

UTT/17/3440/FUL – (STEBBING)

(Call in request by Cllr. Mills – Access and proximity of development to listed buildings)

PROPOSAL: **Erection of 2 No. dwellings**

LOCATION: **Land at Brick Kiln Lane, Stebbing**

APPLICANT: **Mr N Ridgeway**

AGENT: **Mr N Ward**

EXPIRY DATE: **31 January 2018 (Extension of time agreed)**

CASE OFFICER: **Clive Theobald**

1. NOTATION

1.1 Outside Development Limits / Affecting setting of Grade II listed buildings.

2. DESCRIPTION OF SITE

2.1 The site lies close to Bran End on the south-west side of Brick Kiln Lane and comprises a strip of open road frontage land having a frontage width of 28m and depth of 38m (0.11 ha) between Mead Cottage and Oak Cottage which together form a pair of grade II listed buildings of C16 origins and a small construction site where three frontage detached dwellings (Plots 1, 2 and 3 Brick Kiln Lane – same applicant) are nearing or have reached completion. The site is level across its flanks, although falls gently down from the road frontage towards a valley below (Stebbing Brook).

2.2 A two storey frontage Victorian dwelling (Appledore) lies on the south-east side of the new dwellings now built for Plots 1, 2 and 3 Brick Kiln Lane, whilst further frontage dwellings extend along the south-west side of Brick Kiln Lane beyond Mead Cottage and Oak Cottage north-westwards to the Bran End junction. A row of elderly persons bungalows lie opposite the site.

3. PROPOSAL

3.1 This full application relates to the erection of 2 No. four bedroomed detached dwellings with integral garages forming Plots 4 and 5 Brick Kiln Lane.

3.2 The proposed dwellings would be two storied in height and would be handed with each other each having a height to the ridge of 8.2m with hipped roofs and an overall depth along the opposing inside flanks of 16.4m. The dwellings would be of traditional design and appearance whereby the dwelling for Plot 4 would be externally clad with natural slate, brickwork and Hardieplank boarding and the dwelling for Plot 5 would be externally clad with plain clay tiles, brickwork and Hardieplank boarding. Each dwelling would have additional frontage hardstanding parking with separate vehicular accesses onto Brick Kiln Lane. New planting is shown for the site frontages.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 This proposed two dwelling scheme would not fall for formal consideration under an EIA. In any event, the cumulative impacts arising from the proposed development are not considered to be significant.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by a Design and Access Statement incorporating a Heritage Statement which describes and informs the proposal making reference to relevant planning history for the site (UTT/15/0515/OP and UTT/16/2468/FUL), design aims, impact of the proposed development on adjacent listed buildings (Mead Cottage and Oak Cottage), access and parking considerations. The statement concludes by saying that *"This full application will introduce two attractive new village houses (very similar to the recently constructed dwellings for Plots 1, 2 and 3) into the street scene and it is therefore hoped that full planning permission can be granted in due course"*.

6. RELEVANT SITE HISTORY

- 6.1 Outline planning permission with all matters reserved was granted by the Council in 2014 for the erection of 5 No. dwellings at Land At Brick Kiln Lane under reference UTT/13/3214/OP. The illustrative site layout drawing submitted for that application showed a line of dwellings extending from Appledore on the south-east side of the site to Mead Cottage on the north-west side to fill a road frontage gap which then existed between the two dwellings whereby no access facility adjacent to Mead Cottage to access agricultural land to the rear of the development site area shown edged in red was indicated. The delegated officer report for UTT/13/3214/OP concluded that the development would form a small linear infill development on a road that forms the village boundary that would maintain a close relationship with and continue to reflect the existing built form of the village occupying land with no statutory, ecological or landscape designation which would provide a small but meaningful addition to the available housing land supply and therefore represent a sustainable form of development.
- 6.2 Outline planning permission with all matters reserved was subsequently again granted by the Council in 2014 for the erection of 5 No. dwellings at Land At Brick Kiln Lane under reference UTT/15/0515/OP. The illustrative site layout drawing submitted for that subsequent application showed a very similar linear housing layout to that shown for approved outline application UTT/13/3214/OP where it was stated in the delegated officer report for UTT/15/0515/OP that the only difference between the two applications was the omission of a field access from the current application and that the previously approved outline planning application would expire on 27 March 2017 if an application for approval of the reserved matters had not been made by that date". The delegated report for UTT/15/0515/OP concluded that *"Taking into account all relevant development plan policies, planning permission should not be granted. However, as the planning permission granted under application UTT/13/3214/OP remains extant, it would be unreasonable to refuse the current application. For the same reason, it would be unreasonable to use any planning conditions of a more onerous nature than those used on the previous planning permission"*.
- 6.3 Full planning permission (*note: not* a reserved matters approval from previously approved outline permission UTT/13/3214/OP or UTT/15/0515/OP) was granted by the Council in 2016 for the erection of 3 No. detached dwellings for Plots 1, 2 and 3

