the number of vehicles travelling along High Street (B183), and the Highway Authority is satisfied that the proposal would not be detrimental to highway safety and efficiency.

#### **Uttlesford Badger Group**

- 9.26 Concerns have been raised by the Uttlesford Badger Group with regards to potential impacts on badgers.

#### **Landscape Officer**

- 9.27 The trees on the site are protected by a tree preservation order with an 'area' designation. No individual trees, or groups of trees, are specifically identified in the order. Following concerns raised from a neighbour he advises:  
The subject beech tree close to the proposed plot one is a mature specimen with a significantly unbalanced canopy, which has developed as consequence of a



competing lime tree. The main trunk bifurcates into co-dominant stems. There are decay pockets above the main fork, including a long wound in one of the stems. There appears to be fungal decay in the longitudinal wound, however, as this is some 7m above ground level, I have not been able to identify the infection. There is no evidence of decay at the base of the tree, however, the structural condition is the tree is not considered to be good. The tree is only considered to be of moderate landscape value and given the defects present I would raise no objection to the tree being felled.

24 trees are proposed to be removed (3 yew, 2 beech, 1 holly, 1 lime, 2 Norway maple, 1 western cedar, 1 smoke tree, 2 Leyland cypress, 3 hawthorn, 1 quince, 1 apple, 1 plum, 1 mulberry, 3 sycamore, 1 ash). Of these trees 3 are categorised as being of low quality, 3 as being dead or having significant defects, and 18 which are considered to be of moderate quality. The majority of the existing trees, including all those assessed as being of high quality, are to be retained as part of the proposed development.

No objection to the proposal.

## **10. REPRESENTATIONS**

- 10.1 This application has been advertised and neighbouring properties notified. 104 representations have been received and a solicitors letter representing residents has also been submitted.. Expiry date 27<sup>th</sup> March 2018. Following revised plans the expiry date was extended to 9<sup>th</sup> July 2018  
A signed petition has also been sent in objecting to the proposal which has been signed by 179 residents.

- 10.2 A summary of the issues raised are:

Parking issues – Traffic congestion. Parking on the high street already a significant issue.

Highway safety – vehicular and pedestrian. During construction and subsequently

Impact on biodiversity

Inadequate infrastructure

Doctors oversubscribed

Impact on wildlife and nature and loss of trees

Detrimental impact on character of conservation Area.

Impact on Listed Buildings and their setting and historic feel of the village

Overdevelopment

Traffic congestion especially on the High Street and at school drop off and pick up times. This is the narrowest part of the high street where people already park on pavements and traffic is grid locked during peak hours.

Already a little boy was knocked down due to parking being over crowded so visibility is compromised. There is likely to be further problems and congestion if and when emergency vehicles and bin lorries need to access the site.

Impact on character of village

Housing mix- we do not need anymore expensive houses in Hatfield Broad Oak. We need more social housing if anything. Mix is unacceptable and unsuitable

Inappropriate location – edge of village would be better.

Ecology report not impartial.- conflict of interest

Incorrect information within ecology report- Badgers – grass hasn't been mown in the field east of Great Chalks for about two years prior to May 2017. Grass snakes were spotted at several locations in the neighbouring garden before this date. The field was mown just before the surveyors carried out work in the field. Understandably, no reptiles were then found. Trees identified as diseased are clearly not diseased.

There will be loss of some very established trees with TPO's on them.  
The plan does not take into account the local wildlife in the way it suggests, as it does not recognise the presence of great crested newts which inhabit the grounds, neighbouring gardens, school and wet areas.  
Honey bees in the trees of Great Chalks  
Flood risk  
The removal of the electric gates is to be welcomed.  
The access will still have a negative impact on the character of the High Street.  
Sewage and drainage and surface water.  
Bin collection  
Lack of affordable housing  
No benefit to Hatfield Broad Oak residents.  
Village school is oversubscribed.  
Detrimental impact on utilities, water, electric supply and sewage network.  
Inadequate infrastructure  
Site is not sustainable  
Loss of trees- Trees are subject to tree preservation orders  
Conservation Area appraisal recommends that there be a revised conservation area in the village to include the land of Great chalks and that development on any of the open spaces listed would be entirely inappropriate  
UDC policy states that on sites of 0.5 hectares or more the council will seek 40% affordable housing.  
The need does not outweigh the amenity value of the loss of the open space  
Great chalks and its outbuildings are buildings which positively contribute to the character of the conservation area. The land is also a Protected Open space of Environmental Value.  
The removal of the wall and the gates forming part of the curtilage of Great chalks impact on the character of the area.  
Houses are too large contrary to ENV1  
The plan does not take into account the local wildlife in the way it suggests, as it does not recognise the presence of great crested newts which inhabit the grounds, neighbouring gardens, school and wet areas.  
Surely we need to protect these incredible and increasingly rare pockets of bio-diverse eco systems, especially in areas such as ours where it is vital to balance out the impact of Stansted Airport  
Electric gates will cause a delay in entering the property waiting for the gates to open. From the plan it looks as if the gates are positioned so there is no space for cars to wait to enter the gates off the High Street. I also believe it would also be an eyesore to destroy the entrance to the old traditional gardens to be replaced by electric gates in such a very historic road. The development proposes a gated entrance, which will isolate the village from the occupiers. Consequently introducing 'a them and us' situation and division in the village between the residents of the development and the villagers  
Light pollution  
Overlooking  
Loss of privacy  
Ongoing maintenance of pond.  
Air pollution  
Loss of views.  
Inadequate access  
Overshadowing.  
Construction traffic  
Need to ensure no element of the church history is lost from unknown foundations within the grounds.  
The development makes no mention of the development of the old stable block

immediately adjacent to the entrance to the property. What would prevent the developer putting in a future application for more houses using this footprint, further congesting the site?

Ultimately a well designed scheme of single storey or chalet style properties would be much more appropriate and less intrusive in general.

Do wildlife understand 'corridors' that are made for them?

Historic buildings and their gardens should be preserved and put to use to benefit the areas they sit in, not destroyed for one persons profit!

Impact on property values

Pollution- What methods are to be employed to prevent pollutants finding their way to this watercourse

Loss of protected open space with environmental value

Loss of A Historic garden that has been in existence for centuries donated to Cambridge Trinity College by Henry V111 and is a huge part of English and village history. If we are so eager and willing to destroy our history where will this stop

Air pollution- health issues.

The best analogy is with Central Park in New York. That will never be developed. Nor should Great Chalks.

Historical significance. Apart from abutting the conservation area Great Chalks stands upon a site that has had religious settlements for over a thousand years. The old well of the early Saxon settlement still stands in the paddock area with remaining early evidence of use.

Plot 1. The end elevation is right on the boundary with Post House garden and runs to a height of 17ft (revised elevation) - which will set the roof line up to a level in line with the eaves of Post House. For a single storey dwelling this is substantially out of keeping with the properties it borders and is excessively high for a "bungalow" (which is how the building is described on the plan).

Loss of ancient orchard of very rare apples

Church parking. Parking for weddings and funerals causes the High ST to gridlock in summer months

If the house is developed into flats, that could incur a further 12 parking spaces that have not been accounted for.

Secret underground tunnels to the church. It should be noted that there are secret ancient tunnels that run underneath the village. In the cellar of Bury house there is a blocked in doorway and the tunnel apparently runs under the road to the church. This was to allow worship during the reformation. These tunnels run to many other houses and presumably to great chalks and possibly to the original Manor House that existed at Great Chalks. If tunnels do exist under the Great Chalks site it could be that their presence could affect the stability of the proposed houses. There should therefore be a full ground stability investigation to determine whether the land is fit for development in advance of the determination of the planning application. These tunnels need to be investigated and protected from bulldozers.

In particular, all construction should be prohibited during Saturday afternoons and all day Sunday and on bank holidays.

The village retains the medieval street pattern which is expected to cope with modern traffic loads.

The Transport Statement's TRICS desktop calculation of likely level of traffic generated to and from the site must be an underestimate in view of the size of the dwellings and number of car park spaces planned. Auto track Swept Paths analyses are again desktop studies - in reality the paths would be obstructed by parked cars, pedestrians and heavy traffic. Only vehicles entering from or exiting to the West are shown, perhaps I've missed it or would those from and to the East not make it?