Brick Kiln Lane under reference UTT/16/2468/FUL - permission now implemented. The proposed site layout drawing submitted for that full application proposal showed a line of three dwellings with a remaining gap to the side between the dwelling shown for Plot 3 and Mead Cottage whereupon it was annotated for this remaining gap on the drawing - "Additional land with outline approval for use as residential". The dwellings were shown at two storey height of traditional appearance externally clad with slate and plain clay tiles, Hardieplank boarding and render. The delegated officer report for UTT/16/2468/FUL concluded that *"The proposal is a sustainable form of development that would not result in detrimental harm to the character and appearance of its wider setting and the street scene. The design and detailing of the housing is appropriate and it would provide the reasonable needs for future occupiers. In addition, it would not result in excessive harm to the occupiers of adjoining properties and it would not result in harm to highway safety or the setting of the listed buildings"*.

- 6.4 It should be noted from this officer report relating to the principle of residential development at Brick Kiln Lane that it was stated in the Planning Considerations section of the report that *"Planning permission has already been granted under outline permission for the erection of five dwelling houses on the site, ref; UTT/15/0515/OP. It was deemed that under this scheme that the proposal to construct 5 No. dwellings was acceptable in principle in that it would have been a sustainable form of development that would not result in harm to the character of the locality and the openness of the countryside. Given this fact, the proposal for the construction of 3 No. dwellings in principle is also considered to be appropriate"*.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 ULP Policy S7 – The Countryside
ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- 7.2 SPD "Accessible Dwellings and Playspace"

National Policies

- 7.3 NPPF

Other Material Considerations

- 7.4 Essex Design Guide
ECC Parking Standards – Design and Good Practice (Sep 2009)
UDC Parking Standards (Feb 2013)

8. PARISH COUNCIL COMMENTS

- 8.1 Stebbing Parish Council objects to this application and wishes the following

comments to be taken full notice of:

1. The access marked as farmer's access to field behind between house number 5 and Mead Cottage implies that this has always been an access. It has never been an access. It should be noted and taken into account that in both UTT/13/3214/OP and UTT/15/0151/OP this access did not exist as the 5 houses went from Appledore to Mead Cottage.
2. The only access to the field on any recent documentation relating to this field was in the Call for Sites offer of land which was rejected. However, even in that, the entrance was placed between properties 4 & 5 and not next to Mead Cottage. Therefore to indicate / imply that there is a need for a farmer's field access when it would seem to be more of a ploy to leave / create a future entrance for further development on the land behind which has already been rejected. The landowners have not farmed this field for more than 25 years and already have an agricultural access from the B1057, therefore Stebbing Parish Council can see no need for this additional access for farming purposes.
3. The Ridge height of the adjoining Mead Cottage is significantly lower. This listed building would be overwhelmed by the addition of these two properties. The roofs should be at least graded down in height from the three new buildings to Mead Cottage. The gaps giving views of open countryside were considered to be of great importance in our conservation appraisal. The addition of two more properties will eliminate the view completely.
4. The lay-by opposite the proposed houses was put there for the use of the elderly people's bungalows and not for the use of any new properties. On street parking at this location will be very dangerous.

9. CONSULTATIONS

London Stansted Airport

- 9.1 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.

ECC Highways

- 9.2 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective.

ECC Ecology

- 9.3 No objection subject to condition.

This site has a planning history dating from 2015 when outline planning was given under UTT15/0515/OP. A Biodiversity Management Plan was a condition of consent issued on 23 April 2015. This will need to be supplied under a condition of any consent for this development.

The biodiversity management plan needs to show how the site will be enhanced to compensate for the loss of bird nesting habitat and the management of the topsoil to maintain the population of bee orchids held in the seed bank to be re-instated in the gardens and green space.