Bus services have been reduced, and are dependent on public subsidy, and are not as frequent as suggested in the Transport Survey and only really serve B/S or Stansted Airport.

A gated development of 8 large houses with attendant entrance and access road is not appropriate

The changes, removal of clock tower and gates etc are just cosmetic alterations and do nothing to address the fact that the proposed new development is totally out of character with the centre of the medieval village.

The buildings remain too large in proportion to the surrounding houses.

Access for emergency vehicles.

Whilst I approve of the removal of the electric gates, the access road will still have a negative impact on the character and use of the high street.

People on mobility scooters and mums with pushchairs are continually being forced into the road.

Design out of keeping.

Unsustainable development – not included or referenced in the Local Plan regulation 19 consultation.

No benefit to Hatfield Broad Oak.

I cannot imagine that it would be viable to build less and conversely more smaller houses could certainly involve more cars.

Inappropriate housing mix.

The Conservation Officer has recognised that the development is within the conservation area. Great Chalks and its outbuilding are buildings which contribute to the character of the conservation area. The report omits that the land is also a Protected open space of Environmental Value.

The removal of the wall and the gates forming part of the curtilage of Great Chalks would impact on the character of the area. The removal of trees to enable the development to be built would as identified alter the settlements historic character.

Whilst we accept that the omission of the clock tower will reduce the impact of the development, the other alterations proposed ( removal of entrance gates, garages to be more open fronted and cobbled surface of the first 6m) do not address the fact that the development will create an over urbanised feel to the local character of the area which is clearly not in keeping with the current street scene and indeed not in accordance with the council's policies.

The recent committee decision to refuse Chepingfield development in Hatfield Broad Oak is particularly relevant to this application also, as the issues are exactly the same, inappropriate vehicular access and significant rural amenity harm.

#### 10.3 In support of the application:

The development seems very nice

As a resident of Hatfield Broad Oak I realise that we have to accept that the garden of Great Chalks will be developed and one such as this is far more desirable than say, one of 30 small houses which would cause far more traffic chaos than this.

While any work is done, care will need to be taken to cause as little disruption and danger as possible in our already over busy High Street, the recorded average of vehicles in 2014 through our village was 5,000 daily, it must be far in excess of that now, far too many HGV's use this route.

In principle we are against any housing development in Great Chalks garden which must change the character of a medieval village. However we suspect that some development is inevitable and therefore we support the proposal as being the best of a bad outcome. The 5m wildlife corridor must be inviolate.

A small carefully thought out development with no impact on on-street parking, as there is ample parking within the site for individual properties. The gates are set far enough into the site to prevent congestion on the road.

Great care has been taken to give consideration to the protection of existing trees and the provision of future habitats for flora and fauna.

This development leads to the natural growth of our quintessential village.  
 This development could lead to the sympathetic restoration of Great Chalks House and enhancement of the street scene in the conservation area.  
 Failure to support this application could lead to the site becoming derelict and pose a security risk for neighbouring properties.  
 Would prefer to have 8 nice houses built if this is refused we could end up having 30 houses built surely no one needs that

**Comments on representations:**

- 10.4 Please see appraisal below, however, several representations have been received in respect of a loss of view and property values, however these are not material planning considerations.

## 11. APPRAISAL

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

- A The development of this site for residential purposes (NPPF and ULP Policies S3,H4, H3, and ENV3);
- B Design, scale and impact on neighbour's amenity and impact on character and setting of adjacent Listed Buildings and character of the Conservation Area. (ULP Policies GEN2, S7, H10,H9, ENV2, ENV1, ENV3; NPPF & SPD: Accessible Homes and Playspace);
- C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);
- D Biodiversity (ULP Policy GEN7; NPPF)
- E Affordable Housing (ULP Policies H9, GEN6 )
- F Flood risk and drainage (ULP policy GEN3; NPPF)
- G Other material planning considerations

- A** The development of this site for residential purposes(NPPF and ULP Policies S3, H3, ENV1, ENV2, ENV3);

- 11.0 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF reiterates this requirement and confirms that the NPPF is a material planning consideration.

- 11.1 The site is within Development limits where policy S3 states that development will be permitted if the development would be compatible with the character of the settlement and its countryside setting. The draft regulation 19 plan also includes the site within the development limits of Hatfield Broad Oak.

The site is in a sustainable location with regard to its location in terms of access to services, facilities and public transport links. The location of the site is within walking distance to the local primary school, the village shop, church, doctor's surgery, pub and bus stops. The proposal would deliver 8 dwellings and as such the proposal would make a contribution towards the delivery of the housing needed in the district. Representations have been received in respect of the local surgery being at capacity.

The proposal is however not of a scale that would warrant refusal on these grounds or of a scale where contributions can be reasonably requested

- 11.2 Policy H3 also states that infilling with new houses will be permitted within development limits if the development would be compatible with the character of the settlement.
- 11.3 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. The redevelopment of Great Chalks which has sizeable grounds would make more effective and efficient use of the site.
- 11.4 The rear of the site, however, under the current Adopted Local Plan is identified as protected open space of environmental value. Policy ENV3 states:  
*The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.*

Although the Regulation 19 draft local plan has limited weight at this time, it is however, proposed to remove this designation in the current draft regulation 19 Local Plan. The removal of the protected open space designation has been made in the light on the assessment of the site through the Strategic Land Availability Assessment (reference 05HBO15). The SLAA states “The site is considered suitable because Hatfield Broad Oak is a Type A village and the site is in close proximity to the services and facilities. Subject to the retention of the protected trees and character of the conservation area being protected and enhanced, this is considered a suitable site for development.” The SLAA concludes that, “The site is available and suitable and development is achievable subject to the retention of the protected trees and character of the conservation area being protected and enhanced.

- 11.5 In view of the above it is considered that the principle of development on balance of the site is acceptable subject other policy constraints.
- B Design, scale and impact on neighbours amenity and impact on character and setting of adjacent Listed Buildings and conservation Area (ULP Policies GEN2, S3, H10,H9, ENV2, ENV1, ENV3 & SPD: Accessible Homes and Playspace);
- 11.6 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in it's setting to reduce the visual impact of the new buildings where appropriate.  
In this respect the front part of the site is within the conservation area and the rest of site is adjacent to the Conservation Area and is surrounded by several Listed Buildings.
- 11.7 Local Plan Policy ENV1 states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the

arrangement of open areas and their enclosure, grain or significant natural or heritage features. The grounds behind Great Chalks form an important backdrop to the Conservation Area. The proposed dwellings are located so as not to block these views into the site from the adjoining conservation Area which includes the front of the site and to the west of the site.

The Hatfield Broad Oak Conservation Area Appraisal adopted in May 2013 also states in paragraph 2.17 that it is considered that development on the open ground with large trees bounded by the rear gardens of houses in the High Street, Cage End and Cage End Close would be entirely inappropriate.

- 11.8 Additionally, as stated above, the rear of the site under the current Adopted Local Plan is identified as protected open space of environmental value. Although the Regulation 19 draft local plan has limited weight at this time, it is however, proposed to remove this designation in the current draft regulation 19 local plan. The proposal has been the subject of pre- application advice where it was advised that the open space be retained.
- 11.9 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. Great Chalks is not listed, however there are several listed dwellings along the High Street and Cage End with gardens backing onto the application site.
- 11.11 In terms of environmental sustainability, it is acknowledged that development on any brownfield site would have an impact on the landscape character of the area. The development has been designed to retain the historic open space in the middle of the site, retain most of the trees and mitigate the impacts on the character and setting of the adjacent listed buildings and the adjacent Conservation Area and ecology.
- 11.12 A further material consideration is that Great Chalks has been included within the draft Local Heritage List document that has recently been out for consultation until 4<sup>th</sup> July.
- 11.13 The draft Local Heritage List document contains a list of structures and other assets which are considered to be locally significant to the character of the area. Assets were identified as part of the conservation area appraisals and conservation management plans, as well as those nominated by the public. Each was assessed and had to meet a set selection criteria to be included on the list. Those selected are different to those which are identified by Historic England and included on the National Heritage List. The purpose of the list is to identify historically and locally important structures across the district, and celebrate their significance and contribution to the local distinctiveness of Uttlesford.
- 11.14 The document states that the railings and walls to the front boundary of Great Chalks are of particular interest. As part of this proposal, the railing would be retained, however, the wall between the stable block and the entrance gates, the gates themselves (not mentioned in the local heritage list) and the brick pillars are to be removed in response to highway comments. The original plans showed the inclusion of replacement gates situated further into the site and following comments received the applicant removed the gates from the scheme.
- 11.15 The Conservation Officer is not in support of their removal, she states that the removal of a wall and gates forming part of the curtilage of Great Chalks would not only alter the concept of the historic access to its garden but also the creation of standard estate road would open up the gap between the buildings detracting from the close knit and mostly continuous frontages of the historic street. Although the