UDC Conservation Officer

- 9.4 The proposal subject of this application is to complete a previously granted 'OP' planning permission for five dwellings, three of which are already under construction. The proposed remaining two dwellings would represent Plot 4 and 5 of the approved outline planning permission.

The development site is located in the area of Bran End and to the south-east of a cluster of listed buildings, the very last being Mead Cottage, which together with Oak Cottage forms part of one historic unit of C16 origins divided into two tenements. Both of the listed cottages have been altered and extended with Mead Cottage having acquired a C20 two storey gable wing facing the development site. Beyond this historic asset, a general sprawl of post-war unremarkable rural housing reaches out into the countryside.

The principle of development on this uncultivated small area of land outside defined development limits has been established some time ago and probably reflects the general pressures for formation of additional homes. The now proposed two additional houses would be of the same design and detailing as the three already under construction. Clearly they are not of astounding architectural merit, but of detailing which is not out of keeping with the local vernacular.

My special consideration must relate to Plot 5 which would be a neighbour to listed Mead Cottage and would have an effect on its form and setting. I estimated the distance between the two would be over 20 metres. Both houses would be separated by a field access and a range of outbuildings within the curtilage of Mead Cottage and its forecourt. The present setting of Mead Cottage is typified by having close neighbours to the north and across the road to the east, with open fields at the back and to the south-east which in some way is obscured by its outbuildings. Clearly, proximity of a new structure would change its south-east aspect, but the concept of a dwelling here has already been approved. In terms of design, the floor plan would present a single storey range with roof space accommodation facing the listed building, rather than a full two storey element. I feel that in some measure by this arrangement, the potential overpowering effect is likely to be diminished. In addition, as the listed building is located on the 'back of the footpath' and the new dwellings are set back into the site, the primacy of the heritage asset would not be drastically undermined, especially when travelling from the north.

Consequently, should Members have mind to approve this application, I suggest all relevant conditions as attached to the previous application for 3 No. dwellings.

10. REPRESENTATIONS

- 10.1 Neighbour notification period expires 10 January 2018. Advertisement expires 11 January 2018. Site notice expires 17 January 2018.

8 representations received (Object):

10.2 Summary of comments:

- The blocking in of the gap along this road frontage has deprived locals of what was once one of the best views in the village to Stebbing Brook. Permission should never have been given for residential development at the site in the first place.
- The dwellings proposed and as built are not compatible with the form of

- development within the area.
- No need for this kind of housing in the village. Better to have either starter homes or bungalows if a local need can be demonstrated for these with less lavish designs.
 - The additional dwellings proposed will place an additional strain on local services.
 - The lay-by opposite in front of Pulford Place will be used for visitor parking.
 - The dwellings will undermine the setting of the listed Mead Cottage.
 - The dwelling for Plot 5 will cause overshadowing onto Mead Cottage.
 - The original plans for the outline applications showed a continuous frontage without any gap to the side of Mead Cottage.
 - There has never been an agricultural access point to the land to the rear as now shown for the current application. There is already access to the land from between Copstone Cottage and Little Rands. No need for a second one.
 - The land to the rear has not been used for agricultural purposes for at least the last 10 years. The inclusion of a farm access on the submitted drawings is just a cynical attempt by the developer to allow housing to be built on the land to the rear in the future even though it is not included on the Council's Call for Sites list.
 - The site was formerly semi-natural grassland and until fairly recently contained bee orchids and had various types of butterflies. No evidence yet of any attempt to preserve and return topsoil containing bee orchid seeds stripped from the site.

10.3 Comments on representations.

The principle of the infilling of the gap along Brick Kiln Lane between Appledore and Mead Cottage by the introduction of five detached dwellings was considered acceptable by the Council under outline applications UTT/13/3214/OP and UTT/15/0515/OP, whilst a separate grant of full planning permission has subsequently been granted for three dwellings (Plots 1, 2 and 3) in lieu of the outline approved schemes. The currently submitted application (UTT/17/3440/FUL) represents a further full application to fill in the remaining gap along the frontage with two dwellings save the retention of a small gap between Plot 5 and Oak Mead for what is described as an agricultural access point. Whilst the comments made by third parties as to the existence or otherwise of an established access point at this location and the stated possible future motives by the applicant to show one, the applicant is entitled for the current application to exclude the strip of land between Plot 5 up to the boundary with Mead Cottage so as to provide an access if so desired as the current proposal is not a reserved matters application and is therefore not constrained by site area to the wider area shown edged in red for outline application UTT/15/0515/OP.

11. **APPRAISAL**

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

- A Principle of development (NPPF and ULP Policies GEN3 and S7).
- B Design and appearance (NPPF and ULP Policy GEN2).
- C Impact on setting of adjacent listed buildings (NPPF and ULP Policy ENV2).
- D Access arrangements and parking standards (NPPF and ULP Policies GEN1 and GEN8).
- E Living standards (NPPF, ULP Policy GEN2 and SPD "Accessible Homes and Playspace").
- F Impact on adjacent residential amenity (NPPF and ULP Policy GEN2).
- G Dwelling mix (NPPF and ULP Policy H10).
- H Impact upon protected/priority species (NPPF and ULP Policy GEN7).

I Landscaping (NPPF and ULP Policy GEN2).

A Principle of development (NPPF and ULP Policies GEN3 and S7).

11.1 As previously mentioned in this report, the principle of residential development at this “end of village” location outside development limits for the erection of five detached dwellings, so as to close a natural gap between Appledore and Mead Cottage, has already been considered acceptable under outline application UTT/13/3214/OP and subsequent outline application UTT/15/0515/OP in that housing at the site would represent a sustainable form of development which would not result in harm to the character of the locality or the openness of the countryside. Subsequent full application UTT/16/2468/FUL for the erection of three dwellings (Plots 1, 2 and 3) was found to be acceptable in principle for the same planning reasons and it therefore follows that the current full application to fill in the remainder of the gap, by the erection of two further dwellings (Plots 4 and 5) save for what is understood to be an agricultural access to land to the rear, is similarly considered to be acceptable in principle. Given this, and the fact that the site lies within Flood Zone 1, which represents the lowest risk of flooding as previously identified for UTT/16/2468/FUL would mean that the proposal would comply with the relevant provisions of the NPPF and ULP Policies GEN3 and S7.

B Design and appearance (NPPF and ULP Policy GEN2).

11.2 The handed dwellings proposed for Plots 4 and 5 Brick Kiln Lane as shown on the submitted drawings would be identical in design, scale and external appearance as the handed dwellings approved and now built for Plots 2 and 3 (and also for Plot 1), namely that they would have a traditional if not somewhat imposing built form and appearance given their ridge heights at 8.2m and a plan form with an overall depth of 16.4m. However, the dwellings would represent a continuum of scale and building style along the street frontage from Plots 1, 2 and 3 to fill the remaining gap whereby the dwellings would follow the set back line created by the dwellings for Plots 1, 2 and 3 between Appledore and Mead Cottage thereby providing consistency of building approach. It is noted from the delegated officer report for UTT/16/2468/FUL that the overall size, scale and proportions of the dwellings for Plots 1, 2 and 3 were considered acceptable whereupon they would not be excessive in terms of massing and bulk providing appropriate spatial separation between adjacent properties and the dwellings themselves existed. These same comments apply to the remaining dwellings for Plots 4 and 5 as shown whereby the development would not result in any significant detrimental harm to the character and appearance of the streetscene or the surrounding locality. The proposal would therefore comply with the NPPF and ULP Policy GEN2.

C Impact on setting of adjacent listed buildings (NPPF and ULP Policy ENV2).

11.3 The Planning (Listed Buildings and Conservation Area) Act 1990 imposes duties requiring that special regard be had to the desirability firstly in section 16(2) of preserving a listed building or its setting or any features of special architectural or historic interest. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