site adjoins the conservation area, it very much forms part of the wider setting of listed buildings facing thoroughfare.”

- 11.16 In response to the Conservation Officers comments, the applicant has stated that they are willing to reuse the gates further into the site if necessary. They also stated that the existing gates and all of the three existing piers and most of the front wall from the stable block to the fence have been rebuilt recently. The gates were replaced in 1997 following an accident.  
The highway authority has also confirmed that they would have no objections to the gates or new gates being located level with the rear elevation of Great Chalks.
- 11.17 The Conservation officer however, taking into account the above still feels that the removal of a wall and gates forming part of the curtilage of Great Chalks would not only alter the concept of the historic access to its garden but also detract from the close knit and mostly continuous frontages of the historic street. Agent’s argument that the present wall and gates are a modern reinstatement of previously damaged elements provides insufficient justification for its loss in its present location. She adds that its value is in enclosing the space perpetuating the established historic street pattern, not the importance of the present materials.
- 11.18 Notwithstanding the above, although agreeably the frontage is of significance to the character and setting of the historic village, a material consideration is that these gates could be removed without planning permission and it is on this basis that the application is being determined.
- 11.19 The side extension to be demolished is a relatively modern addition and the Conservation Officer has no objection to its removal. No works are proposed to Great Chalks itself.
- 11.20 The applicant has also revised the drawings to include landscaping to the side of the garage/cartlodge block to lessen the visual impact of the proposal on the character of the Conservation Area.
- 11.21 It is considered that in view of the Highways comments and the numerous representations received in respect of highway safety that the removal of the gates and the provision of additional parking spaces within the development for Hatfield Broad Oak residents to help alleviate the existing parking problem on the pavements along the High Street, would outweigh the harm caused to the character of the conservation area by the loss of the gates (which could be removed without planning permission anyway).
- 11.22 The site is within Development limits where policy H3 states that Development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. The design shall be compatible with the scale, form, layout, appearance of surrounding buildings. A very large open space will be maintained as part any proposed development.  
Dwellings are located so as not to block these views into the site from the adjoining conservation Area. Most of the mature trees to the site boundaries are to be retained so that when viewed from outside of the site the views into the site would remain largely unchanged, apart from the eastern boundary. The western boundary would be enhanced by new planting.
- 11.23 Several comments have been received in relation to the housing mix and the lack of



affordable small dwellings. The proposal relates to the erection of 8 dwellings with a mix of two, four and five bedroom units. One of the units is a two bed roomed bungalow. The housing density is low at 6.3 dwellings per hectare.

- 11.24 The table below sets out the garden sizes of the individual plots and the parking provision for each dwelling.

Plot	No of bedrooms	Garden size	Parking Provision
1	2 (Bungalow)	50m <sup>2</sup> +	3
2	5	100m <sup>2</sup> +	4
3	4	100m <sup>2</sup> +	4
4	4	100m <sup>2</sup> +	3
5	5	100m <sup>2</sup> +	4
6	5	100m <sup>2</sup> +	4
7	5	100m <sup>2</sup> +	4
8	5	100m <sup>2</sup> +	4
Great Chalks		100m <sup>2</sup> +	6
Visitor Parking			6 (2 required)

- 11.25 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. 5% of the dwellings shall be bungalows.