- 11.4 The dwelling shown for Plot 5 would be located 8.5m at its nearest point from the opposing flank boundary of Mead Cottage, which is a grade II listed two storey tiled and plastered dwelling which stands as a pair with Oak Cottage beyond onto the road frontage. However, it is estimated that a gap of some 20 metres would exist between the dwelling for Plot 5 and the principal listed building asset itself as a single storey frontage outbuilding stands between the asset and the flank boundary, albeit forming part of the listed curtilage. Clearly though, the development of the two proposed dwellings when read together would be substantially nearer to the flank boundary with Mead Cottage than the situation which presently exists for the nearest of the three dwellings already built for Plots 1, 2 and 3 under application UTT/16/2468/FUL whereby the dwelling for Plot 3 stands some 37m away from the flank boundary with Mead Cottage. Thus, it falls to be considered whether substantial harm or less than substantial harm would be caused to the adjacent heritage assets as a result of the proposal.
- 11.5 The proposal has been considered by the Council's Conservation Officer who has advised that in her considered opinion the primacy of the listed asset that is Mead Cottage would not be drastically undermined by the development given that the roof eaves line of the dwelling for Plot 5 is shown being set lower than the remainder of the dwelling, that sufficient separation distance would exist between Plot 5 and the principal asset in view of the gap which is shown to be retained for the stated agricultural access and the existence of the outbuilding range to the side of the main listed dwelling, and as the concept of a dwelling has previously been approved for "Plot 5", notwithstanding that in the Conservation Officer's view the proposed dwellings are not of astounding architectural merit, albeit incorporating detailing which would not be out of keeping with the area.
- 11.6 Given the heritage comments received, it is considered that the proposed development would cause less than substantial harm to the significance of Mead Cottage as a designated heritage asset when weighed against the public benefits of the proposal in this case of providing additional housing within the area within a sustainable location. The proposal would therefore accord with relevant statute and Government advice relating to listed buildings in accordance with Paragraph 134 of the NPPF and would comply with ULP Policy ENV2 relating to the protection of listed buildings.

D Access arrangements and parking standards (NPPF and ULP Policies GEN1 and GEN8).

- 11.7 Vehicular access to the dwellings for Plots 4 and 5 would be via individual crossover points off Brick Kiln Lane and would represent a continuum of the access arrangements as shown and considered to be acceptable for the dwellings for Plots 1, 2 and 3 for approved application UTT/16/2468/FUL.
- 11.8 It is considered that adequate sight visibility splays could be achieved from the proposed access points and that the amount of traffic generated from the development would be able to be accommodated satisfactorily onto the local road network without detrimental highway impact, a position previously confirmed for application UTT/16/2468/FUL. ECC Highways have been consulted on the proposal and have confirmed that they have no highway objections subject to highway conditions. The proposal would therefore comply with ULP Policy GEN1 subject to these conditions being imposed on any planning permission granted.
- 11.9 The dwellings for Plots 4 and 5 would each be served by three parking spaces in the

form of an integral garaged space and two frontage hardstanding spaces with on-plot turning area and would represent a continuum of the parking arrangements as shown for the dwellings for Plots 1, 2 and 3 for application UTT/16/2468/FUL. The parking allocated for each dwelling unit would therefore meet minimum ECC parking standards as required for a 4 bedroomed dwelling and no objections are raised under ULP Policy GEN8.

E Living standards (NPPF, ULP Policy GEN2 and SPD “Accessible Homes and Playspace”).

- 11.10 The Essex Design Guide (EDG) advises that 3 and 4 bedroomed dwellings should have a minimum private amenity space of 100sqm which should ideally be to the rear of the dwelling and include a private sitting out area. The dwelling for Plot 4 would have a rear private amenity space of 196sqm, whilst the dwelling for Plot 5 would have a rear private amenity space of 186sqm whereby both dwellings would be able to achieve rear private sitting out areas which would not be overlooked. As such, the EDG minimum garden standards would be met and exceeded whereby this level of amenity provision to be provided would be consistent with that for the dwellings for Plots 1, 2 and 3 adjacent, albeit that the rear gardens for Plots 4 and 5 would be slightly smaller. Each dwelling would have the ability to be afforded level entrance to the front door from the driveway. It would be necessary for each dwelling to conform to the new accessibility requirements under the Building Regulations and these requirements can be conditioned on any planning permission granted.
- 11.11 In the circumstances, the proposal would accord with one of the core principles set out in paragraph 17 of the NPPF in that new housing developments should provide a good standard of amenity for all future occupants and would thus comply with ULP Policy GEN2 relating to design.

F Impact on adjacent residential amenity (NPPF and ULP Policy GEN2).

- 11.12 Due consideration has to be given in relation to the potential harm the development might have upon the amenities of adjoining property occupiers whereby ULP Policy GEN2 requires that development does not have a materially adverse effect on neighbouring amenity as a result of overlooking, overbearing effect or overshadowing impacts.
- 11.13 A separation distance of 8.5m would exist between the dwelling shown for Plot 5 and the flank boundary with Mead Cottage. It is considered by this and the orientation and set back positioning of the dwelling that no significant harm would be caused to the residential amenities of this adjacent dwelling when assessed against the aforementioned criteria, whilst the inter-relationship between the dwellings themselves is considered acceptable whereby opposing inward facing first floor bathroom and en-suite windows shown for each would be obscure glazed, which can be conditioned.

G Dwelling mix (NPPF and ULP Policy H10)

- 11.14 ULP Policy H10 requires that all developments of 0.1 ha and above or 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. However, since this policy was adopted, the Strategic Housing Market Assessment (SMMA) has identified that the market housing need is now generally for dwellings with three or more bedrooms. Both dwellings would be 4 bedroomed as is the case for the dwellings now built for Plots 1, 2 and 3 and,

whilst perhaps it would have been beneficial for one of the dwellings for Plots 4 and 5 or both to have been shown as 3 bedroomed, to provide a bedroom mix with the approved adjacent dwelling plots, it is considered on balance given the size of the proposed development and as taken as a small group with the approved adjacent development (i.e. five units in total) that the housing specification is acceptable.

H Impact upon protected/priority species (NPPF and ULP Policy GEN7).

- 11.15 The application is accompanied by the original Phase 1 Habitat Report & Protected Species Scoping Assessment (Skilled Ecology, November 2016) prepared for Plots 1, 2 and 3 under UTT/16/2468/FUL and an updated Ecological Assessment (Skilled Ecology, November 2017 given that the November 2016 ecology report is now a year old. The 2017 updated ecology report states that the ecology findings of the November 2016 report still remain valid and confirms that no additional survey of the site is required, but that the original report recommendations should be followed, adding that the site has been used for storage and parking for the 2016 approved "first" area of development and that the "second" area of development forming the current application is very low in ecological value, a position confirmed by the visiting planning officer. The report recommends specific conditions relating to Birds, Bats and Bee Orchids whereupon with the latter it is recommended that *"Orchid seeds are present in the topsoil. To retain this seed base and for the future proliferation of orchids it is recommended that topsoil from the site be stored on the site during development and re-used within gardens and green space on the site. No chemical enhancers or herbicides should be used"*.
- 11.16 ECC Ecology have been consulted on the proposal who have not raised any ecology objections based upon the findings of the updated ecology report prepared by Skilled Ecology (November 2017) subject to a Biodiversity Management Plan condition being repeated for the current application from UTT/16/2468/FUL which requires a plan for a description and evaluation of features to be managed, including excavated topsoil from the site which may contain bee orchid seeds. In light of the updated ecology findings and ECC Ecology not raising any objections to the proposal the proposal complies with ULP Policy GEN7.

I Landscaping (ULP Policy GEN2).

- 11.17 It was stated in the officer report for application UTT/16/2468/FUL that the frontage landscaping proposed for Plots 1, 2 and 3 was considered acceptable, albeit shown as fairly minimalistic, and would help soften the impact of the proposed development. A detailed landscaping scheme has been submitted for the current application for Plots 4 and 5 (drwg. no. 2017/58_001) which is considered acceptable both in terms of proposed frontage planting details and means of enclosure (ULP Policy GEN2).

12. CONCLUSION

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

- A** The principle of residential development at this frontage location lying outside development limits is acceptable whereby its acceptance has been determined through previous grants of outline planning permission and a full permission for the adjacent site (Plots 1, 2 and 3).
- B** The design and appearance of the proposed dwellings is acceptable.
- C** The development would cause less than substantial harm to the setting of adjacent listed buildings.

- D** Access and parking arrangements would be acceptable.
- E** Living standards for the occupants of the proposed dwellings would be acceptable.
- F** The development would not have a significantly detrimental effect on the residential amenities of neighbouring properties.
- G** The dwelling mix would be acceptable.
- H** The development would not have a harmful effect on protected/priority species.
- I** The submitted landscaping details are acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Notwithstanding the details shown on the submitted plans, the external finishing materials of the works hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Subsequently, the development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

3. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on the approved landscaping proposal drawing 2017/58_001 dated 13.11.17. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2, GEN7 and ENV3 of the Uttlesford Local Plan (adopted 2005).

4. There shall be no obstruction above 600mm within a 2m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction

above 600mm at all times.

REASON: To provide adequate inter-visibility between the pedestrian and users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard to highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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

- 7 The proposed opposing first floor flank elevation bathroom and en-suite windows for both dwellings as shown on the approved plans shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority and have fixed frames up to 1.7m above finished floor levels (FFL) and shall be permanently retained in that condition unless otherwise agreed by the Local Planning Authority.