- 11.26 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 housing mix for this application is 12.5% of 2 bed, 25% four bed and 62.5% five bed. The proposal, therefore does not comply with the requirements of Policy H10 or the Strategic Housing Market Housing report. The applicant has confirmed that they are willing to make financial contributions in respect of affordable housing (please see below)

- 11.27 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+. The gardens accord with the requirements of the Essex Design Guide Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide
- 11.28 The design and scale of the proposed dwellings is considered appropriate for this location. The dwellings would all be two storey (apart from the bungalow), A landscape buffer has also been incorporated into the design to protect the Wildlife on the site. New planting is proposed along rear and eastern boundaries. An orchard will

also be planted to the east of plot 4

- 11.29 Policy GEN2 states that development will not be permitted if it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.  
The Essex Design Guide sets out the distances required to protect the neighbour's amenity with a recommended back to back distance of 25m.  
Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15m to an existing boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved. These distances are met apart from plot one, which is located on the site of an existing outbuilding and will be in the form of a bungalow. It is therefore considered to be acceptable.
- 11.30 The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties) the proposal would not result in any material overlooking, overshadowing or overbearing impact.
- 11.31 With regards to plot one, because of different ground levels to the properties to the north of the site along the south of the High Street, the design of the proposed bungalow has been revised. The roof pitch has been decreased from 40 to 35 degrees, a hipped end introduced on the western end to reduce bulk and its height reduced by 57cm. The east end of the roof is just over a metre lower. The rear facing rooflights have been removed
- 11.32 A Landscape and Visual Impact Assessment has been submitted with the planning application and this demonstrates that the visual impact of the development is low. The development proposes a significant landscape buffer to the rear, eastern and western boundaries of the site with the retention and enhancement of most of the existing boundary vegetation and trees.

Paragraph 197 of the NNPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.  
On balance, it is considered that the proposal will lead to less than substantial harm to the significance of the heritage asset surrounding the site and the conservation area.  
This harm when weighed up against the public benefits of the proposal is considered to be limited.

As the site is located within development limits, in view of the councils lack of five year housing supply, the benefits of the scheme, including affordable housing contributions, outweigh the limited harm caused to the character of the area.

- C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);

- 11.33 The proposed properties are a mixture of two, four and five bedroom dwellings. The

adopted UDC parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces

- 11.34 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more , the council will require 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition 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 plans would comply with the above amended building regulations and parking provision in excess of the parking standards requirements would be provided.

- 11.35 Due to the historic nature of Hatfield Broad Oak, a number of properties along High Street do not have off-street parking, and rely upon parking in the highway. Parking along the High Street is an existing issue, and unfortunately there is limited scope to improve this issue. The existing issues i.e parking related to the school and parking are not issues for the applicant to mitigate against and any obstructive or dangerous parking would be a law enforcement issue. In response to the numerous representations relating to parking and traffic concerns the applicant has revised the drawings to include six public parking spaces rather than the two that are required to comply with the adopted parking standards.

- 11.36 Following highway and representation comments the gated access has been removed to help alleviate highway safety concerns.

- 11.37 The proposal, in the opinion of the Highway Authority, would not increase the on-street parking pressure along High Street, as there is sufficient parking within the proposed site to accommodate residents and visitors.  
It is acknowledged that the proposal would intensify the use of an existing and established access; however the access is to be modified as part of the proposal in line with current standards. Visibility splays from the proposed access have been considered. An additional 8 dwellings on High Street would have a very minimal impact on the highway network, given the number of vehicles travelling along High Street (B183), and the Highway Authority is satisfied that the proposal would not be

detrimental to highway safety and efficiency.

- 11.38 Each property meets the required parking standards, with some larger properties exceeding the requirement. There would be six unallocated parking spaces within the development to provide visitor parking and additional parking for Hatfield Broad Oak residents. Therefore, the proposals comply with Policy GEN8 and GEN1.

D Biodiversity and trees (ULP policies GEN7 and ENV3)

- 11.39 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.. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality.

- 11.40 This site has significant sensitivities given the presence of protected species and habitats. A biodiversity checklist has been completed, an ecological assessment report submitted and an arboricultural report submitted. In view of the numerous representations received in respect of biodiversity and the site's sensitive nature, Essex County Council ecologists have been consulted. They have no objection subject to securing biodiversity mitigation and enhancement measures which can be secured by appropriate conditions and appropriate licenses obtained. They consider that adequate surveys have been carried out. The updated planting plan (ref 1334-1170\_PL, OMC Arboriculture, May 2018) shows one-for-one compensatory planting for the 24 trees and the fruit trees within the buffer to provide fruit forage for the badgers.

There are several mature trees on the site, some of which are subject to Tree Preservation Orders. 24 trees are proposed to be removed (3 yew, 2 beech, 1 holly, 1 lime, 2 Norway maple, 1 western cedar, 1 smoke tree, 2 Leyland cypress, 3 hawthorn, 1 quince, 1 apple, 1 plum, 1 mulberry, 3 sycamore, 1 ash). Of these trees 3 are categorised as being of low quality, 3 as being dead or having significant defects, and 18 which are considered to be of moderate quality. The majority of the existing trees, including all those assessed as being of high quality, are to be retained as part of the proposed development.

The Council's Landscape officer has been consulted and also has no objection to the proposal.

The proposal subject to conditions and appropriate licenses being obtained would comply with ULP policies GEN7 and ENV3.

E Affordable Housing, Education Contributions (ULP policies H9, GEN6 )

- 11.41 Policy H9 requires the provision of 40% affordable housing on sites of 0.5 hectares or of 15 dwellings or more. The site area is 1.43 hectares. Government planning guidance is that financial contributions should not be sought on development less than 10 dwellings and which have a maximum combined floorspace of no more than 1,000 square metres (gross internal area). The schedule of accommodation states that the total floor space amounts to 1,718 sq m and therefore it is required that a financial contribution is required in respect of affordable housing.

Due to ecological mitigation and maintaining the historic central open space much of the site is not developable and so that the scheme is viable, instead of provision of affordable housing on site a contribution in lieu of affordable housing is considered to be acceptable. In this respect the developer has agreed to make a contribution for affordable housing and this will be secured by a s106 agreement.

**F Flood risk and drainage (ULP policy GEN3)**

- 11.42 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).

A flood risk Assessment is included with the application and this states that the proposed development will increase the impermeable drainage through the construction of eight additional dwellings and associated access. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event.

All methods of surface water discharge have been assessed. Where soakaways are not possible, discharge of surface water to Mus Brook at a rate of 5.3 l/s appears to be the most practical option. This should be agreed in principle with the LLFA.

Attenuation can be provided within the sub-grade of a pond, swale or detention basin located in the lower southern extent of the site. Attenuation can also be provided within permeable paving or in the form of a below ground attenuation tank located beneath access roads and communal areas.

Foul flows should be discharged to either the public foul sewer to the south of the site or the 150mm public foul sewer in High Street. A pumped connection may be required.

As this is not a major application, the Local Lead Drainage Team have not been consulted.

All drainage provided will need to comply with building regulations.

**G Other material planning considerations**

- 11.43 Representations have been received in respect of potential harm in respect of air pollution. The site is not in an area currently monitored for air quality (AQMA) and therefore it is not considered likely that the proposal of this scale would result in unacceptable air quality issues proposal would comply with ULP policy ENV13.

**12. CONCLUSION**

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

- A** The site is located within development limits of Hatfield Broad Oak. 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., GEN3, H3 and H4).
- B** The design is considered to be broadly in keeping with the character of the village and adjacent Conservation Area. It has been designed to protect the character and setting of the adjacent Listed Buildings and would have no material detrimental impact on neighbours amenity..
- C** The means of access to the proposal site is considered acceptable and would comply with policy GEN1.
- D** The proposal would not be harmful to protected/priority species subject to recommended mitigation and compensation measures being conditioned and implemented and appropriate licences being granted (ULP Policy GEN7).
- E** The applicant has agreed to pay a financial contribution in respect of affordable

- housing which would be secured by a s106 agreement.
- F** The site is located within Flood Zone 1 and therefore is a site with the lowest risk of flooding
- G** it is not considered likely that the proposal of this scale would result in unacceptable air quality issues.

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

**The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 26<sup>th</sup> October 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance , in which case he shall be authorised to conclude such an obligation to secure the following:**

- (i) Financial contributions in respect of affordable housing**
- (ii) Pay the Council's reasonable legal costs**
- (iii) Pay the monitoring fee**

**In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below.**

**If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**

- (i) No contributions in respect of affordable housing**

### **Conditions**

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment report (ELMAW Consulting, September 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.  
This includes the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction.