REASON: In the interests of the protection of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 8 No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out in accordance with the approved Plan. The Plan shall include:

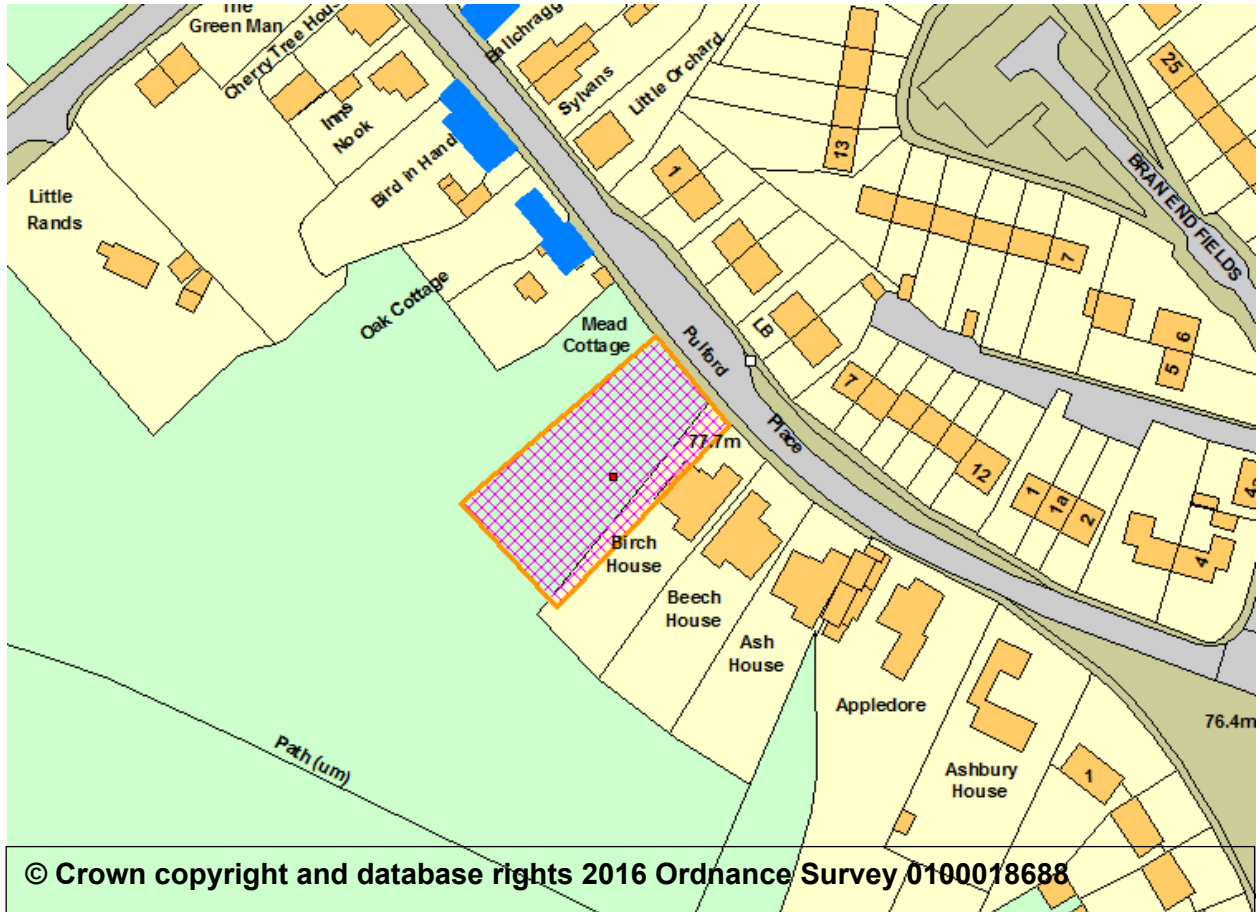
- a) A description and evaluation of features to be managed (topsoil with bee orchid seeds and replacement of bird nesting habitat)
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving the aims and objectives of the project
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
- g) Details of the body or organisation responsible for implementation of the Plan
- h) Ongoing monitoring and remedial measures

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (2005).

JUSTIFICATION: Details of bio-diversity management need to be submitted for approval prior to the commencement of the development to ensure that appropriate ecology measures to promote biodiversity at the site can be implemented, including the reinstatement of excavated topsoil to encourage the re-growth of Bee Orchids.

Application: UTT/17/3440/FUL

Address: Land at Brick Kiln Lane, Brick Kiln Lane, Stebbing



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018