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 Uttlesford Local

Plan Policy GEN7.

3. The following works (Erection of eight detached dwellings and a block of garages) 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 the Protection of Badgers Act 1992 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 Protection of Badgers Act 1992 and s17 Crime & Disorder Act 1998 in accordance with Uttlesford Local Plan Policy GEN7.

4. All landscaping works shall be carried out in accordance with the details contained in Tree Planting Plan (ref 1334-1170\_PL, OMC Arboriculture, May 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 Uttlesford Local Plan Policy GEN7.

5. A Biodiversity Enhancement Strategy containing the details and locations of the compensation and 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 allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and under paragraph 118 of the NPPF in accordance with Uttlesford Local Plan Policy GEN7.

6. 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 planning authority

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

7. 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 District Local Plan Policy Local plan policy ENV4.

8. 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 District Council Local Plan policy ENV4

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

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

- 10 Prior to occupation of any dwelling, the provision of an access formed at right angles to High Street, as shown in principle on drawing no. 2697-14a (Titled – Existing and Proposed Access), to include but not limited to: minimum 5.5 metre carriageway width with a footway both sides of the access/radii tapering into the shared surface.

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

- 11 No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 12 The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

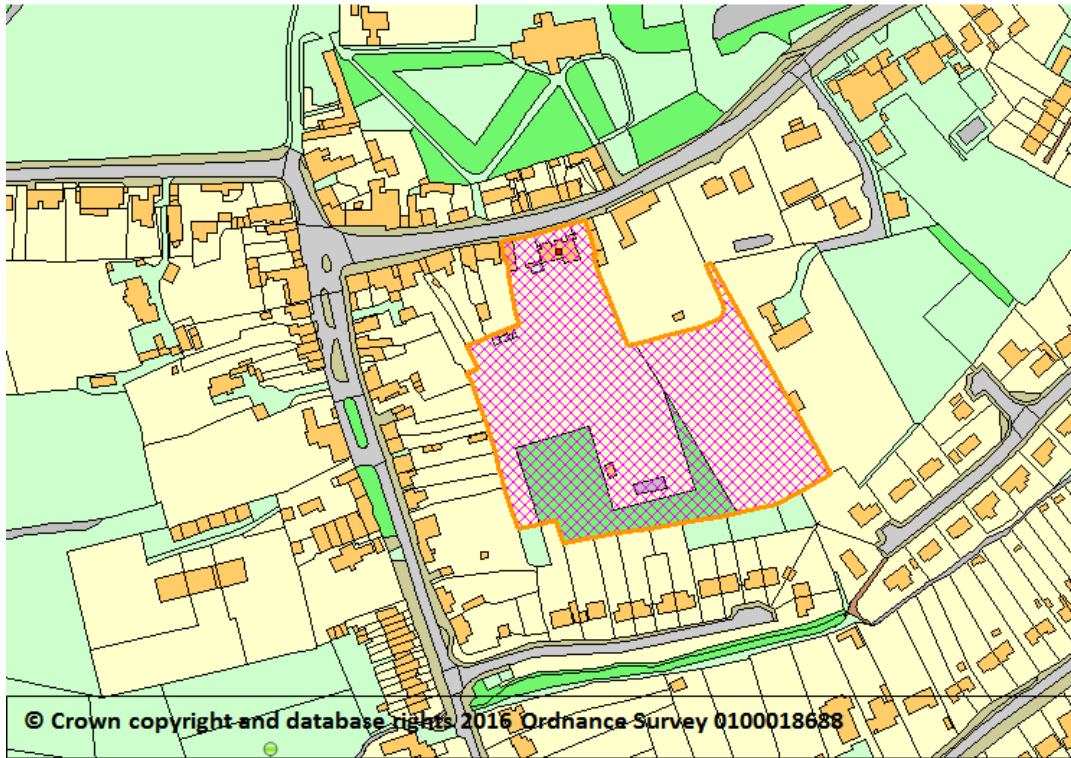
- 13 All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

- 14 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment in accordance with ULP Policy ENV7





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